

## LICENSING COMMITTEE

WEDNESDAY, 18TH SEPTEMBER, 2019

**Present:**

Councillor Emma Plouviez in the Chair

Councillors Cllr M Can Ozsen, Cllr Brian Bell (Vice-Chair), Cllr Gilbert Smyth, Cllr James Peters, Cllr Caroline Selman, Cllr Sophie Conway, Cllr Peter Snell, Cllr Harvey Odze and Cllr Penny Wrout

**Officers:**

Samantha Mathys, Late Night Levy Manager  
Butta Singh, Senior Licensing Lawyer  
Gareth Sykes, Governance Services Officer  
David Tuitt, Business Regulation Team Leader –  
Licensing and Technical Support

**Apologies:**

Cllr Sophie Cameron, Cllr Sharon Patrick,  
Cllr Margaret Gordon, Cllr Ian Rathbone and  
Cllr Sem Moema

**1 Apologies for Absence**

- 1.1 Apologies for absence were received from Councillors Cameron, Gordon, Moema, Patrick and Rathbone.
- 1.2 Committee members noted that Councillor Peters was running late for the meeting.

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

- 2.1 There were no declarations of interest by committee members at the meeting.

**3 Minutes of the Previous Meeting**

- 3.1 The minutes of the previous Licensing Committee meeting, held on the 3rd June 2019, subject to amendments, were agreed as an accurate record of those meetings proceedings.

**Matters arising**

Pilot of the pre-application advice/cost recovery scheme

- 3.2 In response to a question from Councillor Snell, the Chair of the Committee understood that it was clarified at the last committee meeting that observers were allowed to attend Late Night Levy (LNL) board meeting, however, because the board met in a small meeting room space was limited. David Tuitt replied that the Licensing Service had not undertaken any further work on the pre-application advice scheme, however, at some point in the future some work would be undertaken. The chair of the committee added that this work needed to be factored in around a larger piece of work concerning the LNL.

**RESOLVED**, the minutes of the previous Licensing Committee meeting, held on the 3rd June 2019, subject to amendments, were **AGREED** as an accurate record of those meetings proceedings.

**4 Late night levy update**

- 4.1 David Tuitt, the Business Regulation Team Leader – Licensing and Technical Support, updated the Licensing Committee members on the latest developments regarding the Late Night Levy (LNL). The report was accompanied by the minutes of the latest LNL board meeting held on the 6th June 2019. Licensing Committee members noted that the LNL board had also met again on the 5<sup>th</sup> September 2019.
- 4.2 In response to a question from Councillor Smyth, Samantha Mathys, the Late Night Levy Manager, replied that the Stoke Newington Radio Scheme was a Hackney Council run scheme where licensed premises would be linked up in the Stoke Newington area to the Closed Circuit Televisions (CCTV) network. Seven premises were on board initially. Hackney Council paid for the initial one-off cost. The premises had their own networks and their radios were directly connected to the CCTV in Stoke Newington Town Hall. If one of the licensed premises saw an incident they could radio in on the network and decide on how to allocate resources. It acted as a direct link to getting ‘eyes on’ an incident. The scheme had proven successful and recently two licensed premises had requested to be placed on the scheme. They had seen the scheme and felt that the benefits appeared to work quite well. David Tuitt added that there were other radio link up and retail schemes, similar to this pilot scheme, already in Hackney. On the custody bus, as a Stoke Newington Ward Councillor, Councillor Smyth commented whether he would be able to raise this at his next ward forum meeting. Councillor Selman added that this scheme was for licensed premises. Samantha Mathys commented that this was a long term project and which was ongoing with a number of parties involved. Before this Hackney Council needed to monitor how the policing plan would develop before taking the custody bus project forward.
- 4.3 In response to a question from Councillor Snell, Samantha Mathys replied that this pilot scheme was different from others in that it was entirely paid for by the LNL. Councillor Selman added that through the LNL board the Stoke Newington Pub Watch were very keen to support this plan. There was a lot of pressure points in Shoreditch, this scheme was very much meeting those needs as expressed by the licensees. The radio scheme was a pilot specifically for Stoke Newington area. This was part of Hackney Council’s plan for safety in the area and there were plans to keep the radio scheme.
- 4.4 In response to a question from Councillor Snell, David Tuitt replied that the scheme would be monitored. They would be linked to the CCTV control room and they monitor how the scheme was used, for example how long licensees log in for and how many incidents are raised via the radios. Samantha Mathys added that the council could contact the CCTV control room to get reports on the scheme’s level of usage. Councillor Selman that question of use of the radio scheme had been raised at the LNL board and it was re-iterated that the onus behind this was very much being driven by the licensees. The chair of the committee commented that the radio scheme fitted into a sense of community in that area.
- 4.5 Councillor Snell commented that he would like to see the focus of the LNL work on targeting those off licences in the Hackney Wards who appeared to be selling alcoholic drinks to customers who were already drunk and tighten up this area of concern. The chair of the committee replied that there was a separate piece of work on handling those off licences. Councillor Ozsen was of the view that in Dalston the Anti-Social Behaviour was more a result of night clubs rather than disreputable off licences. The committee noted the councillor’s comments which had been recorded and would be factored into the LNL work.

September Late Night Levy Board meeting update

- 4.6 Samantha Mathys updated Licensing Committee members on the latest meeting of the LNL board. There was discussion around an uplift in the police presence across the borough. There was an uplift plan that would be supported by the greater Night Time Economy (NTE) plan. The police were to come back with a plan on how they would address those issues across the borough e.g. off licences. There was also two re-deployable 4G cameras, provided by the LNL, for the NTE use only to help target those areas where there was no camera coverage currently. Some of the LNL surplus would also be used to work with licensees based on feedback from the June LNL board meeting NTE staff training e.g. public awareness training initiatives, an online way of sharing information. This portal could contain modules with different training initiatives. There would be different models of this portal for the different licensed premises e.g. bars, nightclubs and off licences. They would all have their tailored version of the information to help them become safer premises. Members noted that there was a lot more in the pipeline and fuller update would be provided at the next Licensing Committee meeting. Some of the LNL surplus would be used to fund some of the one off costs to increase the levels of communication. The chair of the committee added that there was a sum of money that was going into policing. On the off licensing issue that would be for the police to prosecute but it was recognised that this would be difficult. On other issues relating to the LNL these were ongoing. The other funds were being used to bring people on to a better way of communicating e.g. using the portal. It gives the council the opportunity to start communicate good practice and try to get some improvements through rather than having to focus on curtailing on bad practice.
- 4.7 In response to a question from Councillor Snell, Samantha Mathys replied that the online portal was for licensees. They had previously felt disconnected and through this portal the lines of communication could be improved by keeping up to date, for example, on events such as ward meetings, Pubwatch meetings, training sessions, neighbourhood consultations, etc. It was felt that this would make communication easier and provide the best value. Councillor Selman added by explaining about that there was a strategy, broader than the LNL, with various challenges and priorities, for example, the Hackney Community Safety Partnerships. There are four priorities, one of these was safe socialising and behind that was how the council and the various partners managed that. It was suggested that the police may want to attend a future Licensing Committee to talk to members about the work that they were doing.
- 4.8 In response to a question from Councillor Wrout, Samantha Mathys replied that the police testing of drones in Shoreditch would be paid for out of the police budget not the LNL. David Tuitt explained that the police run a quarterly operation and that as part of that operation they considered the use of drones. They had not used them yet. The police had used lookout points, which were mobile elevated platforms approximately four feet off the ground.
- 4.9 In response to Councillor Smyth, Samantha Mathys replied that they were providing the police with an overtime grant for additional hours for officers. So the council was getting police for the money that they were spending. It had to be based on overtime hours. Councillor Selman added that the LNL board were keen to get additionality so there was not perception that a gap in police resources was just being plugged. The council could not direct the police to how they allocate their resources. The levy was an additional resource about the police resources relating to the NTE.
- 4.10 In response to a question from the vice chair of the committee, David Tuitt recognised in the first year they had not spent all of the LNL budget and in the second year they would hold some of the budget back for contingencies. Samantha Mathys added that 70 to 80 per cent of the LNL budget had been accounted for.

- 4.11 The chair of the committee commented that originally there was issues around the police allocation and spending of resources. It was recognised that the situation was now a lot better. Councillor Selman, explained that some funds were being purposefully held back because they did not know what might happen plus they would need that uplift. Some funding would always be held back but the vast majority of the funding was allocated.
- 4.12 Councillor Snell recommended that a Service Plan was a must to ensure that the LNL budget did not get subsumed into the police budget.
- 4.13 Representatives from the Police's Licensing Unit would be invited to the next Licensing Committee meeting to discuss with members their work to date on the Late Night Levy.
- 4.14 Councillor Peters commented that it would be useful to hear from the police at the next Licensing Committee meeting an update on regulated entertainment and what powers that authorities have.
- 4.15 In response to a question from Councillor Wrout, Samantha Mathys replied that the current overtime grant ends on the 5<sup>th</sup> December 2019. Going forward it was suggested that the council contract the police quarterly and have the ability to change the addendum of conditions related to that grant so that the council can control how the money is spent by incorporating Key Performance Indicators (KPIs). At the next licensing committee meeting there would be a further update. This would be part of both the LNL and also the bigger strategy around the NTE.
- 4.16 In response to a question from Councillor Ozsen, David Tuitt replied that the police's working hours through the LNL would fund police overtime at the weekends with occasionally Thursday nights and some bank holiday weekends. The police overtime hours, through the LNL, were 12:00am to 06:00am.
- 4.17 The Late Night Levy Board would next meet on the 5<sup>th</sup> December 2019.

**RESOLVED**, that the Licensing Committee NOTED the Late Night Levy update report and the accompanying appendix.

**RESOLVED**, that representatives from the Metropolitan Police Service's Licensing Unit would be invited to the next Licensing Committee meeting to discuss with members their work to date on the Late Night Levy.

## **5 Licensing Sub-Committee Procedures**

- 5.1 David Tuitt presented the report which was seeking to approve the delegation of relevant powers to the Licensing Sub-Committee and officers and introduce a new Licensing Sub-Committee hearing procedure. The delegation and procedure will be required for instances where the Council has granted a personal licence and it becomes aware that the holder of that personal licence has been convicted of a relevant or foreign offence, or has been required to pay an immigration penalty. These powers were new and were a result of changes to the Licensing Act 2003 through the Policing and Crime Act 2017. This would formalise the procedure.
- 5.2 In response to a question from Councillor Odze, David Tuitt replied that in terms of 'a relevant offence' the Licensing Act 2003 lists a number of offences e.g. any offence under the Licensing Act itself, e.g. section 137, serious offences, offences under the theft act, driving offences, fraud, assault etc. These were all in the legislation and were all considered relevant. A 'foreign offence' was a similar offence to those in the Licensing Act 2003 but it had been committed abroad.

- 5.3 The chair of the committee updated the committee that where in the past personal licenses had to be renewed annually they were now for life. As a result of this the issue of suspending and revoking licenses was now an important matter. David Tuitt added that in 2015 the law had been amended removing the need to renew a personal licence after 10 years.
- 5.4 In response to a question from Councillor Snell, the Senior Licensing Lawyer, Butta Singh, replied that under the law it is only the police that could challenge and bring a transfer or new application for a personal license to a licensing sub-committee for its consideration. David Tuitt added that Members could take into an account when considering a personal licence mitigating circumstances. The Licensing Act 2003 allows for a person to bring their application before a licensing sub-committee to plead their case. That person was required to give the Licensing Service their criminal history. The offence that a person had committed was a separate process from that person applying for a personal licence. The legislation had to reflect common law.
- 5.5 In response to a question from Councillor Wrout, Butta Singh replied that was correct that an immigration penalty was not an offence but was a separate piece of legislation. Councillor Wrout was shocked that someone may potentially lose their whole livelihood because of an immigration penalty. David Tuitt replied this was why at licensing sub-committee meetings there was an opportunity for a person to argue their case. Butta Singh added that there was an option to suspend rather than revoke the personal licence. David Tuitt cited an example of an immigration penalty could result in a fine of up to £20,000. If someone receives a penalty the Home Office Immigration team would notify the Licensing Service which could then trigger the Licensing Sub-Committee hearing process.
- 5.6 In response to a question from Councillor Odze, Butta Singh replied that paragraph 5.1 report outlined that these new powers contained within the Licensing Act 2003 came into effect on 16<sup>th</sup> April 2017. Since those changes there had not been any of those type of cases coming to the attention of the licensing service. Committee members noted that the licensing service was taking a reactive step. Councillor Odze highlighted that most Licensing Sub-Committee hearings have some form of public representation but there appeared to be no reference to that in this new change. Butta Singh replied that a person could have public representation at a licensing hearing. In these circumstance these kind of cases may be closed to the public. They are public meetings but the public would not be able to participate. It was specified in the notice from the licensing service, to the personal licence holder, what the regulations would allow them to do at a licensing hearing.

**RESOLVED**, that Licensing Committee members NOTED the delegation of licensing functions given the changes brought about to the Licensing Act 2003 by the Policing and Crime Act 2017 and the revised Delegation of Functions as set-out in the Statement of Licensing Policy.

**RESOLVED**, that Licensing Committee members AGREED to delegate the exercise of the licensing functions, under the Act, as set out in Appendix 2 attached to the report (in the Licensing Committee meeting papers pack) to Licensing Sub-Committees A to E and Hackney Council Officers.

**RESOLVED**, that the Licensing Committee members APPROVED the new Licensing Sub-Committee Hearing Procedure (Type G) appended to the report (as included in the Licensing Committee meeting papers pack).

## 6 Any Other Business

- 6.1 The Licensing Committee members gave their thanks to Guy Hicks of the Metropolitan Police Service's (MPS) Licensing Unit whom had retired in August 2019.

**Wednesday, 18th September, 2019**

- 6.2 The Governance Services Officer reported to the Licensing Committee members that from the week commencing 23<sup>rd</sup> September 2019 Natalie Williams in the Governance Services team would take over as the main contact regarding the Licensing Sub-Committee meetings.
- 6.3 Licensing Committee members noted that the schedule for the January to March 2020 Licensing Sub-Committee meetings was likely to be circulated in October 2019 for the LSC members to confirm their availability for that period.
- 6.4 Licensing Committee members also noted that their next meeting was on the 11<sup>th</sup> December 2019.

**RESOLVED**, that the members of the Licensing Committee wanted to pass on their thanks to Guy Hicks of the Metropolitan Police Service (MPS) Licensing Unit whom had retired in August 2019.

**RESOLVED**, that Licensing Committee members NOTED, that from the week commencing 23<sup>rd</sup> September 2019, Natalie Williams in the Governance Services Team would be the main point of contact for members regarding Licensing Sub-Committee meetings.

**RESOLVED**, that Licensing Committee members NOTED that their next meeting was on the 11<sup>th</sup> December 2019.

**Duration of the meeting:** 19:00 – 20:05 hours

Councillor Emma Plouviez, Chair at the meeting on  
Wednesday, 18 September 2019