



L I C E N S I N G C O M M I T T E E

Tuesday, 31 May 2022 at 7.00 pm
Council Chamber, Hackney Town Hall,
Mare Street, London E8 1EA

The live stream can be viewed here:

<https://youtu.be/5poeNenIS1s>

Back up link:

<https://youtu.be/ATfqPDsanNM>

Members of the Committee:

Cllr Sophie Conway, Cllr Susan Fajana-Thomas, Cllr Zoe Garbett, Cllr Eluzer Goldberg, Cllr Richard Lufkin (**Vice-Chair**), Cllr Sem Moema, Cllr M Can Ozsen, Cllr Sharon Patrick, Cllr Midnight Ross, Cllr Anya Sizer, Cllr Gilbert Smyth (**Chair**), Cllr Sheila Suso-Runge and Cllr Penny Wrout.

The membership as listed above is subject to approval at the Annual Meeting of Council to be held on 25 May 2022.

Mark Carroll
Chief Executive
23 May 2022
www.hackney.gov.uk

Contact: Natalie Williams
Governance Officer
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Licensing Committee

Tuesday, 31 May 2022

Agenda

1 Appointment of the Chair and Vice Chair of the Licensing Committee for the Municipal Year 2022/23

Members are required to note the confirmed appointments to the position of Chair and Vice Chair of the Licensing Committee, as agreed by Full Council at its Annual Meeting on 25 May 2022.

2 To Note the Terms of Reference of the Licensing Committee and Licensing Sub-Committees for the Municipal Year 2022/23 - Enclosed (Pages 3 - 6)

The Committee is required to note the terms reference as set out in Part 3, paragraph 3.3.8 and 3.3.9 of the Council's constitution.

3 Apologies for Absence

4 Declarations of Interest

Members are invited to consider the guidance which accompanies this agenda and make declarations as appropriate.

5 Minutes of the Previous Meeting - Enclosed (Pages 7 - 10)

To consider the minutes of the previous meeting held on 9 March 2022

6 Establishment and Composition of the Licensing Sub-Committee for the Municipal Year 2022/2 - Enclosed. (Pages 11 - 14)

Appendix 1 – To follow

7 Any Other Business the Chair Considers to be Urgent

Public Attendance

Following the lifting of all Covid-19 restrictions by the Government and the Council updating its assessment of access to its buildings, the Town Hall is now open to the public and members of the public may attend meetings of the Council.

We recognise, however, that you may find it more convenient to observe the meeting via the live-stream facility, the link for which appears on the agenda front sheet.

We would ask that if you have either tested positive for Covid-19 or have any symptoms that you do not attend the meeting, but rather use the livestream facility. If this applies and you are attending the meeting to ask a question, make a deputation or present a petition then you may contact the Officer named at the beginning of the Agenda and they will be able to make arrangements for the Chair of the meeting to ask the question, make the deputation or present the petition on your behalf.

The Council will continue to ensure that access to our meetings is in line with any Covid-19 restrictions that may be in force from time to time and also in line with public health advice. The latest general advice can be found here - <https://hackney.gov.uk/coronavirus-support>

Rights of Press and Public to Report on Meetings

The Openness of Local Government Bodies Regulations 2014 give the public the right to film, record audio, take photographs, and use social media and the internet at meetings to report on any meetings that are open to the public.

By attending a public meeting of the Council, Executive, any committee or sub-committee, any Panel or Commission, or any Board you are agreeing to these guidelines as a whole and in particular the stipulations listed below:

- Anyone planning to record meetings of the Council and its public meetings through any audio, visual or written methods they find appropriate can do so providing they do not disturb the conduct of the meeting;
- You are welcome to attend a public meeting to report proceedings, either in 'real time' or after conclusion of the meeting, on a blog, social networking site, news forum or other online media;
- You may use a laptop, tablet device, smartphone or portable camera to record a written or audio transcript of proceedings during the meeting;
- Facilities within the Town Hall and Council Chamber are limited and recording equipment must be of a reasonable size and nature to be easily accommodated.
- You are asked to contact the Officer whose name appears at the beginning of this Agenda if you have any large or complex recording equipment to see whether this can be accommodated within the existing facilities;
- You must not interrupt proceedings and digital equipment must be set to 'silent' mode;
- You should focus any recording equipment on Councillors, officers and the public who are directly involved in the conduct of the meeting. The Chair of the meeting will

ask any members of the public present if they have objections to being visually recorded. Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure to respect the wishes of those who do not want to be filmed and photographed may result in the Chair instructing you to cease reporting or recording and you may potentially be excluded from the meeting if you fail to comply;

- Any person whose behaviour threatens to disrupt orderly conduct will be asked to leave;
- Be aware that libellous comments against the council, individual Councillors or officers could result in legal action being taken against you;
- The recorded images must not be edited in a way in which there is a clear aim to distort the truth or misrepresent those taking part in the proceedings;
- Personal attacks of any kind or offensive comments that target or disparage any ethnic, racial, age, religion, gender, sexual orientation or disability status could also result in legal action being taken against you.

Failure to comply with the above requirements may result in the support and assistance of the Council in the recording of proceedings being withdrawn. The Council regards violation of any of the points above as a risk to the orderly conduct of a meeting. The Council therefore reserves the right to exclude any person from the current meeting and refuse entry to any further council meetings, where a breach of these requirements occurs. The Chair of the meeting will ensure that the meeting runs in an effective manner and has the power to ensure that the meeting is not disturbed through the use of flash photography, intrusive camera equipment or the person recording the meeting moving around the room.

Advice to Members on Declaring Interests

If you require advice on declarations of interests, this can be obtained from:

- The Monitoring Officer;
- The Deputy Monitoring Officer; or
- The legal adviser to the meeting.

It is recommended that any advice be sought in advance of, rather than at, the meeting.

Disclosable Pecuniary Interests (DPIs)

You will have a Disclosable Pecuniary Interest (DPI) if it:

- Relates to your employment, sponsorship, contracts as well as wider financial interests and assets including land, property, licenses and corporate tenancies.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to DPIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner.
- Relates to an interest which should be registered in that part of the Register of Interests form relating to DPIs, but you have not yet done so.

If you are present at any meeting of the Council and you have a DPI relating to any business that will be considered at the meeting, you **must**:

- Not seek to improperly influence decision-making on that matter;
- Make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent; and
- Leave the room whilst the matter is under consideration

You **must not**:

- Participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business; or
- Participate in any vote or further vote taken on the matter at the meeting.

If you have obtained a dispensation from the Monitoring Officer or Standards Committee prior to the matter being considered, then you should make a verbal declaration of the existence and nature of the DPI and that you have obtained a dispensation. The dispensation granted will explain the extent to which you are able to participate.

Other Registrable Interests

You will have an 'Other Registrable Interest' (ORI) in a matter if it

- Relates to appointments made by the authority to any outside bodies, membership of: charities, trade unions,, lobbying or campaign groups, voluntary organisations in the borough or governorships at any educational institution within the borough.
- Relates to an interest which you have registered in that part of the Register of Interests form relating to ORIs as being an interest of you, your spouse or civil partner, or anyone living with you as if they were your spouse or civil partner; or
- Relates to an interest which should be registered in that part of the Register of Interests form relating to ORIs, but you have not yet done so.

Where a matter arises at any meeting of the Council which affects a body or organisation you have named in that part of the Register of Interests Form relating to ORIs, you **must** make a verbal declaration of the existence and nature of the DPI at or before the consideration of the item of business or as soon as the interest becomes apparent. You **may** speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Disclosure of Other Interests

Where a matter arises at any meeting of the Council which **directly relates** to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You **may** speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

Where a matter arises at any meeting of the Council which **affects** your financial interest or well-being, or a financial interest or well-being of a relative or close associate to a greater extent than it affects the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you **must** declare the interest. You **may** only speak on the matter if members of the public are able to speak. Otherwise you must not take part in any discussion or voting on the matter and must not remain in the room unless you have been granted a dispensation.

In all cases, where the Monitoring Officer has agreed that the interest in question is a **sensitive** interest, you do not have to disclose the nature of the interest itself.

The Licensing Committee Terms of Reference

Part 3 Paragraph 3.3.8 of the Council's Constitution

The Licensing Committee will have responsibility for the functions set out below:

1. To develop, review, monitor and maintain a strategic overview for all of the Council's Licensing function;
2. To discharge functions under the Licensing Act 2003, including the setting of fees under section 197A of the Licensing Act 2003, the Licensing Act 1964 and any other relevant legislation;
3. To discharge functions under the Gambling Act 2005 as delegated to the Licensing Committee by virtue of Section 154 of that Act or otherwise and also the function of setting fees under Section 212 of that Act;
4. To discharge functions under the Local Government (Miscellaneous Provisions) Act 1982, as amended;
5. To discharge functions under Part II of the London Local Authorities Act 1991;
6. To establish and appoint Licensing Sub-Committees, and approve the delegations of functions to the Sub-Committees and any additional Sub-Committee hearing procedures over and above the Council's Procedure Rules;
7. To develop and submit to Full Council for approval a Licensing Policy Statement;
8. To develop and submit to Cabinet and Full Council for approval a Gambling Licensing Policy Statement;
9. To develop and submit to Full Council for approval a Sex Establishment Licensing Policy;
10. To maintain an overview of the Council's statement of licensing policies and make recommendations to Full Council as appropriate during review;
11. To develop and adopt a Licensing Code of Practice;
12. To receive performance monitoring information on matters related to the Council's Licensing functions and to monitor appeals brought against the decisions of the Sub-Committees;

13. To receive reports on management of the Borough's night-time economy and enforcement issues;
14. To receive reports and maintain oversight of legislative changes that impact upon the Council's licensing functions and procedures;
15. To consider and make recommendations to Full Council, Cabinet or any of their committees, or any other relevant body, in respect of licensing functions and procedures; and
16. To maintain an overview of licensing training for Members.

The quorum for the Licensing Committee shall be 4 elected Councillors.

The Licensing Sub-Committee Terms of Reference

Part 3 Paragraph 3.3.9 of the Council's Constitution

The Licensing Sub-Committees are responsible for determining applications which fall within the functions of the Licensing Committee. Licensing Sub-Committees will have specific responsibility for the functions set out below.

Licensing Act 2003

1. To determine applications for premises licenses, club premises certificates and provisional statements where a relevant representation is received.
2. To determine applications to vary premises licences and club premises certificates where a relevant representation is received.
3. To determine applications for personal licenses where the police have served an objection notice, or the applicant has an unspent conviction.
4. To determine applications to vary a designated premises supervisor where a police objection is received.
5. To determine applications for transfer of premises licences where a police objection is received.
6. To determine applications to review premises licences and club premises certificates.
7. To determine applications for interim authorities where a police objection is received.
8. To determine whether to issue a counter notice to a temporary event notice where a police and/or environmental health authority objection is received.
9. To determine applications for expedited summary reviews of premises licences.
10. To review premises licences following receipt of a notice from the Magistrates Court of a closure order.

Gambling Act 2005

11. To determine applications for a premises licence and provisional statement where a relevant representation is received.

12. To determine applications to vary premises licence and provisional statement where a relevant representation is received.
13. To determine applications for transfer of premises licence where a relevant representation is received.
14. To determine applications to review a premises licence.
15. To determine applications for a club gaming permit and club machine permit where a relevant representation is received.
16. To determine whether to issue a counter notice to a temporary use notice where a relevant representation is received.

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended

17. To determine new applications for a sex establishment licence.
18. To determine renewal applications for a sex establishment licence where a relevant representation is received and not withdrawn.
19. To determine applications to transfer a sex establishment licence where a relevant representation is received and not withdrawn.

Part II of the London Local Authorities Act 1991

20. The determination of all applications and registrations for massage and special treatment licenses where a relevant representation is received

The quorum for Licensing Sub-Committees shall be 2 elected Councillors



MINUTES OF A MEETING OF THE LICENSING COMMITTEE

WEDNESDAY, 9 MARCH 2022

- Councillors Present:** Councillor Emma Plouviez in the Chair
Cllr Brian Bell (Vice-Chair), Cllr Susan Fajana-Thomas, Harvey Odze, Cllr M Can Ozsen, Cllr Anya Sizer, Cllr Peter Snell and Cllr Penny Wrout
- Apologies:** Cllr Sharon Patrick and Cllr Gilbert Smyth
- Officers in Attendance:** Amanda Nauth – Licensing and Corporate Lawyer
Samantha Mathys – Late Night Levy Manager
Natalie Williams – Governance Officer

1 Apologies for Absence

- 1.1 Apologies for absence were received from Councillors: Patrick and Smyth.
- 1.2 The Chair welcomed the following Councillors who had joined remotely. Councillors: Conway, David and Gordon.

2 Declarations of Interest - Members to declare as appropriate

- 2.1 There were no declarations of interest.

3 Minutes of the Previous Meeting

- 3.1 Following a question from Cllr Fajana-Thomas, the Late Night Levy Manager, explained that all Late Night Levy reports were written in retrospect. Any subsequent discussions which took place at the last meeting related to the position of the Late Night Levy between July 2021 and 31 October 2022 and did not necessarily reflect the position at the time of the meeting in December 2021.

RESOLVED: The minutes of the previous meeting of the Licensing Committee held on 8 December 2021 were agreed as a true and correct record of proceedings.

4 Late Night :Levy Update Report (Quarter 1, Year 5)

- 4.1 Samantha Mathys, Late Night Levy Manager provided an update on the Late Night Levy, year 5, quarter 1, which covered the period 1 November 2021 to 31 January 2022 as follows:

Income and Expenditure

- The total expenditure amounted to £93,382

- The total receipts amounted to £102, 791
- The balance carried forward from previous years was £146, 232

Policing and Enforcement

- There had been additional policing in Shoreditch, since early December 2021, tasked to specifically work in the Night time Economy (NTE)
- The Shoreditch Town Centre Team (TCT) policing was not funded by the Late Night Levy (LNL).
- The LNL continued to fund overtime police patrols.
- The full budget allocated to policing was not being spent.
- Legislation required 70% of net receipts from the LNL to be allocated to policing. Funds did not have to be spent on officers but could be used to fund initiatives.
- New initiatives/proposals would be developed in partnership with the police and required approval by the LNL Board.

Communications and Campaigns

- In conjunction with the Council's communications department, various campaigns would be launched in 2022 using posters, social media and the online portal.
- The key campaigns included: the official launch of the Accreditation Scheme, public awareness on laughing gas (Nitrous Oxide), inclusivity in night time spaces and drink spiking awareness.

Training

- A wide selection of free training (online and in person) would continue to be offered to all venues.
- Welfare and vulnerability training would be offered in partnership with London Borough of Tower Hamlets and the police. Each session would be able to accommodate 100 participants at a time.
- A short online licensing refresher course focused on licensing law, regulation and responsibility would be offered.
- Licensees had requested a short induction to those new to the bar trade.

Press and Upcoming Events

- There had been particular interest in the Hackney NTE. Hackney Nights had been chosen by the GLA for a case study review and the LNL Manager would be presenting at the Night Time Industry Conference in April 2022.

Portal, Accreditation Scheme and LNL Support Officer

- A series of training and benchmarking was required to gain the Hackney Nights accreditation.
- Accredited venues would be safe a spaces for women who felt like they were the victim of sexual harassment or assault.
- The scheme was in the pilot phase working with 25 venues and would be launched once all had completed accreditation.
- A part time support officer role would be funded by the LNL and would be advertised shortly.
- Outreach work would be undertaken to engage Off-Licences.

4.2 In conclusion, the LNL Manager advised that as the economy re-opened, it was expected that income would return to regular levels by spring. The main focus of the Levy in the coming months would be the on-line portal and the Accreditation Scheme.

4.3 In response to questions from Members relating to the report, the LNL Manager responded as follows:

- The police were currently working on guidance for licensees on crime scene preservation, The guidance would be made available on the portal.
- The additional policing in Shoreditch had enabled the LNL patrols to go to other Night Time Economy areas in the borough.
- Joint partnership working with the police and other agencies was facilitated by weekly NTE meetings to tackle issues and monthly strategic meetings. Meetings were attended by the police, Hackney Licensing Team, Metropolitan Police Licensing Team and the Council's Enforcement, Community Safety and Environmental Health teams.
- To shape strategies on women's safety, the Council had engaged women and girls through 'Good Night Out' - the campaign for a safer nightlife, which had acted as a focus group. There had also been regular consultation with the Council's safety team. There were plans to carry out a survey within venues to get the views of women and girls on safety issues.
- Accredited venues would have a certain level of prestige and be subject to positive marketing. In addition, they would receive a 30% reduction in levy fees.
- A record was kept of training undertaken by venues and meetings attended. Attendance at Pubwatch meetings was not monitored as this was not Council led.
- Accredited venues were required to keep updated on training. The portal would trigger a visit to venues that were not engaging in training.
- Accreditation included a sustainability module.
- Stop and search figures and outcomes requested by Members at the last meeting in December 2021 were still awaited from the Police, who had been invited to attend the next Licensing Committee meeting.
- Pubwatch meetings were listed on the portal.
- It was recognised that Pubwatch participants use WhatsApp groups to communicate, however the police and Council were not legally permitted to do so.

5. Any Other Business

5.1 Members of the Committee, paid tribute to the Chair and Vice Chair, Cllr Plouviez and Cllr Bell who were both standing down as Councillors at the election in May. Members placed on record their thanks and well wishes to them both.

5.2 There was no other business for consideration.

Duration of the meeting: 7.00-8:00pm

Chair of the Licensing: Committee: Cllr Emma Plouviez

Contact: Natalie Williams, Governance Officer

Email: governance@hackney.gov.uk



Title of Report	Establishment and Composition of the Licensing Sub-Committees 2022/23
For Consideration By	Licensing Committee
Meeting Date	31 May 2022
Classification	Open
Ward(s) Affected	N/A
Director	Dawn Carter-McDonald, Director of Legal, Democratic & Electoral Services

1. **Summary**

- 1.1. This report requests that the Licensing Committee establish its Sub Committees for the municipal year 2022/2023 as set out in Appendix 1 to this report.
- 1.2. Appointments to the Licensing Committee are subject to the approval of Full Council at its Annual Meeting on 25 May 2022.
- 1.3. The terms of reference of Licensing Sub-Committees are as set out in Part 3 of the Council’s Constitution.

2. **Recommendations**

- 2.1. **That the establishment and membership of five Sub Committees (A-E) as set out in Appendix 1 to the report be approved.**

3. **Background**

- 3.1. Full Council is responsible for appointing the Chair, Vice Chair and membership of the Licensing Committee. The Licensing Committee is to establish and appoint (one or more) Sub-Committees, and approve the delegations of functions to those Sub-Committees and any additional Sub-Committee hearing procedures over and above the Council’s Procedure Rules as set out in Part 3 of the Council’s Constitution. (Licensing Act 2003, s 7(1), s9 and s10(1)(a)).
- 3.2. It is proposed that five sub committees (A-E) are set up which are drawn from the membership of the Licensing Committee. Sub-Committees will lead

on considering and resolving all matters relating to the licensing, certification and registration functions of the Council which fall within the functions of the Licensing Committee.

- 3.3. Licensing Sub-Committees have responsibility for all matters relating to the discharge by the licensing authority of its licensing and related functions under the Licensing Act 2003 s4(1), with a view to promoting the four licensing objectives:
- The prevention of crime & disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.4. Licensing Sub-Committees consider applications for new and existing licences under the Licensing Act 2003; licences for the sale of alcohol, public entertainment, cinemas, theatres, late night refreshment houses, and night cafés. They are also responsible for hearing appeals against decisions made by officers carrying out delegated licensing functions. Councillors will receive regular support to fulfil their role from legal and licensing officers.
- 3.5. Its functions are also governed by the Gambling Act 2005, Schedule 3 Local Government (Miscellaneous Provisions) Act and Part II of the London Local Authorities Act 1991.
- 3.6. The Licensing Committee is not an ordinary committee because it is established under s6 of the Licensing Act 2003, which prescribes that it must contain not less than 10 and not more than 15 members. The Licensing Sub-Committees are similarly not ordinary committees, as these exist by virtue of section 10 of the Licensing Act 2003, which permits the delegation of the functions of the Licensing Committee to one or more sub-committees. However, the Council has previously applied the political balance rules to this Committee and this convention has been followed again this year with the establishment of this Committee. The Sub-Committees to be established will not be subject to the political balance rules.

4. **Comments of the Group Director of Finance and Corporate Resources.**

- 4.1. There are no additional budgetary implications arising from the information outlined in this report. All costs are contained within the current approved budget.

5. **Comments of the Director of Legal, Democratic and Electoral Services**

- 5.1. The Council has delegated its licensing functions to the Licensing Committee.
- 5.2. Section 9(1) of the Licensing Act 2003 provides that a licensing committee may establish one or more sub-committees consisting of three members of

the committee. The establishment of Licensing Sub-Committees A-E complies with these requirements.

- 5.3. The Licensing Committee has previously issued a standing delegation to any Sub-Committee that may be established authority to hear and determine applications set out in the Licensing Act 2003 and the Gambling Act 2005. The Licensing Committee has also delegated to the Sub-Committees authority to hear and determine applications under the Local Government (Miscellaneous Provisions) Acts for Sexual Entertainment Venues.

Appendices

Appendix 1 - Composition of Licensing Sub Committees A-E 2022/23

Background documents

None

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Comments for the Director of Legal, Democratic and Electoral Services prepared by	Louise Humphreys Head of Legal and Governance louise.humphreys@hackney.gov.uk 020 8356 4817

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