

MINUTES OF A MEETING OF THE LICENSING COMMITTEE

MONDAY, 17 JULY 2023

- Councillors Present:** Councillor Gilbert Smyth in the Chair
Cllr Zoe Garbett, Cllr Richard Lufkin,
Cllr Midnight Ross(part), Cllr Sheila Suso-Runge,
Cllr Joe Walker(part) and Cllr Penny Wrout
- Apologies:** Cllr Chris Kennedy, Cllr Yvonne Maxwell, Cllr Ian Rathbone and Cllr Anya Sizer
- Officers in Attendance:** Gerry McCarthy - Head of Community Safety, Enforcement and Business Regulation
Samantha Mathys – Late Night Levy Manager
Amanda Nauth – Licensing and Corporate Lawyer
Josephine Sterakides (virtual) - Senior Lawyer Litigation and Public Realm
David Tuitt – Team Leader, Business Regulation
Natalie Williams – Senior Governance Officer

1 Apologies for Absence

- 1.1 Apologies for absence were received from Councillors Kennedy, Maxwell and Rathbone.
- 1.2 It was noted that Councillors Conway and Moema had joined the meeting remotely.
- 1.3 Councillors accessing the meeting remotely, were reminded that they were not counted as being 'present' for the purposes of the Local Government Act 1972 and may not vote on any item under consideration. At the discretion of the Chair, may however contribute to the discussion and participate in non-decision making capacity.

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 The minutes of the previous meeting held on 24 May 2023 were agreed as a true and accurate record of proceedings.

RESOLVED: To agree the minutes of the previous meeting held on 24 May 2023 as a true and accurate record of proceedings.

4 Late Night Levy Year 6, Quarter 2 Update Report

- 4.1 Samantha Mathys, Late Night Levy Manager outlined the report, highlighting the following:
- Normal Late Night Levy (LNL) collection rates had resumed to pre-pandemic levels.
 - Consistent numbers of engagement in the training programme. A total of 167 nightlife and security staff were trained in the Welfare and Vulnerability Engagement (WAVE) program
 - There has been an uptake in the accreditation scheme with 22 accredited premises with more applications incoming,
 - Increased numbers using Hackney Nights Portal by just under 100 since last quarter. Engagement and visits were ongoing with off-sale premises also being visited.
 - Extra policing resources had been allocated for the iEaster weekend and May Bank Holidays. A new contact with the police was in place until September 2023
- 4.2 The Committee welcomed the update and the reporting of outcomes in respect of the increased reach and drop in medical interventions
- 4.3 In response to a question, the Late Night Levy Manager confirmed that there was high intoxication numbers in comparison to pre-pandemic levels. This was the biggest cause of intervention for medics.

RESOLVED: To note the report and appendices

5 Annual Late Night Levy Financial Report 2022-2023

- 5.1 Samantha Mathys, Late Night Levy Manager introduced the report and informed the Committee that the LNL was in a good financial position. The following points were highlighted:
- The report covers the financial year 2022/23.
 - A total of 645k was collected. This figure includes arrears accrued during the pandemic.
 - A balance of 118k was carried over from the previous financial year
 - Policing, salaries, enforcement (special festive periods) and medical assistance were reported as the biggest areas of expenditure.
 - Total expenditure during 2022/23 amounted to just under 500k
 - 263K had been carried over into the 2023/24 financial year
 - There was a higher than usual forecasted spend (approx 600K) for this financial year as there was an agreement to spend a percentage of the income and not allow it to accumulate.
 - The forecasted spend would pay for additional activities such as the medical assistance program, extra deployment on festive/holiday periods, mobile messaging vehicle, advertising (safety measure) and additional CCTV
 - Spends relating to the out of hours noise project was included in the forecasted spends for 2023/24. This was a new initiative which would

provide additional resources to the Environmental Protection Team to spend more time on commercial noise complaints casework.

5.2 The Late Night Levy Manager responded to questions from the Committee as follows:

- The Home Office did not provide an exemption for the Levy for the times that businesses were closed during the pandemic. Whilst the Council exercised leniency, payments still remained due. Premises that were behind in payments were on payment plans.
- The out of hours noise project was an additional resource and would not take away from the Environmental Protection Team's day to day work with residential premises. The outcome of this new initiative would be monitored.
- Investments in additional projects referred to in paragraph 6.1 of the appendix included: the out of hours noise project and enhanced deployment for special periods.

RESOLVED: To note the report and appendices

6 Statement of Licensing Policy

6.1 David Tuitt, Business Regulation Team Leader, introduced the report. The draft policy was previously considered by the Licensing Committee on 8 March 2023 prior to consultation which took place between 15 May and 26 June. 38 responses were received from the survey which consisted of four main questions. 6 open ended responses were also received. A detailed analysis of the responses and feedback was contained within Appendix 2 of the report Licensing Policy Consultation 2023

6.2 Summarising the analysis of the responses, the Committee was advised on the four key questions of the survey follows:

- **Core hours (LP3)** - there appeared to be some misunderstanding of the question that related to core hours as not all the answers correlated. The core hours policy was designed to balance the needs of the Night Time Economy and local residents. It was proposed that no changes be made.
- **Support of outdoor events** - it was acknowledged that since the pandemic, outdoor activity had increased significantly. The Authority sought to balance outdoor activities, which was often the cause of noise nuisance with the licensing objectives.
- **Special Policy Areas (SPA)**- it appeared that there may have been some misunderstanding relating to this question. Work was being undertaken to determine the need for any special policy areas. This was required to be evidence based and would be consulted on.
- **Special Consideration Areas** - This proposal placed onus on applicants to address identified issues in their application in promotion of the licensing objectives

6.3 Comments were received from the police who indicated that the draft policy could be more detailed. It was explained that a more generic approach was intentionally favoured. Public Health welcomed reference to the Health and Wellbeing Strategy and believed the core hours to be too generous. Shoreditch

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Pubwatch raised concerns relating to the Special Consideration Area approach. Dalston Pubwatch raised concerns about the length of the consultation and believed that the Dalston SPA had negatively impacted the Dalston Night Time Economy.

6.4 The Business Regulation Team Leader and the Head of Community Safety, Enforcement and Business Regulation responded to questions from the Committee as follows:

- The legislation required consultation on the draft policy prior to approval by Full Council
- Approximately 17% of the responses were from those with a vested interest (business owners, managers, employees of licensable premises).
- There was a low response rate compared to the previous consultation. This may in part be due to not having a campaign as per previous consultations. Neighbouring boroughs Camden and Islington received significantly less responses when consulting on most recent versions of their policies.
- There was a requirement to comply with guidance from the Home Office in relation to core hours. Whilst there were no proposals to make changes to the core hours, it was noted that a blanket approach would not be administered. If an applicant applied for later hours and could prove they could meet the licensing objectives they would be granted a licence.
- The Cumulative Impact Assessment (CIA) was not being looked at as part of the consultation process. Independent consultants were undertaking work to assess whether the two existing SPAs (Dalston and Shoreditch) should remain in their existing form, be reduced or extended. Further information would be brought to the Licensing Committee in September prior to consultation beginning on 20 September. The results would be reported at December's Committee meeting.
- Despite the pandemic and the cost of living crisis, the number of licenced premises had increased to over 1500
- It was envisaged that CIA consultation would receive markedly more responses as this would determine any SPAs.
- The consultation was 6 weeks in total. The previous consultation in 2018 was 8-10 weeks. Due to the cycle of Full Council meetings and the requirement to have a policy in place by 1 August this was not possible. It was however felt that 6 weeks was sufficient time to consult with key stakeholders as required by the Licensing Act.
- Should the draft policy be approved, on effect on 1 August, the SPAs would expire. This would not stop representations being made in areas of cumulative impact . The onus would be on the person making the representation and not on the applicant to rebut the presumption. Assurances were given that the Licensing Authority and the police would be monitoring applications and making representations where necessary.
- Resources would continue to be deployed to areas where there was evidence of negative impact. Research had not been undertaken to assess the effectiveness of the SPAs since their existence.
- There would not be an opportunity to consult on the draft policy again. Points raised regarding wording of questions would be taken on board for future consultations. It was noted that the policy was a technical document which may have reflected in the structuring of the questions.

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- Core hours could be changed in a future version of the policy. Each application would be considered on merit and there remained scope for premises to be granted hours beyond core hours.
- Sustainability commitments and the Council's Climate Action Plan was referenced in the draft policy giving a clear understanding of the Council's approach. However these areas fell outside the scope of the Licensing Act. There were other avenues used to work with businesses on sustainability.
- The Council was working with premises through Hackney Nights to encourage the recycling of more waste. The ban on single use cutlery would become law later in the year. The Council was hoping to offer support with the transition to the 24, 000 businesses of which only 1,500 were licensed premises.
- An area could only be designated a Special Consideration Area (SCA) on evidence, based on the results of the CIA which was being carried out by independent consultants.
- The draft policy included references to the Health and Wellbeing Strategy, the Public Sector Equality Duty and the Late Night Levy. Other changes were included in the pool of conditions which was appended to the document.
- There was a proposed three tier system: 1) no level of negative harm/cumulative impact, 2) SCAs which would require applicants to demonstrate understanding and address mitigations in application 3) SPAs where negative harm identified and significant interventions required result in a presumption to refuse applications in those areas unless the applicant can demonstrate they will not add to the negative harm.
- Live music was deregulated under certain conditions between 0800 and 2300 hours in licensed premises up to an audience size of 500.

RESOLVED: To commend to Council:

- 1. The Statement of Licensing Policy for approval, to be effective from 1 August 2023 for a maximum period of 5 years.**
- 2. That delegated authority be provided to the Group Director of Climate Homes and Economy to make any changes to the Policy as appropriate.**

7 Any Other Business

7.1 There was no other business for consideration.

Duration of the meeting: 7.00-8.20pm