

## LICENSING COMMITTEE

Wednesday, 15 July 2020

Minutes of the Virtual Public Meeting of the Licensing Committee on Wednesday, 5 February 2020 at 1.45 pm. The meeting can be viewed at:

<https://youtu.be/qVc7N8437OY>

### Present

#### Members:

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

### In Attendance

#### Officers:

Jon Averbs	- Director of Markets & Consumer Protection
Gavin Stedman	- Port Health and Public Protection Director
Rachel Pye	- Markets & Consumer Protection
Peter Davenport	- Markets & Consumer Protection Department
Jenny Pitcairn	- Chamberlain's Department
Frank Marchione	- Comptroller and City Solicitor's
Leanne Murphy	- Town Clerk's Department
Andrew Buckingham	- Media Team, Town Clerk's Department
Jo Northmore	- City of London Police
Chief Inspector Ray Marskell	- City of London Police
Chief Inspector Chris Hay	- City of London Police

#### 1. APOLOGIES

Apologies were received from John Fletcher.

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

There were no declarations.

#### 3. PUBLIC MINUTES

**RESOLVED**, that the public minutes of the meeting held on 21 May 2020 were approved as a correct record.

#### **4. MINUTES OF LICENSING (HEARING SUB) COMMITTEES**

##### **4.1 George & Vulture**

Members noted the public minutes of the George & Vulture hearing on 16 June 2020.

Members were advised that this was the first City Corporation virtual hearing and some connectivity issues meant that the public live stream went down a few times during the Hearing. This was ultimately resolved, and the Hearing was able to conclude. It was recommended that callover be made longer and that participants be asked not to use the chatbox to make representations as this was not visible to those watching live.

##### **4.2 Dabbers Social Bingo**

Members were advised that the Dabbers Social Bingo Hearing scheduled for 2 July 2020 was cancelled following an agreement as a result of further negotiations. The representation submitted by the City of London Corporation's Public Health team was withdrawn as the issues raised were addressed by the Applicant.

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

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

#### **6. REOPENING THE HOSPITALITY SECTOR: ALFRESCO EATING AND DRINKING UNDER THE BUSINESS AND PLANNING ACT 2020**

The Committee considered a report of the Director of Markets and Consumer Protection concerning the significant changes that would be introduced by the Business and Planning Bill 2020 once it received Royal Assent and outlining a new 'Al Fresco' Policy aimed at facilitating the introduction of these changes. The following comments were made:

- Members were advised that the Business and Planning Bill included a range of measures intended to support the economic recovery from the disruption caused by the COVID-19 outbreak in the UK. The measures were intended to encourage the use of outside space where the risks of Covid-19 transmission were lower whilst extending limited internal capacities.
- A temporary fast-tracked pavement licensing regime was proposed and approved at the Planning & Transportation Committee yesterday; however, the deregulation of off-sales fell under the remit of the Licensing Committee.
- It was noted that there may be some minor amendments by Officers to the policy as the third reading of the Bill was due on 20 July 2020 in the House of Lords. This included time limiting the off-sales provisions as

the current proposal was for the off-sales to run alongside the existing licence irrespective of what time the terminal hour is.

- The pavement licensing element required urgency as the provisions and off-sales would come into force on the day the Bill was passed. Each application has deemed consent so the City Corporation must be ready with a published policy, conditions, delegated authorities, online applications and payments to quickly accept and consider applications to support its businesses.
- A Member queried why the proposal was for 3-month licenses and if this was a recommendation of the Government. Members were advised that the 3-month pavement licence period was at the City Corporation's discretion, but Officers were operating cautiously due to the medieval street patterns of the City and the impact on the City's highways. It was noted that pedestrian numbers were changing and gradually increasing, and a flexible response was therefore needed in response to the changing City.
- In response to a queries concerning the potential to grant licences but for all tables and chairs to be removed during the evening rush hour or enforcing an 11pm curfew, Officers confirmed that limiting the evening rush hour was a possibility and was considered as part of detailed assessment criteria put forward by the Deputy Chair of Planning & Transportation Committee. There was also support for a curfew following the mass crowding at Soho when the lockdown was relaxed, and the City would continue to act with caution.
- A Member stated that the new legislation allowed for licences from now until September 2021, yet licensees would be expected to pay £100 for each 3-month licence. Members felt it was unfair to charge these fees when businesses were already suffering, and it created an extra barrier for licensees to overcome if having to keep renewing this licence. Members were informed that the £100 fee did not cover the Corporation's administrative costs and this process cost less than the normal tables and chair licence fee.
- A Member noted that, whilst at the gift of the Planning & Transportation Committee, there were very few areas of the City that could facilitate the increased pavement width requirement from 2.2m to 3.2m. This would have a significant impact on the licensees that had very small premises and made a living on the City's culture of vertical drinking outside which the report did not address. The Member challenged Officers to think outside the box to create space, e.g. using barrels for groups to socially distance and vertically drink outside. Officers confirmed that guidelines were published in May to assist premises safely administer takeaways and outside drinking.

- Responding to queries concerning tables and chairs licences, Officers confirmed that 52 of the existing 132 licences had been deemed safe to reinstate but to date only 5 premises had requested reinstatement.
- A Member asked how many of the 800+ licensed premises in the City had the curtilage to adhere to the 3.2m pavement requirement. Officers confirmed few adhered to this requirement; however, suitable spaces were being identified across the City for premises to use even if not directly outside the premises in question.
- Members were surprised by the small number of enquiries for tables and chairs licences and it was suggested that a positive messaging approach be taken by the Corporation by posting a map showing exactly where it was possible as this was not always obvious. Members were advised that there had been continued engagement with groups to share messaging with businesses and communications were being developed to follow implementation of the policy. Members were encouraged to ask their Ward businesses to contact the Licensing Team if they had any queries.
- Members felt that it was important for them to be able to help and reach out to the businesses in their Wards and a request was made for information on each premises by Ward. Officers agreed to publish a licensing update online to include the pavement scheme.
- A Member saw this as an opportunity to gather data and observe business performance trends which would help form processes for managing future summers and assist the Committee with future decision making. Officers confirmed that data gathering had started early into the pandemic and the City Activity Levels Bronze group had created a dashboard working across City Corporation departments which Senior Officers in the Gold Recovery From group were feeding into to ensure an evidenced based approach in response to the pandemic.
- A Member questioned if the Police were equipped to manage the extra street drinking and what the safety conditions were. Members were advised that to date there had been a low footfall in the City and small issues had been dealt with quickly by the Police. Additional resources were put in place following last week's relaxed lockdown rules and deal with "super Saturday" but this was still relatively quiet compared to normal summer drinking. The Chief Superintendent noted that the Police did not have the enforcement powers to stop people that were not socially distancing but were continuing with engagement methods which to date had been effective.
- A Member suggested that this was a good weather proposal and would be surprised if many applications for a licence came after November due to the cold weather. Members responded that this was in fact not the case and outside vertical drinking in the City was the norm across all seasons.

- A Member was concerned about tables and chairs at Leadenhall Market as Luc's was turned down for a licence, but it would be impossible for them to open if did not have this facility. Members were advised that pavement licences were for use in public highways and Leadenhall Market was private land.
- In response to a query asking if businesses had been engaged about the proposed 3-month licence or asked for longer licences, Officers stated that they had not engaged but that businesses would likely want longer. Members felt the length 3-month length of licences and current fee structure urgently needed revisiting. A Member voiced concern that the issues were not properly scrutinised at yesterday's Planning & Transportation Committee due to the length of the meeting and lateness of the item of the agenda.
- A Member supported the principle of supporting businesses with caution and enquired what the rest of London was doing. Members were informed that the City Corporation was engaging with the London Nextstart Group looking at charges and the GLA's Reopening High Streets Task Force. Following yesterday's Planning & Transportation Committee, Officers had already shared their work to ensure consistency across London.
- It was noted that adjoining and neighbouring premises were different by definition, and that Officers needed to be clear on the distinction when deciphering the legislation.
- Members acknowledged that the City Corporation would take a hit of £80 for administering each licence but did not support charging applicants for a new licence every three months as this was against the spirit of helping licensed premises reopen. A Member stated that the Director had a duty to work within the Local Risk Budget to assist and it was noted that £0.5m was saved last year in underspend which could potentially be used to support premises.
- Members favoured a one-off £100 charge for a licence until September 2021 but supported a minimum licence of 6 months plus the implementation of a condition to suspend the licence at any time if there were any safety concerns. This would save Officer time and save struggling applicants the cost of multiple fees. The Director of Markets and Consumer Protection agreed to revisit the issues identified by the Committee but highlighted that the decision ultimately fell under the remit of the Planning & Transportation Committee.

**RESOLVED** – That:-

- An urgent resolution be made to the Planning & Transportation Committee requesting a review of the proposed 3-month Pavement Licence period and the fee of £100 for a Pavement Licence application;

- The Town Clerk, in consultation Chairman and Deputy Chairman, be given delegated authority to make decisions on behalf of the Licensing Committee relating to the Al Fresco Policy;
- To agree the Al Fresco Eating and Drinking (Business and Planning Act 2020) Policy produced as Appendix 1 to this report subject to changes following consideration of the issues identified by the Licensing Committee;
- Note the need for an urgency report once the Bill receives Royal Assent to grant delegated authority to the Director of Markets and Consumer Protection.

## 7. **COVID-19 UPDATE**

The Committee received an oral update from the Director of Markets and Consumer Protection providing Members with an update on the current situation as a result of the Covid-19 pandemic.

Members were advised that the hospitality sector was gradually increasing with 30 premises reopening on 4 July 2020 which had since increased to 40-50 premises. Footfall on the streets remained significantly lower than average with approximately 1,000 people a week.

It was noted that due to the knock-on effects of Covid-19, it was deemed inappropriate to host the annual Safety Thirst awards event for 2020/21 and this would roll over until next year.

With regards to the traffic light scheme, Officers advised that all premises were closed from 23 March during lockdown. Members agreed that premises in the Red or Amber zone could not be let off the hook and points should carry over to skip the period all premises were closed with the scheme to recommence as normal.

A Member felt that it was important to help struggling businesses and enquired how the City Corporation could promote and advertise the open premises to City residents. A Member noted that the City information Centre had reopened and could publicise the open premises. Officers confirmed that this information could be shared to promote externally.

## 8. **REVENUE OUTTURN 2019/20**

Members considered a joint report of the Chamberlain and Director of Markets and Consumer Protection comparing the revenue outturn for the services overseen by the Committee in 2019/20 with the final budget for the year. It was noted that additional information was circulated following a query from a Member.

Members were advised that overall total net expenditure during the year was £191,000 whereas the total budget was £124,000, representing an overspending of £67,000.

A Member queried what was covered within the £180k under total premises, street trading & other. Members were informed this included any loss on standard premises licence fees which were nationally set and therefore did not reflect the local cost and non-recoverable statutory work.

A Member was concerned by different budgets being presented to the Committee and requested that all information be included within reports with full explanations from the start. Members discussed changing budgets and Officers confirmed that the Standing Orders permitted revised budgets. Whilst it was acknowledged that the Covid-19 pandemic had had a serious impact on budgets across all departments meaning they all would be readjusted, there was a difference between adjustments and carry forwards. A Member recommended taking this up with the Finance Committee. Officers advised that carry forwards were allowed and measured against final budgets.

**RESOLVED** – That Members note the report and the proposed carry forward of underspendings to 2020/21.

9. **CRIMES AT LICENSED PREMISES**

The Committee considered a report of the Chief Superintendent regarding violent crime from licensed premises during the period April 2020 – June 2020 and a yearly update comparing 2018 to 2019.

Members were informed that the only crimes that took place at licenced premises during this period were two burglaries.

In response to a query by a Member, Officers confirmed that “VAP” meant violence against person. The Member requested that an information box be included with relevant acronyms, etc.

RECEIVED.

10. **LATE NIGHT LEVY FINANCE REPORT**

The Committee received a verbal update from 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 there was no report as there had been no changes since the previous meeting. Officers noted that there was confusion as to how regularly this update should be brought to the Committee which had varied in the past. The Town Clerk confirmed that the report conflicted with the City Corporation’s own financial update as they ran on a different schedule causing confusion for the Committee’s annual report.

The Deputy Chairman recommended a bi-annual update to provide less reporting burden on the Police which could review the last year and the current year. Members were reminded that the Committee had no control over how the Police spent their portion of the Late Night Levy. The Chairman added that

there should be joint up reporting between the Police and City Corporation for the end of year accounts. Members supported this approach.

11. **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 Director pertaining to premises licences.

RECEIVED.

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

A Member questioned how the City Corporation could support the emerging sector using its communications and social media presence noting that the Corporation had 43k followers. Members agreed that a report at the next meeting on what promotion was happening and what could be used going forward would be productive. Officers agreed to follow up with the Comms Team on this update.

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

There were no urgent items.

14. **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.

15. **NON-PUBLIC MINUTES**

**RESOLVED**, that the non-public minutes of the meeting held on 21 May 2020 were approved as a correct record.

16. **NON-PUBLIC APPENDIX: DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**

The Committee received a non-public appendix report to the report under agenda item 11 pertaining to premises licenses which included the names of each premises.

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

There were no questions.

18. **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 3.56 pm**

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Chairman

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