

LICENSING COMMITTEE

Wednesday, 7 February 2018

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 7 February 2018 at 1.45 pm

Present

Members:

Peter Dunphy (Chairman)
Sophie Anne Fernandes (Deputy
Chairman)
Deputy Keith Bottomley
Mary Durcan
Emma Edhem
Marianne Fredericks

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

Officers:

Leanne Murphy	-	Town Clerk's Department
Alistair MacLellan	-	Town Clerk's Department
Carl Locsin	-	Town Clerk's Department
Jenny Pitcairn	-	Chamberlain's Department
Paul Chadha	-	Comptroller & City Solicitor's Department
David Smith	-	Director of Markets & Consumer Protection
Jon Avern	-	Markets & Consumer Protection
Peter Davenport	-	Markets & Consumer Protection
Simon Douglas	-	City of London Police

1. APOLOGIES

Apologies were received from Andrien Meyers, Deputy Kevin Everett and Judith Pleasance.

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

There were no declarations.

3. MINUTES

RESOLVED, that the public minutes of the meeting held on 25 October 2017 be approved as a correct record, subject to the attendance of James Tumbridge being recorded correctly.

4. COMMITTEE'S TERMS OF REFERENCE

Members considered a report of the Town Clerk regarding the Committee's Terms of Reference. Members confirmed they had no changes to make.

5. MINUTES FROM LICENSING SUB COMMITTEES

Members received the minutes of two recent Licensing Sub (Hearings) Committees.

5.1 Roma

Members received the public minutes and decision notice of the hearing regarding 'ROMA', 14 New London Street, EC3R 7NA held on 16 October 2017.

5.2 Beech Street Tunnel

Members received the late public minutes and decision notice of the hearing regarding 'Beech Street Tunnel', Silk Street to Bridgewater Street, EC2Y 8AD held on 24 January 2018.

The Deputy Chairman noted that she had also advised the Sub-Committee that she had excused herself from any deliberations and decisions when this event appeared on other City of London Corporation Committee agendas, and asked for the Minutes to be edited to reflect this. The Town Clerk agreed to make this amendment.

A Member highlighted that deliberations for this hearing had to reconvened at a later date as the Sub-Committee had required additional information. She highlighted the importance of ensuring applications were validated in advance of hearings.

6. LATE NIGHT LEVY - 12 MONTH REPORT (1 OCTOBER 2016 - 30 SEPTEMBER 2017)

Members considered a report of the Director of Markets and Consumer Protection in respect of the third year of the Late-Night Levy operating within the City of London.

Members were advised that that the plan was to continue operating the City's bespoke risk scheme and other operational matters funded through the City's portion of the levy for at least a further three years. It was noted that a number of changes had been made, set out in the report, to simplify the process of governance and accountability of the City Police portion of the levy to make it more robust and include all interested partners from the monthly Licensing Liaison Partnership.

In response to a query regarding annual updates, Members were advised that the annual report to the Police would come to the Committee each year.

In response to a query regarding the decision to stop using the 696-form in favour of a new form, Members were advised that its use was never a compulsory risk management process and that the new form, drawn up in consultation with a barrister specialising in Licensing matters, was felt to be more useful.

Members discussed the breakdown of the levy year which in reality covered October to March, rather than a full year. In response to a query whether the time period could be adjusted to 18 months rather than six months in order to align the scheme with the financial year, the Licensing Manager noted that such a change would require further consultation and would delay implementation of the Levy.

In response to a request from a Member, the Licensing Manager agreed to circulate the Late-Night Levy forecast from April to October 2018 with the minutes and to include subsequent forecasts as an extra line in the following years reports to Committee.

RESOLVED –

- Members agreed the way in which the City of London Police's share of the Levy is to be administered as outlined in paragraphs 18 – 20 of this report;
- Members agreed that the Late-Night Levy should continue to operate for at least a further three years;
- Members require officers to prepare an annual account of the operation and effect of the Levy which is to be reported to the Licensing Committee.

7. GAMBLING ACT - ANNUAL REVIEW OF FEES 2018/19

Members considered a report of the Director of Markets and Consumer Protection in respect of the 2018/19 annual review of fees for premises requiring a license under the Gambling Act 2005.

Members were advised that the City Corporation was not allowed to make a profit, but the fees were worked out in line with the factors taken into account when calculating the fee for a renewal of a gambling (betting shop) license as laid out in Appendix 2 of the report.

It was noted that there was a mistake in the proposed fee structure 2018/19 (Appendix 1) and that the proposed fee for a new application with provisional statement Bet Shop should be £917.91 in line with similar application types, not £750. Members were advised that these were best estimates as these were new applications.

RESOLVED – Members agreed the proposed fees for 2018/19 as set out in Appendix 1 (column 6) once the error has been edited to £917.91.

8. GAMBLING POLICY

Members considered a late report of the Director of Markets and Consumer Protection in respect of a review of the Statement of Licensing Principles 'policy' required under the Gambling Act 2005. The Licensing Manager advised Members that the policy report had been updated/modernised and was currently a working draft document for consultation. He noted that Part D of the policy was completely new. Members were advised that feedback from the Committee was required prior to the document going out to consultation the final policy would come back to the Committee for final approval in April 2018.

Members' attention was drawn to the Local Area Profile Table. The Licensing Manager advised that the characteristics shaded in dark show where there was evidence to support that these characteristics are associated with a higher risk

of harm; the lighter grey shows that there is emerging evidence. The pale grey boxes demonstrated limited evidence and the blank boxes currently demonstrated no evidence of potential harm. It was queried how these characteristics had been identified and a Member noted that there was no box for men. The Licensing Manager advised that the categories had been cut down to at-risk groups based on demographics within the City, not the whole of London. Members felt that some of categories were vague and recommended including more detail in some of the boxes, e.g. a cut off between “youth” (under 25) and “older people” (over 65).

Members felt that a document of this size and importance should have been made available much earlier to allow Members plenty of time to read it in detail. Members requested the opportunity to comment on the document once they had had adequate time to digest the contents and recommended that blackline report showing track changes from the original document be circulated to the Committee. The Chairman agreed the Committee should always be able to see what changes have been made and requested that a blackline report be circulated quickly in order for the Committee to input before the consultation period ended.

Post Committee Note: this was circulated the day after Committee with thanks to those Committee Members who identified the IT facility available to make this possible.

In response to a query regarding how the City’s Planning and Transportation Committee would be involved in implementing the Policy given the implications of change-of-use of premises, the Licensing Manager advised that the City’s Department of the Built Environment had been consulted throughout the development of the policy.

RESOLVED –

- Members agreed for consultation the draft Statement of Licensing Principles (Appendix 1), the Gambling Local Area Profile (Appendix 2) and the Guidance on Undertaking Local Gambling Risk Assessments (Appendix 3);

Members agreed the time table and methodology to determine the final text and adoption of the Statement of Licensing Principles as stated in paragraphs 11 to 16.

9. LICENSING REVENUE BUDGETS - 2018/19

Members considered a report of the Chamberlain and the Director of Markets and Consumer Protection in respect of the revenue budgets for 2018/19. Members were advised that the only substantive change was the increase in staffing costs. In response to a question, the Licensing Manager confirmed that the Markets & Consumer Protection Department had achieved its annual 2% savings department through its Animal Reception Centre at Heathrow, rather than any savings in the Licensing Team in particular.

RESOLVED - that Members: -

- review the latest 2017/18 revenue budget to ensure that it reflects the Committee's objectives and approve the budget for submission to the Finance Committee;
- review the provisional 2018/19 revenue budget to ensure that it reflects the Committee's objectives and approve the budget for submission to Finance Committee;
- authorise the Chamberlain, in consultation with the Chairman and Deputy Chairman, to revise these budgets for changes in respect of the Late-Night Levy.

10. MCP DRAFT HIGH-LEVEL BUSINESS PLAN 2018-19

Members received a report of the Director of Markets and Consumer Protection in respect of the draft high-level business plan for the Department of Markets and Consumer Protection for 2018/19. Members noted the top-level plan provided.

11. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

The Comptroller and City Solicitor confirmed that no appeals had been lodged against decisions made by the Licensing (Hearing) Sub Committee.

12. DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES

Members received a report of the Director of Markets and Consumer Protection in respect of the delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licenses. The Town Clerk noted that Appendix IV had been moved on to the non-public side of the agenda.

Members, on discussing the enforcement action taken against a number of premises, noted that in their view there was no streamlined process whereby they could raise issues with officers at the City of London Corporation should they encounter issues when out and about within the City – for example, reporting noisy premises, abandoned rubbish, etc. The main 24-hour number for contact is the Guildhall number 020 7606 3030 which for noise purposes is handled at Walbrook Wharf where the Out of Hours noise service is based.

Members suggested that a dedicated inbox for Members and/or members of the public be developed to allow speedy reporting of any issues that they or members of the public may encounter that required resolution by the City of London Corporation. Members noted that such a function should be incorporated into the proposed Joint Command and Contact Room currently part of the Secure City Project being managed by the City Police

Noting that such a solution lay outwith the terms of reference of the Committee, Members agreed that a resolution should be submitted to the Policy and Resources Committee for consideration.

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

There were no questions.

14. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
Retirement of Assistant Director of Public Protection

The Chairman advised Members that this was Steven Blake's last meeting before his retirement in March 2018 and, on behalf of the Committee, thanked him for all of his hard work at the City for a number of years. Members joined the Chairman in wishing the Assistant Director a long and happy retirement.

Short Measure Campaign

The Director of Port Health and Public Protection provided the Committee with a brief update on the City Corporation's recent drink measure initiative that highlighted that pints should be a minimum of 95% liquid.

15. **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.

16. **NON-PUBLIC MINUTES**

RESOLVED, that the non-public minutes of the meeting held on 25 October 2017 be approved as a correct record.

17. **VIOLENT CRIME FROM LICENSED PREMISES**

Members received a report from the City of London Police updating Members on issues of Violent Crime from licensed premises within the City during the period 3 October 2017 to 6 January 2018.

18. **NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

There was one non-public question.

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

There were no non-public items of urgent business.

The meeting ended at 3.45 pm

Chairman

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