

LICENSING COMMITTEE

Wednesday, 3 May 2017

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 3 May 2017 at 1.45 pm

Present

Members:

Peter Dunphy	Christopher Hayward
Mary Durcan	Michael Hudson
Emma Edhem	Deputy Jamie Ingham Clark
Deputy Kevin Everett (in the Chair)	Graham Packham
Sophie Anne Fernandes	Judith Pleasance
Marianne Fredericks	James Tumbridge

In Attendance

Officers:

Gemma Stokley	-	Town Clerk's Department
Neil Davies	-	Town Clerk's Department
Kate Smith	-	Town Clerk's Department
Carl Locsin	-	Media Officer
Jenny Pitcairn	-	Chamberlain's Department
Paul Chadha	-	Comptroller & City Solicitor's Department
David Smith	-	Director of Markets & Consumer Protection
Peter Davenport	-	Licensing Manager
Inspector Simon Douglas	-	City of London Police

1. APOLOGIES

Apologies for absence were received from Keith Bottomley.

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 Town Clerk highlighted that there were still two vacancies on the Committee which would be re-advertised to all Members at the next Court of Common Council meeting later this month.

The Town Clerk went on to highlight that, paragraph 4. (b) of the Committee's Terms of Reference had now been amended in accordance with the views expressed by the Committee toward the end of 2016 and now read that this Committee acted 'jointly' with the Port Health and Environmental Services Committee and the Markets Committee on the appointment of the Director of Markets and Consumer Protection. The same wording had also been applied to the Terms of Reference of these two other Committees.

RESOLVED – That the Order of the Court of Common Council, of 27 April 2017 (tabled), appointing the Committee and approving its Terms of Reference, be noted.

4. **ELECTION OF CHAIRMAN**

The Committee proceeded to elect a Chairman in accordance with Standing Order No. 29.

The Town Clerk read out a list of Members eligible to stand as Chairman. Peter Dunphy, being the only Member indicating his willingness to stand as Chairman, was duly elected for the ensuing year.

Mr Dunphy thanked the Committee for their continued support. He went on to pay tribute to those Members who were not returned to the Court of Common Council or to this Committee following the City elections in March 2017. On behalf of the Committee, the Chairman thanked Deputy John Barker, Alex Bain-Stewart and Chris Punter for their many years of service and reported that he hoped that all three would be able to join the Committee at their Annual Dinner in July 2017.

Finally, the Chairman welcomed Mary Durcan to her first Licensing Committee meeting following her successful election as a Common Councilman in March 2017 and subsequent appointment to this body.

5. **ELECTION OF DEPUTY CHAIRMAN**

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

The Town Clerk read out a list of Members eligible to stand as Deputy Chairman. Sophie Fernandes, being the only Member indicating his willingness to stand as Chairman, was duly elected for the ensuing year.

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:

Christopher Hayward
Deputy Jamie Ingham Clark
Michael Hudson
Graham Packham
James Tumbridge

Christopher Hayward subsequently withdrew and a ballot was therefore not required.

RESOLVED – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2017/18 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
- Graham Packham
- James Tumbridge

7. PUBLIC MINUTES

The public minutes of the meeting held on 1 February 2017 were considered and approved as a correct record.

8. MINUTES OF LICENSING HEARING (SUB)

8a) Louie's Bar - TEN

The Committee received the public minutes and decision notice (tabled) of the hearing regarding the Temporary Event Notice application for 'Louie's Bar', 46 Moorgate, London, EC2R 6EL, held on 24 April 2017.

The Chairman explained that it was quite rare for a hearing to take place in regard to a Temporary Event Notice (TEN). On this occasion, an objection submitted by the City of London Police had led to the need for a hearing, at which the application for a TEN was rejected for the reasons outlined within the minutes and decision letter (tabled).

In response to a question, the Licensing Manager reported that he was yet to receive an application for a full licence from this applicant.

RECEIVED.

8b) Cannon Green House

The Committee received the public minutes and decision notice (tabled) of the hearing regarding 'Cannon Green House' 27 Bush Lane, London, EC4R 0AA held on 26 April 2017.

The Town Clerk reported that the decision letter with regard to this hearing was set to be issued to all parties tomorrow morning – thereafter, the 21 day appeal period would commence. The Member who had served as Chairman for this hearing reported that she had already been informed that those making representations may look to appeal the decision to grant the new licence. She stated, however, that she was confident in the decision taken and the clear reasons given for this by the Sub Committee in their decision letter.

RECEIVED.

9. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**
The Comptroller and City Solicitor reported that there had been no appeals since the Committee's last meeting in February 2017.

10. **APPOINTMENT OF SUB-COMMITTEE CHAIRMEN**
The Committee received a resolution of the Policy and Resources Committee concerning the appointment of Sub Committee Chairmen.

The Town Clerk reminded the Committee that they had previously received a resolution of the Policy and Resources Committee on this same matter but that they, along with a number of other Grand Committees, had chosen to refer the matter back and seek greater clarity on what was being proposed. A new resolution and accompanying report was therefore being re-circulated to all relevant Grand Committees to provide clearer guidance on this matter.

The Chairman reminded Members that, for this Committee, there were already very distinct and statutory rules in place regarding the appointment of a Sub Committee.

A Member commented that this had been discussed at length at the most recent Informal Members' Meeting and was really just a means of clarifying the status quo.

RECEIVED.

11. **CHARITY COLLECTIONS TERMS OF REFERENCE**
The Committee considered a report of the Director of Markets and Consumer Protection relating to street charity collections within the Committee's Terms of Reference.

The Chairman highlighted that the transfer of this area of responsibility to the Licensing Committee had previously been agreed by the Port Health and Environmental Services Committee in 2006 but had not been followed through with the relevant recommendation to the Court of Common Council to formalise the new arrangements.

Members were informed that, should they be supportive of actioning this, the Port Health and Environmental Services Committee would consider the same recommendations at their meeting next week. The Licensing Manager stated that he had already discussed this matter with the Chairman and Deputy Chairman of the Port Health and Environmental Services Committee who had not had any objection to progressing this transfer of responsibilities.

RESOLVED – That, the Licensing Committee (subject to the agreement of the Port Health and Environmental Services Committee and the concurrence of the Court of Common Council) agree to the terms of reference of the Licensing Committee being amended to include The Police, Factories and (Miscellaneous Provisions) Act 2016.

12. DEPARTMENTAL BUSINESS PLAN: MARKETS AND CONSUMER PROTECTION, LICENSING SERVICE

The Committee considered a report of the Director of Markets and Consumer Protection presenting the business plans for 2017/18 for the Department of Markets and Consumer Protection.

The Director highlighted that, in addition to the detailed Licensing Service business plan which Members would already be familiar with, all Committees were also being presented with a high-level overview of the departmental business plan for the first time this year.

A Member referred to the three headline 'Ambitions' set out within the Licensing Business Plan 2017-2020 and stated that he was disappointed to see that these were all internally focused. He commented that it would be useful to have some sort of outcome attached to the ambitions and stated that he had made this point in relation to previous Business Plans presented to the Committee. The Director responded by stating that he felt that the first ambition set out within the Plan (to provide the fastest turnaround of uncontested applications of all London Licensing Authorities) was very clearly customer focused and based on outcome. He welcomed any detailed suggestions/wording that the Member might be able to propose to make this clearer.

In response to a question regarding how Members might be kept informed of progress against those issues raised within the Business Plan, the Director stated that he would expect to report back to this Committee on a quarterly basis on this matter.

A Member questioned progress against Performance Indicator 3 (PI3) within the report regarding applications for the annual Safety Thirst Award Scheme and enquired as to progress made against this PI to date. The Licensing Manager reported that a total of 400 premises had been targeted for applications this year. With regard to the number of premises successfully receiving a reward, the Licensing Manager reported that the aim was for this to increase year on year. It was hoped that the number would exceed 60 this year.

A Member questioned whether PI5 regarding the settlement of debts could be tightened to state that 100% of debt was to be settled within 90 days as opposed to 120. The Director reported that debt was not a particular problem for this Committee and that all Departments were required to follow Corporate Guidelines with regard to this.

A Member commented that PI1 was a good, externally focused outcome indicator. He questioned whether there was any way in which issues could be addressed sooner to prevent premises from entering the red or amber zone of the Traffic Light Scheme. Another Member commented that PI targets had to be realistic. She added that the matters causing premises to enter the red or amber zone were often unpredictable and therefore outside of Officers' control.

With regard to PI4 and sickness absence, a Member commented that he would prefer to see this reworded to indicate that the level of overall sickness absence

per person should be 'within the Corporate average' as opposed to setting out what might be perceived to be a 'budget' of 6 days per person. The Director commented that he was also bound by Corporate targets in this area.

Finally, the Town Clerk drew Members' attention to the Draft Corporate Plan (2018-2023) appended to the report. The Town Clerk explained that this was very much an embryonic plan at this stage which would be submitted to all Grand Committees for initial comment. The Town Clerk also referenced recent and forthcoming sessions for both new and existing elected Members which would provide further opportunity to discuss the Plan.

The Town Clerk asked that Members pay particular attention to the twelve broad outcomes set out under the headings 'People', 'Place' and 'Prosperity'. Members were informed that it was anticipated that the final Plan would be submitted to the Court of Common Council in March 2018.

RESOLVED – That, Members:

- Approve the high level departmental business plan and detailed Licensing Service business plan for the Department of Markets and Consumer Protection, subject to the comments made today; and
- Note the draft Corporate Plan 2018-23.

13. 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 licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 January 2017 to 31 March 2017.

RESOLVED – That Members note the report.

14. REVIEW OF SAFETY THIRST SCHEME

The Committee received a report of the Director of Markets and Consumer Protection reviewing the Safety Thirst Scheme.

The Licensing Manager stated that Officers had been tasked with looking into the different schemes available to them. This report compared the City's existing Safety Thirst Scheme with the Best Bar None Scheme. He reported that Licensing Officers had met with the organisation on a number of occasions and that they appeared to be very keen to have the City on board. However, following discussions with stakeholders, it had become clear that the vast majority viewed the Safety Thirst Scheme favourably and liked the fact that this was unique to the City. For this reason and a number of others, as set out within the direct comparison between Safety Thirst and Best Bar None detailed within Appendix 2, it was not felt appropriate to change the City's existing Scheme at this time.

The Licensing Manager went on to report that this would be kept under review and that, in the meantime, he would be seeking third party support for the Safety Thirst Scheme.

RESOLVED – That Members note the report.

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

Busking

A Member raised an issue regarding busking within the City and questioned what control Officers had over this. The Licensing Manager reported that, to an extent, this sat with Port Health and Environmental Services. He clarified that, if buskers were causing noise disturbance, this could be tackled by Environmental Health Officers. They could also be causing an offence if they were obstructing the highway or conducting illegal street collections which would be an issue that Licensing Officers could address.

The Licensing Manager went on to report that any individual collecting money in the City was required to seek a licence/permit for this that was issued by the City's Licensing Team.

Finally, the Licensing Manager reported that he had received three complaints about a Piper in the City in recent months. On each occasion, Officers had been deployed but had been unable to locate the offender.

16. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT
House of Lords Select Committee on the Licensing Act 2003

The Licensing Manager tabled a summary of conclusions and recommendations from the House of Lords Select Committee on the Licensing Act 2003. He highlighted that this was intended to be for information only at this stage and that the House of Lords Select Committee was entirely advisory to the House of Commons.

The Licensing Manager drew Members' attention to the principal proposals that would directly affect this Committee should they be approved. The main proposal related to the merging of Licensing Committees and their functions into Planning Committees. The consideration of any appeals from licensing authorities would also lie with the planning inspectorate as opposed to magistrates' courts.

The Training of Licensing Committee Members would become obligatory under the new proposals – something that the City had always adopted in practice. The Chairman added that all new Committee Members would receive adequate Licensing training in the near future, shortly after the May Court of Common Council meeting where it was hoped that the remaining two vacancies on the Committee would be filled.

The Chairman went on to highlight further significant changes proposed within the summary – one of these being that Licensing Authorities would also be given the power to object to Temporary Event Notice applications alongside the Police and Environmental Health Officers. A further significant proposal for the City was the suggested abolition of the Late Night Levy.

In response to questions, the Licensing Manager stated that he assumed that the Remembrancer would be monitoring the progress of this matter through Parliament. He undertook to keep the Licensing Committee informed on this.

A Member commented that it was well acknowledged that these proposals were likely to attract a significant number of political representations. She went on to state that she felt that the City already complied with a number of proposals with regard to Member training and Licensing Hearing arrangements. However, she underlined her serious concerns at the proposals to merge Licensing and Planning Committee functions and to abolish the Late Night Levy. She hoped that the City would underline these concerns when invited to make representations.

A Member, also the acting Chairman of the City's Planning and Transportation Committee, agreed that it would be disastrous to merge Licensing and Planning functions.

17. 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 Part I of Schedule 12A of the Local Government Act.

<u>Item No(s).</u>	<u>Paragraph No(s).</u>
18	1, 2 & 3
19 & 20	1

18. NON-PUBLIC MINUTES

The non-public minutes of the meeting held on 1 February 2017 were considered and approved as a correct record.

19. 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 Item 13 on the agenda providing Members with details of those premises obtaining sufficient points on the Risk Scheme to reach red or amber for the period 1 September 2016 – 28 February 2017.

20. VIOLENT CRIME FROM LICENSED PREMISES

The Committee received a report from the City of London Police updating Members on issues of Violent Crime from licensed premises within the City.

21. NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE

There were no questions raised in the non-public session.

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

Members were provided with additional information on this year's Annual Committee Dinner.

The meeting ended at 3.04 pm

Chairman

**Contact Officer: Gemma Stokley
tel. no.: 020 7332 1407
gemma.stokley@cityoflondon.gov.uk**