

LICENSING COMMITTEE

Wednesday, 25 October 2017

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

Present

Members:

Peter Dunphy (Chairman)
Deputy Keith Bottomley
Mary Durcan
Marianne Fredericks
Michael Hudson

Deputy Jamie Ingham Clark
Deputy Edward Lord
Graham Packham
James Tumbridge

In Attendance

Officers:

Paul Chadha	-	Comptroller and City Solicitors
Peter Davenport	-	Markets and Consumer Protection
Steve Blake	-	Markets and Consumer Protection
John Hall	-	City of London Police
Julie Mayer	-	Town Clerk's

1. APOLOGIES

Apologies were received from Sophie Fernandes (Deputy Chairman), Emma Edhem, Christopher Hayward and Judith Pleasance.

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

Deputy Edward Lord declared a general non-pecuniary interest in respect of agenda item 8, on account of his long-term friendship with Laura Willoughby of Club Soda.

3. PUBLIC MINUTES

In response to a query about underspends and recoverable costs, as set out under Item 6 (Revenue Outturn 2016/17), officers agreed to respond to this outside of the meeting.

RESOLVED, that – the public minutes of the meeting held on 26 July 2017 be approved as a correct record.

4. MINUTES OF LICENSING HEARING (SUBS):

a) **Beer and Buns**

The Committee received the decision notice and public minutes of the meeting regarding the application for 'Beer and Buns' of 20 Bury Street, EC3A 5AX on Thursday 10th August, 2017.

b) **Brewskee**

The Committee received the decision notice and public minutes of the meeting regarding the application for Brewskee Ltd. of 64 New Cavendish Street, London W1G 8TB on Friday, 11 August 2017.

c) **Bob Bob Exchange**

The Committee received the decision notice and the public minutes of the meeting regarding the application for 'Bob Bob Exchange' of 122 Leadenhall Street, London, EC3V 4AB on Wednesday 16th August 2017.

Members noted an error whereby Brewskee's representative, Mr Gerald Gouriet, was a QC.

d) **Zebrano**

The Committee received the decision notice and public minutes of the meeting regarding the application for 'Zebrano' of Dukes House, Dukes Place, London, EC3A 7LP held on Wednesday 23rd August, 2017.

e) **Lucky Voice**

The Committee received the decision notice and public minutes of the meeting regarding the application for Lucky Voice (SOHO) Ltd Eastcastle House, 27-28 Eastcastle Street, London W1W 8DH on Thursday, 21 September, 2017.

Members noted that, following the above decision, the Applicant indicated that they would not be seeking to establish a premises in this location as the permitted hours for licensable activities granted by the Sub-Committee did not fit their intended business model. The Committee were advised that the Licence would be active for 12 months but would be suspended if the fee was not renewed. The applicant could also transfer the Licence at any time. If suspended at the time of transfer, the licence would be reinstated once any outstanding fees were paid. The Town Clerk agreed to check the minute template so that the premises and not the Head Office address was shown in the minute header.

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

The City Solicitor was heard in respect of an anticipated appeal against a recent decision of the Licensing Sub Committee. The City Solicitor advised Members of the format of the Appeal Hearing, which would re-hear the application, taking into account the City of London Corporation's Decision and new evidence would be permitted.

The Town Clerk advised that the decision letters had been sent out to the relevant parties and the draft minutes finalised and they would be shared with Members of the Licensing Committee

6. CHARITY COLLECTIONS POLICY

The Committee received a report of the Director of Markets and Consumer Protection in respect of current legislation for managing street and house to house charity collections. The report sought to introduce a Charity Collections Policy to ensure all relevant parties were aware of the criteria to be adhered to. Members noted that previous decisions were taken on custom and practice and the Policy before them would give greater flexibility to decision-making when using non-statutory criteria.

During the discussion and questions, the following points were noted:

- Open buckets were only permitted on private land (including station forecourts) but not on highways or open spaces.
- Members asked for regular summary reports showing a list of collectors, the number of boxes and the amounts in each box.
- The Policy would be reviewed every 3 years, in line with other Licensing Policies.
- ‘Chuggers’ were self-regulated but could incur penalty points in the event of a breach and would be stopped from operating after a certain number. They were not permitted to take cash or cheques and most signed up to self-regulation. The City of London Corporation had the authority to decide on numbers, location and days etc. Whilst they had not, so far, entered into such an agreement, they report any breaches to the appropriate organisation and regularly approached Chuggers and asked for their credentials. Members noted that there had been no complaints this year.
- In respect of the 25m distance between collectors, Members noted that this was a statutory requirement, over which the City of London Corporation had no jurisdiction. Similarly, all animals were prohibited and the regulations were silent in respect of guide dogs.
- Members suggested that the word ‘exceptional’ in the following paragraph be replaced with ‘at its discretion’: *Permits will normally be granted for one day only and permit collections to be held on a Tuesday or a Friday. ~~In exceptional cases the~~ At its discretion, the City of London Corporation may grant a permit in excess of one day. Should an applicant wish to hold a collection on another day of the week this will be at the discretion of the Corporation and consider such factors as other events and collections taking place etc.*

- The Policy would be sent to all collectors who applied for a permit and a copy would be placed on the website. Members suggested that all regular collectors be contacted and advised of the new Policy.
- The Licensing Manager advised that all collectors were required to present a letter from their organisation with their application form and to wear badges during the collection. All collection boxes must be numbered and the amounts within them accounted for. However, Licensing Officers did not have the power to seize collection boxes, detain alleged fraudsters or prosecute. In order to provide further protection against fraudulent collectors, a Member suggested advising all premises of the new Policy and to ensure that they too checked credentials. Officers also agreed to include the Policy in Licence Renewal notices.
- In respect of the 1947 legislation, which looked quite dated, officers advised that they would reproduce a typed copy of this if not too lengthy, or provide a link to one of the Government sites.

RESOLVED, that - the Charity Collections Policy, as set out in Paragraph 1 to the report, be adopted, subject to the comments set out above.

7. **SAFETY THIRST UPDATE**

The Director of Markets and Consumer Protection was heard in respect of the Safety Thirst Awards Ceremony which had taken place the previous day. Members noted that 45 awards had been presented, including 2 top awards for 'Core' and 'Revolution'. Members noted that evaluations were based on audits and feedback from the City's Licensing Liaison Partnership meetings; the Police; Fire Authority; Environmental Health and other relevant services including Cleansing Officers. Members felt very strongly about visible smoking areas and the resultant litter.

Members agreed the awards were very successful as they showed Licensee's willingness to adopt safe, good practices and thereby change perceptions of their premises.

8. **CLUB SODA UPDATE**

Members received a report of the Director of Markets and Consumer Protection in respect of actions taken in order to ascertain whether £40,000 could be spent, from the Night Time Levy monies, to extend the work undertaken in the City of London by Club Soda. Members were reminded that, as a result of submitting the necessary documentation, a delegated decision had been taken in order to fund Club Soda for another twelve months from both the levy and local risk budget as not all of the Club Soda work in this second year was attributable to the night time economy and premises that paid the levy. As requested in the minutes of the last meeting, Members had received a Business Plan and the Statement of Accounts for Club Soda. Licensing Officers advised that funding would be released in tranches, with the next due pre-Christmas, and further update monitoring reports would be presented to the Licensing Committee.

Members noted the dates of the next Spitalfield Festival: 24/25 November 2017 and asked if all Members of the Committee could be advised.

RESOLVED, that – the report be noted.

9. **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 in respect of delegated decisions taken by the Director of Markets and Consumer Protection pertaining to premises licenses and enforcement action taken under the Licensing Act 2003 between 1 July and 30 September 2017. Members noted a non-public appendix in respect of this item at agenda item 14.

During the discussion and questions on this item, the following points were noted:

- The Police advised that if the ‘no promoted events’ condition was offered, even for premises closing at 11 or 11.30 pm, they were accepted as they could apply to events on boats during the day. Members suggested that the text be amended to state ‘anytime’, rather than ‘no promoted events’.
- A Member could not recall seeing a notice displayed in respect of one of the Premises and the Licensing Manager agreed to check that due process had been followed.
- Licensing officers did not suggest changes to applicants but provided pre-application advice. The use of standardised conditions is not permitted therefore the wording in our ‘Pool of Conditions’ can sometimes be changed to make them appropriate and necessary. The suggestion of standardised conditions could prejudice any future hearings/appeals. Members would receive a report on Conditions at a future meeting.

RESOLVED, that – the report be noted.

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

There were no questions.

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

There were no urgent items.

12. **EXCLUSION OF THE PUBLIC**

RESOLVED, That – Under 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 Part 1 of Schedule 12A of the Local Government Act.

Item Nos.
14-17

Paragraphs No
3, 5

13. NON-PUBLIC MINUTES

The non-public minutes of the meeting held on 26 July 2017 were approved.

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

The Committee received a non-public appendix in respect of Agenda item 9 (Delegated Decisions of the Director of Markets and Consumer Protection pertaining to Premises Licences).

15. VIOLENT CRIME FROM LICENSED PREMISES

The Committee received a report of the Commissioner, City of London Police in respect of violent crime from Licensed Premises.

16. NON- PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

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

There were no items.

The meeting ended at 3.05 pm

Chairman

Contact Officer: Julie Mayer
020 7 332 1410
Julie.mayer@cityoflondon.gov.uk