

## **LICENSING COMMITTEE**

**MONDAY, 3RD JUNE, 2019**

**Present:**

**Councillor Emma Plouviez in the Chair**

**Cllr M Can Ozsen, Cllr Sophie Cameron,  
Cllr Brian Bell (Vice-Chair), Cllr Gilbert Smyth,  
Cllr Sharon Patrick, Cllr James Peters,  
Cllr Caroline Selman, Cllr Ian Rathbone,  
Cllr Sem Moema, Cllr Peter Snell, Cllr Harvey Odze  
and Cllr Penny Wrout**

**Officers:**

**Samantha Mathys, Late Night Levy Manager  
Butta Singh, Senior Lawyer – Licensing, Senior  
Management Team  
Gareth Sykes, Governance Services Officer  
David Tuitt, Licensing Team Leader**

**Apologies:**

**Cllr Margaret Gordon and Cllr Sophie Conway**

**1 Appointment of Chair and Vice-Chair of the Licensing Committee for the Municipal Year 2019/20**

- 1.1 The Governance Services Officer opened the meeting in order for the Committee to propose and second the nomination of Councillor Emma Plouviez as Chair of the Licensing Committee. Councillor Plouviez had been nominated as the proposed Chair by Full Council at its Annual General Meeting (AGM) on 22 May 2019. Councillor James Peters proposed the nomination and Councillor Rathbone seconded it. Councillor Plouviez then took the Chair and asked for a proposer for the nomination of Councillor Brian Bell as Vice Chair as made by Full Council at its meeting on 22 May 2019. Councillor Peters proposed and Councillor Rathbone Seconded.

**RESOLVED** to approve the nomination of Councillor Emma Plouviez as Chair of the Licensing Committee and the nomination of Councillor Brian Bell as Vice-Chair of the Licensing Committee.

**2 Apologies for absence**

- 2.1 Apologies for absence were received from Councillors Conway and Gordon.

**3 URGENT BUSINESS**

- 3.1 There was no urgent business to be discussed.

**4 Declarations of Interest - Members to declare as appropriate**

- 4.1 There were no declarations of interest.

**5 Minutes of the Previous Meeting**

- 5.1 The minutes of the previous meeting, held on the 16<sup>th</sup> January 2019, were AGREED subject to one amendment, to include Councillor Penny Wrout in the attendance section of the minutes.

**RESOLVED**, the minutes of the previous meeting, held on 16<sup>th</sup> January 2019, were AGREED as an accurate record, subject to one amendment.

**6 Establishment and Composition of the following Licensing Sub-Committees A, B, C, D, and E for the Municipal Year 2019/20**

- 6.1 The members of the Licensing Committee considered and agreed the contents of the paper approving the membership of the Licensing Sub-Committees A to E for the municipal year 2019-2020.

**RESOLVED** to establish five Licensing Sub-Committees A to E as detailed in Appendix A of the report.

**RESOLVED** to approve the membership of the five Licensing sub-Committees A-E as included in Appendix A of the report:

**LICENSING SUB COMMITTEE A**

Councillor Sophie Conway  
Councillor Sharon Patrick  
Councillor Gilbert Smyth

**LICENSING SUB COMMITTEE B**

Councillor Margaret Gordon  
Councillor Sem Moema  
Councillor Harvey Odze

**LICENSING SUB COMMITTEE C**

Councillor James Peters  
Councillor Penny Wrout  
Councillor M Can Ozsen

**LICENSING SUB COMMITTEE D**

Councillor Brian Bell  
Councillor Emma Plouviez  
Councillor Ian Rathbone

**LICENSING SUB COMMITTEE E**

Councillor Sophie Cameron  
Councillor Caroline Selman  
Councillor Peter Snell

**RESOLVED** it was noted that each Member appointed to their respective Licensing Sub-Committees will automatically be appointed as substitutes to the other four respective Licensing Sub-Committees.

## **7 Licensing Service - Annual Report**

- 7.1 David Tuitt, the Licensing Team Leader, introduced the report. The Licensing Committee were updated on the activities and performance of the licensing service during the 2018/19 municipal year. Members were also updated on the licensing service's aims and targets for the forthcoming 2019/20 municipal year.
- 7.2 Committee members noted that in terms of the number of premises licenses granted, statistically the trend had been upwards over the last five years. On variations of existing premises licences/certificates, the statistics were comparable to previous years. Members also noted that the overall number of Temporary Event Notices (TENs) received decreased from the previous year. However, the number remained high and remains at a level that requires significant resource. On the review of premises licenses/club premises certificates, the licensing service received four review applications last year. The figures remain some way below historic averages.
- 7.3 The licensing committee members noted that in relation to the number of Licensing Sub-Committee hearings held, the number of Licensing Sub-Committees were reduced from the previous year, this reflected the slightly smaller number of licence variations and review applications.
- 7.4 The number of betting licences remained stable with no change to the number of premises in 2018/19 (52 in each year). This was down from the 71 that were converted during the transitional period at the commencement of the current regime. David Tuitt speculated on what impact, if any, there might be on the numbers of outlets following changes to stakes and prize limits that apply to the controversial B2 gaming machines, which are known as fixed-odds betting terminals. The changes had come into effect on the 1st April 2019.
- 7.5 Committee members noted that the majority of Massage and Special Treatment (MST) premises licences comprised of applications to renew existing licences issued in a previous year. There was a sharp fall in the number of licences renewed after a consistent years of growth and the Licensing Service suggested that some work may be needed to be done to ensure businesses are operating lawfully.
- 7.6 On the Late Night Levy, committee members noted that £414,758 had been collected in the first year.
- 7.7 David Tuitt reported that work was continuing on the licensing pre-application advice scheme pilot. The pilot's purpose was to:
- To secure cost recovery for the Service
  - To ensure the Council was not subsidising businesses
  - To work towards cost neutrality by 2020
- 7.8 On the Licensing Service – Summary table, David Tuitt highlighted that in the 2018-19 period 1165 premises licences had been issued. Committee members noted that the Licensing Service was able undertake more accurate reporting due to a change in its processes.
- 7.9 In response to a question from Councillor Peters, David Tuitt replied that the maximum stake on Fixed-Odds Betting Terminals (FOBTs) was now set at £2 but the maximum prize to be won was still £500.

- 7.10 In response to a further question from Councillor Peters, David Tuitt replied that the Licensing Service's work on the review of new animal welfare function was focussed on businesses such as dog kennels and animal performers. Committee members noted that for some years there had been two kennels in the London Borough of Hackney. The Licensing Services, with this work into the review of the new animal welfare function, was seeking to clarify this area of licensing.
- 7.11 In response to a question from Councillor Patrick, David Tuitt replied that a review of a premises licences did not tend to be brought by members of the public. David Tuitt added that reviews of a premises licences tended to be instigated by Responsible Authorities, e.g. the Licensing Service or the Metropolitan Police Service (MPS). David Tuitt explained that it would depend on the circumstances in terms of how a review of a premises licences came about. David Tuitt added that there would need to be robust evidence in place to support going forward with the review of a premises licence. Councillor Rathbone echoed the comments of the Licensing Service in that a review of a premises licence tended to be instigated by the MPS or Licensing Service with members of the public probably not being as knowledgeable about how the review process works.
- 7.12 In response to a question from Councillor Snell, David Tuitt replied that they would look into and report back to the Licensing Committee with further details on the pilot of the pre-application advice/cost recovery scheme.
- 7.13 In response to a question from Councillor Moema, David Tuitt replied that Personal Licences were not transferable. Committee members noted that in the event of a Personal Licence being stolen a small cost would be incurred to replace it.
- 7.14 In response to a question from Councillor Smyth, the Licensing Service would look at gathering data on those premises licence/variation applications that had been refused and this would be included in the next annual licensing report.
- 7.15 In response to a question from Councillor Rathbone, David Tuitt replied that they would look into why there was a decrease in the number of premise licenses being applied for.
- 7.16 In response to a question from Councillor Peters, David Tuitt replied that in terms of new funding for the new animal welfare function, they would set a fee based on guidance published by the Local Government Association (LGA) following the Henry vs Westminster court case.
- 7.17 In response to a further question from Councillor Peters, David Tuitt replied that they would look into and report back to the Licensing Committee with further details on the cost recovery scheme.
- 7.18 In response to a question from Councillor Ozsen, David Tuitt replied that with Gambling Premises Licences, in the event of a breach, one course of action for the Licensing Services was to advocate that the gambling establishment would default to a series of set hours. The Licensing Service confirmed that there were betting establishments that operated beyond the set default operation hours.
- 7.19 The Licensing Committee noted that the legal officer would circulate shortly a written update to the members on the current status of the London Borough of Hackney's various licensing appeals. This update would include the recent outcome of a court decision on a recent Judicial Review (JR); a JR brought by campaign group We Love Hackney (WLH) against the London Borough of Hackney's (LBH's) licensing policy had been 'struck out' by a judge. It was understood that that LBH had not recovered all of its legal costs and that aspects of the case were still ongoing.

7.20 In response to a question from Councillor Moema, David Tuitt replied that they would look into and report back to the Licensing Committee with an update on work towards achieving cost neutrality by 2020.

**RESOLVED** that the Licensing Committee notes the report.

**RESOLVED** that Licensing would look at gathering data on those premises licenses that have been refused and including it in the next annual licensing report.

**RESOLVED** that Licensing would look into the trend into the decrease in the number of premise licenses being applied for.

**RESOLVED** that Licensing would look into and report back to the Licensing Committee about with further details on the cost recovery fee.

**RESOLVED** Licensing would look into and report back to the Licensing Committee with an update on cost neutrality.

## **8 Update on the Late Night Levy**

8.1 David Tuitt, the Licensing Team Leader, introduced the report on the Late Night Levy (LNL) following the previous Licensing Committee meeting on the 16th January 2019.

8.2 Licensing Committee members noted the attached minutes for the latest LNL board meeting held on the 14<sup>th</sup> March 2019 and also the job description for the LNL manager. Members welcomed Samantha Mathys, the LNL manager, to the meeting.

8.3 In response to a question from Councillor Snell, David Tuitt replied that the Licensing Service would need to look at the Terms of Reference (ToR) for the LNL board to see if its meetings were open to observers to attend.

8.4 Councillor Snell commented that he welcomed the inclusion of the March LNL board meeting in the papers for the committee meeting. The councillor re-iterated a point that he had stressed at the previous Licensing Committee meeting in January, that he welcomed some work by the Licensing Service into developing a best practice guide for off licences when dealing with inebriated customers.

8.5 Councillor Ozsen disagreed with any suggestion that off licences were the primary source of anti-social behaviour in Hackney. The committee chair added that there was a lot of outside factors involved in this area and that any review of off licences was remote. David Tuitt added that it was an offence to supply alcohol to someone already drunk.

8.6 In response to a question from Councillor Rathbone, David Tuitt replied that Ms Mathys did not have a deputy and that she would be supported by the Licensing Service. If Ms Mathys was off then a member of the Licensing Service team would assist with her duties.

8.7 There was a brief discussion among committee members about the money collected from the LNL. As discussed at the previous Licensing Committee meeting in January that there was a memorandum of understanding that the police will spend that money on issues specifically relating to the Night Time Economy (NTE). At the January committee meeting members had expressed concerns previously that funding would have been swallowed up by the MPS because of wider policing concerns. Councillor Selman re-iterated that there was a memorandum of understanding in place. David Tuitt added that there was surplus left from last year's LNL and that the LNL board would be looking into this matter.

- 8.8 In response to a question from Councillor Smyth, David Tuitt replied that in terms of proposals for the installation of pop-up toilets in key NTE areas, their usage could be monitored by LBH's cleaning teams but these were very much early proposals at this stage.
- 8.9 In response to a question from Councillor Moema, David Tuitt replied that LBH had safeguards in place should resources, particularly the MPS, be pulled from the area of the NTE team. The exception, however, would be an unexpected high-profile incident, such as a terrorist attack.
- 8.10 In response to a question from Councillor Rathbone, David Tuitt replied that Ward Panel style approach to Pubwatch, as mentioned in the March LNL board minutes, was not an extra level of bureaucracy. In the course of discussions at the board meeting this had been merely put forward as a suggestion from the MPS. They police had suggested that pub owners at Pubwatch meetings come to those meetings with their top three issues for discussion.

**RESOLVED** that the Licensing Committee notes the report.

**9 ANY OTHER BUSINESS THE CHAIR CONSIDERS TO BE URGENT**

- 9.1 There was no any other business for discussion at the meeting.

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

Councillor Emma Plouviez, Chair at the meeting on Monday, 3 June 2019