

LICENSING COMMITTEE
MONDAY, 2ND JULY 2018
COUNCIL CHAMBER, HACKNEY TOWN HALL, LONDON E8 1EA

Present: Councillor Emma Plouviez in the Chair

Councillors Cllr Brian Bell (Vice-Chair),
Cllr Sam Pallis, Cllr Caroline Selman and Cllr
Caroline Woodley

Officers: Butta Singh, Senior Lawyer Licensing & Corporate
Gareth Sykes, Governance Services Officer
David Tuitt, Business Regulation Team Leader

Apologies: Cllr Margaret Gordon and Cllr Sem Moema

1 Apologies for Absence

1.1 Apologies for absence were given by Councillor Margaret Gordon and Councillor Sem Moema.

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 extraordinary meeting, held on 23rd May 2018, be agreed.

RESOLVED the minutes of the previous meeting, held on 8th February 2018, be agreed, subject to clarification on the following:

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

RESOLVED the licensing service would clarify the quorum for the Late Night Levy Management Board (LNLMB).

RESOLVED the licensing service would amend and clarify the terms of reference for the Late Night Levy Management Board including clarifying the position of the role of vice-chair on the LNLMB.

4 Draft Gambling Statement of Principles for consultation

4.1 David Tuitt, Business Regulation Team Leader (Licensing and Technical Support), introduced the report recommending the draft gambling Statement of Principles (“the Statement”) for consultation. Committee members noted that Section 349 of the Act states that each Licensing Authority must prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act during the three year period to which the statement applies. The statement must be kept under review during the period and be republished where it is revised. The statement must be in place before the authority can determine any application. Mr Tuitt explained that the Gambling Statement of Principles 2019 – 2022 contained tracked changes as this was

required by Gambling Commission. There would be two versions; one tracked and one untracked.

- 4.2 David Tuitt highlighted in paragraph 4.1 of the report the implementation timetable for the revised statement. David suggested that the consultation period may not be 12 weeks. Members noted that the final consultation would likely be published on the 16th July 2018. Council approval would be sought at the 31st October 2018 Council meeting.
- 4.3 David Tuitt highlighted to Committee members that the maps in the appendices of the draft policy would be updated in time for publication of the final consultation.
- 4.4 In a response to question from Councillor Pallis, David Tuitt replied that there had not been any substantial changes to the policy apart from the announcements on Fixed Odds Betting Terminals (FOBTs). Licensing Committee members noted that stakes and prizes policy still applied. Mr Tuitt added that current government legislation was in place up to 2022.
- 4.5 Councillor Selman recommended including in the foreword to the consultation that the legislation was due to end in 2022. Councillor Selman also recommended that reference be made to the Council's views on FOBTs and how they hoped there would be no delay by government in this area.
- 4.6 Following a suggestion from Councillor Pallis, the Committee agreed that the consultation response should elude to the Council's aspirations in relation to game machine maximum stakes B3 and B3a.

RESOLVED the Licensing Committee noted the draft Gambling Statement of Principles for consultation subject to the following:

- amendments to the appendices e.g. updating of the maps
- to include in the eventual consultation response Hackney Council's aspirations in relation to game machine maximum stakes B3 and B3a

5 Resolution not to issue Casino Licences

- 5.1 David Tuitt, Business Regulation Team Leader, Licensing and Technical Support, introduced the report proposing putting a resolution to Council not to issue casino licences under the Gambling Act (2005) for a further period not exceeding three years. The Council first passed a 'no-casino' resolution on 28th June 2006 and had continued to do so by making a new resolution every three years. The most recent resolution was due to expire on 30th January 2019. Although there was no right of appeal against this resolution, the Council reserved the right to review it and can, at any point, withdraw the resolution where appropriate.
- 5.2 In a response to a question from Councillor Woodley, the Chair replied that since the policy had been in place it had not been challenged.
- 5.3 The Vice Chair objected to the policy suggesting that it was putting in place a policy against something that may happen in theory. He recommended instead that the Council wait until an application is submitted and then determine that application on its own merits.
- 5.4 The Chair responded by citing the example of a similar policy in relation to lap dancing clubs and how it had prevented them coming into the borough.

- 5.5 The Vice-Chair re-iterated his opposition to the policy on a point of principle.
- 5.6 Councillor Pallis acknowledged the Vice-Chair's point of view and briefly cited the measures introduced by the Labour Government in the early 2000s. Councillor Pallis added that the council had to take steps to promote responsible gambling.

The chair moved that the Licensing Committee consider:

(i) Full Council should resolve not to issue casino premises licences under the Gambling Act 2005 for a further period not exceeding three years effective from 31 January 2019 given the characteristics of the Borough.

On a vote there was three For, one Against and no abstentions, it was:

RESOLVED that it be recommended to full Council they should resolve not to issue casino premises licences under the Gambling Act 2005 for a further period not exceeding three years effective from 31 January 2019 given the characteristics of the Borough.

6 Licensing Committee and Licensing sub-committee membership

- 6.1 The Licensing Committee considered the report establishing new membership of the Licensing Sub-Committees subject to approval by full Council at its meeting on the 18th July 2018.
- 6.2 The paper outlined how at the time of the Annual General Meeting (AGM), on the 23rd May 2018, the Conservative Party, as the only opposition party, had not yet identified their nominee to the Licensing Committee. Councillor Harvey Odze had now been nominated for this Committee and approval for this appointment will be sought at the 18TH July 2018 Council meeting. This appointment abides by the political balance rules.
- 6.3 The Licensing Committee noted that Councillor Adejare was appointed to the Licensing Committee at the AGM but owing to personal commitments had had to step down. Councillor Snell was nominated as her replacement and again approval for this appointment would be sought at the July Council meeting.

RESOLVED the Licensing Committee, as set out below, agreed to the new membership of the Licensing Sub-Committees subject to approval by Full Council at its meeting on the 18th July 2018:

Licensing Sub-Committee A

Councillor Sophie Conway
Councillor Sharon Patrick
Councillor Caroline Woodley

Licensing Sub-Committee B

Councillor Margaret Gordon
Councillor Sem Moema
Councillor Harvey Odze

Licensing Sub-Committee C

Councillor Alex Kuye
Councillor Sam Pallis
Councillor James Peters

Licensing Sub-Committee D

Councillor Brian Bell
Councillor Emma Plouviez
Councillor Gilbert Smyth

Licensing Sub-Committee E

Councillor Ian Rathbone
Councillor Caroline Selman
Councillor Peter Snell

7 Any Other Business

Justin Farley

- 7.1 The Licensing Committee wished to express their thanks to legal officer Justin Farley, who after working for Hackney Council for 12 years, was leaving to work for the Phone-paid Services Authority. Members thanked Justin for his expertise and help over the years in assisting the work of the Licensing Sub-Committees.

Licensing Training

- 7.2 Licensing Committee members noted that the Licensing training was scheduled for the 12th July 2018. The training would include the latest legal update and case law and the findings from the House of Lords Select Committee's report into the Licensing Act 2003. The House of Lords Committee had concluded that the act was flawed and needed a radical overhaul, including the abolition of local authority licensing committees.

WAVE presentation

- 7.3 Committee members noted that after their next meeting, on 17th October 2018, there would be a presentation on WAVE (Welfare and Vulnerability Engagement) from the Metropolitan Police Service's (MPS') central licencing team. This work aimed to provide those working in the licensed industry with an awareness of vulnerability and their responsibilities towards people visiting their premises.

Pre Application Advice Service

- 7.4 David Tuitt explained the Licensing Service were looking at creating a paid pre-application advice service to advise and assist applicants with their premises licence applications. The Licensing Service were seeking to formalise the process and had looked at other local authorities who were already using a similar service. A report would be considered at the next Licensing Committee meeting.
- 7.5 In response to a question from Councillor Pallis, David Tuitt replied that there would be in place layers to avoid any potential conflicts of interest in the Licensing application process. Those council staff involved in the pre-application stages would not be involved in the later stages of the process.
- 7.6 In response to a question from Councillor Pallis, David Tuitt replied that the Licensing Service could not recommend to applicants a particular licensing agent or solicitors firm but they could provide the applicant with a list.

Licensing Sub-Committees update

- 7.7 The Chair explained that after the next Licensing Committee there would be a brief update about the status and work of the Licensing Sub-Committees.

Duration of the meeting: 19:00 – 20:00

Cllr Emma Plouviez, Chair at the meeting on
Monday, 2 July 2018