

LICENSING COMMITTEE

Wednesday, 4 July 2018

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 4 July 2018 at 1.45 pm

Present

Members:

Peter Dunphy (Chairman)	Marianne Fredericks
Sophie Anne Fernandes (Deputy Chairman)	Michael Hudson
Caroline Addy	Shravan Joshi
Mary Durcan	Graham Packham
Deputy Kevin Everett	James Tumbridge

Officers:

Leanne Murphy	- Town Clerk's Department
Simon Owen	- Chamberlain's Department
Rachel Pye	- Markets & Consumer Protection
Paul Chadha	- Comptroller & City Solicitor's Department
Jon Averbs	- Markets & Consumer Protection
Robert Breese	- Markets & Consumer Protection
Andre Hewitt	- Markets & Consumer Protection
John Peacock	- City of London Police
Simon Douglas	- City of London Police

1. APOLOGIES

Apologies were received from Deputy Keith Bottomley, Emma Edhem, Deputy Jamie Ingham Clark, Andrien Meyers and Judith Pleasance.

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

There were no declarations.

3. PUBLIC MINUTES

The public minutes of the meeting held on 25 April 2018 were approved as a correct record.

A Member noted that "TO FOLLOW" should be removed from the title of item 3.

It was noted that with reference to point surrounding the detrimental effect of overcrowding at the London Marathon discussed under item 11, it was a Licensing Committee matter as licensing police officers could instigate an alcohol ban in future.

Matters arising

A Member noted that it would be useful to receive an email in advance of Committee meetings appointing Members to the Licensing (Hearing) Sub Committee asking Members to put themselves forward in case they are unable to attend the meeting in person. The Town Clerk advised the Committee that she had sent an email stating this prior to the last meeting and would continue to do so for future meetings.

4. LICENSING HEARINGS (SUB)

4.1 Merchant House

The Committee were advised that the public minutes and decision notice of the hearing regarding the licensing application for Merchant House held on 20 April 2018 had not yet been finalised. The Town Clerk agreed to circulate the minutes to Members when they were signed off.

A Member that sat on the Sub Committee advised the Committee that the hearing had been straightforward, and the variation was approved.

4.2 Enoteca

The Committee were advised that this hearing was cancelled as the applicant withdrew their application.

4.3 Gremio de London Ltd

The Committee were advised that the hearing for Gremio de London Ltd on 26 June 2018 was adjourned on the day by the Sub Committee as it was deemed by the hearing panel to be in the public interest as the license holder was unable to attend the hearing or find a suitable representative to attend in his place and the parties making representations were also content for there to be an adjournment. It was noted that the public minutes were available in the supplementary agenda pack and a new hearing would take place on 24 July 2018.

A Member requested an explanation as to why the Sub Committee had to physically meet if they planned to adjourn the hearing. The Comptroller & City Solicitor explained that hearing regulations state that a Sub Committee has the power to adjourn a hearing but only once the hearing has begun. Members were advised that regulation 11 could have been used as this gives a local authority the option to postpone a hearing; however, on this occasion Counsel deemed this option to be problematic due to a tight timescale and a higher possibility that the license holder could win on default.

5. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

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

6. 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 licenses, and variations to premises licenses,

granted under the Licensing Act 2003 by the Licensing Service from 1 April 2018 to 25 June 2018. The following comments were made:

- In response to a query regarding the current situation at Madison following historic problems at the premises, the Committee were advised that things had been positive since the hours were extended and there had been no problems.
- A Member queried what was meant by “referred other services” as an outcome for issues at Simmons Bar. The Committee were advised that this had been referred to the planning team due to a breach in planning use. Members were updated that following complaints in May, data was presented regarding noise which proved that the manager had not been truthful and was subsequently dismissed. No further complaints have been received to date since this action.
- A Member requested an update on Roma which remained an issue. The Committee were advised that intervention was taken regarding the management of Roma whereby a dispersal plan was given, and they would continue to be monitored at weekends.
- A Member queried how the list of complaints was compiled as it did not appear to include emails and physical complaints to the Police. The Committee were advised that the reports captured all recorded complaints including those received by the licensing team, the Police and Members.
- In response to a query regarding the variation of condition 6 at The Ned Hotel, Members were advised that no conditions had been requested by residents or the authorities.

7. GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES

The Committee considered a report of the Director of Markets and Consumer Protection regarding the review of Statement of Licensing Principles in line with the Gambling Act 2005. The following comments were made:

- The Committee were advised that the main difference in the report surrounded the change to regulations and a local area profile had been created for operators to consider.
- It was noted that there was a numbering glitch on pages 32 and 33 in the meeting papers but that the policy report was correct.
- The Chairman noted that the word “number” was to be deleted from the clause at 14.1 to ensure it did not contradict the second bullet under 8.30.
- A Member highlighted the previous request of the Committee that large reports that have changed and required additional consultation should

show track changes from the original document so that Members could clearly see what has changed and provide focused feedback. This was supported by Members and the Committee were advised that senior level guidance would go to authors to ensure future reports were provided in this format.

- A Member noted the variation of grammar across reports and highlighted the importance of using the correct use of the noun and verb when using of the word “license” (the noun is spelt licence and the verb is license). He requested consistency across documents and reports.

RESOLVED – That the Statement of Licensing Principles be circulated to the Committee in track-changes format after it is updated.

8. **LICENSING BUSINESS PLAN 2017-2020**

The Committee received a report of the Director of Markets and Consumer Protection providing an update on the Licensing Business Plan 2017-2020. The following comments were made:

- The Chairman queried what action was being taken to resolve the glum face performance indicator of performing below the Safety Thirst participation target. The Committee were advised that despite resources being put into increasing the number of application received for the Scheme, the target of 70 applications was not achieved for 2017-18. Renewed efforts would be made with the aim of reaching the target this year.
- A Member queried the phrasing of “to be progressed” for objective 6 and highlighted the importance of the Committee knowing how and when this would be done in advance. Members were advised that consultation had not yet started so an update would not be available until work began in September.
- A Member requested a timetable for objective 8 regarding enhancing systems to permit members of the public to apply for licenses online. The Committee were advised that the Licensing Team were already trialling a new system.
- A Member requested a that the Committee be provided with a copy of the Late-Night Levy consultation and the opportunity for Members to provide input. A Member queried whether the levy had contributed towards the prevention of crime and disorder in the City since its implementation stating that it was important for the Committee to know the impact and effectiveness of the levy.
- A Member noted that more effort was required for the Committee to receive regular ongoing updates on impact and timings and felt that Members should receive the draft impact report before it is finalised. The Committee was advised that more regular updates on progress should be provided on a quarterly basis.

- A Member suggested asking premises that were not open after midnight whether they would if there was no levy.
- A Member stated that not all licensed premises were asked to take part in the Safety Thirst Award Scheme and it was noted that Ward Members used to receive a list of which premises had participated or not. The Chairman noted that the Committee was not a ward committee as all wards were not represented but agreed that all Common Councilmen Members should receive a list, so it was known who was not participating so they could be encouraged to do so. The Assistant Director of Public Protection agreed to share this information.
- The Assistant Director of Public Protection advised members that the deadline had been extended and was now flexible in an attempt to encourage more input, with the ceremony due to take place in October.

9. **VIOLENT CRIME FROM LICENSED PREMISES**

The Committee considered a report of the City of London Police regarding violent crime from licensed premises during the period 8 April to 18 June 2018. The following comments were made:

- Members were advised that the report covered a period of 72 days whereby there were 47 violent offences. During this period a total of 143 promoted events were held at City premises and a single crime occurred at a promoted event marking a significant improvement in management.
- A Member requested that the previous data be included in tabular form.
- It was noted that 55% of violent crime came from ten establishments and these should be focused on to keep crime down in the City. Members were advised that the top three establishments were most concerning and that the Police were looking to review premises 1 to put back its opening hours, premises 2 was given an ultimatum following legal advice and operation measure were requested and premises 3 was given a warning and with recalibrated expectations.
- A Member noted that premises 6's incidents came from enforcement of operations and questioned whether this should be on the list. The Committee was advised that all premises that encountered violence were on the list to ensure everything is tracked.
- It was noted that the vast majority of premises were cooperative with the Police and found it beneficial to use the Police service to establish risk and form partnerships.
- The Chairman thanked Inspector Douglas, who attended his last Licensing Committee before retirement, for all of his hard work and the successful transformation of the licensing police force. The Committee echoed this sentiment.

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

A new Committee Member requested that the Town Clerk provide her with hard copies of all important licensing documents.

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

The Chairman raised a number of items that he considered urgent.

Revenue Outturn Report

The Committee received a report of the Chamberlain and Director of Markets and Consumer Protection regarding the revenue outturn for the services overseen by your Committee in 2017/18 with the final budget for the year. Members were advised that the only variance was a matter in capital markets jurisdiction.

In response to a question regarding what the figure was for the cost of non-recoverable revenue, the Committee was advised that the cost of set services could not be recovered. Members requested that these items be listed in future reports and found it unacceptable that these costs could not be recovered.

Peter Davenport

The Chairman advised the Committee that Peter was having treatment and hoped to return to work in September. He thanked the licensing team for managing his workload. The Committee sent Peter their well-wishes and hoped he had a speedy recovery.

Annual Dinner

The Chairman advised Members that the Licensing Committee annual dinner would take place on the evening of Thursday 20 September with the exact timings and location still to be confirmed. The Chairman requested that Members send him the details of any suggested invitees to this event.

Member Training

The Chairman advised the Committee that some of the new Members had received some licensing training which was well received. It was recommended that new Members complete a personal license holder course and the Town Clerk agreed to arrange this for relevant Members.

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.

13. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 25 April 2018 were approved as a correct record.

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 report to the report under agenda item 5 pertaining to premises licences which included the names of each premises.

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

There were no questions.

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

There was no other business.

The meeting ended at 3.14 pm

Chairman

Contact Officer: Leanne Murphy
tel. no.: 020 7332 3008
leanne.murphy@cityoflondon.gov.uk