

LICENSING COMMITTEE

Thursday, 21 May 2020

Minutes of the meeting of the Licensing Committee held at Virtual Public Meeting.
The meeting can be viewed at: <https://youtu.be/kQdYMY0F0b4> on Thursday, 21 May 2020 at 4.00 pm

Present

Members:

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

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 |
| Frank Marchione | - Comptroller and City Solicitor's |
| Leanne Murphy | - Town Clerk's Department |
| Andrew Buckingham | - Media Team, Town Clerk's Department |
| Commander Dai Evans | - City of London Police |
| Inspector Jo Northmore | - City of London Police |

1. APOLOGIES

There were no apologies.

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 of the meeting held on 5 February 2020 were approved as a correct record.

4. 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. Members also noted the

Institute of Licensing's Protocol for licence applications and hearings under the Licensing Act 2003 during the Covid-19 pandemic.

Members were advised that the unprecedented pandemic had brought a number of questions and challenges for the City Corporation who have continued to act with pragmatism in line with Government, LGA and Institute of Licensing guidance. Key issues to particularly affect the City included annual fees, variations and support for local businesses.

Fees

There were calls from a number of areas including the GLA for Licensing Authorities to provide a reduction, suspension or holiday for licence application fees. This fee is mandatory under Section 55A of the Licensing Act and Licensing Authorities are required under the terms of the Act to suspend licences following non-payment of the annual fee. However, the date on which that suspension takes effect is discretionary and the City Corporation is allowing some flexibility and time to pay the fee without enforcement action. An advisory note to licensees is also being sent with the invoices.

Members were reminded that any change to this would require Government intervention which was a similar position for the Late Night Levy (LNL).

In terms of numbers for fee payments since lockdown began, Members were advised that:

- March: 43 invoices were issued and 32 paid (73%) with no requests for deferral;
- April: 54 invoices were issued and 24 paid (44%) with two requests for deferral;
- May: 61 invoices were issued and 18 paid (30%) with five requests for deferral.

This reflected a clear downward trend of businesses paying; however, it was highlighted that no reminders or suspension notices have been issued since 23 March 2020.

Variations

Discussions relating to the adaptation of licensed premises business models to provide takeaway have been ongoing. This would only be available to licenses that have on and off sales, although this could be possible for some cases with the inclusion of specifically controlled conditions. To date, only one business has applied for a time-limited variation to permit off-sales. There have also been a number of business inquiries who have been advised they may do so in accordance with social distancing regulations.

Supporting the Industry

It was acknowledged that the UK hospitality sector is a large contributor to the UK economy, providing a huge number of jobs in the industry and the wider supply chain. Whilst limited by the confines of the legislative framework, the City Corporation has continued to support the industry and has been working with the Night Tsar to identify ways that it can assist.

The City Corporation is supporting the Raise the Bar campaign alongside the GLA and others asking for Central Government to consider increasing the threshold for access of the £25k grant from £51k to £150k, as whilst many businesses in London fall within the higher rateable values they have been excluded from the Discretionary Fund. Support has also been offered to the NEXSTART Project, a coalition of experts working together on a comprehensive national strategy to exit lockdown and restart their businesses.

A Member enquired if a process had been developed allowing the City Corporation to hold licensing hearings if needed. It was confirmed that there was one hearing in the pipeline which was deferred under urgency procedures as described in the report of action taken report circulated to Members in the information pack. The Town Clerk confirmed that a process for hearings had been developed for Microsoft Teams but that there had been some pushback by Members who wished to use Zoom. It was agreed that hearings should not be delayed pending a new process and that the current developed process should be used. The Town Clerk agreed to follow up and confirm if this was possible. A Member noted that virtual meetings using Microsoft Teams had worked well with Open Spaces Committees which had a high number of external users.

The Deputy Chairman, whilst in agreeance that the LNL should not be abandoned, acknowledged that the Night Czar requested that premises should receive a 12-month holiday and as a point of principle found it unfair to expect premises that were forced to close down by the lockdown to pay these fees. He suggested lobbying Government to support legislation to rebait these premises. Officers confirmed that support was being given to these premises.

5. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

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

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

A Member queried if there had been any licensing related issues in the City during lockdown. Members were advised that licensing operation within the City had been generally quiet since lockdown was imposed with Tesco and Marks & Spencer being the predominant only trade. However, public cleansing, the Highways and Licensing teams and City of London Police had remained in operation.

It was noted that within the past 48 hours, there had been an issue at one licensed premises on the curtilage of the Bloomberg Arcade which had off-sales included within its licence. This had a core effect on the local area as a group of patrons purchasing alcoholic drinks had been moved onto the public highway. The City of London Police were involved and been in communications with the Licensee.

7. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
There were no urgent items.
8. **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.
9. **NON-PUBLIC MINUTES**
RESOLVED, that the non-public minutes of the meeting held on 5 February 2020 were approved as a correct record.
10. **COVID-19 UPDATE (NON-PUBLIC)**
The Committee received a non-public 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.
11. **NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**
There were no questions.
12. **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 4.55 pm

Chairman

Contact Officer: Leanne Murphy
tel. no.: 020 7332 3008
leanne.murphy@cityoflondon.gov.uk