

MINUTES OF A MEETING OF THE LICENSING COMMITTEE

WEDNESDAY, 10 JANUARY 2024

Councillors Present: Councillor Gilbert Smyth in the Chair

Cllr Susan Fajana-Thomas, Cllr Zoe Garbett,
Cllr Richard Lufkin, Cllr Yvonne Maxwell, Cllr
Sem Moema and Cllr Sheila Suso-Runge

Apologies: Cllr Sophie Conway, Cllr Christopher Kennedy, Cllr
Anya Sizer, Cllr Joe Walker and Cllr Penny Wrout

Officers in Attendance: Gerry McCarthy - Head of Community Safety,
Enforcement and Business Regulation
Samantha Mathys – Late Night Levy Manager
Amanda Nauth – Licensing and Corporate Lawyer
David Tuit – Team Leader, Business Regulation
Team Leader
Natalie Williams – Senior Governance Officer

The Chair welcomed all present to the meeting. It was noted that Cllr Patrick had replaced Cllr Rathbone on the Committee.

1 Apologies for Absence

1.1 Apologies for absence were received from Councillors Conway, Kennedy, Patrick, Sizer, Walker and Wrout

1.2 It was noted that Councillor Sizer had joined the meeting remotely.

1.3 Councillors accessing the meeting remotely, were reminded that they were not counted as being 'present' for the purposes of the Local Government Act 1972 and may not vote on any item under consideration. At the discretion of the Chair, may however contribute to the discussion and participate in non-decision making capacity.

2 Declarations of Interest

2.1 For the purpose of openness and transparency, in relation to agenda item 7, the following Councillors made declarations as follows: Cllr Maxwell ward Councillor for Hoxton West, Cllr Lufkin ward Councillor for Shacklewell, Cllr Sizer ward Councillor for Hoxton East and Shoreditch and Cllr Garbett ward Councillor and resident of Dalston It was noted that these wards bordered or included areas which were to be discussed at agenda item 7 - Cumulative Impact Options.

3 Minutes of the Previous Meeting

- 3.1 Cllr Maxwell requested that an additional sentence be inserted at Paragraph 4.5 bullet point 4 to reflect that ward Councillors were not consulted as part of the cumulative impact research.

Subject to the aforementioned insertion the Licensing Committee:

RESOLVED: That the minutes of the previous meeting held on 14 November 2023 be agreed as a true and accurate record of proceedings.

4 Questions to the Committee

4.1 Question from Kerry Maisey and Dan Beaumont

Given the extensive and robust evidence presented in the commissioned report which suggests that the Cumulative Impact area in Dalston is no longer proportionate, we would like to ask the Committee what type of evidence and reporting would councillors require in the future if they were to accept that Dalston no longer has activity that would warrant a Cumulative Impact Area?

- 4.2 The Chair advised that a question had been received from a member of the public. As the question related to the Cumulative Impact Options at agenda item 7, it was agreed that this question would be considered at the relevant agenda item.

5 Late Night Levy - Year 6, Quarter 3 and 4 Update

- 5.1 Samantha Mathys, Late Night Levy Manager briefly introduced the report which provided an update on the Late Night Levy activities during the third quarter of Year 6, from 1 May to 31 August and 1 September to 31 July 2023. The following points were highlighted:

- Training levels remained high with over 2,600 individuals trained since the inception of the program, with free monthly sessions confirmed until 2025.
- The #DontCrossTheLine campaign and connected welfare activities were the primary focus of the past few months. There had been lots of engagement and a full summary would be presented at the next committee meeting.
- 100% of all licensed bars, pubs and clubs which had been visited had been added to the portal. All of these venues now had an account, received weekly briefings and manager details were held.
- The accreditation scheme was still ongoing with nearly 30 venues accredited with more applications incoming. There would be further promotion of the scheme in the coming months.
- A new noise and planning checker aimed at implementing more business friendly licensing, planning and noise processes was launched following funding from the Greater London Assembly (GLA)

5.2 Following the summary of the main points, a brief discussion ensued where the following was raised:

- The original accreditation target was set at 50. There were currently 30 venues accredited. This would be reported in terms of percentages at the next meeting.
- Members welcomed the newly added courses including; gender diversity and the LGBTQIA+ as well as the #DontCrosstheLine campaign.
- The noise and planning checker would enable venues to be notified when a noise report (including unsubstantiated complaints) was made against them. This would enable issues to be addressed in real time (before the following weekend)
- Multiple stakeholders were involved in the working group for the #DontCrosstheLine campaign. Young people were also consulted and a perpetrator approach had been adopted.
- The Metropolitan Police were using Hackney as a model of best practice. They were investigating how they could further contribute and how this could be rolled out across other boroughs.
- The intention was to establish zero tolerance spaces in the Night Time Economy (NTE), where any form of harassment, hate or abuse was not tolerated. Work had been undertaken with venues to change the culture, ethos and response to such incidents. Success rate would be measured through a variety of means including crime figures, incident and CCTV reports and level of engagement with the campaign.
- Drink spiking remained an area of concern and was an ongoing focus of training. This had led to some positive responses from venues in intercepting such activities.
- There were no NTE related sexual offences over the festive period.

RESOLVED: To note the report and appendix.

6 Licensing Service Annual Report 2022/23

6.1 David Tuitt, Business Regulation Team Leader gave a broad overview of the report, highlighting the following:

- Premises licences remained the focus of Licensing Sub-Committee hearings. There had been a continued fall in the number of new applications received over the past five years.
- The number of variations and transfers remained consistent.
- Temporary Event Notices (TENs) numbers had increased but these had not returned to pre-pandemic levels. Hackney received the second highest number of TENs in London after Westminster. However, Camden, which had a significant NTE, did not return statistics.
- The number of reviews overall compared to the previous year had fallen.
- Massage and Special Treatment Licences appeared to be returning to pre-pandemic levels.
- New applications considered under the Gambling Act and renewal of gambling licences remained consistent.
- Key activities for the forthcoming year included: the Hackney Nights initiative, more inspection of licensed premises and the continued implementation of new software.

6.2 The Chair and committee welcomed the report and asked questions which were responded to as follows:

- Anecdotally, there was believed to have been a shift in how people socialise, with working from home and economic challenges being significant contributing factors. This was believed to be more prevalent in areas of the borough closest to the city.
- The number of TENs was simply due to the nature of the NTE
- The spike in the revocation of licences was due to one premises having 3 licences, which were all subject to review under section 51 of the Licensing Act 2003. All three proceeded to a summary review, resulting in one premises having 6 review applications. The decision was taken to revoke all three licences.

RESOLVED: To note the report and appendix

7 Cumulative Impact Options

7.1 The Chair advised that the question submitted and set out at agenda item 4 would be considered under this item as it related to paragraph 18 of Appendix 1 of the report. It was noted that Ms Kerry Maisey and Dan Beaumont were Co-Chairs of Dalston Pubwatch and members of the Late Night Levy Board

7.2 Question from Kerry Maisey and Dan Beaumont to the Chair of Licensing

Given the extensive and robust evidence presented in the commissioned report which suggests that the Cumulative Impact area in Dalston is no longer proportionate, we would like to ask the Committee what type of evidence and reporting would councillors require in the future if they were to accept that Dalston no longer has activity that would warrant a Cumulative Impact Area?

The question related to Paragraph 18 of Appendix 1 of the report which reads:

“A Home Office Impact Assessment (November 2016) on giving CIAs a statutory basis said “it will place a greater onus on licensing authorities (LAs) to ensure that the evidence they use as the basis of their CIAs is robust. In particular, we would like to increase the transparency of the process that LAs go through when deciding to retain existing CIPs and ensure that when a decision is taken by an LA to implement or retain a CIA it is based on up to date evidence and is appropriate and proportionate for the promotion of the licensing objectives”

Response from the Chair of Licensing

The Chair advised that at its meeting on 14th November 2023, some Members of the Licensing Committee expressed a view that a special policy should apply to some, if not all of the previously defined Dalston Special Policy Area (SPA). The Chair further advised that no decision had been made in relation to a consultation on publishing a Cumulative Impact Assessment which would set out a policy approach in Dalston. The Licensing Committee was considering an Options Paper at this evening’s meeting.

The Chair referred to paragraph 14.29 of the guidance issued by the Home Office which set out the information that local authorities could draw on when considering cumulative impact. This included:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local and parish councillors; and
- evidence obtained through local consultation.

Concluding, the Chair stated that should Members be minded to agree to consult, the Committee would take into consideration any views, comments and further evidence received during any consultation in making a final decision.

The Cabinet Member for Community Safety and Regulatory Services gave assurances that a decision had not yet been taken and requested that this be relayed to members of Dalston Pubwatch.

Ms Maisey did not have a supplementary question. She believed that the evidence presented at the previous Licensing Committee meeting in November 2023 demonstrated that a Cumulative Impact area within Dalston was no longer necessary. Concerns were expressed that this would be disregarded in favour of anecdotal evidence and a status quo approach.

Concluding, David Tuitt, Business Regulation Team Leader explained that the Licensing Policy had been in place since August 2023 and did not define any Special Policy areas. The next steps would be: to decide whether or not to consult on publishing a Cumulative Impact Assessment; give an indication of the areas to be included in the assessment; and give an indication whether the assessment would be applicable to all authorisations or identified licences.

7.3 David Tuitt, Business Regulation Team Leader introduced the report, highlighting the following:

- Members were requested to consider the options contained within the Options Paper at Appendix 1 in relation to: the former Shoreditch Special Policy Area, the former Dalston Special Policy area, an area of Broadway Market and London Fields, an area of Hackney Central and an area of Hackney Wick
- CIAs may be published by Licensing Authorities to help limit licensing applications where there was evidence to show that the density of licensed premises had a negative cumulative impact on the promotion of the licensing objectives.
- A CIA would apply to applications for new and variation premises licences, club premises certificates

- The Licensing Act 2003 sets out the steps to be carried out in order to publish a CIA. There is a requirement to consult and any CIA published must be summarised in the Licensing Authority's Licensing Policy.
- Persons prescribed in the Act must be provided with: reasons for considering a CIA, a general indication of the areas/boundaries and what authorisations it would relate to.
- The research and findings presented by Six til Six discussed at the previous meeting, which could be found at: <https://hackney.moderngov.co.uk/documents/g5835/Printed%20minutes%20Tuesday%2014-Nov-2023%2019.00%20Licensing%20Committee.pdf?T=1>
- The areas of Broadway Market & London Fields, Hackney Central and Hackney Wick were not found to be experiencing cumulative impact and requiring further intervention. The areas that remained for consideration were former Special Policy Areas Shoreditch and Dalston.
- Findings suggested that a cumulative impact was experienced across a widened boundary of the former Shoreditch Special Policy Area. If minded to go to consultation, it would be advised to include a widened area to the southwest.

7.4 Members welcomed the report. A discussion proceeded during which the following points were raised:

- Research findings did not support any possible further extension beyond the identified points in both areas.
- Ward Members of the Shoreditch area had received a lot of support from residents to proceed with consultation.
- Referring to page 44 of the agenda, it was explained that a decision would be required to be taken as to whether a CIA would apply to all or some authorisations.
- Under a CIA there would be a presumption to refuse specified applications, unless the applicant could demonstrate how the licensing objectives would not be undermined.
- Members may be minded to decide that a presumption to refuse all applications in a particular area was not justified; however some type of policy intervention was needed in the way of a Special Consideration Area (SCA).
- It was important to ensure that any consultation was far reaching and those who engage are representative of the demographic.
- Paper copies of the consultation would be available to anyone on request and responses would be monitored to ensure that responders do not respond more than once. The consultation would be led by the Council's Consultation Team who would target various groups and local bodies and spaces. There was a requirement to complete an equality impact assessment as part of the process. Additionally, the Licensing Team would use means to capture those already engaged in licensing processes.
- If Members were minded to agree to consult, it would be undertaken imminently however it was to be noted that the Council would be entering a pre-election period ahead of the London Mayoral and London Assembly elections in May. Therefore, a decision on when to proceed would be taken in consultation with the Council's Monitoring Officer. Consultation would be open for eight weeks.

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- It was noted that the consultation needed to have clear, concise, easy to understand language, setting out the different options available.
- A possible inclusion in the consultation could be the identification of the types of businesses which could be included or exempted.
- Research findings suggested that Dalston had half or less incident counts than Shoreditch which was concentrated in the central parts of former Dalston SPA.
- The Committee expressed that should they be minded to go out to consultation, that the original area of the former Dalston SPA be included as this could not be extended but could be reduced following the results of the consultation.
- It was noted that the number of licenced premises and traffic flow for Dalston could not be compared to Shoreditch, therefore crime levels were not comparable. However, the level of crime in the former policy area Dalston in the day and night time were of a similar nature.
- There was evidence to suggest a possible downgrade in Dalston to a Special Consideration Area.
- It was requested that any consultation include a map of the relevant areas highlighting whether the area was in line with the evidence presented at the previous meeting.
- It was noted that whilst the research provided lots of information, there was vital information missing from the findings due to a lack of widespread consultation with key stakeholders including a representation of residents living in the areas and Councillors.

RESOLVED: That having regard for the options (as set out in Appendix 1) for each of the five areas that were assessed as part of the Cumulative Impact research, it was agreed:

1. That the area described as within the boundary formerly identified as the Shoreditch Special Policy Area and the area to the southwest as highlighted in the research, be considered for inclusion if a Cumulative Impact Assessment (CIA) be published:
 - a) Applying to all relevant authorisations within the defined geographical area or;
 - b) Applying only to relevant authorisations of a particular kind within the defined geographical area.

Additionally, it was agreed that officers would consider the most effective way to consult all stakeholders and relevant persons.

2. That the area described as within the boundary formerly identified as the Dalston Special Policy Area be considered for inclusion if a CIA is published:
 - a) Applying to all relevant authorisations within the defined geographical area or;
 - b) Applying to only relevant authorisations of a particular kind within the defined geographical area.

Additionally, it was agreed that officers would consider the most effective way to consult all stakeholders and relevant persons.

3. That there was insufficient evidence in relation to the areas of interest Therefore it was agreed not to describe these areas in the consultation:

- Broadway Market and London Fields area of interest.
- Hackney Central area of interest.
- Hackney Wick area of interest

8 Any Other Business

- 8.1 It was noted that the dates for Licensing Sub-Committees for the remainder of the Municipal Year had been circulated and there were a number of Councillors who were yet to confirm their availability. Members were encouraged to contact the Governance Officer to advise of which hearings they were available to sit.

End of meeting.

Duration of the meeting: 7:05-8.41pm

Cllr Gilbert Smyth
Chair of the Licensing Committee 2023/24

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