

LICENSING COMMITTEE

Thursday, 31 October 2024

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Thursday, 31 October 2024 at 1.45 pm

Present

Members:

James Tumbridge (Chairman)	Deputy Marianne Fredericks
Deputy John Fletcher (Deputy Chairman)	Michael Hudson
Brendan Barns	Graham Packham
Mary Durcan	David Sales
Anthony David Fitzpatrick	

Officers:

Katie Stewart	- Environment Department
Robert Breese	- Environment Department
Paul Holmes	- City of London Police
Joe Mannix	- Environment Department
Aggie Minas	- Environment Department
Ross Morton	- City of London Police
Rachel Pye	- Environment Department
Raquel Pinto	- Town Clerk's Department

1. APOLOGIES

Apologies were received from Joanna Abeyie, Deputy Peter Dunphy, Sophie Fernandes, Jason Pritchard. Apologies for lateness were received from Mary Durcan.

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 non-public summary of the meeting held on 16 July 2024, be approved as correct record.

Matters arising:

- A Member provided an update relating to the appeal relating to Tokyo Hit, Ground Floor & Basement, 165 Fleet Street, EC4A 2AE. The Planning Committee changed the terminal hour to 11:00 PM, seven days per week, which could mean that the appeal to Magistrates Court could likely be withdrawn
- A Member sought clarity with regards to the City of London map and the Interactive Licensing map which was now live. It was noted that these maps were intended to provide information to residents, businesses, and officers,

helping make informed decisions. Ultimately, applicants are responsible for doing their own due diligence on areas before applying for licenses to ensure conditions were suitable.

4. **ANNUAL REVIEW OF TERMS OF REFERENCE**

The Committee received a report of the Town Clerk relating to the Committee's terms of reference. As part of the post-implementation review of the changes made to the City Corporation's governance arrangements in 2011, the Town Clerk requested that all Committees/Boards review their terms of reference annually in the autumn. This is to enable any proposed changes to be considered in time for the annual reappointment of Committees by the Court of Common Council.

A Member raised the need to add boilerplate text to explain the numbers indicating years served and terms as this was not straightforward from the Committee's Terms of Reference. This issue would be raised with the Town Clerk for action as this impacted other Committee's.

RESOLVED, that:-

- the terms of reference of the Licensing Committee, be approved for submission to the Court of Common Council in April,
- Any further changes required in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.

5. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**

The Comptroller & City Solicitor provided an update in relation to one appeal logged in relation to the Sub-Committee decision regarding the hearing on the premise license for Tokyo Hit, Ground Floor & Basement, 165 Fleet Street, EC4A 2AE, held on the 10th of April 2024. The Court processed the appeal in September, but the appellants requested a deferral until the Planning Committee's decision. The outcome is awaited, and the appeal status is pending the expiration of the appeal period for the planning decision.

RECEIVED

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

The Committee considered a report of the Executive Director of Environment relating to The Gambling Act 2005, which required all licensing authorities to produce and publish a Statement of Licensing Principles, and requires that all licensing authorities review, consult on and publish their Policy at least every three years.

The Chairman introduced this item, and Members noted that notification about this consultation was circulated to all via email, and had now taken place. There were very few updates to the policy, and it remained largely unchanged. The Chairman also noted that there was an issue with the physical pack assembly, where the alfresco information was placed where gambling information should be. Physical copies were distributed to Members, and a digital copy was also

distributed via email. The report sought approval on the principles, which had not fundamentally shifted, and this would then be presented to the Court of Common Council.

It was noted that there was a need to agree on the current policy to avoid a policy gap, and to fulfil statutory obligations, Officers assured Members that a thorough review and additional consultation are planned for 2025 when the Gambling Commission releases its next set of recommendations.

A Member raised a question about the policy on casinos in the City. Officers explained that the Licensing Act recognised that gambling was a sensitive area and allowed for legitimate businesses to operate under a fair opportunity. The Gambling Act enabled a licensing authority to pass a resolution to have zero casinos in their locality. The Act also set a maximum number of casinos permitted in the country: eight large and eight small casinos, with local authorities having to go through a rigorous bidding process to obtain permission to have a casino in their area. Currently, the City of London is not permitted to have a casino, the maximum number of casinos allowed in the country is fulfilled elsewhere.

Further clarification was sought on the number of casinos as some areas appeared to have casinos which would mean more than the permitted number nationally exist. Officers explained that the 2005 Act allowed existing casinos to continue operating under grandfathering rights, and additional large and small casinos were permitted. However, if these casinos were to close down, no new ones would replace them.

There was some confusion about the City of London's ability to have a casino. The document mentioned that the City of London was not permitted to have a casino, but it also stated that a no-casino resolution had not been passed. It was suggested that any inconsistencies in the policy language should be addressed before this was taken to the Court of Common Council. The Committee therefore agreed that an email could be sent to Officers to raise inconsistencies in language. However, the Chairman clarified that should any substantial changes be needed, this would be brought back to the Committee.

A Member raised a question on high-value stake gaming machines and their regulation within the City as there was a concern about whether these machines should be allowed, especially in family-oriented venues. It was noted that the current policy permitted only category C&D machines, which were lower stake, in premises with an alcohol licence. Members were also made aware that there was an application for an adult gaming centre on Fleet Street, which included high-stakes gambling machines. The policy on these machines would be reviewed next year, when the updated guidance would be made available, and Members would be engaged in that discussion.

RESOLVED, that Members:-

- Approve the Statement of Licensing Principles, The Local Area Profile and the Guidance on Undertaking Local Gambling Risk Assessments for onward adoption by the Court of Common Council.

7. **ALFRESCO DINING POLICY 2024**

The Committee received a report of the Executive Director of Environment, relating to the Alfresco Dining Policy 2024, noting the public Consultation Analysis and the proposed outcomes to be approved by the Planning Committee and to be noted by the Licensing Committee.

Members noted that the policy was still awaiting updated guidance from the Government, therefore pavement licenses remained unchanged.

A Member raised a question regarding the City's policy on music with pavement licenses. Officers explained that music regulations for pavement licenses remain under the provisions of the Licensing Act 2003. Amplified music was allowed between 8:00 AM and 11:00 PM, however, premises with a licensing condition that prohibits audible music outside, cannot broadcast music in the outside space even if they have a pavement license.

A Member raised concerns around the flat fee of £500 for first-time pavement licenses, regardless of the number of tables, or the size of the business as this would hit smaller operators harder. It was suggested that an explanation on the calculation of the fee to clarify why small traders were charged the same as larger operators, to be taken to the Planning Committee as this was in the planning remit.

RESOLVED – That the report be noted.

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

The Committee received a report of the Executive Director (Interim) Environment, the premises licences, and variations to premises licences, granted under the Licensing Act 2003 and administered by the Licensing Service from 1 April 2024 to 30 June 2024.

A Member noted the changes to the noise complaints table at Appendix 3 which reflected the feedback from the Committee, however concerns were still raised regarding the way these were presented, as one premises appeared four times on different dates, and it would be better for Members to see this by premises. Members were also not satisfied with the explanations of certain premises and asked for clarification. The Chairman suggested that officers investigate what could be done to reflect this request on the table, seeing that the information that was collated here came from different teams.

RESOLVED – That the report be noted.

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

There were no questions.

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

There were no urgent items.

11. **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.
12. **NON-PUBLIC MINUTES**
RESOLVED, That – the non-public minutes of the meeting held on 16 July 2024, be approved as correct record.
13. **CITY OF LONDON POLICE QUARTERLY UPDATE QUARTER 3**
The Committee received a report of the Commissioner of Police containing data from Quarter 3 2024, relating to the nighttime economy, offences recorded by police, and police operations.
14. **APPENDIX 4: DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES**
The Committee received a non-public appendix relating to item 8 on the Delegated decisions of the Executive Director Environment pertaining to premises licences.
15. **NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**
There were no questions.
16. **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 2.31 pm

Chairman

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