

LICENSING COMMITTEE

Thursday, 8 February 2024

Minutes of the meeting of the Licensing Committee held at Guildhall on Thursday, 8 February 2024 at 1.45 pm

Present

James Tumbridge (Chairman)
Deputy John Fletcher (Deputy Chairman)
Brendan Barns
Mary Durcan
Deputy Marianne Fredericks
Michael Hudson
Graham Packham
Ceri Wilkins

In Attendance (online)

David Sales

Officers:

Raquel Pinto	–	Town Clerk's Department
Jennifer Phillips	–	Comptroller & City Solicitor's Department
Gavin Steadman	–	Environment Department
Rachel Pye	–	Environment Department
Aggie Minas	–	Environment Department
Jenny Pitcairn	–	Chamberlain
Caroline Hay	–	City of London Police
Andrew Buckingham	–	Communications and External Affairs

1. APOLOGIES

Apologies were received from Deputy Peter Dunphy. Apologies were also received from David Sales who was unable to attend the meeting in person but was observing online.

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

There were no declarations.

3. PUBLIC MINUTES

RESOLVED – That the public minutes and summary of the meeting held on 26 October 2023, be approved as a correct record.

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

The Committee received the minutes from the Licensing (Hearing) Sub-Committee in respect of the premises 60 Bartholomew Close, London, EC1A 7BF on the 15 November 2023.

It was noted that Mr Fitzpatrick's surname was missing the 'k,' which therefore needed amending.

RECEIVED.

5. **ANNUAL REVIEW OF TERMS OF REFERENCE**

The Committee received a report of the Town Clerk with regards to the Annual Review of Terms of Reference of the Licensing Committee.

RESOLVED – That Members

- Agree the terms of reference of the Licensing Committee for submission to the Court of Common Council in April,
- Agree that any further changes required in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.

6. **DRAFT HIGH-LEVEL BUSINESS PLAN 2024/25 - ENVIRONMENT DEPARTMENT**

The Committee received a report of the Interim Executive Director Environment which presented the draft high-level Business Plan for the Environment Department for 2024/25.

The Chairman explained that previously concerns were raised when this report was originally brought to Committee, that Members were being asked to approve a report that extended beyond the Committee. The report now clearly showed the areas which Members were being asked to approve.

The Committee noted that there had been a subsequent amendment which was not in the main report, which read "Work with City Operations Transportation and Destination City Teams to explore the potential for enhanced waymarking to hospitality and other visitor venues." Following feedback from trades, it was noted that certain venues which had historical stories were not easy to find given their location in alleyways and therefore they would like to be a part of this wayfinding exercise. The Chairman noted that this was a part of joining up different areas of the Corporation so not to work in a siloed manner, and this would help enhance trade as it would attract more people to their establishments, as was the case in other popular tourist areas.

A Member raised a point regarding signage and that smartphone usage was prominent, and that engagement with providers would be just as helpful rather than simply putting up signs.

A Member also enquired regarding the al fresco permanency and whether the relaxations were made permanent. The Committee noted that the Levelling Up and Regeneration Bill was passed, and Officers were waiting on regulations, which should be passed before the temporary regime ended in September. Work on drafting what the policy would be in the long term would commence in April.

A Member raised concerns regarding how premises would be chosen to be a part of the exercise and what criteria would be used, as well as what resource cost was. The Chairman clarified for the Committee, that the Committee was not approving a specific proposal but rather being kept informed, and as such having something in the plan would ensure that that the Committee is sighted whilst not having responsibility for this.

A Member wanted clarification as to what 'business-friendly' approach was, as the Members of the Committee needed to maintain a balanced approach which did not favour one stakeholder over the other. Clearer terminology was therefore needed. The Member raised further concerns regarding point three of Appendix B, as signposting premises to particular areas could be badly perceived particularly with objectors and future licensing hearings as it could lead to one side feeling left out. The Chairman explained that the mapping project was focused on obtaining this information, which would be held internally. Once they had this information then they can think about the detail of the project itself.

The Member further raised that the paper did not simply present a mapping exercise. Given the wording had been published in a public paper, this terminology needed amending, as suggesting areas for more suitable late licensing premises was dangerous and the Committee needed to remain impartial.

The Chairman suggested amendments to the Licensing Service priorities as follows to ensure both the Committee and residents and businesses, of which Members were in agreement:

- Priority 1 - Deliver the Licensing Service within the context of Destination City understanding the needs of residents and businesses.
- Priority 3 - Carry out a mapping project to identify streets, spaces or areas of The City that could be suitable for markets, events, later licensing hours or more licensed premises.

A Member wanted to make the Committee aware as well as officers that there would be a meeting with Paul Martin in March to discuss Destination City, and that it would be crucial to have Licensing representatives there. The Member also voiced concerns from residents about venues operating 24 hours a day. The Chairman advised this was something of which they were aware, and assured this was not something which was being promoted, however, there were others involved in the governance of London which factored in what kinds of venues seek to establish themselves.

RESOLVED – That Members

- Note the factors taken into consideration in compiling the Environment Department Business Plan; and

- Approve the elements of the high-level Environment Department Business Plan 2024/25 which fall within the remit of the Licensing Committee, highlighted in red and bold font on pages 1, 2, 3, 6 and 7, subject to the following amendments to Appendix B:
 - Priority 1 - Deliver the Licensing Service within the context of Destination City understanding the needs of residents and businesses.
 - Priority 3 - Carry out a mapping project to identify streets, spaces or areas of The City that could be suitable for markets, events, later licensing hours or more licensed premises.

7. LICENSING ACT 2003 - POOL OF MODEL CONDITIONS

The Committee received a report of the Interim Executive Director Environment setting out the general principles on licence conditions that can be included on premises licences or club premises certificates issued under the provisions of the Licensing Act 2003 (the Act).

The Chairman thanked Members for their engagement and thanked officers for their patience and for the depth of information provided. The conditions were drawn up following an extended period of consultation, so that they were easily accessible and understood. The Deputy Chairman asked that as hard copy of the new revised conditions be made available for upcoming licensing hearings.

RESOLVED – That Members,

- Agree the revised pool of conditions attached as Appendix 3 to the report.
- Agree that minor changes to the Model Conditions is delegated to the Director of Port Health & Public Protection in consultation with the Chairman and Deputy Chairman of Licensing Committee

8. REVENUE BUDGETS 2024/25

The Committee received a joint report of The Chamberlain and the Interim Executive Director Environment regarding the revenue budgets for the Licensing Committee for 2024/25.

A Member raised a point regarding table one on page 58, on the issue of approved revised budgets. It was noted that the Finance Committee had been clear that the procedure of having the latest approved budget must stop. These must be done with the original budget rather than the revised, as this was particularly important for monitoring functions. The Committee noted that the values on the table were the original budget plus the approved adjustments only, therefore this was not a revision. The Chairman suggested that the wording in the column is changed to reflect this, to which officers agreed to take the feedback back to the Chamberlain.

RESOLVED – That Members,

- review and approve the proposed Licensing Committee revenue budget for 2024/25 for submission to Finance Committee.

9. **SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES 2024/25**

The Committee received a report of the Interim Executive Director Environment setting out the annual fees for premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment. It further outlines case law which indicates that the process for setting the fees must be robust and that income received through the licensing process cannot exceed the cost of administering that process.

RESOLVED – That Members, agree the proposed fees for 2024/25 as set out in Appendix 1.

10. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2024-25**

The Committee received a report of the Interim Executive Director Environment setting out the annual fees for premises requiring a license under the Gambling Act 2005.

RESOLVED – That Members, agree the proposed fees for 2024/25 as set out in Appendix 1 (column 6, 'Proposed Fee').

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

The Comptroller & City Solicitor advised the Committee that there had been no appeals against Licensing (Hearing) Sub-Committee decisions.

RECEIVED.

12. ***DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES**

The Committee received a report of the Executive Director (Interim) Environment, on the Delegated decisions of the Executive Director Environment pertaining to premises licences.

RESOLVED – That the report be noted.

13. ***LATE NIGHT LEVY - 12 MONTH REPORT (1 OCT 2022 - 30 SEP 2023)**

The Committee received a report of the Executive Director (Interim) Environment, relating to the late-night levy, looking at the ninth year of operation and details the number of premises paying the levy, the income collected and how that money has been spent to date.

The Chairman wanted to update Members on further reports coming to the Committee relating to this levy later in the year. Particularly so that Members could understand what the rules were around the maximum that could be charged as well as further information on discounts, like the safety-first scheme, and how the funds will be spent.

A Member wanted clarification regarding the backlog of invoicing in 2022. It was noted that a moratorium on chasing invoices was put in place as a result of decisions on how to support businesses coming out of the pandemic, therefore

it was not the case these were not sent, but rather they were not being actively chased. Members noted that the levy had shown that it balanced the pressures the City had from the impact on stakeholders, cleansing issues, police resources which were crucial to keeping the City safe, which had been a success. Members highlighted the importance of not having a buffer in the fund and ensuring that there was carry over to ensure continuity. Another Member also noted that the fund was not a damper on late night licensing and given that premises who operated after midnight contributed to overall impact on crime and rubbish, it was felt that the three should be a principle of polluter pays and that the amount that was charged was proportionate and not deterring business.

The Deputy Chairman added that the dispensation was there to encourage good behaviour, and that officers were being asked if there were any further activities or dispensations that could be used to improve behaviour or similar.

A Member raised that the report did not present the police share, and given that this Committee raised the levy, they should have an updated report to reflect this. The Member also raised issues concerning altering the levy itself, and the amount that could be discounted, to which the Chairman advised this would be further looked into at another meeting.

RESOLVED – That Members note the report.

14. ***CITY OF LONDON MAPPING: PROJECT SCOPING POTENTIAL TO MAP AREAS OF SUITABILITY FOR LICENSED ACTIVITY**

The Committee received a report of the Executive Director (Interim) Environment which provided additional detail on the work being carried out to investigate whether there may be potential to identify or map streets, spaces or areas of the City that could be suitable for markets, activations, later licensing hours or more licensed premises as a tool for potential investors to the City.

Members highlighted that the real barrier was down to the website as this did not have up-to-date information or was easily accessible as pages could not be easily found. The website did not show any license premises, and if this was then shown with others such as hotels or pavement licenses the map was unintelligible. Members appreciated having this all-in-one place for ease but added that this should not replace the applicants need to do their own due diligence when submitting an application. The Committee heard that the team were aware that the live feed from the new software was not working on city maps. The City Mapping team were working in the background to fix this problem and were hoping to have this working again shortly. Members asked that to include budget resource implications (as this needed to be constantly updated) and to include accessible venues in the next report to the Committee.

RESOLVED – That Members note the report.

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

The Chairman asked for an update regarding the need to improve communications with venues and general joining up to make information more accessible. Officers explained that the Licensing Team now contact all premises and do annual look ahead of all city's events. A list goes to Streets and Walkways Committee for approval. Furthermore, updates were provided monthly so that premises could plan around possible upcoming events. For example, recent political marches (which required a joint response with City of London Police) the team would visit the premises to speak to them and advise of any steps that needed to be taken. The Committee also noted the promotional work undertaken by Destination City, who have their own channels of communication, and as a result have since increased businesses reach, with Ye Olde Mitre pub reaching 220,000 users on their website. A member added that Destination City team produced an annual cultural calendar of events which may be of use to Members and premises alike.

A Member highlighted that The Tipperary pub in Fleet Street which had been shut for a long period, was re-opening in due course in March. The premise was in a derelict state with leaks and squatters, but this became an asset of community value and with new ownership, this was now re-opening.

A Member asked what was being done by the City Police to engage with premises and re-train them, as in previous years there were programmes on how to report issues to the police and other basics. The Member highlighted the importance of re-education and engagement to ensure premises were aware of the importance of reporting crimes and protecting crime scenes, but also for the protection of women in venues and security more generally, as there was further work to be done to improve this. The Police were confident that they were actively engaging with all premises. They held two forums a year at the steel yard because of capacity and the attendance, and these were well attended. On the point regarding security, security companies were also invited to this event, so they were on board with the messaging and more information was provided in the non-public paper. During the Christmas campaign, the Police conducted 332 visits, which the late-night levy helped support. The positive key messaging around the Christmas campaign was to do with about violence against women and girls, and on drink spiking. Training had also moved online to facilitate and enhance people's capacity and engagement.

A Member asked what was being done to impress the importance of good behaviour to premises, particularly regarding cleanliness and anti-social behaviour, as this impacted residents and businesses. Furthermore, on premises which were derelict and empty, it was asked how the City could encourage owners to keep these tidy and actively market them, so that vacant premises could be re-used rather than marketing new premises. Officers explained that they now had better resource, which meant they were now able to be a reactive but also a proactive service in terms of environmental health and responses and interventions. Officers were now in the City in the evenings and at night. There is also greater presence now regarding cleaning of graffiti. Officers offered to have a further walk around with the Member to maintain their presence and look at approaches.

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 Part I of Schedule 12A of the Local Government Act.
18. **NON-PUBLIC MINUTES**
RESOLVED – That the non-public minutes and summary of the meeting held on 26 October 2023 be approved as a correct record.
19. ***CITY OF LONDON POLICE QUARTERLY UPDATE**
The Committee received a report of the Commissioner of Police containing data for Quarter 3, July to September 2023 in relation to the nighttime economy, offences recorded by the police and discloses police operations.

RESOLVED – That the report be noted.
20. ***APPENDIX 4: DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES**
Members noted that certain premises were not reporting issues to the police and wanted to reinforce the importance of educating these premises and the need for engagement. The Committee noted that the police does maintain a have good relationship with the premises and had discussed this issue with them. The aim was to have premises report any issues to the police and reinforce that the traffic light system was not to penalise premises but rather to keep up engagement. Members suggested that the terminology regarding this is looked at to encourage premises to report more freely and not feel like they were penalised.

RESOLVED – That the appendix be noted.
21. **NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**
There were no questions.
22. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**
There were no items of urgent business.

The meeting ended at 2.47 pm

Chairman

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