

LICENSING COMMITTEE

Wednesday, 6 February 2019

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 6 February 2019 at 1.45 pm

Present

Members:

Peter Dunphy (Chairman)	Michael Hudson
Sophie Anne Fernandes (Deputy Chairman)	Deputy Jamie Ingham Clark
Caroline Addy	Graham Packham
Deputy Keith Bottomley	Judith Pleasance
Mary Durcan	James Tumbridge

In Attendance

Officers:

Jon Averbs	-	Interim Director of Consumer Protection and Market Operations
Peter Davenport	-	Markets & Consumer Protection
Jenny Pitcairn	-	Chamberlain's Department
Paul Chadha	-	Comptroller and City Solicitor's
Robert Breese	-	Markets & Consumer Protection
Leanne Murphy	-	Town Clerk's Department
Andrew Buckingham	-	Town Clerk's Department
Jess Wynne	-	City of London Police
Paul Holmes	-	City of London Police

1. APOLOGIES

Apologies were received from Shravan Joshi, Deputy Kevin Everett and Marianne Fredericks.

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 24 October 2018 were approved as a correct record.

The Chairman welcomed back Peter Davenport which was echoed by Members. The Chairman also advised Members that this would be his last meeting as Chairman of the Committee.

4. **ANNUAL REVIEW OF THE TERMS OF REFERENCE**

The Committee considered a report of the Town Clerk which presented the Committee's terms of reference for review. Members were also asked to consider whether the current meeting frequency was appropriate.

Members confirmed they had no changes to the terms of reference or frequency of meetings.

RESOLVED - That:-

- the terms of reference of the Committee be approved without amendment for submission to the Court in April 2019;
- no change be required to the frequency of the Committee's meetings.

5. **MINUTES FROM LICENSING SUB COMMITTEE HEARINGS**

5.1 **Dabbers Social Bingo - 18 January 2019**

The Committee were advised that the decision letter providing the outcome of the bingo gambling licence application for Dabbers Social Bingo 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.

5.2 **Half Cup - 4 February 2019**

The Committee were advised that the decision letter providing the outcome of the premises licence application for Half Cup was currently awaiting approval from the Sub Committee and would be sent to all relevant parties once finalised. The Town Clerk agreed to circulate the minutes to Members when they were signed off.

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

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

7. **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 Chairman confirmed that the guidance had been reworded following comments from Members at the last Committee meeting. Members were happy with the new wording.

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 could clearly see what has changed and provide focused feedback. Members agreed that changes should also be explained in the covering report. The Chairman agreed that this should happen when changes were made to large documents.

RESOLVED – That Members agree the final text of the guidance on our website in relation to advertising in a local newspaper as per the requirements of the Licensing Act 2003.

8. REVENUE BUDGETS - 2019/20

The Committee considered the joint report of the Chamberlain and Interim Director of Consumer Protection and Market Operations concerning the annual submission of the revenue budgets overseen by the Licensing Committee.

Members were advised that the report sought approval of the latest revenue budget for 2018/19 and provisional revenue budget for 2019/20, for subsequent submission to the Finance Committee. The budgets were prepared within the resources allocated to the Director.

It was noted that there was a typo in the second paragraph of the summary and that the word values should state venues.

RESOLVED – That Members:-

- Review the latest 2018/19 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to the Finance Committee;
- Review the provisional 2019/20 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to Finance Committee; and
- Authorise the Chamberlain, in consultation with the Chairman and Deputy Chairman, to revise these budgets for changes in respect of the Late Night Levy and of recharges.

9. GAMBLING ACT - ANNUAL REVIEW OF FEES 2019/20

The Committee considered the report of the Interim Director of Consumer Protection and Market Operations concerning the annual review of fees for those premises requiring a licence under the Gambling Act 2005 for 2019/20.

A Member noted that five fees were being proposed to increase in the new fee structure including bingo and AGC. He queried what AGC stood for and how the fees were estimated for bingo when there had been no bingo establishments in the City to date. Members were advised that AGC was an acronym for Adult Gaming Centre and the costings for bingo fees were based on expectations of costs in line with other Local Authorities.

A Member was concerned that the bingo fee expectations were based on the recent bingo application that was not approved and felt that more accuracy was needed to ensure the right fees were being charged. He recommended a review of the costs and increase the fee for the future.

RESOLVED – That Members agree the proposed fees for 2019/20 as set out in Appendix 1 (column six).

10. **SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES 2019/20**

The Committee considered the report of the Interim Director of Consumer Protection and Market Operations concerning the annual review of fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment for 2019/20.

A Member questioned whether there was justification for the increases to the fees, excepting the training of staff, as there had been no activity for Sexual Entertainment Venues (SEVs) in the City. It was noted that paragraph 8 provided the factors taken into account and Members hoped that a higher fee would discourage SEV applications coming to the City.

A Member highlighted the importance of being clear and transparent regarding all fees and did not feel the factors were a full justification for the increases when compared to the proposed fees concerning gambling. It was noted that the fees had increased in the previous item; however, they were now at the maximum level. All other Members approved the proposed fees.

RESOLVED – That Members agree the proposed fees for 2019/20 as set out in Appendix 1.

11. **LATE NIGHT LEVY - 12 MONTH REPORT (1 OCT 2017 - 30 SEPT 2018)**

The Committee considered the report of the Interim Director of Consumer Protection and Market Operations providing Members with a 12-month review concerning the Late Night Levy covering the period 1 October 2017 to 30 Sept 2018. The following comments were made:

- Members were advised that the amount received through the Levy had remained constant.
- The Chairman stated that the Committee had an opportunity to confirm whether they were happy with their decision at the last meeting to approve the two-year continuation of the operation of the Late Night Levy split with the City of London Police, and that the report provided the Committee with more detail.
- Members voiced their full support of the Late Night Levy operation; however, it was noted that there was a discrepancy of £400k between the Levy income and expenditure provided to the Police.
- Members noted that the COL Police had no restrictions on how their 70% of the Levy was spent. The Chairman highlighted that the

Committee could make recommendations to the COL Police regarding where the Levy should be spent, and it was agreed that the Committee needed to understand what this money was being used for to allow the Committee to make considerations.

- The Committee agreed that a resolution be motioned to the Police Committee requesting an analysis of the total spend of the Late Night Levy.

RESOLVED – That:-

- A resolution be made to the Police Committee requesting the total spend of the Late Night Levy;
- Members agree that the Late Night Levy should continue to operate for at least a further two years;
- Members require Officers to prepare an annual account of the operation and effect of the Levy which is to be reported to the Licensing Committee.

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

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

A Member queried what the outcome 'referred to other services' meant. The Committee were advised that the case may have been more relevant to another team so the case was referred as appropriate.

With regards to a query concerning why no action was possible regarding the noise ventilation complaint at Cote Restaurant, the Committee were advised that it was likely that the Officer who attended the site may not have detected a problem on arrival so was unable to take action. It was noted that any concerns could be followed up if there were further complaints regarding the ventilation. A Member requested if information could be added to the complaints table to resolve both questions raised and the relevant Officer agreed to add this.

A Member queried what compliance concerning tables and chairs licences took place at premises and suggested mystery shoppers to test conditions. The Chairman advised that this was an issue for the Streets & Walkways Committee but agreed this was a good idea.

RECEIVED.

13. 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 November 2017 to October 2018.

The Chairman drew attention to the graph analysis of violence in the City over a 12-month period as requested by Members at the last meeting to reflect trends. Members were advised that these figures were the overall crime figures and did not only cover licensed premises which presented a worse overall number.

It was noted that there was an increasing trend for violence (with and without injury) over the 12-month period, but that this had been decreasing in the last three months. However, this did not include figures for the Christmas period which had not yet been finalised.

In response to a query asking the Committee what figures were required in this report, the Chairman stated that quarterly figures on violent crime at licenced premises were needed. Whilst Members agreed it was interesting to see the overall crime figures, it was agreed that these were not relevant to the Committee. It was noted that the report was not provided in the correct format and the Town Clerk agreed to recirculate the new report templates to the relevant Officers.

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

There were no questions.

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

There was one item.

Brexit

The Interim Director of Consumer Protection and Market Operations advised Members that he attended a Chief Officers meeting of the Town Clerk to discuss the risks of a no-deal Brexit and confirmed that to date there were no specific risks that affected licensing. The Comptroller & City Solicitor confirmed that no impacts had been identified as UK licensing legislation was not EU based. Members were advised that if any risks were identified they would be brought to the Committee.

16. **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.

17. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 24 October 2018 were approved as a correct record.

18. 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 be read in conjunction with Item 12.

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

There were no questions.

20. 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.

The meeting ended at 2.31 pm

Chairman

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