

## LICENSING COMMITTEE

Wednesday, 27 April 2016

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 27 April 2016 at 1.45 pm

### Present

#### Members:

Deputy John Barker  
Peter Dunphy  
Sophie Anne Fernandes  
Marianne Fredericks  
Michael Hudson

Deputy Jamie Ingham Clark  
Graham Packham  
Judith Pleasance  
Chris Punter  
James Tumbridge

#### In Attendance

Michael Welbank (Chief Commoner)

#### Officers:

Gemma Stokley	- Town Clerk's Department
Paul Chadha	- Comptroller & City Solicitor's Department
David Smith	- Director of Markets & Consumer Protection
Jenny Pitcairn	- Chamberlain's Department
Stephanie Basten	- Public Relations Office
Steve Blake	- Markets & Consumer Protection Department
Peter Davenport	- Markets & Consumer Protection Department
John Hall	- Licensing Department, City of London
Tirza Keller	- Community & Children's Services Department

#### 1. APOLOGIES

Apologies for absence were received from Alex Bain-Stewart and Christopher Hayward.

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

There were no declarations.

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

**RESOLVED** – That the Order of the Court of Common Council, of 21 April 2016, 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 support.

The new Chairman paid tribute to two long standing members of the Committee who had chosen not to seek re-election - Revd. Martin Dudley and Edward Lord who was also a former Chairman of the Licensing Committee. Mr Dunphy went on to welcome the Chief Commoner to the meeting and, in her absence, he welcomed new Committee member Emma Edhem.

**RESOLVED** – That Peter Dunphy be declared Chairman for the ensuing year.

5. **ELECTION OF DEPUTY CHAIRMAN**

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

The Town Clerk reported that, in accordance with Standing Order No. 30. (3) (a), the immediate past Chairman had chosen to exercise her right to serve as Deputy Chairman for the ensuing year.

Marianne Fredericks was therefore duly appointed as Deputy Chairman for the ensuing year.

**VOTE OF THANKS TO THE PAST CHAIRMAN**

Deputy John Barker paid tribute to Marianne Fredericks, the past Chairman.

**RESOLVED UNANIMOUSLY:**

THAT at the conclusion of her three year term of office as their Chairman, the Members of this Board wish to extend to:

**MARIANNE BERNADETTE FREDERICKS**

their sincere gratitude and appreciation for the dedication she has shown in all aspects of work of this Committee and the exemplary manner in which she has presided over their proceedings during the last three years as the Chairman of the Licensing Committee.

SHE has been very active in the work of the Committee (often accompanying Officers on visits to licensed premises in the early hours of the morning) and has also shown great leadership in steering the Committee through a period of

change including the introduction of the controversial Late Night Levy which now generates in excess of £430,000 per annum, all of which is ring-fenced for future investment in the policing of City's night-time economy.

UNDER Ms Frederick's chairmanship, the tenth anniversary of the Licensing Act was celebrated. The Chairman organised a panel debate and reception at Mansion House to mark the occasion and also showed exceptional foresight in using this occasion to formally launch the London Licensing Forum, an informal body, designed to bring together members from across London's licensing authorities to create a combined voice, share best practice and engage with policymakers.

DURING her tenure, just short of thirty licensing hearings took place, including six reviews, however, January 2015 to December 2015 saw a period of eleven months with no hearings at all. This is undoubtedly a measure of the Committee's hard work and push for more pro-active engagement with licenced premises under Ms Frederick's chairmanship.

THROUGHOUT her term of office, Marianne Fredericks has managed the Committee's deliberations with a fair and firm hand to ensure that the Committee executed its duties in a competent manner.

FINALLY, in congratulating their former Chairman upon a most successful term of office, her colleagues wish to thank her for her enthusiasm and commitment

and to express the hope that with continued good health and happiness she can continue to serve the City Corporation for many years to come.

The Deputy Chairman thanked the Committee and all Officers for their support during her Chairmanship. She added that the Committee as a whole should be proud of what had been achieved over the past three years.

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.

Five Members indicated their willingness to serve as Licensing (Hearing) Sub Committee Chairmen so a ballot was required.

**RESOLVED** – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2016/17 comprise of the following Members:

- Peter Dunphy (Chairman)
- Marianne Fredericks (Deputy Chairman)
- Kevin Everett (Past Grand Committee Chairman)
- Sophie Fernandes
- Michael Hudson
- Jamie Ingham-Clark
- James Tumbridge

7. **PUBLIC MINUTES**

The public minutes of the meeting held on 3 February 2016 were considered and approved as a correct record.

**MATTERS ARISING**

**London Licensing Forum (page 3)** – The Deputy Chairman reported that the Forum had held their first meeting at the beginning of April 2016 at Walbrook Wharf where they had formally agreed their terms of reference and how best they might collectively campaign for change and promote consistency/best practice. The participating Authorities had decided to rotate in terms of meeting venues and the next meeting was set to take place at Southwark.

The Assistant Director, Environmental Health & Public Protection reported that 56 attendees had been present at the first meeting representing 13 different Local Authorities. Meetings would now be held bi-annually in January and July of each year.

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

The Committee received the minutes of the Licensing Hearing meeting for 'WeWork' held on 9 February 2016.

A Member suggested that, in future, it might be useful for the Committee to receive a summary of the concerns expressed by those making representations alongside the minutes of the Hearing. The Chairman of the Hearing responded that all of this information was contained, in detail, within the public papers for each hearing and that the minutes were not to be read in isolation.

The Committee requested that all future Hearing Sub Committee dates and times be sent to all members of the Licensing Committee. It was also requested that decision notices be appended to all Hearing minutes formally received by the Licensing Committee.

The Town Clerk undertook to circulate the 'WeWork' decision notice to all members of the Committee.

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 2016. He clarified that there had been no such appeal for a period of almost three years now.

10. **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 2016 to 31 March 2016.

A Member requested that the time as well as the date of any complaint received be logged at Appendix III in future. The Assistant Director, Environmental Health & Public Protection undertook to provide this information going forward.

**RECEIVED.**

11. **'NUDGING PUBS' - CITY INVOLVEMENT**

The Chairman welcomed Laura Willoughby, Jussi Tolvi and Carmen D'Cruz of 'Club Soda' to the meeting and invited them to present to the Committee.

The Presentation covered the following points:

- The idea behind 'Nudging Pubs' and looking at how the behaviour of pubs and bars might be changed rather than individuals;
- Methodology;
- Product Development;
- Key Findings – to customers, to pubs and bars and to councils and licensing;
- Recommendations;

- Conclusions;
- Theory of Change;
- Existing Partners and Funders and how this might be extended to the City. It was noted that the London Borough of Hackney had part funded an initial project to develop a product.

In response to questions regarding what prompted this move, Laura Willoughby reported that Club Soda had a large online community where members regularly complained at the lack of healthier 'soft drink' choices available at licensed premises. Club Soda felt that this indicated a significant gap in the market and made approaches to the London Borough of Hackney.

In response to questions regarding the reason behind founding 'Club Soda' itself, Ms Willoughby reported that she had taken the decision to give up drinking four years ago and had quickly realised that there were no self-help tools (akin to Weight Watchers for those seeking to lose weight) for those who felt they were over drinking but not drink dependent.

In response to a question regarding the quality of non-alcoholic drinks currently on the market and whether this contributed to a reluctance from some premises to stock a wider range of these, Ms Willoughby commented that some non-alcoholic drinks could be more expensive than alcoholic alternatives and that this price point was therefore an issue for some. She added that many premises also tended to purchase their soft drinks from their alcohol providers and that there was therefore also a role for wholesalers to play in changing behaviours.

In response to further questions, Ms Willoughby reported that communication with the London Borough of Hackney had been via their Public Health Team. She added that, at this stage, the City were the only other Local Authority that had been approached regarding the 'Nudging Pubs' initiative.

The Deputy Chairman commented that she felt that this would be a positive move in terms of helping the City to ensure that its licensed premises were as inclusive as possible. She added that it might be useful to arrange a similar presentation for the London Licensing Forum later in the year. She went on to suggest that the Licensing Team give consideration as to how questions around how premises were promoting non-alcoholic drinks and what range of non-alcoholic drinks they made available might be included on future Safety Thirst questionnaires.

The Chairman highlighted that this was very much in accordance with Licensing Principles around sensible drinking and choice. He thanked Club Soda for an extremely interesting presentation.

The Town Clerk undertook to circulate the presentation slides and an electronic copy of the 'Nudging Pubs' report to all Committee Members.

12. **DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2016-2019**

The Committee considered a report of the Director of Markets and Consumer Protection seeking approval of the 2016-19 Business Plan of the City of London's Licensing Service, which is part of the Department of Markets and Consumer Protection.

A Member questioned the different risk target scores assigned to risks associated with Incorrect legal advice and Incorrect licensing advice. The Director of Markets and Consumer Protection undertook to look into this.

**RESOLVED** – That, the Committee approve the Licensing Business Plan 2016-2019 and its appendices.

13. **GAMBLING - REVIEW OF ANNUAL FEES FOR 2016/17**

The Committee considered a report of the Director of Markets and Consumer Protection regarding the proposed fees associated with the Gambling Act for 2016/17.

The Licensing Manager reported that the increases and decreases to the fees for 2016/17 were summarised within the report and also within Appendix 2. He added that one new betting shop application had been forecast for 2016/17.

In response to a question, the Licensing Manager reported that at least one new betting shop had to be forecast each year in order for the model to work, even if these did not materialise. Members commented on the changing face of the betting industry, its growing online presence and declining high street presence.

**RESOLVED** – That, the Committee agree the proposed fees for 2016/17 as set out in Appendix 2 (column four).

14. **LATE NIGHT LEVY - VERBAL UPDATE**

The Licensing Manager reported that at the end of the financial year a balance of approximately £82,000 had been generated by income from the Late Night Levy. This was forecast to increase by a further £40,000 in 2016/17 resulting in a total of £120,000 to spend next year.

A Member commented on the need to look at how this money would be utilised with some urgency so as to avoid carrying forward such large surpluses in future years.

It was noted that the Levy fee was set nationally. The Assistant Director, Environmental Health & Public Protection reported that some proposals around spending the Late Night Levy income were already progressing and that further talks around this would now take place.

In response to questions, the Chamberlain clarified that the amounts referred to by the Licensing Manager covered only the 30% of fees apportioned to the City

of London Corporation and not the remaining 70% apportioned to the City of London Police.

The Committee requested further detail by way of a written report for their next meeting.

**15. SAFETY THIRST - VERBAL UPDATE**

The Assistant Director, Environmental Health & Public Protection reported that this year's awards would be launched at the end of the week with application forms sent out to all premises. Information as to which premises in their Ward had signed up would then be passed to Members of the Licensing Committee. This year, companies with multiple venues in the City would continue to be targeted.

Assessments would take place throughout June and July with judgements finalised in September and the award ceremony scheduled for October 2016.

Members were reminded that those premises participating in the scheme received a 30% discount on the Late Night Levy.

The Deputy Chairman suggested that future meetings of Pub/Club Watch be used to help promote the Safety Thirst awards scheme. She suggested that income from the Late Night Levy be used to make this happen.

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

**Future Committee Training/Visits**

In response to a question regarding future Committee training and visits, the Deputy Chairman reported that discussions were currently taking place with the London Fire Brigade with a view to repeating fire inspection visits to premises to which Members could be invited. She went on to state that Officers were also trying to secure some further Licensing training sessions with Simon Walsh. She undertook to keep the Committee informed of progress on both counts.

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

There were no urgent, additional items of business for consideration.

**18. 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.

<b><u>Item No.</u></b>	<b><u>Paragraph No(s).</u></b>
19	1
20	3
21	1



19. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 3 February 2016 were considered and approved as a correct record.

20. **ASSUMPTIONS USED IN CALCULATING SEV FEES**

The Committee received a report of the Director of Markets and Consumer Protection detailing the assumptions used in calculating the proposed Sexual Entertainment Venue Fees for 2016/17. This information had been requested by Members at the last meeting on 3 February 2016.

21. **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 10 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 August 2015 – January 2016.

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

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

23. **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 3.05 pm**

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Chairman

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