

## LICENSING COMMITTEE

Wednesday, 24 October 2018

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 24 October 2018 at 1.45 pm

### Present

#### Members:

Peter Dunphy (Chairman)	Michael Hudson
Sophie Anne Fernandes (Deputy Chairman)	Deputy Jamie Ingham Clark
Deputy Keith Bottomley	Graham Packham
Mary Durcan	Judith Pleasance
Alderman Emma Edhem	James Tumbridge
Deputy Kevin Everett	Caroline Addy
Marianne Fredericks	Shravan Joshi

### In Attendance

#### Officers:

Rachel Pye	- Markets & Consumer Protection
Paul Chadha	- Comptroller and City Solicitor's
Robert Breese	- Markets & Consumer Protection
David Smith	- Director of Markets & Consumer Protection
Bruce McVean	- Built Environment
Chandni Tanna	- Town Clerk's Department
Leanne Murphy	- Town Clerk's Department
Glenn Maleary	- City of London Police
John Peacock	- City of London Police

#### 1. APOLOGIES

No apologies were received.

#### 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 4 July 2018 were approved as a correct record.

### Matters arising

The Chairman advised Members that David Smith would be retiring as Director of Markets & Consumer Protection in December after 15 years at the Corporation and this would be his last Licensing Committee meeting. The

Committee thanked David for all of his support and wished him well for the future.

A Member highlighted the previous request of the Committee that large reports that have changed and require additional consultation should show track changes from the original document so that Members can clearly see what has changed and provide focused feedback. Members agreed that changes should also be explained in the covering report. It was noted that this was not always easy when a document had multiple authorship but Senior Officers agreed to continue to find a solution to resolve this issue.

#### **4. MINUTES FROM LICENSING SUB COMMITTEES**

##### **4.1 Byward Street Kitchen - TEN - Cancelled**

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

##### **4.2 Dion - 23 July 2018**

The Committee noted the public minutes of the hearing regarding the licensing application for Dion on 23 July 2018.

##### **4.3 Gremio de London Ltd – 24 July 2018**

The Committee noted the public minutes of the hearing regarding the licensing review for Gremio de London Ltd on 24 July 2018.

##### **4.4 Wright & Bell Ltd - 26 July 2018**

The Committee noted the public minutes of the hearing regarding the licensing application for Wright & Bell Ltd on 26 July 2018.

##### **4.5 Brewdog Retail Ltd - 31 July 2018**

The Committee noted the public minutes of the hearing regarding the variation application for Brewdog Retail Ltd on 31 July 2018.

##### **4.6 Stem & Glory - 2 October 2018**

The Committee were advised that the decision notice of the hearing regarding the licensing application for Stem & Glory had been sent to all relevant parties, but the public minutes had not yet been finalised. The Town Clerk agreed to circulate the minutes to Members when they were signed off.

##### **4.7 WW Devonshire Ltd - 11 October 2018**

The Committee were advised that the decision notice of the hearing regarding the licensing application for WW Devonshire Ltd had been sent to all relevant parties, but the public minutes had not yet been finalised. The Town Clerk agreed to circulate the minutes to Members when they were signed off.

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

The Comptroller & City Solicitor advised the Committee that there were currently two appeals against licensing hearing Sub Committee decisions for Brewdog Retail Ltd and Gremio de London Ltd.

The Committee were advised an appeal hearing for Brewdog had been set for 8 November 2018 and would be heard at the Hendon Magistrates Court. The Comptroller & City Solicitor advised that Brewdog had served its evidence and the City of London Corporation would serve its evidence that afternoon. It was noted that there had been a without prejudice offer made by Brewdog to settle the appeal and that the City had made a counter-offer which was still awaiting Brewdog's response. A Member of the hearing's Sub Committee requested to attend the appeal hearing.

The Committee were advised a two-day appeal hearing for Gremio de London Ltd had been set for 10 and 11 December 2018 and would be heard at the Hendon Magistrates Court. The Comptroller & City Solicitor advised that Gremio de London Ltd had yet to submit any evidence, but the City of London Corporation had received a proposal from Gremio de London Ltd who were seeking to settle out of court.

**6. ADVERTISING APPLICATIONS FOR PREMISES LICENCES IN A LOCAL NEWSPAPER, AS PER THE REQUIREMENTS OF THE LICENSING ACT 2003**

The Committee considered a report of the Director of Markets and Consumer Protection seeking to clarify the guidance the Licensing Authority provides in relation to the requirement to advertise an application for a premises licence in a 'local newspaper' under section 17 (5) of the Licensing Act 2003 and Regulation 25 of the Licensing Act 2003 (Premises and Club Certificates) Regulations 2005. The following comments were made:

- Members were advised that a review of the guidance was motivated by regular queries from applicants.
- It was noted that there were five newspapers with regular circulations within the City of London (The London Evening Standard, The Metro, City AM, City Matters and The Islington Tribune); however, these could be assessed in relation to their suitability.
- The Comptroller & City Solicitor confirmed that from a legal position, the Corporation was not obliged to provide an approved list and simply had to be satisfied that an advert had been publicised in accordance with the legislative provisions, namely, that the advertisement was placed in a newspaper which was circulated in the vicinity of the premises. The responsibility to advertise licensing applications correctly rested with the applicant.
- Members discussed whether City Matters, which is published fortnightly, and particularly The Islington Tribune, which is published weekly on a Friday and was not specifically City based, were adequate newspapers in which to advertise licensing applications. Some Members felt that they should be removed from the list altogether as even the potential option to use them gave applicants potential for mistake.

- Some Members were uncomfortable removing two newspapers from the list which could be considered appropriate albeit not on all occasions. A Member felt that there was no gain from being minimalistic and suggested changing the wording to highlight the three most widely publicised newspapers as the preferred choices.
- It was highlighted that the wording stated that “the City of London recognises the following as being local newspapers for its area”, not recommended.
- A Member stated that the legislation was very clear that an application needed to be advertised in a newspaper which circulates “in the vicinity of the premises” and this was the responsibility of the applicant. The Member therefore felt that the Corporation, as the Licensing Authority, had no legal responsibility to clarify which newspapers should be used which was difficult in itself as the City has no local newspaper.
- It was noted that whilst the legal position was clear, it was included within the Licensing Policy that assistance/advice would be given to applicants to ensure they completed applications correctly. Some Members felt that a balance was therefore needed noting that the Corporation has often been praised for its sound advice as a Local Authority.
- A Member stated that they had tried on several occasions to get an Islington Tribune newspaper from Liverpool Street Station and had never found one.
- Members queried whether the wording for paragraphs 13 and 14 contradicted each other. As Members could not come to an agreement over the wording provided, it was agreed that Officers would readdress the wording which could cause confusion and bring the report to the next Committee meeting for approval.

**RESOLVED** – That the wording of the guidance be reviewed and reported back to the next Committee meeting.

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 Chairman advised that this updated report incorporated the suggestions made at the last Committee meeting.

**RESOLVED** – That Members:-

- Agree the draft Statement of Licensing Principles (Appendix 1), The Gambling Local Area Profile (Appendix 2) and the Guidance on Undertaking Local Gambling Risk Assessments (Appendix 3);
- Agree the time table and methodology to determine the final text and adoption of the Statement of Licensing Principles as stated in paragraphs 11 to 16.

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

The Committee considered a report of the Director of Markets and Consumer Protection regarding the delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.

Members were advised that the report detailed the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 26 June 2018 to 30 September 2018. It also provided a summary of the enforcement action taken under the Licensing Act 2003 between 26 June 2018 to 30 September 2018.

RECEIVED.

**9. DRAFT TRANSPORT STRATEGY AND LOCAL PLAN**

The Committee considered Proposal 17 of the Draft Transport Strategy and Local Plan.

The Chairman advised that Proposal 17: Keep pavements free of obstruction was relevant to the Corporation as a Licensing Authority and that the larger piece of work would go to the Planning and Transport Committee next week.

The Comptroller & City Solicitor explained that the Licensing Authority was governed by the four licensing objectives set out in the Licensing Act 2003 but only the two objectives concerning public nuisance and public safety were relevant. The Chairman added that they had little control regarding keeping pavements clear unless the condition preventing the sale of alcohol in unsealed containers for consumption off the premises (MC18) was a condition of the license.

In response to a query regarding “grandfathering” rights and why some premises were allowed to use outside public space and some were not, the Comptroller & City Solicitor confirmed that the Licensing Act 2003 made provision for the automatic conversion of Licensing Act 1964 licences where no amendments to the existing permissions were being sought.

A Member felt that this proposal demonstrated that the Transport and Highways Authority had significant control, power and legal responsibility and therefore should be scrutinising licensing applications. Members agreed that information from the Transport and Highways Authority, e.g. the width of public pavements, would be helpful to the Sub Committee when considering applications as

applicants often applied for licensing approval before obtaining a tables and chairs licence.

A Member stated that many public pavements in the City were completely overrun by people standing outside a premises and felt this was a public safety issue. The Member claimed that busy streets required a greater width to factor in busy roads, bus stops, etc. The Chairman stated that each case needed to be taken on its own merits.

A Member noted that the proposal needed to clarify that it related to public pavements only.

RECEIVED.

10. **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 19 June to 31 August 2018. The following comments were made:

- Members were advised that the report covered a period of 72 days whereby there were 48 violent offences. During this period, a total of 163 promoted events were held at City premises and one crime occurred during a promoted event.
- It was noted that of the two red premises listed on the traffic light scheme, one was a new premises which was receiving assistance from the British Transport Police and the other premises did not sell alcohol.
- A Member noted the previous request that previous data be provided to Members in tabular form.
- In response to a query regarding alcohol related crime in the City, Members were advised that crime at licensed premises was low, but alcohol related crime had increased since last year. Members agreed that short, medium and long-term data was needed to show trends. Inspector Peacock confirmed that the COL Police could produce the data for comparisons.
- A Member wondered whether learning from the active move to lower crimes from promoted events could be transferred to bring down crime at licensed premises. Members were advised that the COL Police actively work with premises developing action plans which are monitored and adjusted when necessary. It was noted that the COL Police hold regular forums to provide videos on tactics and de-escalation for managing drunk patrons which are well attended.

RECEIVED.

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

There was one question.

**Tables and Chairs Licenses**

A Member stated that the message to the Transport & Highways Authority needed to be strengthened regarding applicants obtaining a Tables and Chairs License prior to obtaining licensing approval. The Director of Markets & Consumer Protection agreed to share this message from the Committee.

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

The Chairman raised one item that he considered urgent.

**Licensing Inspector Review**

The Committee received a report of the City of London Police regarding the Licensing Inspector Review. The following comments were made:

- Members were advised that the role of the Licensing Inspector within the City of London Police was removed as part of the Transform Programme of Change and in line with the force's determination to realign itself to nationally recommended rank-ratio distribution. Currently the force is a significant outlier in terms of a high number of inspectors compared to sergeants.
- The responsibilities of the Licensing Inspector have therefore been passed to the Communities' Inspector for them to carry out in addition to their existing responsibilities. Due to issues arising from the lack of direct management of the team and no direct single point of contact for managers within the Corporation to have direct and timely liaison with in the Licensing offices at Walbrook Wharf, it was recommended that the Licensing Inspector post be reinstated, and endorsement given for the post to be funded via the Late Night Levy.
- It was noted that this recommendation would put some pressure on the Levy, but the Licensing Inspector post would deliver even more for the investment. It was agreed that context was needed regarding providing details of what the Levy is being used for, what could be lost and what surplus was available. It was noted that licensing only covered 30% of the Levy whereas the Police covered 70%.
- A Member queried if there were sufficient funds available and what would be lost if the monies were spent to fund this post.
- In response to a query regarding the post being an Inspector rather than a Sergeant, Members were advised that being an Inspector gave rank and was a fixed salary role, whereas a Sergeant was open to overtime, so it could actually be more expensive.
- With regards to comments regarding non-licensing matters being covered by this post but being funded by the Levy, Members were

advised that the Project Servitude Team was the appropriate resource for line management by the Inspector as counter terrorism covered the same footprint as licensed premises in the City and the joining of the teams would be an asset to licensing matters.

- It was noted that the Committee had lobbied hard for the Inspector role to be reinstated and the Commander and Commissioner were thanked for listening to the concerns of the Committee. The Chairman clarified that the Police were seeking endorsement for this role and the Committee had no power over the appointment. It was noted that it was difficult to segregate uniform and non-uniform staff and funding this post would resolve the issues for the right purposes for all.
- The Chairman noted that there was little to go on from other Local Authorities, but he was personally satisfied that the post would cover what the Committee needed and that the cost was justified. Members were supportive but requested additional information providing the full picture of how the Levy was used by the Corporation as a Licensing Authority and the Police.
- Members were advised that the Annual Report they received from the Police provided a full breakdown on the Levy. It was also noted that an Officer Group had been set up which addressed Levy spend in more detail and could be reported to the Committee at a future meeting.

**RESOLVED** – That Members endorse the funding of the Licensing Inspector post via the Late Night Levy.

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.

14. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 4 July 2018 were approved as a correct record.

15. **ADVERTISING APPLICATIONS FOR PREMISES LICENCES IN A LOCAL NEWSPAPER, AS PER THE REQUIREMENTS OF THE LICENSING ACT 2003**

The Committee received a report of the Strategic Transportation Group Manager detailing advertising applications for premises licences in a local newspaper, as per the requirements of the Licensing Act 2003.

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**

The Chairman raised one urgent item.

**The meeting ended at 3.40 pm**

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Chairman

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