

## **MINUTES OF A MEETING OF THE LICENSING COMMITTEE WEDNESDAY, 9 SEPTEMBER, 2020**

**Councillors Present:** Councillor Emma Plouviez in the Chair  
Cllr Brian Bell (Vice-Chair), Cllr M Can Ozsen,  
Cllr Margaret Gordon, Cllr James Peters,  
Cllr Caroline Selman, Cllr Peter Snell,  
Cllr Kofo David and Cllr Harvey Odze

**Officers in Attendance:** David Tuitt (Licensing Team Leader)  
Samantha Mathys (Late Night Levy Manager)  
Rabiya Khatun (Governance Services)

**Also in Attendance:** Cllr Caroline Selman

### **1. Apologies for Absence**

- 1.1 Apologies for absence were received from Councillors Patrick, Moema, Wrout and Smyth.

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

- 2.1 There were no declarations of interest.
- 2.2 The Committee noted that the minutes of the previous meeting held in June 2020 would be made available at the next meeting.

The Chair changed the order of business and considered agenda item 4 before item 3.

### **3. The Business and Planning Act**

- 3.1 David Tuitt, Licensing, provided an update on the modifications to the Licensing Act 2003 as a result of the Business and Planning Act 2020 (2020 Act), which received Royal Assent on 22 July 2020. The aim of the legislation had been to help the hospitality sector's recovery, which had been significantly impacted by the closure measures to tackle coronavirus. The legislation temporarily modified the provisions under the Licensing Act 2003 and allowed many premises licences with on-sales to automatically benefit from off-sales permission until 23:00 hours until 30 September 2021. The 2020 Act had also relaxed restrictions on allowing alcohol by delivery and the use of open containers.

- 3.2 Many licensed premises would benefit from the temporary measures subject to there being no disqualifying event occurring within three years prior to 22 July 2020. Moreover, it also would not override existing conditions restricting the hours of use of any external area. The 2020 Act also introduced a new summary review process for any breaches of the new provisions, which would be similar to the expedited review process. There would be scope to apply interim steps prior to a full review application.

The measures available at a summary review hearing could include removal of the automatic provision without affecting the permanent licence. It had also introduced a new system of Pavement Licences to be considered under a fast track process and a decision to be made within one week. The Council's Markets and Shop Fronts Team would be responsible for administering the new system and could charge a maximum administration fee of £100.

- 3.3 Councillor Peters asked if there had been any financial implications for the Council as a result of the new pavement provision and whether notice of the pavement licence application on the Council's website would meet the consultation requirement. He also asked about the number of applications received since July 2020, and the impact of the off-sales provision.
- 3.4 Mr Tuitt clarified that there were no direct financial implications for Licensing Services; however, there could be implications for the Shop Fronts and Markets Service for processing the fast track pavement licences and the collection of fees. The Markets Team was advertising the temporary fast track service and applications on the Council's website in compliance with consultation requirements. The Team had received a high volume of applications since the 2020 legislation came into effect and an applicant would also be required to apply online and display a notice. Mr Tuitt added that off sales until 23.00 hours was in line with the Council's Licensing Policy and night time economy. This had been a reasonable compromise considering that the legislation intended to support the recovery and businesses affected by the lockdown measures.
- 3.5 Councillor Bell sought clarification regarding the review process under the 2003 Act and the new provision. Mr Tuitt confirmed that if an application for an expedited review under section 51 of the 2003 Act and an application for a summary off-licence review under section 172 of 2020 Act were received, the Council would have to hold concurrent review hearings for the applications. Any responsible authority could submit a summary review application and it would be processed under the new provision.
- 3.6 Councillor Odze indicated that a review of the Council's Licensing Policy and its Special Policy Areas (SPAs) should be undertaken following the introduction of the new provisions. Concern was expressed regarding the off-sales provision and alcohol being sold in open containers, which would encourage further street drinking in the SPAs and public nuisance. Mr Tuitt replied that the Council's Licensing Policy could not be amended without undertaking public consultation and that the SPAs were evidence-based and were due to be reviewed in 2021. Members were invited to discuss this issue at the review meeting. The 2020 Act also conferred robust powers that would allow the licensing authority to tackle any issues arising with any particular premises including an interim steps hearing prior to a full review. The Chair emphasised that new permission for off-sales was temporary and until 23:00 hours, and the Committee would monitor the impact of the new provisions on the borough.

- 3.7 Councillor Snell believed that the off-sales extension had a positive impact on local businesses in the Dalston SPA. He had observed people drinking outside and complying with social distancing rules while staff supervised external areas. The purpose of the legislation had been to support the hospitality sector and the Council needed to engage with various Pubwatch groups providing advice and guidance on provisions.

**RESOLVED that the report and appendices be noted.**

#### **4. 2020 Late Night Levy Update**

- 4.1 Samantha Mathys introduced the report and gave a presentation on the Late Night Levy update. She reported that the Late Night Levy Board had been meeting more frequently than its scheduled quarterly meetings to discuss the guidance being issued during the pandemic.
- 4.2 Councillor Snell stated that maintaining the use of wireless radios was vital in enabling small businesses to network and share data relating to criminals, and that businesses should be encouraged to use the radios. Ms Mathys replied that the Council had run a pilot radio scheme in Stoke Newington, which had been extended to other areas in the borough except Shoreditch. Work was being undertaken to encourage premises to join the digital network and in particular premises selling alcohol after midnight could request a free radio from Licensing.
- 4.3 Councillor David referred to the data and asked if there was a breakdown for the weapons sweeps, stop and searches and knife seizures. Ms Mathys stated that the police shared overall results data and did not provide specific information due to ongoing investigations. Councillor Selman added that Hackney had gathered data on the positive outcomes for stop and searches.
- 4.4 Councillor Peters enquired about the levy rebate and narrowing or closing of streets in Shoreditch to enable social distancing outdoors. Ms Mathys confirmed that the Council could not legally refund those that had already paid the late night levy. Mr Tuitt replied that implementing street closure schemes was complex due to access issues for emergency services, utilities and loading. Councillor Selman stated that the Markets Team had been consulting with the licensees and relevant Cabinet Members on the streets identified for closure and the Council was also looking at ways to facilitate requests while mitigating any negative consequences. The Chair expressed the view that some road closure measures worked such as in Rivington Street but the negative consequences included roads becoming targets and bollards that caused access issues. Councillor Odze added that since the introduction of street closure schemes, emergency services had difficulty accessing roads and disabled people were unable to leave their homes. The closures were creating more traffic and making air quality worse.

**RESOLVED that the report and appendices be noted.**

#### **5. Any Other Urgent Business**

- 5.1 There was no other urgent business.

The Committee recorded their best wishes for Councillor Selman before she left on maternity leave.

The Committee also sent their best wishes to Mike Smith following his retirement in July 2020 after a long career at Hackney.

**Duration of the meeting:** 7.00-7.40pm

Councillor Plouviez, Chair at the meeting on  
9 September 2020