

LICENSING COMMITTEE

Wednesday, 2 February 2022

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 2 February 2022 at 1.45 pm

Present

Members:

Sophie Anne Fernandes (Chairman)	Michael Hudson
Deputy Shravan Joshi (Deputy Chairman)	Deputy Jamie Ingham Clark
Deputy Peter Dunphy	Deputy Graham Packham
Mary Durcan	Judith Pleasance
Deputy John Fletcher	Jason Pritchard
Deputy Marianne Fredericks	

Officers:

Frank Marchione	- Comptroller & City Solicitor's Department
Rachel Pye	- Markets & Consumer Protection
Jenny Pitcairn	- Markets & Consumer Protection
Peter Davenport	- Markets & Consumer Protection Department
Gavin Stedman	- Markets & Consumer Protection Department
Matthew Cooper	- Town Clerk's Department
John Cater	- Town Clerk's Department

1. APOLOGIES

Apologies were received from Caroline Addy and James Tumbridge.

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

There was one declaration of a non-pecuniary interest from Mary Durcan concerning Item 4 (Barbie Green Minutes).

3. PUBLIC MINUTES

The public minutes of the meeting held on 13th October 2021 were approved as a correct record.

4. MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE - BARBIE GREEN 12 JANUARY 2022

Members noted the public minutes of the Hearing in respect of the application for Barbie Green (Daisy Green Ltd), 2 London Wall Place, EC2Y 5DH on 12 January 2022.

Two Members of the Committee sat on the Hearing, and both remarked that it was unfortunate the applicants had seemingly not taken full advantage of the

pre-application service, as it had become clear that several issues could have been resolved prior to the hearing.

Officers advised that the benefits of the pre-application process were well flagged to all potential applicants both verbally and in writing.

A Member remarked that, upon reviewing the revamped corporate website, it wasn't immediately apparent where the documents relating to licensing requirements were located; it was important that this information and the related webpages were more easily accessible.

5. **DRAFT HIGH-LEVEL BUSINESS PLAN 2022/23**

The Committee received a Report of the Executive Director Environment concerning the 2022/23 High-Level Business Plan for the Port Health and Public Protection Division (which fall within the remit of the Licensing Committee).

Noting the absence of specific risks within the Plan, officers assured Members that risk analysis remained a critical feature of operational planning in the division; it was also apparent that a number of the risks facing the division, such as Covid-19 and skills shortages cut across other areas of the Corporation.

RESOLVED – That the Committee approved the elements of the 2022/23 High-Level Business Plan for the Port Health and Public Protection Division (which fall within the remit of the Licensing Committee).

6. **GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES**

The Committee received a Report of the Executive Director Environment concerning the Statement of Licensing Principles related to the Gambling Act 2005.

Given the reduction in the number of betting shops across the City (36 to 15), it was remarked that the influence of the Committee and the City to mitigate gambling related harm had diminished, as those at risk were now increasingly turning to online gambling.

In response to a suggestion, officers confirmed that the City's Gambling Policy would be revised to include clear signposting for those at risk to access resources and contact information for organisations which can help with addiction. An electronic copy of the Policy and associated appendices would be circulated to Members in due course.

The Chairman asked officers to liaise with colleagues in the Department for Communities and Children's Services (namely those associated with the Health and Wellbeing Board) to ensure that we were doing all we can to try to mitigate harm from gambling; a specific suggestion was for the City Corporation to engage and work with City based businesses to highlight to City workers the risks from gambling addiction.

Noting that citizens of the Ward of Portsoken had been deemed the most vulnerable when it came to harm from gambling, officers caveated that the representative size of the population in Portsoken was comparatively low, so urged caution before reaching firm conclusions; however, they offered to provide more detail around this analysis to the Member after the meeting.

RESOLVED – That the Committee noted the Report.

7. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2022/23**

The Committee considered a Report of the Executive Director Environment concerning annual fees for those premises in the City requiring a licence under the Gambling Act 2005.

RESOLVED – That the Committee agreed the proposed fees for 2022/23 as set out in Appendix 1 (column 6, 'Proposed Fee').

8. **SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES 2022/23**

The Committee considered a Report of the Executive Director Environment concerning the annual fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment.

RESOLVED – That the Committee agreed the proposed fees for 2022/23 as set out in Appendix 1.

9. **COVID UPDATE**

The Committee received an oral update concerning Covid-19 from the Assistant Director of Public Protection.

In response to a query, officers confirmed that 45 – 90 licensed premises have been lost during the course of the pandemic, however, it should be noted that these figures refer to the operators that have departed the City - some of the premises have subsequently been picked up by new operators, and it was hoped that this trend would continue as the post-Covid recovery gathered pace. The Deputy Chairman asked that further detailed analysis be provided to the Committee about the types of licence holders now operating in the City and whether any post-Covid trends were emerging.

Officers confirmed that they had reached out to all businesses that are eligible for grant funding; furthermore, officers are proactive in ensuring that businesses are being kept up-to-date on the various support on offer.

RESOLVED – That the Committee noted the oral update.

10. **POLICE LICENSING REPORT**

The Committee received a Report of the Commissioner of the City of London Police concerning crimes committed linked to Licensed Premises in Q4 2021 (from 1st October 2021 – 31st December 2021).

In response to a query from the Deputy Chairman concerning the “Ask for Angela” campaign, officers said that they would come back to him after the meeting with the statistics on how often the service is being used across the City, and which venues are most affected.

In response to a query, officers emphasised that a great deal of focus of the City of London Police was going into work to reduce violence against women and girls; this included renewed and robust action to target and prosecute perpetrators. In terms of practical steps, the Police were working with the City to push out corporate communications around the risk of spiking, encouraging venues to adopt foil toppers for the tops of drinks (so as to reduce the risk of spiking), distribute drugs testing kits to venues. Members asked that, alongside “Ask for Angela” guidance, the use of foil toppers and drug testing kits were embedded in the WAVE (Welfare And Vulnerability Engagement) training.

The Chairman asked officers to circulate the Update on Violence Against Women & Girls (VAWG) activity Report to the Committee after it had been considered by the Strategic Planning & Performance (Police) Committee on the 7th February.

In response to a query, officers confirmed that the Safety First Awards ceremony would take place in February 2023, with auditing taking place in autumn/winter 2022.

RESOLVED – That the Committee noted the Report.

11. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**
The Committee received an oral update of the Comptroller and City Solicitor concerning appeals against Licensing (Hearing) Sub-Committee decisions.

RESOLVED – That the Committee noted the Report.

12. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**
The Committee received a Report of the Director of Markets and Consumer Protection concerning decisions delegated to the Director of Markets and Consumer Protection pertaining to the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 October 2021 to 31 December 2021.

Officers informed the Committee that the data pertaining to the Traffic Light Scheme would be updated shortly, and that this information would be circulated to the Committee in the next few weeks.

A Member highlighted the noise issues around the branch of Five Guys on Bishopsgate, namely that this was an issue which needed to be resolved by the building landlord by insulating the building so as to cut down on noise pollution between the restaurant and the residential dwellings on the upper floors. Officers confirmed that the City was working with the landlord to achieve a

successful resolution and an update would be provided at the next meeting of the Committee.

RESOLVED – That the Committee noted the Report.

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

There was one question concerning al fresco dining provision, namely, given the changes brought about by the pandemic, is the Corporation looking at a permanent shift to enable al fresco dining.

In response to a query, officers confirmed that the regime around pavement licenses was set by central government and that every pavement license will be rescinded at the end of September 2022. Arrangements beyond September would need additional legislation to extend this or the introduction of a new licensing regime.

A Member stressed that highways should primarily be the preserve of pedestrians and vehicles, if the regime permanently changed, and the Corporation chose to provide pavement licenses on a permanent basis then these should come at a cost.

A Member requested that the decision notices from Hearings are included for Members' reference in future Licensing Committee agendas packs.

A Member informed the Committee that she had recently received several complaints from constituents about problems navigating the licensing section of the Corporation's website; she would send these queries through to officers, who in turn would work with IT colleagues to improve signposting and accessibility.

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

On behalf of the Committee, the Deputy Chairman took the opportunity to thank the Chairman for her sterling service, she had led the Committee with distinction during an incredibly challenging period and the City Corporation owed her a great debt of gratitude.

15. **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.

16. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 13th October 2021 were approved as a correct record.

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

There were no non-public questions.

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

There was no other business.

The meeting ended at 2.55 pm

Chairman

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