

## MINUTES OF A MEETING OF THE LICENSING COMMITTEE

TUESDAY, 6 SEPTEMBER 2022

This meeting was live streamed and can be viewed here:

<https://youtu.be/r397B9FgBil>

- Councillors Present:** Cllr Gilbert Smyth in the Chair
- Cllr Sophie Conway, Cllr Susan Fajana-Thomas, Cllr Zoë Garbett, Cllr Midnight Ross, Cllr Anya Sizer, Cllr Sheila Suso-Runge, Cllr Joe Walker and Cllr Penny Wrout.
- Absent:** Cllr Eluzer Goldberg, Cllr Richard Lufkin, Cllr Sem Moema and Cllr Sharon Patrick
- Officers in Attendance:** Gerry McCarthy - Head of Community Safety, Enforcement and Business Regulation  
Amanda Nauth - Corporate and Licensing Lawyer  
David Tuitt – Licensing Business Regulation Team Leader  
Natalie Williams – Governance Officer

### 1 Apologies for Absence

- 1.1 There were no apologies received.
- 1.2 It was noted that Cllr M Can Ozsen had joined the meeting remotely.

### 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:** That the minutes of the previous meeting of the Licensing Committee held on 31 May 2022 be agreed as a true and accurate record of proceedings.

### 4 Licensing Service Annual Report 2021/22

- 4.1 David Tuitt, Team Leader Licensing, introduced the report. It was noted that the report would also be presented to Full Council for information. Some of the main points of activity and achievement over the past financial year were highlighted as follows:

### Licensing Act 2003

- The function that generates the most work is applications and correspondence under the Licensing Act 2003.
- There were 92 new licences granted under the Licensing Act 2003. The number of minor variation licences granted and applications to vary licences to specify a Designated Premises Supervisor both continued on a slight upward trend from the previous year.
- As expected, the number of Temporary Event Licences (TENs) received increased following the impact of the pandemic and subsequent lockdowns. Numbers had however not returned to what they were pre-pandemic.
- 16 review applications were received, which was the highest in the past five years. This was largely due to expedited review applications by the Metropolitan Police
- There was a significant increase in the number of personal licences granted compared to the previous year. This was in contrast to the downward trend seen in the previous four years.
- There were 58 Sub-Committee hearings, exceeding 50 for the first time since 2017/18. This increase was due to increased expedited review applications and temporary event notices where representations had been received .

In response to a question from the Committee regarding the number of TENs granted and refused, the Licensing Team Leader advised that the information was not contained within the report. Cllr Fajana-Thomas, Cabinet Member for Community Safety and Regulatory Services confirmed that approximately 78 percent of TENs received were approved. She advised that more concise information was available and could be provided outside of the meeting.

### Gambling Act 2005

- There had been a downward trend in the number of premises that people could gamble in (betting, gambling, adult gaming centres and bingo). This is the lowest number since the Gambling Act 2005 commenced in 2007.

### Massage and Special Treatments (MST) Licences

- MST licences include: nail bars, massage parlours, sauna & steam rooms and tattooists. There was a big fall in applications during the previous year due to the pandemic.
- Figures have not yet returned to what they were in 2019/2020, suggesting the Service has further work to do on this function to ensure that these premises are properly regulated.

### Key Projects

- The service continued to be affected by resource issues as they were the previous.
- Key projects included: work on digital transformation, reintroduction of a routine inspection regime and policy assessment and initiatives under the Licensing Act 2003, implementation of a new database and a review of fees.

4.2 Following the presentation, Members asked questions, which were responded to as follows:

- It was explained that the implementation of the new Salesforce database system would bring about efficiency savings as following the criminal cyber attack on the council's IT systems, all data entry was undertaken manually. It was further explained that the on-line register which enabled residents to find out the opening hours of licensed premises, was no longer available following the cyber-attack which has led to more telephone and on-line queries.
- There were limitations on what the service could do in relation to the setting and collection of fees however, sustainability and positive environmental behaviours would be encouraged and promoted through policy implementation.
- The increase in review applications as referred to at page 19 of the agenda pack were in part due to one premises on Mare Street having 6 review applications, owing to having 3 licences in place. The general increase was felt to be a reflection of the reopening of the Night Time Economy, following restrictions. Whilst this was not a cause for concern per se, it was noted that review decisions were often appealed which presented further pressure on officer time.
- In reference to page 23 of the agenda pack, it was explained that CSEBR stood for Community Safety Enforcement and Business Regulation. Members were advised that work on the digital transformation was not as far along as planned. The entire service area was included in the digital transformation (including Environmental Health, Environmental Protection, Trading Standards and parts of Housing), which would be rolled out in phases, with various functions prioritised.

**RESOLVED:** To note the report

## **5 Late Night Levy - Year 5 Quarter 2 and 3**

5.1 Samantha Mathys, Late Night Levy Manager introduced the report, which provided an update on the Late Night Levy activities during the second and third quarters of Year 5 (1 February 2022-31 July 2022), It was explain that the levy year runs from 1 November to 31 October.

5.2 The following points were highlighted:

### Income and Expenditure

- Normal post pandemic income had been resumed with an increase in income from year 4
- The total receipts in year 5 amounted to £251.716.
- There is a balance of £146.232
- There is approximately £490k outstanding from previous years due to the period in the pandemic when collection was paused

- The police spend from July to April is £144.376. The agreement with the police runs from 3-6 months. There is a delay between provision of service and invoicing. Activity for year 5 will be invoiced in year 6.
- It was explained that there were four redeployable CCTV cameras which could be moved around the borough in Night Time Economy (NTE) areas. The 3 year data package renewal for these amounted to £6.038

5.3 It was explained that the work undertaken by the Hackney Nights Team could be divided into three sections: (1) Crime prevention and engagement as set out at Appendix 1 Paragraph 4 which also included the accreditation scheme. (2) Enforcement and welfare as set out at Appendix 1 paragraph 5 which included the police plan focussed on reducing: vulnerability and violence especially against women and girls, thefts and substance misuse. (3) Communication and information sharing with stakeholders as set out at Appendix 1 paragraph 5 which included use of the Hackney Nights Portal and plans for a robust communications strategy.

5.4 Members of the Committee commented and asked questions which were responded to as follows:

- There was a statutory duty to collect fees. The 490k dated back to a period in the pandemic where collection was not actively followed up in light of the financial challenges faced by many premises due to being non-operational during lock down, The Council had lobbied central government along with other councils to get an exemption for this period. The Council however remained obliged to collect all the outstanding amounts, until such time that an exemption was agreed by central government.
- In light of the cost of living crisis, the rise in energy costs and subsequent impact on businesses, every effort would be made to employ a pragmatic approach where possible and offer flexible payment options for those premises with outstanding fees.
- Hackney Nights activities (including dedicated enforcement) had been tasked to Dalston. Following the pilot scheme of the medics team in Shoreditch, this had been extended to Dalston, Hackney Wick, Hackney Central and Stoke Newington. Police resources would focus primarily where needed. All 5 areas were taken into consideration when assessing how best to distribute resources in the most proportionate way.
- There were limitations on how the outstanding 490k income could be spent as 70% would have to be spent on policing with 30% going to the local authority.
- With regard to a question about one of the deployable cameras not being operational, the Head of Community Safety, Enforcement and Business Regulation agreed to provide an answer to this question outside of the meeting.
- It was anticipated approximately 10% of LNL premises would take up the accreditation scheme based on research from other local authorities with similar schemes. Accredited venues benefit from a 30% reduction on the Late Night Levy.

- It was reported that it was difficult to impose mandatory training/requirements on all premises which were not part of the accreditation scheme, even on important issues such as safeguarding. Conditions could be imposed on the premises licence which would only be triggered in the event of an application for a new licence or a variation. Monthly free training sessions were available to all premises, not just LNL premises. Officers continued to make every effort to engage with all premises and the take-up of training had been encouraging especially with the larger venues. A support officer had been recruited to assist with engaging premises. Officers also regularly attended the monthly Pubwatch schemes (Dalston, Shoreditch, Hackney Central & London Fields and Stoke Newington) where training was promoted and awareness on key issues raised. A monthly newsletter was circulated to all venues who attend,
- The spending and allocation of funds (where applicable) was decided by the LNL Board which was composed of business representatives, the police, Councillors and the Hackney Nights and Licensing Teams. The Board took decisions collectively as a group.
- It was confirmed that premises that were in arrears could still apply to be part of the accreditation scheme. Membership had to be renewed annually to entitle the 30% reduction in LNL fees.
- Enforcement officers, police and medics team communicated via a radio system and prioritised their response based on need. Whether they remained a permanent feature was dependent on the income received. Costs were currently being absorbed by the shortfall in the police budget. Further funding was continuously sought through alternative sources.
- Police overtime rates referred to on page 31 of the agenda were for hours worked outside of normal working/core hours. However, sometimes hours in the LNL areas counted towards core hours. Hours were variable and dependent on each officer.
- The Chair spoke of his experience of having attended a walkabout in the Shoreditch area and accompanying officers and police during peak hours. He encouraged Members, where possible, to do the same in order to capture first hand learning experience and to gain a better understanding of some of the common issues.

**RESOLVED:** To note the report

## **6 Late Night Levy Governance Structure and Terms of Reference**

- 6.1 The Late Night Levy Manager introduced the report as set out.
- 6.2 The Cabinet Member for Community Safety and Regulatory Services explained that efforts had been made to ensure the format of board meetings was engaging and interactive, enabling businesses to ask questions of the Council and the police.

- 6.3 The committee noted the Mayor of London's report on Licensing, May 2022 which commended the Hackney Nights Portal as an example of best practice. It was described as an 'open-ended platform rather than a prescriptive programme that can be adapted to business requirements'.

**RESOLVED:** To the Late Night Levy governance structure and the Terms of Reference.

## **7 Oral Update from Legal and Governance**

- 7.1 The Licensing and Corporate Lawyer updated the committee on the current number and status of appeals and actions taken by the Council.

## **8 Any Other Urgent Business**

- 8.1 There was no other urgent business for consideration.

**Duration of the meeting:** 7.06-8.25pm

**Cllr Gilbert Smyth, Chair of the Licensing Committee**