

**LICENSING COMMITTEE**  
**WEDNESDAY, 17TH OCTOBER, 2018, ROOM 102, COUNCIL CHAMBER, HACKNEY TOWN**  
**HALL, MARE STREET**

**Present:** Councillor Emma Plouviez in the Chair  
Cllr Brian Bell (Vice-Chair), Cllr Caroline Woodley,  
Cllr Gilbert Smyth, Cllr Sam Pallis,  
Cllr Sharon Patrick, Cllr Margaret Gordon,  
Cllr James Peters, Cllr Caroline Selman,  
Cllr Sophie Conway and Cllr Peter Snell

**Also in Attendance:**  
Observer Councillor Aron Klein

**Officers:** Amanda Nauth, Licensing, Corporate and Planning  
Lawyer  
David Tuitt, Business Regulation Team Leader  
Butta Singh, Senior Lawyer Licensing and Corporate  
Gareth Sykes, Governance Services Officer

**Apologies:** Cllr Ian Rathbone and Cllr Sem Moema

**1 Apologies for Absence**

1.1 Apologies for absence were given by Councillor Sem Moema and Councillor Ian Rathbone.

**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 2<sup>nd</sup> July 2018, were agreed as an accurate record.

Minute 7 Any Other Business – Justin Farley

3.2 The Licensing Committee noted that Licensing, Corporate and Planning Lawyer, Amanda Nauth, had replaced Justin Farley in Legal Services. Committee members welcomed Amanda to the meeting.

3.3 Some of the committee members raised concerns about test purchases not being as rigorous as they should be. Members and council staff agreed they would be included on the agenda for the next meeting in January.

Licensing Appeals

3.4 Licensing Committee members noted the brief update from the Legal Officer on the latest developments on licensing appeals.

**RESOLVED** The Metropolitan Police Service' s (MPS') Central Licensing Team would give a WAVE presentation at the next Licensing Committee meeting on the 16<sup>th</sup> January 2019. Test purchases would also be discussed with the MPS during this part of the meeting.

**RESOLVED** Licensing Committee members would give an update at the 16th January 2018 Licensing Committee meeting on the current status and work of the Licensing Sub-Committees.

#### **4 Licensing Service Annual Report**

- 4.1 David Tuitt, Business Regulation Team Leader (Licensing and Technical Support) introduced the report updating the Committee on the activities and performance of the Licensing Service during the 2017/18 municipal year. The report also outlined the aims and targets for the forthcoming 2018/19 year.
- 4.2 Members noted in the report the number Premises licences granted between 2013 and 2018. Members also noted that the number of new licences that had been granted remained unchanged from last year. According to the report, the number of minor variations, members noted, had increased by 72 percent when compared to previous years. The Licensing Service attributed this to the introduction of the Late Night Levy in 2017.
- 4.3 The committee noted in the report that the number of betting licenses continued to fall and they were now at their lowest level since Hackney Council took over responsibility of gambling licensing in 2007. Members also noted that the majority of Massage and Special Treatment (MST) licences comprised of applications to renew existing licences issued in a previous year. The Licensing Service explained that the number of premises was now at its highest. The committee also noted from the figures that the amount of correspondence being received by the Licensing Service remains stable.
- 4.4 On enforcement, the committee noted that the Licensing Service was trying to work towards implementing a more robust set of activities.
- 4.5 In a response to a question from the committee, David Tuitt confirmed that treatments, such as physiotherapy, for example, were not covered by MST licences. The types of businesses covered by the MST were businesses that involved non-intrusive cosmetic treatment e.g. Nail Bars. Physiotherapists, Botox treatment and implants were separate and covered by other legislation and bodies, for example the British Medical Association (BMA).
- 4.6 On MST licences the committee noted that across London in recent years there had been seen an increase in the number of businesses specialising in cosmetic treatments, in fact several luxury housing developments now included some form of cosmetic treatment centre on site.
- 4.7 On Temporary Event Notices (TENs), David Tuitt explained that the overall number of TENs was up from last year. This trend was despite Home Office guidance suggesting late TENs are to "assist premises users who are required for reasons outside their control to, for example, change the venue for event at short notice".
- 4.8 Responding to a question from the committee on enforcement, David Tuitt replied that the service was running smoothly and that the reactive side was working well, however, they recognised that they needed to be more proactive. Enforcement Officers were not

expected to attend Licensing Sub-Committee meetings but some recent reviews of licensing applications have included input from enforcement.

- 4.9 Committee members raised a query about pop up stores citing the example of the Channel 4 Programme “Tattoo Fixers”, which was filmed in the borough of Hackney. Members noted that the tattoo parlour featured in the programme did not operate as a licensed premises but the tattoo artists featured were licensed by the council.
- 4.10 On the issue of Nail Bars, David Tuitt explained that because of the treatments taking place the premises licence would have to be displayed.
- 4.11 In light of the up and coming fireworks night, committee members enquired about the licensing of the sale of fireworks. David Tuitt explained that the public could only buy fireworks (including sparklers) from registered sellers for private use between the 15th October and the 10th November. Seven shops were licensed to sell fireworks in the Hackney borough.
- 4.12 Committee members, on closer examination of the report identified a number of amendments to its contents including:
- Under section 2. Licensing Act 2003, the Premises licenses granted chart was to include total number of premises licenses granted
  - Section 3. Gambling Act 2005, the text at the bottom of the chart was to be updated to include the total number of betting licences prior to Hackney Council taking over responsibility of gambling licensing in 2007
  - Appendix, Licensing Service – Summary Table, the figures and percentages for 13/14 to 17/18 were to be updated as it was thought there were discrepancies in the final figures and percentages quoted in the tables
  - The Review applications table was to include a glossary of the codes included in the 2013/14 column
  - It would be useful to include some statistics on those businesses that had closed down along with the reasons why they had closed down

**RESOLVED** The Licensing Committee noted the Licensing Service’s 2017/18 Annual Report, subject to the following amendments:

- Under section 2. Licensing Act 2003, the Premises licenses granted chart was to include total number of premises licenses granted
- Section 3. Gambling Act 2005, the text at the bottom of the chart was to be updated to include the total number of betting licences prior to Hackney Council taking over responsibility of gambling licensing in 2007
- Appendix, Licensing Service – Summary Table, the figures and percentages for 13/14 to 17/18 were to be updated as it was thought there were discrepancies in the final figures and percentages quoted in the tables
- The Review applications table was to include a glossary of the codes included in the 2013/14 column

## **5 Gambling Act 2005 Statement of Principles**

- 5.1 David Tuitt introduced the report on the Gambling Act 2005 and the review of the Gambling Statement of Principles following the statutory consultation. Members at the

previous Licensing Committee meeting approved the consultation. The consultation process ran between 23rd July and 14th September 2018 with 15 responses received.

- 5.2 Members noted that the maps contained with the draft gambling statement of principles 2019-22 would be updated before the Cabinet and Council meetings. The committee noted that the consultation had attracted a limited number of responses.
- 5.3 Councillor Selman reminded committee members, in relation to Fixed Odds Betting Terminals (FOBTs), that Hackney Council would be participating in a joint campaign with other local authorities, to time with the Treasury's autumn budget statement, in a bid to remind the government of the urgency in implementing its FOBTs policy.
- 5.4 Committee members briefly discussed the consultation process. The Licensing Service, as part of the consultative process, the details were published in Hackney Today and on the Council's website. Council officers had also sent correspondence to statutory bodies and authorities as well as holders of relevant authorisations and other interested parties. To the Licensing Service the low number of responses had not been surprising.
- 5.5 Committee members briefly discussed the growing issue of problem gamblers. David Tuitt commented that the Licensing Service could not specifically, as part of its policies, work with premises to address this issue.
- 5.6 Committee members noted the Licensing Committee chair's foreword in the draft paper recommending that Hackney Council be given powers to tackle the clustering of gambling premises in the borough. David Tuitt replied that the Licensing Service did not have a specific policy on clustering. Prior to the Gambling Act 2005, premises licences was subject to a "demand test", however, it was felt that this would restrict new trade so the 2005 act removed the demand test.
- 5.7 In response to question on test purchases, David Tuitt confirmed that the Licensing Service did occasionally run them in relation to betting shops.
- 5.8 Some of the committee members recommended in the future, to avoid a low number of responses, that consultations needed to have more evidence to back up their findings. Members also suggested at the same time that Councillors also needed to engage more with their local communities about these consultations.
- 5.9 Committee members noted that the gambling policy had not changed significantly since its last legal review in 2016.

**Resolved** The Licensing Committee note the content of the report, proposed policy at Appendix 1 and commended the proposed policy to Cabinet for recommendation to Full Council for approval subject to following:

- the maps contained in the report being updated
- one small amendment to the content of the consultation summary report.

**Resolved** The Licensing Committee noted the report on the consultation at Appendix 2.

**Resolved** The Licensing Committee authorised the Group Director of Neighbourhoods and Housing to make any non-substantive changes to the proposed Policy as appropriate.

## 6 Proposed Pre-Application Advice Service - Pilot Scheme

- 6.1 David Tuitt introduced a report on the proposed pilot pre-application advice service for persons/businesses engaging with the Licensing Service. Officers in the Council's Licensing Service have been working with colleagues in the Chief Executive's Directorate for a number of months to develop a licensing pre-application advice facility. This was one part of a series of Council-wide activities aimed at improving the experience of new and existing businesses, allowing for a more streamlined and straightforward interaction.
- 6.2 The committee noted from the report the various the levels of service that would be available through the scheme: check and send (A), check and send (B), pre-application advice given at the Hackney Service Centre and Pre-application advice given on applicant site. The Licensing Service was of the view that the scheme would be of benefits to applicants and it was also felt that it would save on administration costs and it also may help to recover costs as well. Officers would initially operate an unpaid pilot to test the workings of the service and gather feedback from applicants and other stakeholders. Committee members noted that at this stage it was unclear whether it would be a paid service going forward.
- 6.3 Committee members raised a number of concerns about the scheme; Dalston was cited as an example of where there had been a recent surge in the applications from new businesses, it was important that Hackney Council ensured that any scheme working with businesses was free and did not stifle emerging businesses. Furthermore, by having a paid scheme the Hackney Council may be open to accusations from local residents that applicants were 'buying their way to approval'.
- 6.4 David Tuitt replied by stressing the benefits of the scheme; to provide consistent advice to applicants in order to lead them to the correct questions to ask when meeting the Responsible Authorities.
- 6.5 Licensing Committee members agreed that the design and communications about the pilot scheme needed to be managed carefully. The emphasis would be on supporting businesses through the scheme not restricting them with burdensome bureaucracy. Applicants would also be supported through Launchpad as well as guidance notes. Committee members agreed that the council would need to monitor applicants to see how they respond to the scheme.
- 6.6 Committee members noted that fees would be calculated according to officer time and compared to other boroughs, Hackney's fees were relatively low.  
David Tuitt explained that in relation to fees the Licensing Service would examine each application on a case by case basis.
- 6.7 Committee members raised concerns about whether six weeks was sufficient consultation time for the pilot scheme. David Tuitt explained that six weeks was the standard consultation period. The Licensing Service would make clear on the Hackney Council website and in any published documentation that the council would not be making a profit from this scheme.
- 6.8 Some of the committee members re-iterated their concerns about the scheme as it would discourage those small start-up businesses, because of the extra cost involved, when they have limited budgets. David Tuitt replied that Launchpad, a central hub signposting all the relevant licensing service information, would go some way to addressing this issue by assisting prospective applicants in the application process.

6.9 Committee members suggested, as part of the pilot scheme, including some mechanism by whereby to capture feedback from applicants on how they would engage with the scheme if they were charged a fee.

**Resolved** Licensing Committee noted the contents of the report (subject to amendments to paragraphs 7.3 and 7.4 of the report).

**Resolved** Council Officers would work with the Hackney Council's Communications team to produce some form of email communication on the Pre-Application Advice Pilot Scheme, to be circulated to the Licensing Committee for comments prior to its publication.

## 7 **Any Other Business**

### Plastic cups

7.1 In a response to a question from the committee members, David Tuitt explained that there was not a specific condition on the recycling of plastic cups. Some of the committee suggested that it could be linked to the licensing objective on the Prevention of Public Nuisance. Some of the committee members added that the licensing objectives originated from primary legislation, so for any change to occur, to take into account sustainability and environmental issues, would require the lobbying of government.

### Chairing Skills

7.2 Committee members noted the briefing paper from Legal services on assisting councillors in effectively chairing a Licensing Sub-Committee hearing.

### Judicial Review

7.3 Legal Services updated committee members on a Judicial Review (JR) called by the We Love Hackney residents group against Hackney Council. The group had campaigned against the council's licensing policy. The committee noted, however, that the JR was not issued specifically in relation to licensing policy.

**Duration of the meeting:** 19:00 – 21:10 hours

Councillor Emma Plouviez, Chair at the meeting on  
Wednesday, 17 October 2018