

LICENSING COMMITTEE
THURSDAY, 8TH FEBRUARY 2018, COUNCIL CHAMBER, HACKNEY TOWN HALL,
MARE STREET E8 1EA

- Present:** Councillor Emma Plouviez in the Chair
- Councillors Cllr Brian Bell (Vice-Chair),
Cllr Sharon Patrick, Cllr Margaret Gordon,
Cllr James Peters, Cllr Peter Snell,
Cllr Caroline Selman, Cllr Sade Etti,
Cllr Ian Rathbone and Cllr Patrick Moule
- Officers:** David Tuitt, Business Regulation Team Leader
(Licensing and Technical Support)
Robert Gardner, Enforcement and Business
Regulation Manager
Butta Singh, Senior Lawyer Licensing & Corporate
Christine Stephenson, Planning, Licensing and
Corporate Lawyer
Gareth Sykes, Governance Services Officer
- Apologies:** Cllr Christopher Kennedy and Cllr Sophie Conway

1 Apologies for Absence

- 1.1 Apologies for absence were received, prior to the meeting, from Councillors Conway and Kennedy.
- 1.2 Committee members congratulated Councillor Conway on the birth of her child.

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 **RESOLVED** the minutes of the previous meeting, held on 31st October 2017, be agreed.
- Fixed-Odds Betting Terminals
- 3.2 Committee members noted that a response had now been submitted to the consultation on Fixed-Odds Betting Terminals (FOTBs).
- Efes Snooker club Judicial Review
- 3.3 Committee members noted an article, tabled at the meeting, from the Local Government Lawyer magazine, on half time decisions (with regards to 'no case to answer') concerning the licensing appeal for the Efes Snooker club in Stoke Newington. Committee members noted that a Judicial Review had been logged in January 2017, although details of the High Court's decision from May 2017 had only been recently sent to Hackney Council. In outlining the this precedent decision, it was hoped that it would protect council witnesses in the future, especially residents, from

being subjected to the ordeal of giving evidence and/or being cross-examined when defending a poorly formulated appeal.

4 Statement of Licensing Policy for approval

4.1 David Tuitt, Business Regulation Team Leader, Licensing and Technical Support, introduced the report on the statement of licensing policy. Following approval of the draft Policy by the Licensing Committee on 31 October 2017, the public consultation on the proposed Licensing Policy ran from 6 November 2017 to 12 January 2018. It was publicised via the Council website, in local press, social media and at an information event. A summary document produced by the Council's consultation team focussed on the key areas of the draft policy, namely:

- Changes to the Special Policy Areas (SPAs), including the extension of the Shoreditch SPA boundary and simplification of the Dalston SPA policy
- New general principles for applicants
- New core hours policy
- New policy on 'off' sales, the supply of alcohol for consumption off the premises
- New policy on outdoor activities

4.2 Historically, the Council had first published its Statement of Licensing Policy in January 2005, which set out the decision-making principles when licensing premises for alcohol, regulated entertainment and late night refreshment. Reviews of the Policy had taken place in 2007, 2010 and 2015. In 2013 the Council consulted on the introduction of the Special Policy Area (SPA) in Dalston.

4.3 Mr Tuitt explained to the committee that analysis of the consultation responses identified a number of key themes including:

- Potential harm to current nightlife
- A barrier to growth
- Watered down/pro business
- London as a 24 hour city/Night Tube
- Lack of evidence to support expansion of the Shoreditch SPA
- The proposed 'Core Hours' (LP6) were too restrictive
- Outdoor activities proposal too restrictive/or not restrictive enough
- Could lead to costs of licences being inflated
- Perceived inflexibility
- Monitoring information

4.4 Mr Tuitt also highlighted some of the key evidential findings in the report, for example, the peak time period for incidents of crime and disorder were between 12:00hours and 03:00 hours. Members also noted in Hoxton and Shoreditch, for example, Fridays to Sundays experienced more crime than other days, specifically Friday PM to Saturday AM. In Dalston Friday's to Sunday's experienced the most crime overall (67%) of the total, particularly between Friday PM to Saturday AM, and Saturday PM to Sunday Morning between 22:00 hours and 04:59 hours (42%).

4.5 The committee noted in the report Police concerns about the Dalston and Shoreditch SPA. Police took the view that because of the numbers and concentration of premises in these areas they were collectively causing harm to the promotion of the licensing objectives rather than poor management of individual premises. The police also highlighted that evidence showed a clear correlation between the locations of premises

and subsequent availability of alcohol and the negative impact as a result of the licensable activities.

- 4.6 The committee also noted the results in the study about Shoreditch, and how, because of its intensity, due to the size of the crowds and the focus of licensed premises on 'wet-sales' (alcohol) and competitive drinks price promotions, it was more 'stressed' than other areas of Hackney. In London, Shoreditch was found comparable only to the most intense hot-spots of Westminster and Camden in recent years.
- 4.7 In a response to a question from Councillor Snell, Mr Tuitt replied that compared to 2015, the level of opposition to the policy this time around did not appear to be as organised or as inflammatory. Notwithstanding this, in terms of respondents, during the We Love Hackney Campaign, there were 607 responses to the licensing consultation, whereas only 73 had completed it by early January 2018.
- 4.8 Councillor Selman, on behalf of Councillors Demirci and Nicholson, enquired about whether late submissions from a group of local residents could be considered, despite the consultation deadline now having passed? Following a brief discussion, it was established that no residents were directly consulted by mail. The legal officer, Butta Singh, added that if the Council were to accept the late submissions it could affect the validity of the consultation and if there was a legal challenge this could be successful as a result. Therefore, it was not advisable to accept any such responses after the consultation had come to an end. Committee members also noted that a lot of information was readily available and circulated online for the consultation. Therefore, it was felt that by expanding the scope of the consultation even further, would have led to a number of additional cost implications by having to write to all addresses, both inside and outside, of the proposed extension area.
- 4.9 In response to a question from Councillor Moule about whether the proposals discriminated against Lesbian, Gay, Bisexual and Transgender (LGBT) venues, David Tuitt replied that from the initial analysis there did not appear to be any discrimination. The Chair added that LGBT venues were well represented on the licensing policy steering group and the question of discrimination had not arisen during those meetings. However, there was an acceptance among the committee members that as the number of licenses granted increased, rents would rise which in turn could impact on the diversity in the borough.
- 4.10 In a response to a question on the night time economy in London, Councillor Selman replied that the council was currently preparing a response to the consultation being held by the Night-time Commission at the GLA.
- 4.11 David Tuitt responded to committee members with regards to some of the concerns raised in the responses. The Council's Economic Regeneration unit, for example, had raised some concerns over the policy as they felt it was against the Council's licensing objectives. They were also of the view that the policy maybe discriminatory towards certain ethnic groups. There was also a comment during one of the steering groups that the studies may be anti-youth. It was also noted that the Council's Public Health Team believed the policy was not strong enough and felt more information should be provided as to best practice.
- 4.12 The Chair commented that the licensing policy acts as guide in order to provide an overall steer. The committee noted that the reason why nightclubs had been removed from the policy as the Council did not want to create a perception of favouring one type of business over another. The licensing policy needed to have a degree of flexibility.

- 4.13 In response to a question from Councillor Etti, David Tuitt replied that in terms of the consultation process those recipients who were statutory consultees, such as licensed premises, would have received a letter. Butta Singh added in response to the Councillor's question that prior to sending out future consultation letters a review should take place with the Consultation Team as to the information sent to the statutory consultees, with regards to encompassing any equalities consultation scheme that may be introduced, so recipients could then be better informed, if possible, and therefore be more likely to respond or understand the consultation when they receive their consultation information.
- 4.14 In response to a question from Councillor Moule, David Tuitt replied that, as outlined in the report, it was still very early days for the night overground, meaning that the impact of this was yet to be fully understood. The policy was such that it could be reviewed where necessary once it was established what the impact was of the night overground.
- 4.15 The deputy chair brought to the attention of the committee figures in table 1, page 100, of the pack. These showed that the number licensed premises had grown consecutively since 2012.

RESOLVED the committee noted the recommendation (i) to (v) under paragraph 2.1. Members noted, when approving (vi) that it was included in the event of any errors to the policy coming to light before it was approved at Council, who would also be advised by officers as to the appropriate date when the Policy would take effect.

5 Late night levy - structure of Management Board and Terms of Reference

- 5.1 David Tuitt, introduced the report outlining the proposed Terms of Reference (TOR) for the Management Board otherwise known as the Late Night Levy Board (LNLB). At the July 2017 Council meeting the Council resolved to implement a late night levy across the borough. Part of this decision included the setting up of a management board.
- 5.2 In response to a question from the vice chair, the licensing team agreed to clarify the quorum for the LNLB, as it was currently unclear in the TOR.
- 5.3 After a brief discussion, members were in agreement that the LNLB would meet no more frequently than once a quarter.

RESOLVED the Licensing Committee noted the contents of the report and appendices.

RESOLVED the licensing team would clarify what the quorum was for the Late Night Levy Management Board.

RESOLVED the licensing service would amend the terms of reference of the Late Night Levy Management Board, which includes clarifying the position of the role of vice-chair on this Board.

6 Late night levy - response to the consultation

- 6.1 **RESOLVED** members considered and noted the report outlining their final response to the consultation on the Late Night Levy.

7 Outline for the review of the Gambling Policy (Statement of Principles) and update of Local Area Risk Assessment

- 7.1 David Tuitt introduced the report outlining the proposed approach to the review of the gambling policy (statement of principles) and the update on the local area profile.
- 7.2 Members noted the proposed timetable for review under paragraph 4.2 in the paper and that the dates contained within that paper could be subject to change.
- 7.3 The legal officer, Butta Singh, informed committee members that ideally any resolution would be included in the draft policy when it goes out for consultation. The proposed consultation period was currently between June and October 2018.

RESOLVED the Licensing Committee noted the proposed approach to the review of the statement.

RESOLVED the Licensing Committee supported a recommendation to Council that the 'no casino' resolution remain for a further three years given the characteristics of the borough.

8 Any Other Business

- 8.1 There were no any other business items.

Duration of the meeting: 19:00 hours to 20:10hours

Councillor Emma Plouviez, Chair at the meeting on
Thursday, 8 February 2018