

LICENSING COMMITTEE

Friday, 28 April 2023

Minutes of the meeting of the Licensing Committee held at Guildhall at 1.45 pm

Present

Members:

James Tumbridge (Chairman)	Deputy Shравan Joshi
Deputy John Fletcher (Deputy Chairman)	Deputy Graham Packham
Brendan Barns	Jason Pritchard
Mary Durcan	David Sales
Deputy Marianne Fredericks	Ceri Wilkins

Officers:

Gavin Stedman	-	Port Health and Public Protection Director
Rachel Pye	-	Assistant Director of Public Protection, Environment
Robert Breeze		Department
Aggie Minas	-	Environment Department
Jenny Pitcairn	-	Chamberlains
Julie Mayer	-	Town Clerks
Frank Marchione	-	Comptroller and City Solicitors

1. APOLOGIES

Apologies were received from Sophie Fernandes, James Bromiley-Davis, Ceri Wilkins, Anthony Fitzpatrick and Deputy Peter Dunphy.

Taking the Chair

It was moved by Deputy Marianne Fredericks, seconded by Deputy John Fletcher and agreed that Michael Hudson takes the Chair until agenda item 4.

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

There were no declarations.

3. ORDER OF THE COURT OF COMMON COUNCIL

The Committee received the order of the Court of Common Council dated Thursday 27 April 2023, which appointed the Committee and confirmed its Terms of Reference.

4. ELECTION OF CHAIRMAN

Ahead of the election of the Chairman and Deputy Chairman, the Town Clerk reminded Members of recently approved Standing Orders 29.4 and 30.5, whereby any Member interested in standing for the positions of Chairman or Deputy Chairman must inform the Town Clerk by no later than one full working day ahead of the meeting. However, as this had been agreed by the Annual Meeting of the Court of Common Council on 27 April 2023 and this meeting

was taking place on 28 April 2023, the Town Clerk advised that it would not apply to this meeting of the Licensing Committee.

RESOLVED, that – being the only Member expressing a willingness to serve, Mr James Tumbridge be elected as Chairman of the Licensing Committee for 2023/24.

5. **ELECTION OF DEPUTY CHAIRMAN**

The Committee considered the report to elect a Deputy Chairman in accordance with Standing Order 30

The Committee received expressions of interest from Deputy John Fletcher and Brendan Barns. A ballot was conducted and Deputy John Fletcher was elected as the Deputy Chairman by a result of 6 votes to 4.

RESOLVED, that - Deputy John Fletcher be elected as Deputy Chairman of the Licensing Committee for 2023/24

6. **APPOINTMENT OF SUB COMMITTEE CHAIRMEN AND REFERENCE SUB-COMMITTEE**

The Committee was asked to appoint 4 Members to the Licensing Hearings Sub Committee, noting that this would be in addition to the appointment Chairman, Deputy Chairman and past Committee Chairmen.

The Town Clerk asked Members to note the recently approved amendments to standing orders, whereby the previous practice of allowing additional Members onto Sub Committees, in order to avoid a ballot, should be by exception and only if it is in the best interests of the Committee and the Sub Committee. However, Members agreed that, in the case of Licensing Hearings, which are often called at short notice and take place during recess periods, a larger pool of Members is desirable.

RESOLVED, that – the following Members be appointed to the Licensing Hearing Sub Committee, together with the Chairman, Deputy Chairman and any past Committee Chairmen. *NB Agenda item 11 refers.*

Brendan Barns
Mary Durcan
Anthony Fitzpatrick
Marianne Fredericks
Michael Hudson
David Sales
Ceri Wilkins

7. **PUBLIC MINUTES**

RESOLVED, That – the public minutes and non-public summary of the meeting held on 2 February 2023 be approved, noting that James Tumbridge had been present at this meeting.

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

RESOLVED, that – the minutes of the following Hearings be received:

- **Boxpark Trading Limited**, Boxhall Metropolitan Arcade, Liverpool Street, EC2M 7PD - held on 9th February 2023.
- **Fit Kitchen**, Basement and ground floor, 43-45 Eastcheap, London EC3M 1JA - held on 27th February 2023.

9. **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.

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

The Committee received a report of the Executive Director, Environment which detailed the premises licences, and variations to premises licences, granted under the Licensing Act 2003 and administered by the Licensing Service from 1 January 2023 to 31 March 2023. It did not include any premises where Members were involved in the decision-making process i.e. decisions made at Licensing Sub-Committee hearings.

The report also provided a summary of the enforcement action taken under the Licensing Act 2003 between 1 January 2023 to 31 March 2023. In addition, the report presents data from the ‘traffic light’ risk scheme introduced within the City of London on 1 April 2013. The data gives a view of the scheme between 1 September 2022 to 28 February 2023.

RESOLVED, that – the report be noted.

11. **DELEGATION OF FUNCTIONS**

The Committee considered a report of the Executive Director, Environment, noting that a Licensing Committee may arrange for the discharge of any of its functions as the Licensing Authority under the Licensing Act 2003 (the 2003 Act) and the Gambling Act 2005 (the 2005 Act) to a sub-committee established by it and, in some circumstances, the functions may be discharged to an officer of the licensing authority. The Licensing Committee may also discharge functions of the licensing authority under schedule 3 of the Local Government Act (Miscellaneous Provisions) Act 1982 (the 1982 Act). The report outlined the legislative provisions and statutory guidance in respect of delegating those functions.

RESOLVED, that - The recommendations in paragraph 12 of the report, and the proposed scheme for delegation of functions and powers, as set out in Appendix 1.2 of the report, be approved and the officer function be delegated to the Executive Director for Environment. *NB. Agenda item 6 refers.*

12. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2023-24**

The Committee considered a report of the Executive Director, Environment proposing the annual fees for premises requiring a licence under the Gambling Act 2005 for the period of 2023 to 24.

RESOLVED, that – the proposed fees for 2023/24, as set out in Appendix 1 to the report, be approved.

13. **DRAFT HIGH-LEVEL BUSINESS PLAN 2023/24 - ENVIRONMENT DEPARTMENT**

The Committee considered the report of the Executive Director, Environment, in respect of the draft high-level Environment Department Business Plan 2023/24, including a supplementary document which listed the priority workstreams undertaken by the Licensing Service during 2023/24, together with the City of London's Corporation's Corporate Plan and other key corporate strategies, programmes and policies.

The Chairman suggested that the recommendations be agreed, noting that future reports should only highlight those matters which fall under the Licensing Committee's Terms of Reference. However, it was also noted that some strategies; i.e. climate action, would have some impact on licensing matters.

RESOLVED, that – the factors taken into consideration in compiling the Environment Department Business Plan be noted and, subject to the incorporation of any changes sought by this Committee, and with reference to the Licensing Service Priority Workstreams (at Appendix B to the report), the elements of the high-level Environment Department Business Plan 2023/24, which fall within the remit of the Licensing Committee, be approved.

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

There were no questions.

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

The Chairman agreed to permit the following items of urgent business:

Licensing Awards

A Member asked about the possibility of introducing a 'celebration of excellence' within the licensing sector, with awards for good practice. The Chair agreed that this would be worth exploring, in collaboration with Destination City. Members noted that there had been a previous scheme, known as 'Safety Thirst', but it had been held in abeyance since the pandemic, to allow premises to concentrate on building back their businesses. However, the Chair suggested that it could be placed slightly differently, to attract visitors, and asked if officers could give this further consideration, for a discussion at the Committee's forthcoming awayday.

Hospitality Event (tourism markets and the City's retail offer)

The Chair had attended this event the previous day with the Licensing Managers. The Committee would receive a set of notes and the Chair suggested that some of the key points could be considered at the Committee's forthcoming awayday.

There had been some discussion about improving signage in the City, in tube stations and at street level, with some narrative on the heritage of surrounding areas. The various licensed premises could also be invited to feed into this. There had been a discussion about passenger safety and lobbying Transport for London and the Mayor's Office, in terms of night-time underground services and station closures, and options for alternative modes of transport.

Cumulative Impact

At a recent Licensing Hearing in Tower Ward, Members had discussed the 'cumulative impact' of licensed premises in the area. Members noted that Tower had been problematic historically but the situation had improved post the pandemic. However, premises were starting to re-open and there had been an increase in residents in the area. The Chair asked for a map showing resident concentrations, which might better inform decision making, whilst respecting the needs of both residents and applicants.

Officers advised that work on a Cumulative Impact Policy had started just before the pandemic, noting the saturation around Liverpool Street, and officers agreed to re-circulate this information. However, post the pandemic, the work had not reached the policy formulation stage. Members were also asked to be mindful in that it should not be a tool for blanket refusals but an incentive for premises to operate responsibly. Furthermore, it can effectively 'freeze frame' an area and possibly prevent reputable, well run premises from entering. Officers advised that any new policy formulation would need to carefully consider about 3 years' worth of evidence; i.e. - crimes and anti-social behaviours directly attributable to premises, footfall and public transport, layered over clusters of venues and residential areas.

During the discussion, the following points were noted:

- The Police are keen to explore this but it is likely that some problematic premises will not fall within such a zone.
- It is important to look along the borders of Tower Hamlets and Hackney.
- We currently look at applications on their own merit and would a cumulative impact policy give more grounds for appeal?
- The importance of maintaining standards based on sound data, noting the Chair's request for better mapping

In concluding, the Chair asked officers to consider the comments set out above and asked for an initial discussion, with himself and the Deputy Chair, with the first iteration of a report to the next meeting of the Licensing Committee and further discussion at the Awayday. The Head of Licensing agreed with this approach.

18. **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.

19. **NON-PUBLIC MINUTES**

RESOLVED – That the non-public minutes of the meeting held on 2 February 2023 be approved as a correct record

20. **Q1 - CITY OF LONDON POLICE LICENSING REPORT**

The Committee received a report of the City of London Police.

It was suggested that some of the mapping used in this report could be helpful in terms of a Cumulative Impact Policy, as referenced under Any other Business, earlier on the agenda.

21. **OPERATION REFRAME - LATEST UPDATE**

The Committee received a report of the City of London Police.

Members noted future events planned for 2 and 30 June 2023.

The meeting ended at 3pm

Chairman

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