

LICENSING COMMITTEE

Wednesday, 3 February 2021

Minutes of the virtual meeting of the Licensing Committee held on Wednesday, 3 February 2021 at 1.45 pm

Present

Members:

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

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
Jenny Pitcairn	-	Chamberlain's Department
Frank Marchione	-	Comptroller and City Solicitor's Department
Tony Macklin	-	Markets & Consumer Protection
Aggie Minas	-	Markets & Consumer Protection
Leanne Murphy	-	Town Clerk's Department
Andrew Buckingham	-	Media Team, Town Clerk's Department
Jo Northmore	-	City of London Police

1. APOLOGIES

Apologies were received from James Tumbridge.

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 4 October 2020 were approved as a correct record.

4. ANNUAL REVIEW OF THE COMMITTEE'S 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 the City Corporation's new Target Operating Model could potentially lead to operational changes in the future. Officers confirmed this was true across the board and would continue to be reviewed.

RESOLVED - That:-

- the terms of reference of the Committee be approved without amendment for submission to the Court in April 2021;
- no change be required to the frequency of the Committee's meetings.

5. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**
The Comptroller & City Solicitor advised the Committee that there were currently no appeals.

6. **COVID COMPLIANT ACCREDITATION SCHEME**
The Committee received an oral update from the Assistant Director, Environmental Health & Public Protection, providing Members with an update on the Covid Compliant Accreditation Scheme.

Following a meeting of Central London Chief Executives, a proposal was made to the Department of Business Energy and Industrial Strategy to run a scheme whereby businesses could get accreditation for demonstrating they were doing all they could to be Covid secure and ultimately give confidence to customers that the business was safe to visit.

This scheme was launched on 14 September 2020 as a localised pilot and is being led by the City Corporation in collaboration with the Southwark and Camden Boroughs. Any interested business can apply by submitting key documentation (e.g. Covid Risk Assessments, procedure notes) which is checked by an Environmental Health Officer who then carries out an on-site visit to verify the case. If the business meets the requirements, they are awarded the Covid compliant sticker to display in their window.

Unfortunately, the launch occurred just before major changes in legislation and take-up by business was low leading to the scheme being suspended. However, it is hoped that post the current lockdown, the scheme can be relaunched when trading begins and will be promoted to all businesses in the City.

A Member enquired if the scheme was working with the Culture, Leisure and Tourism Sub Committee for the EC Partnership bid. The Assistant Director confirmed that the scheme was working with a number of bids including Cheapside, Aldgate, EC, Fleet Street and would be offered to any business Citywide that was eligible.

Members were supportive of the scheme and agreed that businesses needed help to maintain and grow. It was noted that there had been rekindled interest from Local Authorities and the GLA following efforts to relaunch and promote

high streets and UK Hospitality and the Cabinet Office had been notified of the scheme.

7. **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 were advised that there had been lots of engagement with businesses in industry and the City Corporation continued to support them since moving from Tier 1 to a Tier 4 national lockdown. It was noted that there had been 64 legislative changes since the start of the pandemic.

The current lockdown was having a huge impact with only 15% of hospitality venues open for takeaways in the City in January compared with 60% in December. Officers and businesses keenly await the Government's roadmap to be announced on 22 February 2021.

With regards to recovery, the Member and Officer Recovery Taskforce is considering the broader implications. Licensing Officers also continue to watch licences, payments and which businesses have left their premises. It was acknowledged that it was too early to understand the full impact of the pandemic until it was over, and businesses finally reopened. Since 1 April 2020, 21 licenses have been surrendered and 16 new licence applications have been made. No licenses have been formally suspended to date, but soft suspension letters have been issued to the 309 premises that have not paid their licence fees as per statute, plus 177 Late Night Levy fees remain outstanding. It was noted that a lot of businesses had been in touch to say they would pay the fees when they back up and running.

Members were advised that the City Corporation had been listening and engaging, with the Lord Mayor holding a series of round tables in December including livery industry bodies and local businesses. It was accepted that it would be a bleak winter and help was required by the businesses when they were able to reopen. The City Corporation will lead a media campaign to spread the messaging that the City was open for business, and also assist with footfall and open-air space to show case hospitality and create a "FOMO" effect to encourage people back into the City. It was also noted that the All Party Parliamentary Group are leading an enquiry and the Remembrancer has made a submission.

Financial support has also been offered by the City Revenues team administering £127m in business rate relief meaning 2,300 premises will not have business rate relief to pay for 2020/21. Alongside this, £20.4m in grants to SMEs (approx. 10% of the sector) have been made and new business support grants are also being established.

As Gary Grant alluded to during the recent Licensing during the Pandemic session, the City Corporation already has very supportive policies in place with the AI-Fresco Policy, which was being extended, and the existing licensing

Policy Statement. It was confirmed that Officers were working with the Chairman and Deputy Chair to identify ways in which these may be enhanced to further support recovery.

The Chairman thanked all Licensing Officers for their hard work and compassionate support throughout the pandemic responding to the plethora of guidance and changes to assist the struggling hospitality industry which was hardest hit by the pandemic.

8. LATE NIGHT LEVY - 12 MONTH REPORT (1 OCTOBER 2019 - 30 SEPTEMBER 2020)

The Committee considered a report of the Director of Markets & Consumer Protection providing Members with a 12-month review concerning the Late Night Levy covering the period 1 October 2019 to 30 September 2020.

Members were advised that this annual report differed from previous reports due to the impact of the pandemic on premises from March 2020. Paragraphs 11-14 were highlighted to Members which detailed how Officers were handling collection of the Levy fees from premises and it was acknowledged that only a very small number of premises had been able to trade after midnight. The statutory requirement to collect the Levy has remained and the licence must be suspended if not paid.

Officers provided two options regarding the City Corporation's policy for collection of the Levy. The first was to scrap the Levy scheme altogether and reintroduce it at a later date; this would require significant work and public and stakeholder consultation. The second approach was a soft suspension giving notice of non-payment and a delayed suspension. This was the favoured approach offering as much flexibility as possible when collecting the Levy by stretching the suspension to the limit as the legislation did not specify when to suspend. When premises are able to trade past 12pm, premises will be asked how they plan to settle their Levy charge which may be two years' worth of charges. Payment plans may also be considered.

A Member wished to understand the type of businesses paying for the Levy and, in particular, the difference between big chains versus independents as Members were keen to support SMEs. Officers confirmed approximately 90% of the premises paying the Levy belonged to larger chains.

In response to a question asking if it would take three months to stop the scheme due to the consultation process plus approximately three months to restart the scheme, Members were informed that they were already within a Levy year meaning that anyone that belonged to the scheme would still be liable to pay for the current year. If this was to be scrapped, it would have to be the next Levy year starting 1 October 2021 and it would take three months to complete consultation. Whilst this could be reintroduced at any time, approximately three months would again be required to allow for sufficient consultation.

Members supported the soft suspension approach as most pragmatic and considerate for business owners. It was recommended that all Levy premises also be offered a discount for the Safety Thirst Scheme.

A Member highlighted the extensive enquiries and lobbying that took place at the beginning of the first lockdown regarding the Levy and advice at the time was that the City Corporation was legal obliged to charge the Levy fee. Members considered whether it was necessary for Officers to bring a paper detailing a process of consultation to leave the scheme for 12 months and re-join after this point and the implications.

With regards to a query concerning the annual cost of the Levy, Members were informed the bands of levy were presented in Table 1. Members agreed the costs were fairly modest and had not been challenged by premises. It was noted that premises also had the option to change their hours if the Levy was a burden. It was ultimately decided that Officers continue to monitor the situation and make a decision on the scheme following Government advice.

RESOLVED – That Members:-

- Note the contents of this report;
- Agree the policy regarding the collection of Levy outlined in paragraphs 11-14

9. **DRAFT MARKETS AND CONSUMER PROTECTION HIGH-LEVEL BUSINESS PLAN 2021/22**

Members considered a report of the Director of Markets and Consumer Protection concerning the High-Level Business Plan for the Port Health and Public Protection (PH&PP) Division of the Department of Markets and Consumer Protection for 2021/22.

Members were advised that the Department was due to be split up later this year with Consumer Protection going into the Environment Department. These parts were therefore separate on the Business Plan.

Following a querying relating to the Climate Action Strategy and implications for the Committee, Officers confirmed this was currently limited but would be reviewed.

RESOLVED – That Members approve, subject to the incorporation of any changes sought by this Committee, the High-Level Business Plan for the Port Health and Public Protection (PH&PP) Division of the Department of Markets and Consumer Protection for 2021/22 (or the elements therein that fall within this committee's Terms of Reference).

10. **REVENUE BUDGETS 2021/22**

Members considered a joint report of the Chamberlain and Director of Markets and Consumer Protection concerning the revenue budgets for the Licensing Committee for 2021/22.

Members were informed that the main change was the reduction of £57k which was largely the Department's 12% target of savings as required. The impact of these savings on fee income will continue to be reviewed.

RESOLVED – That Members:-

- review and approve the proposed revenue budget for 2021/22 for submission to 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 subsequently approved savings proposals, and amended 2021/22 pay award; and
- agree that amendments for 2020/21 and 2021/22 budgets arising from changes to recharges during budget setting be delegated to the Chamberlain.

11. **BUSINESS AND PLANNING ACT 2020 - ALFRESCO EATING & DRINKING POLICY UPDATE**

Members received a report of the Director of Markets and Consumer Protection providing a summary of pavement licences granted following the easing of lockdown 1 and outlines proposals to facilitate the pavement licence application process following the easing of current lockdown 3.

Members were advised that since the Act went live on 22 July 2020, 20 pavement licences had been issued to assist businesses during the pandemic. The provisions were temporarily agreed until 30 September 2021, plus zero fees for the applications and the issuing of licences for a six-month period which would run up until March. It was proposed that this continue to support businesses in the City which was supported by the Committee.

RESOLVED – That Members:-

- Agree the pavement licence duration period until 30 September 2021 as outlined in paragraph 11(a) of this report;
- Agree a zero fee for all pavement licence applications received after 1 April 2021 as outlined in paragraph 11(b) of this report.

12. **CRIMES AT LICENSED PREMISES**

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

Members were informed that premises were completely shut by December with the exception of a small number of businesses remaining open for takeaways. During this period, only six low level violent offences took place and crime generally was low.

In response to a question by a Member, Officers confirmed that the recently reported cannabis factory case in the City was not linked to a licensed premises and took place in sublet room in the same building.

RECEIVED.

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 Interim Director of Consumer Protection and Market Operations pertaining to premises licences.

RECEIVED.

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

There were no questions.

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 4 October 2020 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 were no questions.

20. **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 2.45 pm

Chairman

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