

LICENSING COMMITTEE

Monday, 20 October 2014

Minutes of the meeting of the Licensing Committee held at Committee Room 3 - 2nd Floor West Wing, Guildhall on Monday, 20 October 2014 at 1.45 pm

Present

Members:

Marianne Fredericks (Chairman)	Christopher Hayward
Peter Dunphy (Deputy Chairman)	Michael Hudson
Deputy John Barker	Graham Packham
Jamie Ingham Clark	Judith Pleasance
Revd Dr Martin Dudley	Chris Punter
Kevin Everett	James Tumbridge

Officers:

Rakesh Hira	Town Clerk's Department
David Arnold	Town Clerk's Department
Paul Chadha	Comptroller & City Solicitor's Department
Jenny Pitcairn	Chamberlain's Department
David Smith	Director, Markets & Consumer Protection Department
Steve Blake	Markets & Consumer Protection Department
Peter Davenport	Markets & Consumer Protection Department
Norma Collicott	City of London Police

1. APOLOGIES

Apologies were received from Alex Bain-Stewart and Edward Lord.

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 July 2014 were approved as a correct record.

Matters Arising

Rough Sleepers

An Officer of the City of London Police informed Members of the two Operations that were currently being implemented to combat the issue of anti-social behaviour by rough sleepers. Members were advised that Operation Fennel was a police-led operation to stop aggressive begging by issuing tickets to people begging and providing them with support and a place to stay.

Operation Acton focussed on those rough sleepers who had refused all other offers of help.

Street Trading

In response to a Member's question, the Assistant Director of Environmental Health and Public Protection advised that Enforcement Officers had visited a number of street traders on Millennium Bridge with a view to seize property or issue Fixed Penalty Notices if they continued to trade illegally. Members were also updated of enforcement action against ice-cream vans trading within the City. The Assistant Director of Environmental Health and Public Protection advised that three vans had been seized and undertakings had been signed to ensure that they would not return to trade in the City.

4.1 **Badolina, 210 Bishopsgate, London, EC2M 4NR**

The Committee received the minutes of a Licensing (Hearing) Sub Committee regarding Olive Grill Ltd. at Badolina, 210 Bishopsgate, EC2M 4NR that was held on 16 July 2014.

The Chairman of this Licensing (Hearing) Sub Committee advised the Committee that the hearing raised questions of anti-social behaviour by rough sleepers and access to toilets in and outside venues licensed to sell alcohol. The Chairman of the Committee added that she had discussed the issue of access to toilets with the City Surveyor's department, who would take them into account when applying for Table and Chairs licences at premises in Leadenhall Market.

RESOLVED – That the minutes of the Licensing (Hearing) Sub Committee held on 16 July 2014, be noted.

4.2 **Kyber, 4 Burgon Street, London, EC4V 5DR**

The Committee received the minutes of a Licensing (Hearing) Sub Committee regarding Mr Bashir Ahmed at Kyber, 4 Burgon Street, EC4V 5DR that was held on 25 July 2014.

The Deputy Chairman, who was Chairman for this hearing, advised the Committee that the new licence application was subject to allegations that alcohol was already being sold at the restaurant. However, there was no evidence to support this allegation so a decision was made separately without taking this into account.

RESOLVED – That the minutes of the Licensing (Hearing) Sub Committee held on 25 July 2014, be noted.

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

The Committee received an update from the Comptroller and City Solicitor regarding appeals against Licensing (Hearing) Sub Committee decisions.

Members were advised that no appeals had been received.

6. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS & CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**

The Committee received a report of the Director of Markets and Consumer Protection regarding the delegated decisions of the Director pertaining to premises licences. The report detailed the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 July to 30 September 2014.

Members were advised that some Wetherspoons pubs had added a condition to their licence preventing the sale of alcohol between 00:00 and 02:00 despite venue being open during this period. The Licensing Manager advised that this meant they did not need to pay the Late Night Levy so Members agreed that the wording in the report be changed to “Add condition which has effect of reducing hours to midnight whilst the Late Night Levy is enforced”.

In response to a Member’s question, the Licensing Manager advised that 8 premises had been investigated for the sale of alcohol to under 18s. The Licensing Team were working with venue owners to ensure due diligence and that all members of staff were fully trained about the importance of not serving alcohol to under-aged people. Members were also advised that the Licensing Team were working alongside the City of London Police to impose serious sanctions on premises that were found to have served alcohol to under 18s twice within a 3 month period. Inspections of those premises who had committed the offence recently would be taking place shortly.

RESOLVED – That the report be noted.

7. **UPDATE ON THE LATE NIGHT LEVY**

The Committee received an oral update on the Late Night Levy (LNL) from the Assistant Director of Environmental Health and Public Protection.

Members were advised that the number of premises selling alcohol between 00:01 and 06:00 had increased from 290 to 293 since original forecasts were made. Officers had expected 30% of affected premises to submit variations to bring their selling hours outside the LNL period but to date only 64 premises had submitted variations. Members were advised that premises would now be charged if they wished to submit a variation.

The Assistant Director reported that 25 premises had achieved the required standard for Safety Thirst, thus receiving a 30% discount. Members were advised that this figure was unlikely to exceed 35 premises. As a result, the amount of money to be raised by the LNL was likely to be in the region of £340,000. This would equate to a Police portion of approximately £230,000 and a Local Authority portion to the City Corporation of approximately £100,000. Six and twelve month figures would be reported to Members at the appropriate Committee meetings.

RESOLVED – That the Late Night Levy update be received.

8. **UPDATE ON SAFETY THIRST**

The Committee received an update on Safety Thirst from the Licensing Manager.

Members noted that 29 premises received the Safety Thirst Award at the well-attended and successful Awards Ceremony on 8 October 2014. The Licensing Manager advised that 26 further premises were still either being inspected or were in the process of providing further evidence to support their application for the Award. Members were advised that these would be finalised by the end of November 2014 and that a majority of these cases were late applications in order to obtain the 30% LNL discount.

Applications for the 2015/16 Award, which was due to be amended slightly to permit different premises categories, would be received from 1 January 2015 to 31 March 2015; inspections would then be carried out from April 2015 onwards. Members were also advised that grades could be added to Awards scheme to differentiate between premises that narrowly met criteria and those who passed easily, as well as an award for best in each category.

RESOLVED – That the update on Safety Thirst be received.

9. **REVENUE BUDGETS - 2015/16**

The Committee considered a joint report of the Chamberlain and the Director of Markets and Consumer Protection that sought approval of the provisional revenue budget for 2015/16, for subsequent submission to the Finance Committee.

Members were advised that the newly introduced Late Light Levy was the most significant change to the 2015/16 budget from previous years but figures were still provisional as all variations to premises licences had not been confirmed yet.

Members noted that the total 2013/14 expenditure in relation to employees, premises related expenses, and supplies and services was £453,000 not £423,000 as stated in the report. Members were also advised that the latest approved 2014/15 budget for support services and capital charges was £155,000 and would be £152,000 in 2015/16.

RESOLVED – That:-

- a) the provisional 2015/16 revenue budget reflected the Committee objectives and be approved for submission to the Finance Committee; and
- b) the Chamberlain be authorised to revise these budgets for changes in respect of the Late Night Levy and of recharges.

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

There were no questions.

11. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
 Members of the Committee expressed their thanks and best wishes to the outgoing Committee Clerk, Rakesh Hira, who would be leaving to the City of London Corporation before the next Committee meeting.
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 as follows:-
- | | |
|-------------|------------------|
| <u>Item</u> | <u>Paragraph</u> |
| 13 | 3 |
13. **LICENSING RISK SCHEME**
 The Committee received a report of the Director of Markets and Consumer Protection regarding the Licensing Risk Scheme.
14. **NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**
 There were none.
15. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**
 There was one item of urgent business.

The meeting ended at 2.50 pm

 Chairman

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