

LICENSING COMMITTEE

Wednesday, 3 February 2016

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 3 February 2016 at 1.45 pm

Present

Members:

Marianne Fredericks (Chairman)	Deputy Jamie Ingham Clark
Peter Dunphy (Deputy Chairman)	Graham Packham
Deputy John Barker	Judith Pleasance
Christopher Hayward	James Tumbridge
Michael Hudson	

Officers:

Gemma Stokley	- Town Clerk's Department
Jenny Pitcairn	- Chamberlain's Department
Simon Douglas	- City of London Police
Helen Isaac	- City of London Police
Paul Chadha	- Comptroller & City Solicitor's Department
Olajumoke Williams	- Comptroller & City Solicitor's Department
Vincent Dignam	- Department of the Built Environment
David Smith	- Director of Markets & Consumer Protection
Jon Averbs	- Port Health & Public Protection Director
Steve Blake	- Assistant Director Environmental Health & Public Protection

1. APOLOGIES

Apologies for absence were received from Alex Bain-Stewart, Kevin Everett, Sophie Fernandes, Edward Lord and Chris Punter.

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 21 October 2016 were considered and approved as a correct record.

MATTERS ARISING

Delegated Decisions of the Director of Markets and Consumer Protection Pertaining to Premises Licences (page 2) – In response to a question, the Comptroller and City Solicitor reported that the peanut seller referred to within the last set of minutes had now been prosecuted for a second time and had received a fine of £750. His cart had also been seized once again.

In response to a further question regarding raves taking place inside derelict buildings in the City, the City of London Police were pleased to inform the Committee that no further incidents had occurred since October 2015. Members were informed that the Police were very pro-active in terms of evicting squatters from premises.

Safety Thirst Update (page 3) – The Assistant Director Environmental Health & Public Protection reported that invitations to premises to sign up for the Safety Thirst Scheme were likely to go out after Easter. At this stage, Members would also be sent information as to those premises within their Ward who had not signed up for the Scheme so that they could assist in contacting these premises and outlining the benefits of the Scheme.

Gambling Act 2005: Review of Statement of Licensing Principles (page 4) – The Assistant Director Environmental Health & Public Protection informed the Committee that the Statement had been approved by the Court of Common Council in January 2016. He reminded Members that this was a holding report and that a further review would be prepared for approval by the end of the year.

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

4A) Caravaggio, 107-112 Leadenhall Street, EC3A 4AF

The Committee received the minutes of the Summary Review Hearing meeting regarding 'Caravaggio' held on 9 December 2015 and the minutes of the Full Review Hearing regarding the same premises held on 4 January 2016.

The City of London Police confirmed that there were currently no issues with the premises which was now operating solely as a restaurant with no monthly promoted events. The premises now closed at 23.30 with all staff off of the premises by midnight.

The City of London Police briefly outlined the fatality which had occurred close to the premises on 6th December 2015. Members were informed that the court case around this would be held in June 2016.

The Chairman commented that the licensee had been very helpful at the Full Hearing in agreeing to all of the conditions requested by the City of London Police.

RECEIVED.

4B) Humble Grape Limited, 1 St Bride's Passage, London, EC4Y 8EJ

The Committee received the minutes of the Licensing Hearing meeting for 'Humble Grape Limited' held on 21 December 2015.

In response to a question, the Assistant Director Environmental Health & Public Protection confirmed that no further application regarding outdoor use at the premises had been received to date.

RECEIVED.

5. TERMS OF REFERENCE AND FREQUENCY OF MEETINGS

The Committee considered a report of the Town Clerk requiring it to review its terms of reference and frequency of meetings.

A Member questioned the paragraph within the Committee's terms of reference regarding the appointment of the Director of Markets and Consumer Protection. He suggested that the same term was included within the Markets Committee's but was worded differently. He therefore sought some clarification as to which of the three Committees referred to would take precedence over any future appointments.

The Director of Markets and Consumer Protection stated that, in reality, it was the Chairmen of the three Committees mentioned who would sit on an appointment panel as opposed to the full Committee.

A Member commented that he believed that, historically, this had been a Markets Committee appointment with both the Licensing and Port Health and Environmental Services Committees consulted on the matter.

The Committee requested that the Town Clerk clarify this matter ahead of the April 2016 Court of Common Council meeting.

RESOLVED – That:

- a) the terms of reference of the Committee be approved for submission to the Court, subject to further clarification from the Town Clerk around paragraph (b); and
- b) Members agree that the Committee continue to meet four times per annum

6. 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 October 2015. He clarified that there had been no such appeal for a period of approximately two years now.

7. 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 licenses granted under the Licensing Act 2003 by the Licensing Service from 1 October 2015 to 31 December 2015.

The Assistant Director Environmental Health & Public Protection reported that there had been four minor variations to licences issued by way of delegated authority in the period October-December 2015. As a result of two of these variations, two additional premises would now be liable to pay fees under the Late Night Levy.

RECEIVED.

8. SEX ESTABLISHMENTS – ANNUAL REVIEW OF FEES

The Committee considered a report of the Director of Markets and Consumer Protection regarding an annual review of fees for Sex Establishments.

In response to a question around the proposed reduction of fees for 2016/17, the Assistant Director Environmental Health & Public Protection stated that, as there were currently no Sexual Entertainment Venues (SEVs) in the City and the Policy was not to allow any, a theoretical charge could not be put down for enforcement. He went on to state that the proposed fee reductions were minimal and that the City would be in a robust position if asked to defend these. He reassured Members that the fees would continue to be reviewed annually.

In response to further questions, the Assistant Director Environmental Health & Public Protection confirmed that the fees were calculated according to an estimation of the work that would be required in this area. He added that Officers did not anticipate that these fees would continue to reduce each year and that they could be adjusted upwards in the future if required. The Chamberlain confirmed that the proposed reduction in fees for 2016/17 were as a result of a re-assessment of the time involved in 'policing' this area.

A Member commented that it would be useful for the Committee to have sight of the assumptions made in calculating these proposed fees. The Chamberlain undertook to provide this information in the form of a non-public report to the Licensing Committee.

Finally, the Deputy Chairman highlighted that the City Corporation would be precluded from setting fees for the purpose of deterring future applications.

RESOLVED – That, Members agree the proposed fees for 2016/17 as set out at Appendix 1.

9. LATE NIGHT LEVY - 12 MONTH REPORT

The Committee considered a report of the Director of Markets and Consumer Protection looking at the first year of operation of the Late Night Levy.

The Assistant Director Environmental Health & Public Protection highlighted that the report clearly set out what the Late Night Levy Funds were currently being used for. He added that not all of the funds had been fully spent this year and that officers were now looking with all parties, including those paying the Late Night Levy, at where the funds might be spent in future.

The Assistant Director Environmental Health & Public Protection reported that the forecast for income from the Late Night Levy for 2015/16 was currently £430,000. He went on to state that there had been very few applications for licence variations made in order to avoid the Late Night Levy and there was also no evidence to suggest that the Levy was acting as a disincentive for new licence applications that would be subject to this.

The City of London Police reported that, from their point of view, funds from the Late Night Levy had made a significant impact on resources and had contributed towards the 2014 and 2015 Christmas campaigns as well as the funding of one permanent additional officer to the Licensing Team. They added that they saw future funds being spent in a very similar way to this year as it was felt that this had had the maximum benefit.

The Department of Built Environment commented that funds utilised from the Late Night Levy had led to a marked improvement in terms of street cleansing which, in turn, had led to a reduction in the number of complaints received.

A Member commented that he was surprised that, of the £445,000 received from the Late Night Levy in the first year, just £255,000 had been spent to date. The Chamberlain confirmed that the money received did not have to be spent in the same year and that it was ring fenced for future years for this purpose.

In response to questions, the Assistant Director Environmental Health & Public Protection confirmed that charges for the Late Night Levy were according to a set formula nationally.

The Chairman commented that she felt that it was prudent for the City Corporation and the Police not to spend all of the funds received in one year, particularly given that the funds were received in 'drips and drabs' and that a final amount was therefore difficult to predict with any certainty. She went on to remind Members that this was the first year that the funds had been assigned to various different areas and that officers would now have scope to look into further potentially beneficial areas to spend the monies received.

In response to further questions, the Assistant Director Environmental Health & Public Protection reported that 70% was the statutory minimum of fees that had to be apportioned to the Police. This amount could, however, be increased in future years. He went on to confirm that a discount of 30% was available to those premises who applied to join the City's Safety Thirst Scheme. Members were informed that the City Corporation had, in the past, suggested to the Home Office that greater flexibility around the Late Night Levy charges would be useful and the Assistant Director, Environmental Health & Public Protection stated that they would continue to lobby on this if given future opportunities to do so.

A Member commented that he believed that the legislation provided a formula on fees but not a specific percentage. The Assistant Director Environmental Health & Public Protection stated that it was important to view the accompanying guidance alongside the legislation but that he was happy to look again at this.

The City of London police concluded by stating that, as this had been the first year in which funds had been available, they had exercised a degree of caution in terms of spending these. There was, however, a comprehensive plan being produced detailing how the monies would be best spent going forward.

The Chairman, on behalf of the Committee, thanked the City of London Police, Cleansing and Licensing Officers for using the funds apportioned to them wisely and making a tangible difference.

RESOLVED – That Members:

1. Confirm that expenditure of the Levy continue in the three areas set out at paragraphs 19, 20 and 29 of the report with continued exploration of areas where the night time economy may benefit from use of Levy income;
2. Agree that the final allocation of the Levy, apportioned for use by the City Corporation, to be decided by the Chairman and Deputy Chairman of the Licensing Committee in consultation with the Director of Markets and Consumer Protection; and
3. Require officers to prepare an annual account of the operation and effect of the Levy which is to be reported to the Licensing Committee.

10. **CITY OF LONDON POLICE LICENSING ACTIVITY- BRIEFING TO THE LICENSING COMMITTEE**

The Committee received a written briefing from the City of London Police regarding their Christmas 2015 Campaign – ‘Operation Tinsel’.

The City of London police reported that significant resources had been deployed over the Christmas period and that significant deployments were also planned for Christmas 2016.

In response to a question regarding the two incidents referred to on New Year’s Eve, the City of London Police reported that they had met with the owner/manager of one of the premises who had agreed to vary his licence with immediate effect so that no future promoted events were permissible. The second premises referred to had met with the City of London Police and had agreed to certain concessions as they continued to work towards a different business model. The premises was currently under close watch. Members were informed that neither of the premises referred to would be suitable for a licence review unless they had declined the opportunity to work with the City of London Police.

In response to concerns raised over promoted events in the City per se, the Chairman reported that Officers carried out intelligence checks on promoters. She added that many promoted events took place in the City each week without issue.

RECEIVED.

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

There were no questions.

12. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
Temporary Event Notices

The Assistant Director Environmental Health & Public Protection informed the Committee that guidance around Temporary Event Notices had now changed so that a single premises could now apply for up to fifteen Temporary Event Notices in one year. It had previously been just twelve.

Camden Council – Late Night Levy

The Assistant Director Environmental Health & Public Protection reported that Camden Council were the latest Local Authority to adopt the Late Night Levy which they would be introducing as of April 2016.

Debate – 10 year anniversary of the Licensing Act

The Chairman commented on the success of the debate held at Mansion House to mark the 10 year anniversary of the Licensing Act on 25 November 2015. The Chairman reported that the Panel had been formed of four excellent speakers with the debate attended by over 100 guests from the licensing trade and from neighbouring boroughs.

The Chairman went on to thank the Licensing Department for their assistance in organising and overseeing the event. She added that she had since received lots of positive feedback on the event from across London.

London Licensing Forum

The Chairman reported that the City Corporation were facilitating the London licensing Forum whose first meeting would take place on 6 April 2016. The Forum would be attended by Chairmen, Deputy Chairmen, and Principal Licensing Officers from across London. The Forum was designed to enable authorities across London to share best practice and to discuss common issues. It was also envisaged that it would encourage better communication and engagement across boroughs.

The Chairman reported that local licensing fees would be the main ‘headline’ for the first meeting.

Institute of Licensing – Jeremy Allen Award

The Assistant Director Environmental Health & Public Protection reported that the Chairman of the Licensing Committee had recently been one of three finalists nominated to receive the Institute of Licensing’s Jeremy Allen Award for special recognition/excellence in licensing. The Chairman reported that, whilst she had not won the award on the night, it had been a fantastic evening. She had been extremely surprised but grateful to be nominated by the City’s Licensing Department.

13. **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.

14. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 21 October 2015 were considered and agreed as a correct record.

15. **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 7 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 June 2015 – November 2015.

RECEIVED.

16. **NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

Members questioned the names of the venues referred to within the City of London Police's report at Item 10 on the agenda as having created issues on New Year's Eve.

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

There were no additional, urgent items of business for consideration in the non-public session.

The meeting ended at 3.00 pm

Chairman

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