

LICENSING COMMITTEE

Friday, 7 July 2023

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Friday, 7 July 2023 at 11.00 am

Present

Members:

James Tumbridge (Chairman)	Anthony David Fitzpatrick
Deputy John Fletcher (Deputy Chairman)	Deputy Marianne Fredericks
Brendan Barns	Michael Hudson
Deputy Peter Dunphy	Deputy Shравan Joshi
Mary Durcan	Jason Pritchard
Sophie Anne Fernandes	Ceri Wilkins

Members (online):

James Bromiley-Davis
Deputy Graham Packham

Officers:

Polly Dunn – Town Clerk’s Department
Raquel Pinto – Town Clerk’s Department
Frank Marchione - Comptroller & City Solicitor’s Department
Jillian Bradbeer - Comptroller & City Solicitor’s Department
Aggie Minas – Environment Department
Rachel Pye – Environment Department
Andrew Buckingham - Communications and External Affairs
Joanne Hill - Environment Department
Caroline Hays – City of London Police

1. APOLOGIES

Apologies for absence were received from David Sales. Apologies were also received from James Bromiley-Davis and Deputy Graham Packham who were unable to attend the meeting in person, but who were observing online.

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 and summary of the meeting held on 28 April 2023 be approved as a correct record, subject to the following amendment:

- On page 6 – strike Marianne Fredericks from the list of those who were elected to the Licensing Hearing Sub Committee as those who were former committee chairmen, were automatically in the pool of those who

could chair the Sub Committee, therefore her name should not have been included in the list.

4. **WARDMOTE RESOLUTION**

The Committee considered a Resolution from the Ward of Portsoken on 20 March 2023.

Members were informed of the following actions that had already been undertaken by the City of London Corporation:

- There was a Multiagency response between Police and Environmental Health and Cleansing.
- The location in question had a very transient population, including the homeless community and is a busy area between transport hubs of Liverpool Street, Aldgate and Aldgate Bus Station.
- Police, Environmental Health and Cleansing have been working in partnership with the building managers on this issue.
- Officers from all services have undertaken monitoring of the locality at all times of the day and night to understand the issues, causes and to identify controls.
- Environmental considerations are being actioned eg lighting and the location of planters that provide cover.
- Regular flushing and other cleansing is being carried out regularly.
- No specific links have been made to licenced premises.
- Signage is being actioned and they would take away the suggestion on education for premises in area.

Members were pleased that officers were taking into account the issues raised by constituents in terms of educating those nearby premises. It was suggested that the City Corporation consider what could be done to keep patrons informed and educated about anti-social behaviour in the area. The Committee was, however, aware that the matter of street cleansing and the built environment did not fall within the functions of the Licensing Committee. It was agreed that this was a matter for Port Health to consider.

Members asked for this to be officially referred to Port Health & Environmental Services Committee. This was proposed by Michael Hudson and seconded by Anthony Fitzpatrick, and members agreed.

RESOLVED – that Members:-

- Note the Portsoken Wardmote resolution and actions taken by the Licensing Team in response; and
- Delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to finalise the wording for a resolution and to send this resolution to the attention of the Port Health & Environmental Services Committee.

5. CUMULATIVE IMPACT ASSESSMENT OPTIONS FOR THE CITY OF LONDON

The Committee considered a report of the Executive Director Environment which provided an overview of the legislative requirements to publishing a Cumulative Impact Assessment (CIA), the Covid-19 pandemic impact on CIAs, the City of London Corporation's (the City) current approach on cumulative impact as set out in its Statement of Licensing Policy (SoLP), a summary of pre-pandemic work on cumulative impact undertaken by the licensing team, current problems associated with the City's Night-Time Economy (NTE), and a draft potential plan for commencing research work to ascertain whether there is sufficient evidence to publish a CIA for the City.

The Chairman introduced this item with a point of clarification, which was that this item was correctly reported for information in the summary, however, it wrongly showed for decision in the agenda. The Chairman wanted to clarify that this was not for decision, and the intention of the Committee when this work was commissioned, was that it would be used to inform Members. Therefore, with Members approval, it would be taken as an information item. The Chairman pointed the Committee to useful things in the report such as the ability for an objector to raise a concern about cumulative impact areas, which they could do with or without the policy being in place.

Members wanted clarification that the recommendations stated in the report would not be actioned. The Chairman assured the Committee that this item was an information item, and that no recommendations would be actioned.

RESOLVED – That the report be noted.

6. GUIDANCE TO PREMISES LICENCE CONDITIONS

The Committee considered a report of the Executive Director Environment concerning the general principles on licence conditions that can be included on premises licences or club premises certificates issued under the provisions of the Licensing Act 2003 (the Act).

The Chairman explained that for now he would prefer this matter to be taken as an information item so that it could, in the first instance, be discussed in greater detail before the Committee made any final approvals. This would allow Members more time to consider and digest what was being proposed. Feedback would be integrated into the draft conditions and be brought back to the Committee at the next meeting for approval.

Members raised the importance of the cross impacts and asked whether a workshop would be beneficial so that officers could talk through the decisions proposed. The Chairman agreed with Members that a session to discuss this might be beneficial. Officers will consider what can be arranged. Once a slot is identified, officers will be in touch to ascertain interest.

RESOLVED – That the report be noted.

7. **REVENUE OUTTURN 2022/23**

The Committee received a joint report of the Chamberlain and Executive Director Environment which compares the revenue outturn for the services overseen by the Committee in 2022/23 with the final budget for the year.

RESOLVED – That the report be noted.

8. **LICENSING SERVICE BUSINESS PLAN 2022/23: PROGRESS REPORT**

The Committee received a report of the Executive Director Environment providing a summary of the progress made by the Licensing Team in the delivery of its key strategic and operational objectives during 2022/23.

The Chairman shared with the Committee that a press release had been issued which looked at monitoring footfall numbers and these were showing positive signs. It detected that weekend footfall was better, and that weekday footfall was different because of hybrid working, with Tuesday, Wednesday and Thursday busier. The Police had this information, so they were able to monitor any consequential impacts to policing demands.

RESOLVED – That the report be noted.

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

The Committee received a report of the Executive Director Environment detailing the premises licences, and variations to premises licences, granted under the Licensing Act 2003 and administered by the Licensing Service from 1 April 2023 to 30 June 2023.

RESOLVED – That the report be noted.

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

Questions were raised as follows:

Members enquired about the process of notifying stakeholders about new and modified Licensing applications. Concerns were raised about known instances where notification emails for licensing applications had been sent out around two weeks after being received by the Licensing Team. Given the deadline for representations is 28 days from date of receipt of the application, not the date it is publicised, this had caused problems and reduced the time in which stakeholders had to respond. Members suggested that this had happened on at least three occasions, and residents are unhappy as there were cases where representations have been discounted as deadlines were missed by a day. This delay in process could increase the risk of a judicial reviews if it continued. Members suggested that the performance on timely notifications should be a new Key Performance Indicator which was then reported to the Committee as this was a key metric.

The Chairman agreed this was important and asked officers whether they needed support from Committee to make requests on their behalf and ensure

information is shared. The Chairman asked officers to look at the current system for processing and sending out notices, and to consider if they were satisfied with it. The Chairman placed particular importance on the need to process these quickly, and asked whether officers could identify any problems, or whether these instances were just an anomaly.

In a similar vein, Members raised that there had been issues in the past where blue license notices were not displayed within the statutory time period, and it had been decided that officers would go around the City and take photos of the notices, which would appear on their reports to provide evidence of this monitoring. Members also acknowledged that the onus was on the applicant to put the blue notice up.

Members enquired whether officers still checked the blue notices. In response, officers confirmed they checked the majority of applications but only once the statutory notice period had commenced. It was not always possible to check every blue notice. Members noted that any application that had not displayed their notice properly, would be instructed to do so and the statutory notice period (28 days) would restart. Members requested all notices be checked and photographed.

RESOLVED – That,

a) the report be noted,

b) officers look at the below and report back to the Committee:

- (i) what the current system for processing and sending out notices is
- (ii) to consider whether they are satisfied with the system and
- (iii) to explain why there was a problem

11. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

The following items of urgent business were raised –

- A) On Licensing Quarterly figures members were advised that:
 - 318 thefts from Licensed Premises offences and 83 violence against the person offences were reported.
 - Both offences have increased against the previous quarter.
 - Comparing to the previous year, theft had increase 46% and violence against the person remains the same.
 - There had been significant arrests from teams who have targeted premises.
 - Regular visits were made to encourage premises to look after their staff and keep items locked away.
 - Violence against person was stable but cases of Actual Bodily Harm (ABH) had increased by 200%. This was mainly towards staff who were working at the doors turning people away.
 - Drinks spiking had halved from 17 down to eight. They had produced a new information leaflet which reminded everyone of their responsibilities, and advised there was a big campaign incoming.

B) On Operation (Op) Reframe, Members were advised that:

- The walks around the City happened monthly and in partnership with the City of London Corporation and other stakeholders.
- 47 people attended the last op, which included some Members and an Alderman.
- There was a welfare tent which was staffed by Samaritans to assist people.
- The campaign was around consent, and included hard hitting leaflets which were given out to people and invoking conversations, as well as a media campaign.
- The Cadets were instrumental in the operation. Four out of seven premises sold alcohol to the children, which was concerning. Officers committed to work on this. Five penalties notices were issued to the people who sold the alcohol.
- The dates of the next Ops would be circulated to Members so that if they wish they could join.

In the context of licensed premises remaining open for longer, Members reflected on issues such as Anti-Social Behaviour (ASB) and crime. Members asked whether there was an underlying cause for concern and how this data compared to crime in previous years. Members were advised that on theft, they were able to compare to figures in 2019, and this was 6% higher, but on other figures did they not have the figures to hand, and this would need to be looked at. With regard to the point on premises, Members were told that there were not many repeat premises, and it was in fact the night-time economy that posed a problem, however, they have had conversations with premises to mitigate issues.

The Deputy Chairman noted that two of the top two premises were in his ward and as that one of the differences he noted was that premises did not have door security staff, and therefore asked whether this was a driver on thefts and whether the Committee should consider this when assessing licensing applications. He also extended his appreciation for the work of the Cadets in this operation which was echoed by the Committee. The Committee was advised that having door staff sent a strong message and did mitigate thefts, and that officers were working with the top premise offender and CCTV was being installed to further mitigate thefts.

It was remarked that in many instances, the property being stolen was business/company property, which individuals were generally more careless with as there was no personal financial implications. Members raised the fact that theft of company devices can lead to possible data breaches, and that although some responsibility lies with the licensing premise, personal responsibility was also a factor. Data breaches could lead to significant fines for companies, and so these implications may be useful to draw to employers attention, so they can consider their own internal policies surrounding the care of company equipment. The Committee noted that the Licensing Team worked closely with the Police who provided witness statements, and they would take appropriate

action depending on the outcome, which could stem from a warning to prosecution.

C) Appeals Against Licensing (Haring) Sub-Committee decisions:
The Comptroller & City Solicitor advised the Committee that there had been no appeals against Licensing (Hearing) Sub-Committee decisions.

12. **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 Part I of Schedule 12A of the Local Government Act.

13. **APPENDIX 4: DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES**

The Committee received a non-public appendix report to the report under agenda item 9 pertaining to premises licenses which included the names of each premises.

14. **NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

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

There were no items of urgent business.

The meeting ended at 12.05 pm

Chairman

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