

## LICENSING COMMITTEE

**Monday, 28 April 2014**

Minutes of the meeting of the Licensing Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Monday, 28 April 2014 at 1.45 pm

### **Present**

#### **Members:**

|                                |                  |
|--------------------------------|------------------|
| Marianne Fredericks (Chairman) | Sophie Fernandes |
| Alex Bain-Stewart              | Michael Hudson   |
| Deputy John Barker             | Graham Packham   |
| Jamie Ingham Clark             | Judith Pleasance |
| Revd Dr Martin Dudley          | Chris Punter     |
| Peter Dunphy                   | Tom Sleigh       |
| Kevin Everett                  | James Tumbridge  |

#### **In Attendance**

Henrika Priest, Member of the Court of Common Council

#### **Officers:**

|                   |   |
|-------------------|---|
| Rakesh Hira       | Town Clerk's Department                   |
| Lorraine Brook    | Town Clerk's Department                   |
| James Goodsell    | Town Clerk's Department                   |
| David Arnold      | Town Clerk's Department                   |
| Christopher Membu | Town Clerk's Department                   |
| Paul Chadha       | Comptroller & City Solicitor's Department |
| Norma Collicott   | City of London Police                     |
| David Smith       | Director, Markets & Consumer Protection   |
| Steve Blake       | Markets & Consumer Protection Department  |
| Peter Davenport   | Markets & Consumer Protection Department  |
| Jenny Pitcairn    | Chamberlain's Department                  |
| John Park         | Public Relations Office                   |
| Greg Williams     | Public Relations Office                   |

The Chairman welcomed the members of the public who were seated in the public gallery and asked Members and officers to introduce themselves for the benefit of those sitting in the public gallery.

The Town Clerk advised Members that the proceedings of the Committee would be film recorded.

#### **1. APOLOGIES**

Apologies were received from Edward Lord.

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

In relation to Item 7, Revd Dr Martin Dudley declared that he was a Designated Premises Supervisor (DPS) of a City premises.

3. **PUBLIC MINUTES**

**RESOLVED:** That Members agree the minutes of the 17 February 2014 meeting as a correct record.

**Matters Arising**

It was noted that the Street Trading and Tables and Chairs policies would be submitted to the next Committee meeting.

4. **MINUTES OF LICENSING (HEARING) SUB COMMITTEES**

**RESOLVED:** That Members note the public minutes of the following Licensing (Hearing) Sub Committee meetings.

4.1 **Feng Shui, 1A Pudding Lane, London, EC3R 8AB - 19 February 2014**

The names of those representing the premises and applicant would be corrected to state that Leo Charalambides represented the applicant and that Ms Mary McKenna represented the premises.

5. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**

The Committee received an update from the Comptroller and City Solicitor informing Members that there had been no appeals against Licensing (Hearing) Sub Committee decisions.

6. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**

The Committee received a report of the Director of the Markets and Consumer Protection informing Members of premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 January 2014 to 31 March 2014. The report also presented data from the 'traffic light' risk scheme introduced within the City of London on 1 April 2013.

Members noted that the names of the premises who had reached the red and amber status had been tabled and would be discussed in the non-public session of the meeting.

**RESOLVED** – That Members note the contents of the report.

7. **LATE NIGHT LEVY CONSULTATION**

The Committee considered a report of the Director of Markets and Consumer Protection which set out that the Police Reform and Social Responsibility Act 2011 had introduced a power for licensing authorities to impose a Late Night Levy. Within the legislation there was a requirement to consult on various matters relating to a proposed levy prior to its introduction. The report

highlighted that Members were informed of the proposed consultation process in a report to the Licensing Committee on 14 January 2013.

The Assistant Director, Environmental Health & Public Protection, explained that the City Corporation had now consulted on introducing such a levy with those persons licensed to sell alcohol after mid-night, licensing solicitors/barristers, Members, all other premises licensed to sell alcohol and relevant trade associations. There were 70 responses to the consultation, 34 were written responses and 36 responded online. 18 of these were from premises which currently had a licence to sell alcohol after mid-night, 16 from premises that currently had a licence to sell alcohol up to mid-night, 5 from residents, and 12 from Members (of whom 4 were residents) and 19 others. The 'other' category included trade representatives, solicitors and companies representing a number of licenced premises in the City of London.

It was noted that 67% of all respondents favoured the levy, with 27 of the premises selling alcohol after mid-night being represented in the responses, of which 70% were against the levy.

Appendices 4a – 4e of the report set out the full detailed responses.

The Assistant Director, Environmental Health & Public Protection, explained that the report requested Members to consider and decide whether the late night levy should be recommended to the Court of Common Council for adoption.

A discussion took place with reference being made to the following points:-

- The Police Committee had considered the introduction of a levy and for monies to be used in the City for the enforcement of the night time economy.
- The 'Safety Thirst' Scheme was being revamped and was in essence based on the City Corporation's code of best practice and traffic light scheme.
- Licenced premises that operated beyond mid-night would be able to amend/vary their licences at no extra cost if the levy was introduced from 00:01 – 06:00hours.
- Newcastle City Council was the first local authority to introduce the levy with Islington Council recently agreeing to introduce the levy.
- 70% of the monies generated by the levy would be used for night time economy enforcement purposes by the City Police and the remaining 30% would be used by the City Corporation to ensure a cleaner and safer City. The final allocation of this portion would be decided by the Chairman and Deputy Chairman of the Licensing Committee in consultation with the Director of Markets and Consumer Protection.

Members proceeded to discuss any other reductions/exemptions from the levy, in particular to small business rate relief premises, and in response to a

question by a Member the Licensing Manager pointed out that from initial investigations there were no such licenced premises which would be affected by the levy which fell into this category. A Member commented that some small business rate relief premises could also cause crime and disorder and also a noise nuisance and therefore further analysis and investigations would need to be explored with regard to how much they contributed to the night time economy.

Following a lengthy discussion a motion was proposed and seconded to have a reduction of the levy fee for small business rate relief premises. A vote took place with 6 in favour and 7 against the proposed reduction. It was agreed however that a reduction of 30% of the levy fee would be granted to premises operating between 00:01 and 06:00 where the premises had shown that they operated at the standard required to achieve the City of London Safety Thirst Award.

The Chairman proposed that a review of the operation and effect of the levy be carried out in 6 months.

Members then proceeded to consider the recommendations with the following being agreed.

**RESOLVED** – That Members agree the following:-

1. That the Late Night Levy be applied in the City of London.
2. That a recommendation be made to the Court of Common Council for the adoption of the Late Night Levy to be applied across the City of London to commence on the 1 October 2014 with the late night supply period set from 00:01 to 06:00 to all premises licensed to supply alcohol and, that the following be recommended to the Court of Common Council:
  - a. A reduction in the Levy of 30% be granted to premises operating between 00:01 and 06:00 where the premises have shown that they operate at the standard required to achieve the City of London Safety Thirst Award;
  - b. The proportion of the net amount of the levy revenue to be paid to the City of London Police be 70%;
  - c. The final allocation of that portion of the levy to be used by the City Corporation to be decided by the Chairman and Deputy Chairman of the Licensing Committee in consultation with the Director of Markets and Consumer Protection;
  - d. There were no premises which would fall into the 'exempt' category; and
  - e. A review take place in 6 months and thereafter annually to review the operation and effect of the levy and reported to the Licensing Committee.

**8. DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2014-2017**

The Committee considered a report of the Director of Markets and Consumer Protection which detailed the Business Plan for 2014-17. The Business Plan identified some key achievements from the past year and set out what the department aimed to achieve this year, the standards that would be attained and where this fitted in with the corporate plans.

A discussion took place and a Member pointed out that the Key Performance Indicator's (KPI's) set out in the business plan should be more target based. The Director undertook to look at other output measures.

A discussion took place on the Licensing Service objectives and it was noted that the objective relating to the late night levy would be removed.

In response to a question by a Member, officers explained that the Street Trading policy was being submitted to the Port Health & Environmental Services Committee in May and thereafter would be submitted to this Committee. In relation to the Tables and Chairs policy a draft version was being progressed by officers and that the necessary consultation would take place with the Chairman and Deputy Chairman prior to being submitted to the next Committee meeting.

**RESOLVED** – That Members agree the contents of the report.

**9. PORT HEALTH AND PUBLIC PROTECTION OUT OF HOURS NOISE SERVICE**

The Committee considered a report of the Director of Markets and Consumer Protection which provided details on the noise complaints enforcement service which operated 24 hours a day, 7 days a week, primarily to respond to noise complaints at night and weekends, but also to occasional reports of accidents, notifiable diseases including food poisoning and other urgent environmental health matters.

The Assistant Director, Environmental Health & Public Protection, explained that the previous arrangements included Westminster City Council providing a noise enforcement service alongside the Street Environment Officers (SEOs) from the Department of the Built Environment. He reported that the Port Health & Environmental Services Committee had agreed that the service would be brought in house which would provide better efficiency and had been in operation since the beginning of April 2014. A Service Level Agreement (SLA) had been agreed with the Department of the Built Environment to provide a one hour response time from when the complaint was received to a SEO arriving on-site.

Members and officers were grateful for the service and efforts which Westminster City Council had provided in the past.

**RESOLVED** – That Members note the contents of the report.

10. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

11. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

**Personal Licences**

It was highlighted that personal licences were due to be renewed after the 10 year period in 2015 as a decision to retain these had been taken by Government.

**Hector McKoy**

The Chairman congratulated Hector McKoy who had recently been appointed as Chief Inspector and thanked his team for all their hardwork.

**Licensing Committee Dinner**

The Chairman thanked all those who had attended the Dinner and thanked Members and officers for their hardwork, efforts and support.

**Tom Sleigh**

The Chairman thanked Mr Sleigh, who would be leaving the Committee, for his support whilst serving on the Committee.

**Licensing Breakfast, Francis Taylor Building**

The Chairman made reference to the productive meeting which took place at the Francis Taylor Building where the code of best practice and traffic light scheme was discussed.

12. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Local Government Act as follows:-

| <b>Item</b>  | <b>Paragraph</b> |
|--------------|------------------|
| <b>13</b>    | <b>7</b>         |
| <b>14-15</b> | <b>-</b>         |

13. **LICENSING AND NIGHT TIME ECONOMY UPDATE**

The Committee received a report of the Commissioner of Police.

**14. NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

The Committee thanked the Chairman for the Licensing Committee Dinner which had recently taken place.

**15. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

Three items of business were raised by Members.

**The meeting ended at 2.59 pm**

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Chairman

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