

LICENSING COMMITTEE

Tuesday, 16 July 2019

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Tuesday, 16 July 2019 at 1.45 pm

Present

Members:

Sophie Anne Fernandes (Chairman)
Peter Dunphy (Deputy Chairman)
Mary Durcan
Karina Dostalova
Marianne Fredericks

Michael Hudson
Deputy Jamie Ingham Clark
Graham Packham
Judith Pleasance

In Attendance

Officers:

Jon Averbs	-	Director of Markets & Consumer Protection
Rachel Pye	-	Markets & Consumer Protection
Peter Davenport	-	Markets & Consumer Protection
Jenny Pitcairn	-	Chamberlain's Department
Paul Chadha	-	Comptroller and City Solicitor's
Dr Andy Liggins	-	Interim Consultant in Public Health
Leanne Murphy	-	Town Clerk's Department
Andrew Buckingham	-	Media Team, Town Clerk's Department
Superintendent Helen Isaac	-	City of London Police
Paul Holmes	-	City of London Police

1. APOLOGIES

Apologies were received from Caroline Addy, Deputy Keith Bottomley, Deputy Kevin Everett, James Tumbridge and Shravan Joshi.

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

There were no declarations.

3. ORDER OF THE COURT OF COMMON COUNCIL

The Order of the Court of Common Council dated 25 April 2019 appointing the Committee for the ensuing year was received.

4. ELECTION OF CHAIRMAN

An election of Chairman was conducted in line with Standing Order 29. Sophie Fernandes, being the only Member indicating a willingness to serve, was elected Chairman for the ensuing year.

5. ELECTION OF DEPUTY CHAIRMAN

The Committee proceeded to elect a Deputy Chairman in accordance with Standing Order No. 30.

The Town Clerk reported that, in accordance with Standing Order No. 30. (3) (a), the immediate past Chairman had chosen to exercise his right to serve as Deputy Chairman for the ensuing year. Peter Dunphy was therefore duly appointed as Deputy Chairman for the ensuing year.

VOTE OF THANKS TO THE PAST CHAIRMAN

Michael Hudson paid tribute to Peter Dunphy, the past Chairman.

RESOLVED UNANIMOUSLY:

That the Members of this Committee take great pleasure in expressing to:

PETER GERARD DUNPHY

their sincere gratitude and appreciation for the dedication he has shown in all aspects of work of this Committee, and the exemplary manner in which he has presided over proceedings during the last three years as Chairman of the Licensing Committee.

HE has been very active in the work of the Committee and has shown great leadership in steering the Committee through a period of change including the Night Time Economy Review, the research of which will set the groundwork for the future of licensing in the City. He has also overseen the development of the framework for Late Night Levy spending following its introduction in October 2014. This has included the formation of a Late Night Levy Board to ensure all spending is accountable and thoughtfully managed, all of which is ring-fenced for future investment in the policing of the City's night-time economy. The Late Night Levy now generates in excess of £450,000 per annum.

UNDER Peter's chairmanship, a revised Statement of Licensing Policy and a new Statement of Licensing Principles in line with the Gambling Act 2005 were put forward by the Committee and were approved by the Court of Common Council in January 2017 and December 2018 respectively.

THE numbers of licensed premises in the City have increased year on year during Peter's tenure and there are currently 960 licensed premises which is an all-time high. Despite this increase, the City has remained one of the safest places to socialise in London.

HE has also recognised the need for a flourishing night-time economy in the City and across London through his support of key initiatives including the work of the Night Czar, contributing to the work of the Borough Champions Network established by the Chair of the Night-Time Commission, Club Soda and the Safety Thirst scheme.

DURING his tenure, forty licensing hearings took place including two reviews, and he paid particular attention to ensuring Hearings were conducted in a fair, clear and open manner. There were also no successful appeals against the decisions of the Licensing Sub-Committees under Mr Dunphy's chairmanship.

THROUGHOUT his term of office, Peter has managed the Committee's deliberations with a fair and firm hand to ensure that the Committee executed its duties in a competent manner.

FINALLY, in congratulating their former Chairman upon a most successful term of office, his colleagues wish to thank him for his enthusiasm and commitment and to express the hope that with continued good health and happiness he can continue to serve the City Corporation for many years to come.

6. APPOINTMENT OF SUB COMMITTEE CHAIRMEN AND REFERENCE SUB COMMITTEE

The Committee proceeded to appoint four Licensing (Hearing) Sub Committee Chairmen for the ensuing year, in addition to the current Chairman and Deputy Chairman and Past Grand Committee Chairmen.

The following five Members declared a willingness to serve on the Reference Sub Committee and to serve as Sub Committee Chairmen: Deputy Jamie Ingham Clark, Michael Hudson, Deputy Keith Bottomley, Graham Packham and James Tumbridge. The Committee agreed to increase the number of Members from four to five and a ballot was therefore not required.

RESOLVED – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2019/20 comprise of the following Members:

- Peter Dunphy (Chairman)
- Sophie Fernandes (Deputy Chairman)
- Kevin Everett (Past Grand Committee Chairman)
- Marianne Fredericks (Past Grand Committee Chairman)
- Michael Hudson
- Deputy Jamie Ingham Clark
- Deputy Keith Bottomley
- James Tumbridge
- Graham Packham

7. PUBLIC MINUTES

The public minutes of the meeting held on 10 April 2019 were approved as a correct record.

In response to a query regarding the Licensing Inspector role, Members were advised that an applicant was being interviewed the following day and, if successful, would begin in post at the beginning of August.

8. MINUTES OF LICENSING HEARING (SUB) COMMITTEE

8.1 Rocket Leisure Limited

Members noted the public minutes of the Rocket Leisure Limited hearing on 18 April 2019 and 10 May 2019.

8.2 Barts Square Active One Ltd - Unit 7

Members noted the public minutes of the Barts Square Active One Ltd - Unit 7 hearing on 10 June 2019.

8.3 Barts Square Active One Ltd - Unit 2

Members noted the public minutes of the Barts Square Active One Ltd - Unit 2 hearing on 10 June 2019.

8.4 Gremio de London Ltd

Members noted the public minutes of the Gremio de London Ltd hearing on 29 May 2019 and received a verbal update from the Chairman regarding the following Hearing on 5 July 2019. A Member that objected to the application advised Members that local residents were pleased with the outcome of the Hearing.

Members were advised that the minutes would be circulated to Committee when they were signed off by the Sub Committee.

8.5 Global Grange Limited

Members were advised that following publication of the agenda, Environmental Health came to an agreement with the Applicant and subsequently withdrew their objection against the application. The Global Grange Limited hearing was therefore cancelled.

9. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

The Comptroller & City Solicitor advised the Committee that there were currently no appeals.

10. FINAL DEPARTMENTAL HIGH-LEVEL BUSINESS PLAN 2019/20

The Committee considered a report of the Interim Director of Consumer Protection and Market Operations presenting the final high-level Business Plan for the Department of Markets and Consumer Protection for 2019/20.

Members were advised that Appendix 1 sets out the work of the Department of Markets and Consumer Protection and the highlighted wording was the work relevant to the Licensing Team. It was noted that the Plan had already been approved by all other relevant Committees.

In response to a query regarding the implications of the new Transport Strategy on the Plan, Members were advised that only the relevant polices would be reviewed and refreshed.

RESOLVED – That Members approve the Department of Markets and Consumer Protection's final high-level business plan for 2019/20 and provide feedback.

11. LICENSING SERVICE BUSINESS PLAN 2018-19: PROGRESS REPORT

The Committee considered a report of the Interim Director of Consumer Protection and Market Operations providing an update on progress made

during 2018-19 against the operational performance indicators (PIs) and improvement objectives outlined in the Business Plan of the Licensing Service.

Members were advised that all objectives had been met except the objective to receive more than 70 applications for the annual Safety Thirst Award Scheme from licensed premises which only received 54 applications for 2017/18. It was noted that 2018/19 was on track with 64 applications and should achieve the target by the deadline.

RECEIVED.

12. DRAFT ALCOHOL STRATEGY 2019-23

The Committee considered a report of the Director of Community and Children's Services presenting the City of London Corporation's draft Alcohol Strategy 2019–23.

Members were advised that the main aim of the Strategy was to reduce alcohol related harm in the City and provide an effective framework for future work. It was noted that the Corporation was working to promote healthy living including a reasonable and balance approach to alcohol including that people are informed of misuse, that they are safe and feel safe in the City and to provide them with the support to access services if needed.

Members were advised that the Strategy had been approved by the Health & Wellbeing Committee and been reviewed by a number of other relevant Committees. An action/delivery plan would be developed by a Working Group which would come back to all Committees for information and/or approval.

A Member noted that the high-level outcome measures for the Strategy were very qualitative, and it could therefore be difficult to track progress. It was confirmed that the measures would come to the Committee for input.

RESOLVED – That Members:-

- Note the Draft Alcohol Strategy 2019–23 set out in Appendix 1;
- Note the plan for consultation.

13. VIOLENT CRIME FROM LICENSED PREMISES

The Committee considered a report of the Chief Superintendent regarding violent crime from licensed premises during the period April to June 2019.

Members were advised that this period had reflected a slightly decreased trend for crime offences in and outside licensed premises.

A Member requested that the Committee be provided with a full year of the data which would be helpful for identifying trends. Members advised that this would be possible for the next meeting.

RECEIVED.

14. **LATE NIGHT LEVY FINANCE REPORT**

The Committee considered a report of the Chief Superintendent providing Members with a breakdown of the spending of the Late Night Levy from the City of London Police.

Members were advised that the costs for the new Licensing Inspector role were included.

RECEIVED.

15. **MAPPING AND ASSESSING THE CITY'S NIGHT TIME ECONOMY**

The Committee considered a report of the Interim Director of Consumer Protection and Market Operations providing Members with an update on the mapping and analysis of the City's Night Time Economy (NTE).

Members were advised that the Markets and Consumer Protection Department as commissioned the services of Safer Sociable London Partnership (SSLP) to carry out a mapping and analysis of the Night-time Economy (NTE) in the City to provide an evidence base for the development of policy, strategy, interventions and the targeting of resources.

It was noted that the report not only provided insight of the City's existing framework, initiatives/schemes and partnerships, but reinforced current understanding providing key statistics that the City was and remains a safe place.

Members were advised that an action plan would be developed pulling together all of the issues within the report which would be brought to the Committee for comment.

A Member voiced concern regarding the high level of intoxication reported at some premises and saw Bishopsgate in particular as a hot spot for this activity. He suggested that there was a good argument for a cumulative impact report be carried out as the area had potential to get worse due to the Cross Rail development.

A Member impressed to see evidence that the Night Time Economy had improved over the last 11 years which could be used as a monitoring tool to refocus energy.

In response to a query regarding extra resources promised by Transport for London (TfL) to support the COL Police, Officers agreed to follow up with TfL.

Members agreed this data would be beneficial for the future.

RESOLVED – That Members:-

- Note the contents of this report;

- Note that a further report will be submitted to the next Licensing Committee, following further consideration and consultation with all relevant stakeholders and suggestions from Members, with details of what interventions are already in place and an action plan as to the way forward.

16. REVENUE OUTTURN 2018/19

The Committee considered a joint report of the Chamberlain and Interim Director of Consumer Protection and Market Operations comparing the revenue outturn for the services overseen by the Committee in 2018/19 with the final budget for the year.

Members were advised that the gambling act fees had exceeded the statutory maximum costs and the Corporation was therefore operating at a deficit for the first time. This deficit would be incorporated into the following year's costs.

It was queried whether the government could be lobbied to increase the statutory maximum through the Remembrancer and Members agreed this pressure might have an impact. Members were advised that the fees were set to prevent Local Authorities from making a profit from them. A Member suggested exploring with other Local Authorities whether the legislation allowed them to cover their own costs as this would strengthen the case for an increase if variances were not covered.

RESOLVED – That Members note the report and the proposed carry forward of underspendings to 2019/20.

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

The Committee noted a report of the Director of Markets and Consumer Protection regarding the delegated decisions of the Interim Director of Consumer Protection and Market Operations pertaining to premises licences.

RECEIVED.

18. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

19. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Members were advised that Jon Averbs had become the new Director of Markets & Consumer Protection and Gavin Stedman was the new Port Health & Public Protection Director. Members congratulated the Director of Markets & Consumer Protection on his new role.

20. 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.

21. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 10 April 2019 were approved as a correct record.

22. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES (NON-PUBLIC APPENDIX)**

The Committee received a non-public appendix report to the report under agenda item 18 pertaining to premises licenses which included the names of each premises.

23. **NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

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

There was one item.

The meeting ended at 2.29 pm

Chairman

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