

LICENSING COMMITTEE

THURSDAY, 30TH JUNE, 2016

Present: Councillor Emma Plouviez in the Chair

Cllr Brian Bell (Vice-Chair), Cllr Sophie Cameron,
Cllr Abraham Jacobson, Cllr Christopher Kennedy,
Cllr Richard Lufkin, Cllr James Peters,
Cllr Caroline Selman and Cllr Peter Snell

Officers: Darren Reilly (Licensing Enforcement Manager),
Butta Singh (Senior Licensing Lawyer),
David Tuitt (Team Leader - Licensing Policy and
Operations), Natalie Williams (Governance Services
Officer).

Apologies: Cllr Sharon Patrick

Absent: Cllr Barry Buitekant, Cllr Margaret Gordon, Cllr Sade
Etti, Cllr Simche Steinberger.

1 Apologies for Absence

1.1 Apologies for absence were received from Councillor Sharon Patrick.

2 Declarations of Interest - Members to declare as appropriate

2.1 There were no declarations of interests.

3 Minutes of the Previous Meeting

3.1 The minutes of the meeting held on the 10th November 2015 and the minutes of the extra-ordinary meeting held on 25th May 2015 were agreed as a true and accurate record of proceedings.

4 Late Night Levy

4.1 David Tuitt, Team Leader (Licensing Policy and Operations) introduced the report which provided information on the voluntary levy in Hackney, and an update of the Late Night Levy by other local authorities. This paper follows an earlier report considered by the Committee in November 2013 where a commitment was given to monitor whether a Late Night Levy was needed. The report puts forward a proposal to consult on whether or not to introduce the Late Night Levy in Hackney, a decision which is reserved for Full Council.

4.2 In reference to paragraph 3.5 of the report, David Tuitt advised the Committee that the Authority must consider the desirability of the levy and a case would need to be made

for its introduction. The Council would need to use its portion of the levy to reduce the impact of alcohol supply during the specified hours.

- 4.3 The Committee was referred to paragraph 4.3 which detailed the possible revenue which could be raised. It was estimated that from 399 eligible licensed premises, an income of £362,085 per annum could be raised. It was highlighted that this was an estimation and that the scheme had raised 10% less than estimated in its first year in the neighbouring London Borough of Islington (details in Appendix 3).
- 4.4 David Tuitt explained that following deductions of administrative costs, at least 70% of revenue must be paid to the Police for spending on extra policing of the night time economy.
- 4.5 The Committee was advised that Newcastle and Islington had taken a collaborative approach with the Police by setting up a board to allow the Police and Local Authority to jointly determine how best the revenue is spent.
- 4.6 David Tuitt reported that the voluntary levy currently in place deploys 4 wardens in Shoreditch and 2 wardens within Dalston on Friday and Saturday nights. The voluntary levy has been well received by local residents and businesses. Should the Late Night Levy be introduced, the voluntary levy would no longer continue.
- 4.7 The Committee noted an indicative timetable set out at paragraph 8. The decision to consult on whether or not to introduce a levy and the decision on whether or not to introduce the levy is a decision reserved for Full Council. A decision is scheduled to be taken by Council on 20th July 2016.
- 4.8 Councillor Snell welcomed the report, but raised concerns that all additional policing from the levy would be deployed within Shoreditch and not throughout the borough. In response to Councillor Snell's comments, David Tuitt advised that in Islington, revenue from the levy has been used for one sergeant and 4 police constables who have an arrangement with the warden scheme. It was noted that there are particular stress areas within the borough, however those deployed move around the borough where needed.
- 4.9 In response to a question from Councillor Kennedy relating to a Licensing Policy refresh, the Chair advised that there were concerns about the lack of contribution from Off Licenses to the voluntary levy. Should a board be set up, it would be instrumental in helping to steer policy and drive funds. It was envisaged that the board would work in correlation with the Licensing Policy.
- 4.10 In response to a query from Councillor Peters, David Tuitt advised that the levels of contribution from various premises were set within legislation.
- 4.11 Councillor Bell queried the composition of the board and whether Licensees would be represented to which David Tuitt advised that the intention is to have Licensees represented on the board which is the approach that has been taken by Islington.
- 4.12 In response to a query made by Councillor Kennedy, Butta Singh, Senior Licensing Lawyer advised that should the Levy be introduced, there may be an increase in premises licence variations for increased hours. It was explained that applicants may use additional policing to justify later hours. The Committee was advised that later

hours within the SPA's should only be granted if exceptional circumstances can be demonstrated.

4.13 **RESOLVED to:**

- (i) **note the contents of the report**
- (ii) **request Full Council to consider and approve the consultation of a late night levy being introduced in Hackney.**

The Chair decided to vary the order of the agenda and consider agenda item 6 before agenda item 5.

6 Licensing Service Annual Report

- 6.1 David Tuitt, Team Leader (Licensing Policy and Operations) introduced the report, which provided an update on the activities and performance of the Licensing Service during the 2015/16 municipal year and to set out targets for the forthcoming year. It was noted that this was the fifth year of being presented to the Committee. Additional narrative was requested last year which has been included in the appendix.
- 6.2 David Tuitt highlighted and members noted the following key points:
- There has been an increased number of premises licences issued since the previous year
 - Variations of existing premises licences fell slightly from last year
 - The number of Temporary Event Notice's (TEN's) received fell from the previous year. On 1 January 2016 the limit on the amount of TEN's given per calendar month rose from 12 to 15.
 - Late TEN's (which were introduced January 2012) account for ¼ of all TEN's.
 - The Gambling Act 2005 – There has been a stabilisation of betting shops with no new licence applications since 2014.
 - The Highways Act 1980 functions account for the most volume in terms of overall numbers received by the Licensing Service however it was noted that these functions will be transferred to the Streetscene Team.
 - Personal Licences previously expired after 10 years however the De-regulation Act 2015 abolished this requirement to renew after 10 years
- 6.3 In relation to Licensing Enforcement activities, Darren Reilly advised that a review was called of 168-175 Shoreditch High Street which subsequently led to the revocation of the licence. A borough-wide project was undertaken with the Police and Gambling Commission to remove illegal gaming machines. 38 machines were subsequently seized. With regard to Responsible Authority representation, it was noted that 1/3 of the representations made by Licensing Enforcement are maintained to Sub Committee stage.
- 6.4 In response to a question from Councillor Snell relating to reviews, Butta Singh advised that a review is the last possible resort. Every effort is taken to work with premises licence holders using action plans and various other tools. Darren Reilly added that often the threat of a review is often effective and the knowledge that a review can also be called by residents is helpful in securing compliance.
- 6.5 **RESOLVED to note the report.**

5 Revised Pool of Model Licence Conditions

- 5.1 David Tuitt, Team Leader (Licensing Policy and Operations) introduced the report. The appendix contained a revised pool of conditions, which provides model wording which can be used when making an application or representation in relation to an application. The conditions will be made available to applicants, responsible authorities and members. The intention is to provide clear, transparent and consistency in the wording of conditions.
- 5.2 In response to a query from Councillor Peters relating to audible noise in the nearest noise sensitive premises, Butta Singh (Senior Licensing Lawyer) advised that recent case law stipulates that conditions relating to noise needed to be more specific. Cllr. Peters was referred to conditions 6-9 on page 48 of the agenda. It was however acknowledged that Sub Committees would be responsible for dealing with applications on a case by case basis and for setting limits with regard to the number of people outside a premises and the closing of doors and windows.
- 5.3 It was noted that Governance Services would ensure copies of the revised pool of conditions would be available at each Sub Committee hearing.
- 5.4 **RESOLVED to:**
- (i) **Note the revised Pool of Model Licence Conditions at Appendix 1.**

7 Any Other Business Which In The Opinion Of The Chair Is Urgent

- 7.1 There was no urgent business for consideration.

Chairman at the meeting on
Thursday, 30 June 2016