

LICENSING COMMITTEE

Wednesday, 21 October 2015

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 21 October 2015 at 1.45 pm

Present

Members:

Marianne Fredericks (Chairman)	Edward Lord
Peter Dunphy (Deputy Chairman)	Graham Packham
Deputy John Barker	Chris Punter
Sophie Anne Fernandes	James Tumbridge

Officers:

Simon Douglas	- City of London Police
Gemma Stokley	- Town Clerk's Department
Paul Chadha	- Comptroller & City Solicitors Department
David Smith	- Director of Markets & Consumer Protection
Jenny Pitcairn	- Chamberlain's Department
Steve Blake	- Markets & Consumer Protection Department
Peter Davenport	- Markets & Consumer Protection Department

1. APOLOGIES

Apologies for absence were received from Alex Bain-Stewart, Revd. Dr. Martin Dudley, Deputy Kevin Everett, Christopher Hayward, Michael Hudson and Judith Pleasance.

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 29 July 2015 were considered and approved as a correct record.

MATTERS ARISING

TFL Night Tube (page 2) – The Chairman reported that it now seemed that the introduction of the Night Tube would be delayed until 2016.

GIS (page 3) – The Chairman reported that the GIS Map was now live on the Corporation's website.

4. 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 July 2015 to 30 September 2015.

The Licensing Manager was pleased to report that, for a second, consecutive period, no premises had reached 'red' status on the risk scheme.

Under Appendix 1 (New Licence Applications issued by way of Delegated Authority Jul-Sep 2015), the Licensing Manager highlighted that 'Keevil & Keevil' involved internet only sales.

Members were informed that there had also been two successful prosecutions in this period. One involved the DPS of Viet Café who had been fined £1,400 plus £2057 costs. The other involved a peanut seller who had received a £500 fine plus £290 costs. The City had also secured a destruction order on two of the seller's carts. The Licensing Manager went on to report that the same individual had been caught selling peanuts again only this week and would therefore face further prosecution.

A Member highlighted, under Appendix III, that Corney and Barrow was not in Langbourn Ward but was situated in Coleman Street. The Licensing Team undertook to update their database accordingly.

In response to a question, the Licensing Manager reported that the complaint regarding the Barbican Centre and Benedict Cumberbatch was being addressed by the Barbican Centre who had taken steps to ameliorate the situation which included limiting performance hours to 11.00pm.

In response to a further question as to why certain complaints were recorded with 'no action possible', the Licensing Manager clarified that this was often because the complainant wished to remain anonymous, was not prepared to grant access to Officers or not incident had been observed at the time of investigation. The Chairman reassured Members that, in these cases, premises were made aware of complaints and the matter was followed up with them.

The Chairman raised concerns around recent Raves that had been taking place in derelict buildings in the City. She questioned the Police policy on these. The City of London Police confirmed that the raves were taking place in commercial as opposed to residential properties and that these were not covered by existing legislation. He assured the Committee that there was ongoing intelligence taking place around these events in an attempt to stop these from taking place in the future.

RECEIVED.

5. LATE NIGHT LEVY UPDATE

The Director of Markets and Consumer Protection provided the Committee with a verbal update on the Late Night Levy (LNL).

The Committee were informed that a detailed report on the LNL would be submitted to them in early 2016. The Director of Markets and Consumer

Protection summarised by highlighting that, to date, the Levy had raised £482k. £320k of this had been allocated to the City of London Police as previously agreed.

Members were informed that over 300 renewals had taken place in September and that the final figure was therefore still a forecast at this stage. Current projections forecast an overall sum of £500k for the first levy year (1 October 2014 – 30 September 2015).

The Director went on to report that, after administration costs, it was anticipated that the Corporation would be left with approximately £130k. There was no reason to think that the second year amount would vary greatly. Members were informed of how some of the funds had been spent so far including financing additional licensing staff to manage the collection of the levy, continue with operating the risk scheme and enhance the Safety Thirst scheme. Funds had also contributed towards out of hours enforcement by SEO's and additional cleaning of streets after midnight.

Members requested that similar information from the Police as to how their funds had been utilised be included within the detailed report brought to this committee in early 2016.

RECEIVED.

6. SAFETY THIRST UPDATE

The Committee received a verbal update from the Licensing Manager regarding the Safety Thirst Scheme.

The Licensing Manager reported that an Awards evening had been held on 12 October 2015 where 31 premises achieved the award. Two premises had also received the first ever 'Premises of the Year Award', these were The Brewery on Chiswell Street and The Forge on Cornhill. The Chairman reported that The Forge had formerly traded as 'Abacus' and that the Premises of the Year Award therefore marked an enormous turnaround for this premises and was to be congratulated. She went on to state that this was also testament to the fact that the policies supported by this Committee and the pro-active stance of Officers was effective. She thanked all for their efforts.

The Licensing Manager went on to report that further enhancements to the scheme were now proposed. The Licensing Team were now able to see what training premises staff had undertaken online which would help to streamline the process going forward.

A Member requested that, going forward, they be provided with information as to which premises had applied to the scheme within their Ward so that they could target/encourage those who had not.

RECEIVED.

7. **REVENUE BUDGETS 2016/17**

Members considered a joint report of the Chamberlain and the Director of Markets and Consumer Protection regarding the revenue budgets overseen by the Committee.

The Chamberlain informed Members that the Paragraph References within the final column of Table 3 (Provisional Revenue Budgets 2016/17) should relate to paragraph 12 and its sub paragraphs and not to paragraph 11.

Members were informed that it had now been decided that street pastors would not be pursued going forward.

Finally, the Chamberlain reported that central recharges had now been finalised and that, under Table 2 (Latest Revenue Budgets 2015/16) the figure for 'Central Support Services and Capital Charges' in the column headed 'Latest Budget 2015/16' should now read £115k as opposed to £117k. The figure in Table 3 for 'Central Support Services and Capital Charges' in the column headed 'Original Budget 2016/17' should now read £113k as opposed to £118k.

RESOLVED: That, Members:

- Approve the latest 2015/16 revenue budget for submission to the Finance Committee;
- Approve the provisional 2016/17 revenue 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.

8. **GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES**

The Committee considered a report of the Director of Markets and Consumer Protection with a holding policy statement to meet statutory deadlines attached.

The Licensing Manager highlighted that legislation requires that all authorities review their policy at three yearly intervals. This report was last reviewed in January 2013 and therefore was required to be reviewed by January 2016. Members were informed that revised guidance notes were received by Officers in September and that a consultation process would now need to take place before presenting the final text to the Court of Common Council in January 2016.

The Licensing Manager Highlighted that the Statement attached had been amended in terms of dates and paragraph references. He went on to focus Members' attention on the social responsibility code provision which requires licensees to assess the local risk to the licensing objectives posed by their gambling operations at each of their premises. The Committee were also informed that, as of April 2016, all gambling premises must produce a Risk Assessment based on the Local Authority's Statement of Licensing Principles.

The Chairman stated that she intended to circulate the amended statement to all Members of the Committee for comment before signing off under Delegated Authority.

In response to a question, the Licensing Manager reported that they had not seen a decline in the number of gambling premises as a result of online gambling using smart phones.

RESOLVED – That, the Committee:-

- Agree the draft Statement of Licensing Principles text for consultation;
- Agree the timetable and methodology to determine the final text and adoption of the Statement of Licensing Principles; and
- Grant delegated authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Licensing Committee, to approve the final version of the Statement of Licensing Principles ahead of its submission to the Court of Common Council on 14 January 2016.

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

There were no questions.

10. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no urgent items.

11. 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 as follows:-

Item
13

Paragraph
1

12. NON-PUBLIC MINUTES

The non-public minutes of the meeting held on 29 July 2015 were considered and agreed as a correct record.

13. 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 4 on the agenda providing Members with details of those premises obtaining significant points on the Risk Scheme to reach red or Amber for the period February 2015 – July 2015.

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

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

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

The Chairman outlined plans for an event on 25th November 2015 to mark 10 years since the introduction of the Licensing Act.

The meeting ended at 2.15 pm

Chairman

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