

LICENSING COMMITTEE

Wednesday, 5 February 2020

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 5 February 2020 at 1.45 pm

Present

Members:

Peter Dunphy (Deputy Chairman)
Caroline Addy
Mary Durcan
Karina Dostalova
Deputy Kevin Everett
John Fletcher

Michael Hudson
Deputy Jamie Ingham Clark
Shravan Joshi
Graham Packham
James Tumbridge

In Attendance

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 Department
Jenny Pitcairn	- Chamberlain's Department
Paul Chadha	- Comptroller and City Solicitor's
Leanne Murphy	- Town Clerk's Department
Andrew Buckingham	- Media Team, Town Clerk's Department
Chief Inspector Jesse Wynne	- City of London Police
Yusef Shaibu	- City of London Police

1. APOLOGIES

Apologies were received from Sophie Fernandes, Deputy Keith Bottomley, Marianne Fredericks and Judith Pleasance.

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 16 October 2019 were approved as a correct record.

Matters arising

Club Soda

Members were informed that the proposal to make the City of London the first mindful drinking city was progressing.

Terms of Reference request

Members were advised that the Town Clerk had sought legal advice following a request at the last meeting to include anti-social behaviour as a licensable activity under the Committee's terms of reference and that it was not deemed necessary or wise to include this as anti-social behaviour was covered under the terms of reference for other Committees.

The Comptroller and City Solicitor added that whilst anti-social behaviour was not a licensable activity or one of the licensing objectives, it did become relevant when considering the prevention of crime and disorder and prevention of public nuisance licensing objectives. It was therefore deemed that the Committee already had the ability to take into account acts of anti-social behaviour, provided that they are attributable to one of the two relevant licensing objectives.

4. ANNUAL REVIEW OF THE TERMS OF REFERENCE

The Committee considered a report of the Town Clerk which presented the Committee's terms of reference for review. Members were also asked to consider whether the current meeting frequency was appropriate.

Members confirmed they had no changes to the terms of reference or frequency of meetings.

A Member noted that other Committees were making proposals in light of the Fundamental Review and Governance Review and questioned whether there was anything the Committee wished to propose. It was agreed that as the Licensing Committee was defined by statutory requirements, this was not necessary.

A Member noted the reference to European Legislation, and it was decided that the language would be changed next year when the changes from Brexit were implemented.

RESOLVED - That:-

- the terms of reference of the Committee be approved without amendment for submission to the Court in April 2020;
- no change be required to the frequency of the Committee's meetings.

5. MINUTES OF LICENSING (HEARING SUB) COMMITTEES

5.1 Simmons Bar - TEN - CANCELLED

Members were advised that the Simmons Bar TEN Hearing on 19 December 2019 was cancelled as the applicant withdrew their application.

6. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

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

7. GAMBLING ACT - ANNUAL REVIEW OF FEES 2020/21

The Committee considered the report of the Director of Markets and Consumer Protection concerning the annual review of fees for those premises requiring a licence under the Gambling Act 2005 for 2020/21.

Members were advised that it was a statutory requirement to review the fees annually and that the proposed fees had generally remained the same as costs exceed the maximum fee that the City Corporation was statutorily permitted to charge.

In response to a query regarding the forecasted drop of 24 for 2020/21, Members were advised that eight betting shops had indicated that they would be withdrawing from the City.

A Member felt that it was difficult to forecast the numbers and queried whether any surpluses generated could be donated, e.g. to Drink Aware. Officers confirmed that this would not be allowed even if the money went to charity as surpluses must be used to offset future costs.

RESOLVED – Agree the proposed fees for 2020/21 as set out in Appendix 1 (column 6, 'Proposed Fee').

8. REVENUE BUDGETS AND HIGH-LEVEL SUMMARY BUSINESS PLANS 2020/21

The Committee considered the joint report of the Chamberlain and Director of Markets and Consumer Protection concerning the annual submission of the revenue budgets overseen by the Licensing Committee and the final high-level summary Business Plan for the Department of Markets and Consumer Protection for 2020/21.

Members were advised that there was a new format for the budget and Business Plan report and there had been a small increase of £10k in the original budget since 2019/20.

A Member stated that the new template had been changed by Officers without consultation with Members and the Committee had previously requested that the proposed original budget be compared to the previous year original budget, rather than the revised budget. It was noted that this point had been made in other Committees which highlighted the need for change. Officers agreed to notify the Chamberlain's Department of this request to change the template.

RESOLVED – That Members:-

- review and approve the proposed revenue budget for 2020/21 for submission to the Finance Committee;
- authorise the Chamberlain, in consultation with the Director of Markets and Consumer Protection, to revise these budgets to allow for any further implications arising from Corporate Projects, other reviews and changes to the Cyclical Works Programme;

- agree that minor amendments for 2019/20 and 2020/21 budgets arising during budget setting be delegated to the Chamberlain;
- note the factors taken into consideration in compiling the Business Plan of the Department of Markets and Consumer Protection, including efficiency measures; and
- approve, subject to the incorporation of any changes sought by this Committee, the final high-level summary Business Plan for 2020/21.

9. **SEX ESTABLISHMENTS - CONSULTATION DOCUMENT**

The Committee considered a report of the Director of Markets and Consumer Protection providing an update concerning the public sex establishments consultation relating to a new sexual entertainment venue policy.

Members were advised that the current policy was almost 10 years old and only considered SEVs and not Sex Shops or Sex Cinemas. Despite there being no statutory need for consultation, it was considered necessary to mould and justify the policy as there were currently no SEVs in the City and the Team did not have the knowledge to form recommendations. It was also recommended by a legal advisor that consultation take place when the policy was last reviewed and was considered best practice.

A Member questioned the sampling used in paragraph 10 which he did not feel covered a significant percentage of the City's population and requested more information regarding the sampling methodology used. Members agreed that not all stakeholders were included, and they did not go far enough in terms of geographical designation (e.g. schools outside of the City) whose views needed to be captured. It was recommended that "a sample" be replaced with "all".

Members were advised that the stakeholders listed were used in the consultation previously, but that the survey would be circulated to the emails of all licensed premises and added to the City Corporation's website. Officers agreed to take advice on how to include schools outside the City's border.

Members agreed that consultation was needed but it needed to be done properly capturing all relevant stakeholders to ensure the outcomes could not be challenged. Members therefore did not approve the current wording and asked that a broader and clearer report come back to the Committee at its next meeting.

Members recommended using methodology from other Departments and Committees, e.g. bank on safety, as a model for this consultation.

A Member felt that consultation alone was not sufficient for developing a decision-making process and warned that there was a danger of encouraging modern slavery if not defined properly.

A Member questioned the inclusion of livery companies as a stakeholder. It was

agreed that livery companies that did not have a hall in the City should not be included in the sample.

With regards to consultation, a Member recommended using Ward lists which would ensure everyone was captured. It was also suggested that the survey be advertised in CityAM and in churches.

RESOLVED – That the report be updated as per the recommendations of Members, specifically paragraph 10, and brought back to the Committee's next meeting for consultation.

10. SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES 2020/21

The Committee considered the report of the Director of Markets and Consumer Protection concerning the annual review of fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment for 2020/21.

A Member felt that there was a lack of justification for the proposed adjustments in fees and questioned why they did not stay the same considering there were no applications for sex establishments. Members were advised that the costs to be recovered through the fees have risen particularly due to the costs involved in reviewing and updating the policy.

In response to a query concerning the significant drop in the fee charged regarding the transfer of a SEV licence, Officers agreed to follow up on what the reasoning was for this difference.

RESOLVED – That Members agree the proposed fees for 2020/21 as set out in Appendix 1.

11. CRIMES AT LICENCED PREMISES

The Committee considered a report of the Chief Superintendent regarding violent crime from licensed premises during the period October 2019 - December 2020.

Members were informed that the theft of bags was a key issue with 84% taking place in pubs/bars in the City. Laptops left unattended were being specifically targeted and the City Police have put in place Operation Tundra working with licensed premises and offering bag hangers in order to mitigate these thefts.

With regards to the Christmas period, it was noted that a robust Christmas campaign with Officers on the streets had seen a decrease in violent crime in November and December compared with previous years and were in the hours after pubs and clubs had closed.

A Member noted the increase in assaults against police constables in 2019 and members were informed that there had been an increasing trend in crimes against the police.

RECEIVED.

12. LATE NIGHT LEVY FINANCE REPORT

The Committee considered a report of the Chief Superintendent providing Members with a breakdown of the spending of the Late Night Levy from the City of London Police.

Members were advised that there were two items still to be approved: Training for Venues (Sexual Harassment in the Night Time Economy) and Stop the Bleed kits. Members were pleased that funds had been committed to a CCTV van.

With regards to presentation of the accounts, Members found the three columns confusing and agreed that it was not necessary to provide the levy and account year figures. Officers agreed that only the levy year would be provided going forward.

A Members noted that the costs for the SOS Bus were significant and queried whether this was good value. Members were informed that the SOS Bus currently only operated on Thursday nights and saved a significant amount of time for Officers, especially when dealing with drunk people. It was noted that the City Police were investigating the possibility of having their own permanent bus.

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13. 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 Director pertaining to premises licences.

RECEIVED.

14. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

Licensing Committee Dinner

A Member felt that non-alcoholic drink pairings in collaboration with Club Soda should be trialled at the Licensing Committee Dinner which had received push back in the past. Members were notified that non-alcoholic drinks pairings had been achieved for the previous two dinners and advice on drinks was being sought from Club Soda. Previous push back had been from the catering suppliers and this may impact the decision of venue.

15. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no urgent items.

16. 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.

17. NON-PUBLIC MINUTES

The non-public minutes of the meeting held on 16 October 2019 were approved as a correct record.

18. 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 13 pertaining to premises licenses which included the names of each premises.

19. NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE

There was one question.

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

There was no urgent business.

The meeting ended at 2.56 pm

Chairman

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