

LICENSING COMMITTEE

Wednesday, 29 July 2015

Minutes of the meeting of the Licensing Committee held at the Guildhall EC2 at 1.45 pm

Present

Members:

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| Marianne Fredericks (Chairman) | Michael Hudson |
| Peter Dunphy (Deputy Chairman) | Edward Lord |
| Alex Bain-Stewart | Graham Packham |
| Deputy John Barker | Judith Pleasance |
| Revd Dr Martin Dudley | James Tumbridge |

Officers:

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| Simon Douglas | City of London Police |
| David Arnold | Town Clerk's Department |
| Gemma Stokley | Town Clerk's Department |
| David Smith | Director of Markets & Consumer Protection |
| Jenny Pitcairn | Chamberlain's Department |
| Steve Blake | Markets & Consumer Protection Department |
| Peter Davenport | Markets & Consumer Protection Department |
| Richard Steele | Department of the Built Environment |

In Attendance:

| | |
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| Keith Foley | Transport for London |
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It was with great sadness that the Chairman opened the meeting by informing the Committee that Councillor Audrey Lewis, former Lord Mayor of Westminster City Council and Chairman of its Licensing Committee had died earlier this month. Councillor Lewis had also been guest speaker at the City Corporation's Licensing Committee dinner earlier this year and had been a great friend of the City over the years. The Committee wished to record their condolences to the Lewis family.

1. APOLOGIES

Apologies for absence were received from Sophie Fernandes, Christopher Hayward, Deputy Jamie Ingham Clark and Chris Punter.

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

There were no declarations specific to items on this agenda. However, Reverend Dr. Martin Dudley took the opportunity to make a standing non-pecuniary declaration of interest by virtue of him being a Designated Premises Supervisor (DPS).

3. **PRESENTATION RE: TFL NIGHT TUBE**

The Chairman introduced Mr Keith Foley Head of the Night Tube Programme for Transport for London (TfL) who gave the Committee a brief presentation on plans for the introduction of a Night Tube Service across London.

The presentation covered the following points:

- Travel in London today and current late night demand on both the Tube and Night Buses;
- Friday and Saturday night plans for late night tube running – service design and parameters including the proposed frequency of night time services which would make London world leading in this area;
- Safety for staff and customers;
- Station staffing and Policing – Members were informed that TfL had worked alongside the City Police, Metropolitan Police and the British Transport Police sharing information and looking at the implications of an extended weekend service ; and
- Changes/additions to the Night Bus Network in order to provide an integrated night time transport service.

In response to a question regarding maintenance works and when these would be carried out with the proposed extended hours of service on the tube each weekend, Mr Foley explained that maintenance currently took place 5 days per week and that whilst this would still be the case, the maintenance rosta would need to be re-cast. He reminded the Committee that some lines would not be running a Night Tube service and that there was therefore no anticipated change to the maintenance arrangements already in place for these lines.

In response to further questions around staffing, Mr Foley referred to the recent and forthcoming strikes by underground workers. He clarified that the introduction of the Night Tube would require existing staff to work an additional seven nights per annum. He added that the staff concerned were already working through the night and that their shifts would not be changed but would be added to. Members were also informed that TfL complied with fatigue guidelines when assigning duties to staff and that they had been working alongside several Universities to look at the health and safety implications associated with those who work 'shifts'.

In response to a question regarding the costs associated with the introduction of the Night Tube, Mr Foley reported that, following the initial costs, it was anticipated that the service would be cost neutral by 2018.

In response to a question concerning the consumption of alcohol on the underground, Mr Foley reported that, whilst it was not possible to police each individual tube for this, police were able to stop those who were found to be doing this. He stated that TfL did not expect incidences of this to increase at all as a result of the introduction of the Night Tube.

In response to a final question on the views of taxi trade on the introduction of the Night Tube at weekends, Mr Foley reported that TfL had been informed that the they were neutral on this as it was anticipated that the number of short trips

to stations operating the Night Tube would increase and that there would be more opportunity for trade in the suburbs with people travelling to stations near home later into the evening.

The Chairman underlined that, as far as the City Corporation were concerned, the main issues would be around the extension of the Central Line services at St. Paul's, Bank, and Liverpool Street stations on Fridays and Saturdays and any rise in antisocial behaviour or an increase in licence applications/extensions from premises located around the stations concerned. Mr Foley stated that all stations which the Night Tube ran through would have taxi ranks in order to encourage people leaving nearby premises or exiting the underground to vacate the area as quickly and as safely as possible. He added that Liverpool Street station would also have a permanent British Transport Police base.

The Chairman thanked Mr Foley for an extremely interesting and informative presentation.

4. **GIS**

The Chairman introduced Richard Steele, the Corporate GIS Manager, from the Department of the Built Environment who gave the Committee a brief presentation on the inclusion of Licensing information on the City of London's Geographical Information System (GIS) web based mapping.

The Chairman reported that all licence conditions were now on the public register which should prove useful to residents, Police and Corporation staff. She stated that a map of all the City's licenced premises, including venue locations and licence details, was now available on the intranet and would shortly be accessible to the public.

Mr Steele explained that the CoL GIS system is an internal mapping system used to publish information both internally (intranet) and externally (internet) and that all of the information contained within it was maintained and 'owned' by individual departments. In order to ensure that the information in the GIS is consistent with that in the M3 Licensing system the GIS 'grabs' licensing information from the M3 system each night.

Members were informed that officers were currently working on updating the GIS system to a mobile friendly version. Licensing information is currently available on the intranet in two "test" formats and Members are now asked to decide what format should be used on the public facing website.

Mr Steele went on to present the Committee with two options for how the Licensing information could be presented to the public using maps. The first ("Option A") displays licenced venues in all categories – those serving alcohol, late night refreshments and/or external tables and chairs. By clicking on the map a user can see a list of the nearby licensed premises and includes a whole host of information about individual premises – their licensing number, trade name, address, summary, latest licence activity and links to the public register and the information contained on it.

The second option ("Option B") allows access to the same information but separates out different categories of licence into alcohol, late night refreshments and tables and chairs.

The Committee were informed that the internal system also allowed users to view licences colour coded depending on the latest licenced activity.

Comment [SR1]: This is significantly different from the openign hours.

The Chairman clarified that both the City of London Police and Environmental Health were able to access the internal system and that the information was only accessible to the Fire Brigade via the public site.

Members commented that they found the symbols used to determine different types of licensable activity both clear and useful.

In response to questions, Mr Steele confirmed that the GIS system enabled users to zoom in to specific areas and that Ward boundaries were also clearly depicted on the maps.

The Committee questioned why all of the information available internally was not also accessible on the public site. Members were firmly of the view that the more detail that was viewable on the public site the better.

Members were in support of progressing Option A (displaying licenced venues in all categories – those serving alcohol, late night refreshments and/or external tables and chairs with an accompanying key) and making this accessible on the public website.

The Committee also asked that the colour coded "time of latest licensed activity" be included with Option A on the public facing map (as well as internally) but that it be simplified with the period beyond midnight given the main focus as this was often the most contentious period. The Chairman undertook to liaise with officers to revise these into four separate, colour coded categories.

The Chairman, on behalf of the Committee, thanked Mr Steele and his team, together with Peter Davenport and his Licensing Team for all of their hard work in progressing this matter.

5. PUBLIC MINUTES

The public minutes of the meeting held on 6 May 2015 were considered and approved as a correct record.

MATTERS ARISING

Award for Personal Licence Holders (page 2) – The Chairman stated that all Members who passed the Award for Personal Licence Holders had now received their certificates.

Delegated Decisions of the Director of Markets and Consumer Protection Pertaining to Premises Licensing (page 3) – The Chairman reported that

details of those premises obtaining sufficient points on the Risk Scheme to reach Red or Amber had been circulated in advance of the meeting, as a non-public appendix at the request of the Committee.

Late Night Levy Update (page 4) – The Town Clerk clarified that, whilst a large percentage of premises had removed the condition on their licence to allow the sale of alcohol after midnight on New Year's Eve only free of charge before the Late Night Levy was introduced, it was not most premises as stated in the minutes of the last meeting.

6. REVENUE OUTTURN 2014/15

The Committee received a joint report of the Chamberlain and the Director of Markets and Consumer Protection comparing the revenue outturn for the services overseen by the Licensing Committee in 2014/15 with the final budget for the year.

A Member queried the discrepancies between the latest approved and the final budgets. The Chamberlain explained that the original budget had been approved by this Committee in October 2013 with the latest budget approved in October 2014. The movement between the latest approved budget to the final budget was set out in Appendix 1.

RESOLVED: That Members note the report and the proposed carry forward of underspendings to 2015/16.

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

The Committee received a report of the Director of Markets and Consumer Protection detailing the premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 April 2015 to 30 June 2015.

The Licensing Manager was pleased to report that, for the first time since the scheme began in April 2013, no premises had obtained sufficient points on the risk scheme to reach Red status between December 2014 – May 2015.

In response to questions regarding the details of complaints received between 1 January 2015 and 31 March 2015, the Chairman stated that where an outcome was marked as 'resolved' this meant that the specific complaint raised had been resolved but did not, of course, prevent any further or ongoing issues.

In response to further questions on complaints, the Chairman clarified that where the outcome was marked as 'no action possible' this was normally because officers had not been called at the time of the disturbance or the issue had been resolved once officers arrived and the complaint could therefore not be evidenced.

The Chairman congratulated officers on the number of inspections carried out.

RESOLVED – That the details of premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 April 2015 to 30 June 2015 be noted.

8. **LATE NIGHT LEVY UPDATE**

The Director of Markets and Consumer Protection provided the Committee with a verbal update of the Late Night Levy (LNL).

The Licensing Manager reported that the LNL had generated in excess of £143,000 in its first 6 months. The second six months were now forecast to generate approximately £311,000. The forecast total for the year would therefore be £454,776 with approximately £129,000 of this apportioned to the City of London.

RECEIVED.

9. **SAFETY THIRST UPDATE**

The Committee received a verbal update from the Licensing Manager regarding the Safety Thirst Scheme.

The Licensing Manager stated that the aim was for all assessments to be completed by 31 July 2015 with moderation in August 2015. He reported that 41 applications had now been received, 35 assessments had been completed of which 28 had passed, 5 had withdrawn and 2 were still being considered.

Members were informed that there were still 6 outstanding assessments to be carried out by 31 July 2015.

The Licensing Manager went on to report that there were likely to be 32-33 accredited venues this year which was on a par with last year. He added that, unfortunately, many of those venues that had been accredited last year had chosen not to re-apply on this occasion.

The Chairman confirmed that the awards ceremony would take place on 12 October 2015 and that invitations to the event would be sent out in good time.

RECEIVED.

10. **LEGAL PROCEEDINGS AGAINST 'VIET CAFÉ'**

The Committee received a report of the Director of Markets and Consumer Protection outlining the steps taken by the licensing team on discovering offences committed by a premises in Eastcheap.

The Licensing Manager reported that he believed this was the first successful prosecution relating to the refusal to supply tap water. He went on to clarify a point in the report stating that the licence holder had been found guilty on five charges but only fined for three of those.

The Committee congratulated officers on pursuing this case. In response to questions, the Licensing Manager reported that a register of those premises

that had had their licence suspended was maintained centrally and that checks were made on these premises every three months. A Member suggested that, in future, Members should be notified of those premises within their Ward that had had their licence suspended as they could often serve as the 'eyes and ears' of officers in these circumstances.

In response to further questions regarding the Designated Premises Supervisor (DPS), the Licensing Manager confirmed that the City could ask for the DPS to be changed if there were any further issues.

The Director of Markets and Consumer Protection also commended the work of colleagues in this case and highlighted the lengthy, 18 month process leading to the successful prosecution.

RESOLVED – That Members note the contents of the report.

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

There were no questions.

12. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
Home Office – Licensing Act

The Assistant Director, Environmental Health & Public Protection, reported that he had recently received information from the Home Office stating that changes to the Licensing Act and this was to start with a workshop/briefing session at the Home Office on 14 August 2015. He reported that there had been no reference to local fees. He undertook to keep the Chairman informed on this matter.

Institute of Licensing (IoL) Consultation

The Assistant Director, Environmental Health & Public Protection, reminded Members that the Town Clerk had recently circulated a consultation document from the IoL on its draft Guidance on Premises Licence Conditions. The consultation would come to an end on 30 September 2015 and Members were encouraged to submit any comments they might have directly to the Licensing Team to be included within the City's submission.

The Committee were informed that the City's submission would then be produced in consultation with the Chairman and Deputy Chairman.

Unlicensed Street Trading

The Assistant Director reported that an ice cream van had recently been seized and the seller had not returned. He added that the current legislation appeared to be effective. He went on to report that four nut sellers' carts had also recently been seized along with a burger/hotdog stall.

13. **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:-

Item
14

Paragraph
3

14. DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES - NON-PUBLIC APPENDIX

The Committee received a non-public appendix to Item 7 on the agenda providing Members with details of those premises obtaining sufficient points on the Risk Scheme to reach Red or Amber for the period December 2014 – May 2015.

15. NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE

There were no questions in the non-public session.

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

There were no urgent items of business for consideration in the non-public session.

The meeting closed at 3.25 pm

Chairman

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