

LICENSING COMMITTEE

Wednesday, 14 October 2020

Minutes of the meeting of the Licensing Committee held at VIRTUAL MEETING (ACCESSIBLE REMOTELY) on Wednesday, 14 October 2020 at 1.45 pm

Present

Members:

Sophie Anne Fernandes (Chairman)	Marianne Fredericks
Deputy Peter Dunphy (Deputy Chairman)	Michael Hudson
Deputy Keith Bottomley	Deputy Jamie Ingham Clark
Mary Durcan	Shravan Joshi
Karina Dostalova	Graham Packham
Deputy Kevin Everett	James Tumbridge
John Fletcher	

Officers:

Jon Averbs	-	Director of Markets & Consumer Protection
Gavin Stedman	-	Port Health and Public Protection Director
Rachel Pye	-	Markets & Consumer Protection
Peter Davenport	-	Markets & Consumer Protection
Jenny Pitcairn	-	Chamberlain's Department
Frank Marchione	-	Comptroller and City Solicitor's Department
Leanne Murphy	-	Town Clerk's Department
Andrew Buckingham	-	Media Team, Town Clerk's Department
Superintendent Helen Isaac	-	City of London Police
Jo Northmore	-	City of London Police

1. APOLOGIES

Apologies were received from Judith Pleasance and Caroline Addy.

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

There were no declarations.

3. ORDER OF THE COURT OF COMMON COUNCIL

The Order of the Court of Common Council dated 16 July 2020 appointing the Committee for the ensuing year was received.

4. ELECTION OF CHAIRMAN

An election of Chairman was conducted in line with Standing Order 29. Sophie Fernandes, being the only Member indicating a willingness to serve, was elected Chairman for the ensuing year.

The Chairman thanked Members and ahead of the election for a Deputy Chairman, the Chairman thanked the outgoing Deputy Chairman for all of his help and support

5. **ELECTION OF DEPUTY CHAIRMAN**

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

A list of Members eligible to stand was read and, with both Shравan Joshi and James Tumbridge expressing willingness to serve, an electronic ballot was held.

Votes were cast as follows:	Shравan Joshi	–	9 votes
	James Tumbridge	–	4 votes

Shравan Joshi was therefore duly elected Deputy Chairman for the ensuing year. Mr Joshi thanked the Committee for their confidence and echoed the Chairman's thanks to the outgoing Deputy Chairman.

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.

The following five Members declared a willingness to serve on the Reference Sub Committee and to serve as Sub Committee Chairmen: Deputy Jamie Ingham Clark, Michael Hudson, Deputy Keith Bottomley, Graham Packham and James Tumbridge. The Committee agreed to increase the number of Members from four to five and a ballot was therefore not required.

RESOLVED – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2020/21 comprise of the following Members:

- Sophie Fernandes (Chairman)
- Shравan Joshi (Deputy Chairman)
- Kevin Everett (Past Grand Committee Chairman)
- Marianne Fredericks (Past Grand Committee Chairman)
- Peter Dunphy (Past Grand Committee Chairman)
- Michael Hudson
- Deputy Jamie Ingham Clark
- Deputy Keith Bottomley
- James Tumbridge
- Graham Packham

7. **PUBLIC MINUTES**

The public minutes of the meeting held on 15 July 2020 were approved as a correct record.

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

8.1 **Daisy Green - 12 August 2020**

Members noted the public minutes of the Daisy Green hearing on 12 August 2020.

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

The Comptroller & City Solicitor advised the Committee that there were currently no appeals.

10. **COVID-19 UPDATE**

The Committee received an oral update from the Director of Markets and Consumer Protection providing Members with an update on the current situation as a result of the Covid-19 pandemic.

Key legislative changes:

Members were advised that two key legislative changes had been brought in since the last meeting; the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 was amended on 24 September and the 12 October saw the introduction of the three tiers of system of local Covid Alert Levels in England set at medium, high, and very high.

Alongside this, the Chancellor also confirmed that the Government would expand its economic support to assist those affected by the decisions made in the upper tier. This included extending the Job Support Scheme to cover two-thirds of the wages of those in any business that is required to close. For tier 1 and 2 businesses, they would face restrictions but no financial support.

London was classed in the medium tier 1 and would continue to be subject to national restrictions. It was acknowledged, however, that this would likely change within the next week.

The following key factors were highlighted as affecting the hospitality sector:

- Face coverings, staff and customer
- Rule of 6
- Seated service and consumption, no vertical drinking
- 22:00 curfew
- Mandatory spacing between seats and tables
- Test and trace

A joint City of London Police and City of London Corporation short summary of the requirements of the new regulations was circulated to all businesses and published on the COL website which was circulated to Members. For consistency, both have adopted the Police's 4E's approach when dealing with businesses (Engage, Explain, Educate, Enforcement) with Enforcement being the last resort. Powers have been enhanced and are available should they be required with escalating levels of fines and direction orders amongst the powers.

As a result of the additional restrictions, Officers confirmed there had been an uplift in pavement licence applications (40 to date) and complaints for all settings (not just hospitality) in relation to compliance with the new Covid

regulations. Officers viewed compliance with the regulations in City premises to be good and any non-compliance was generally due to a lack of understanding rather than deliberate actions.

Members were advised that as a result of the challenges to the Government's restrictions on the hospitality sector, a judicial review had been launched. This was primarily in relation to the 22:00 curfew and queried what evidence supported this restriction.

Key indicators stats:

In response to Member's concerns regarding the short and long-term effects on the City's licensed trade, Officers confirmed all available data painted a very bleak picture for the trade.

Locally

To date, 13 Premises Licences have been surrendered in the City since 1 April 2020, five of which occurred in the first week of October. For the same period, there have been seven new applications.

Members were informed that only 33% of food and beverage and licensed premises regulated by the City Corporation across the Square Mile were confirmed by Officers to be open.

On 2 October, the Cheapside Business Alliance area had 208 out of 288 shops open equating to 72%, compared to 66% at the start of September. In the Aldgate BID, 131 out of 160 shops, cafes, restaurants and pubs were open equating to 81%, compared to 72% at the start of September. Of the 109 closed premises across the BIDs, 12 have now permanently vacated their units equating to 7% of the total number of closed premises.

Nationally

The UKH, BBPA & BII member survey which closed 16 September identified the following:

- More staff cuts were expected, with one in eight hospitality staff having been already made redundant and a further 8% likely to lose their jobs.
- Given current levels of business support, almost half of operators predicted that their businesses would fail by mid-2021, with 23% suggesting they would do so by the turn of the year.
- As such, operators were looking to simply survive as a priority and were trying to increase productivity and play a wider role in the community.

Trade redundancy announcements:

- Fullers to make 1 in 10 of staff redundant. The chain employs around 5,000 staff meaning at least 500 people are likely to be let go.
- JD Wetherspoon will cut up to 130 head office jobs. The company announced that 110 to 130 head office positions were at risk of redundancy.
- Whitbread are letting 6,000 people go.
- Greene King to close 25 sites permanently with 800 redundancies.

What would help:

Members and Officers saw Government encouraging office workers to stay at home, the 22:00 curfew, social distancing/reduced capacities and the loss of vertical drinking as the key influencing factors for decline in the City. It was acknowledged that the Licensing Committee was limited in terms of how it could assist; Officers provided the following actions and suggestions it could take to help:

- The Committee could support the national industry lobby where possible and appropriate, e.g. **business rates holiday to be extended throughout the year 2021/22**, rent debt proposal, VAT cut extension and critical regular review of **Covid restrictions imposed at either a national or local level**.
- Locally the City Corporation can amend the al-fresco policy to allow external heaters and reduce the 3.2m pavement licence requirement to 2.2 where pedestrian flows allow.
- It was noted that there was currently no flexibility in legislation to suspend or rebate the Late Night Levy. Officers confirmed the City Corporation has joined the GLA, LGA, London Councils and other LNL authorities and met with the Home Office yesterday to consider options which may include a legislative change to allow for suspension of the levy.

Members made the following comments:

- The Chairman reiterated how crucial it was that the Planning & Transportation Committee decreased the pavement width policy for tables and chairs, allowed for outdoor heaters and pursued using empty / little used street space for tables and chairs as this would be pivotal to hospitality premises in the City surviving.
- A Member voiced her worry and sadness for struggling City businesses that had tried to comply with the imposed restrictions throughout the pandemic making many changes at a significant cost. The Member saw the imminent London move to tier 2 as catastrophic for the hospitality sector as it would be incredibly difficult for businesses to comply with patrons unable to mix with people outside of their households.
- In response to concern for businesses being forced to pay for outside tables and chairs only for the policy to change, it was confirmed that no premises was being forced to make this change and Officers were trying to assist any premises that needed outside space now that vertical drinking was banned.
- Members fully supported the move to amend the al-fresco policy and requested that a resolution be sent to the Planning & Transportation Committee to show the Committee's support for the recommended changes.

- A Member noted that the current legislation meant that the adjacent area to a premises was now classed as on-sales and questioned what would stop a patron purchasing a take away drink and consuming it further away. The City Solicitor confirmed that this could happen if the patron was drinking in an area not habitually used for consumption. However, if this spot then became a habitual spot for patrons or more than six people were there, this would be in breach of the regulations.
- It was acknowledged that vertical drinking had always been a big feature in the City and banning this had hit the hospitality industry hard. Members felt that this made it even more important for City provided areas for consumption of food and drinks in a safe and socially distanced space that could be monitored by licensed premises and the Police if needed.
- Officers confirmed that legal advice was being sought and engagement with the Planning & Transportation Committee was ongoing looking at pocket hubs and seating in the City, e.g. Middlesex Street. The Committee was also looking at all tables and chairs licence refusals to find alternative areas for outside seating.
- Officers agreed to follow up with the Planning & Transportation Committee and review areas via a health check now that new restrictions had been brought in.
- It was noted that partial road closures had been introduced in Soho and that this could be adopted in the City.

RESOLVED – That a resolution be made to the Planning & Transportation Committee demonstrating the Licensing Committee’s support to reduce the pavement width policy for tables and chairs to support City businesses.

11. RESETTING OF DEPARTMENTAL BUDGETS 2020/21

Members considered a report of the Chamberlain concerning the resetting of departmental Budgets 2020/21.

RESOLVED – That Members of the Licensing Committee note the recommended budget adjustments of £156K for Markets & Consumer Protection.

12. CRIMES AT LICENCED PREMISES

The Committee considered a report of the Chief Superintendent regarding violent crime from licensed premises during the period July to September 2020.

A Member noted that the figures in the table within the report did not cross check. Officers stated that this was a new analysis and would confirm the figures provided.

The Director of Markets and Consumer Protection confirmed that the impact of the epidemic on the Licensing budget would be closely monitored.

A Member highlighted the new Violence Against Girls and Women Strategy in safeguarding and the City Corporation's aim to strengthen awareness partnership work in its various services which included licensing. The Director was asked if the Licensing Team could link with CCS colleagues on how to work with licensed premises concerning sexual assaults and violence against women. It was recommended that all licences premises be encouraged to promote the "Ask Angela" campaign.

RECEIVED.

13. **NEW NIGHT TIME HUB COLLABORATING WITH ST JOHN AMBULANCE**
The Committee received an oral update of the Chief Superintendent regarding new night hub in collaboration with St John Ambulance.

Members were informed that the new joint facility by the City of London Police and St John Ambulance would care for vulnerable people in the City and preparations were underway for the upcoming Christmas campaign. This would replace the historic SOS bus stationed at Liverpool Street providing a four-bed reception centre and would take significant pressure off the COL Police in dealing with drunk people.

Members were pleased to have this service which would save huge costs to the NHS.

14. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**
The Committee noted a report of the Director of Markets and Consumer Protection regarding the delegated decisions of the Interim Director of Consumer Protection and Market Operations pertaining to premises licences.

RECEIVED.

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

There were no questions.

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

There were no urgent items.

17. **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.

18. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 15 July 2020 were approved as a correct record.

19. **NON-PUBLIC APPENDIX: DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**

The Committee received a non-public appendix report to the report under agenda item 14 pertaining to premises licenses which included the names of each premises.

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

There were no questions.

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

There were no urgent items.

The meeting ended at 2.31 pm

Chairman

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