

LICENSING COMMITTEE

Wednesday, 21 January 2015

Minutes of the meeting of the Licensing Committee held at Committee Room 3 - 2nd Floor West Wing, Guildhall on Wednesday, 21 January 2015 at 1.45 pm

Present

Members:

Marianne Fredericks (Chairman)	Christopher Hayward
Peter Dunphy (Deputy Chairman)	Michael Hudson
Alex Bain-Stewart	Graham Packham
Deputy John Barker	Judith Pleasance
Jamie Ingham Clark	

Officers:

David Arnold	Town Clerk's Department
Valeria Cadena-Wrigley	Town Clerk's Department
Jenny Pitcairn	Chamberlain's Department
Paul Chadha	Comptroller & City Solicitor's Department
David Smith	Director of Markets & Consumer Protection
Jon Averbs	Markets & Consumer Protection Department
Steve Blake	Markets & Consumer Protection Department
Peter Davenport	Markets & Consumer Protection Department
Rita Jones	City of London Police

1. APOLOGIES

Apologies for absence were received from Revd Dr Martin Dudley, Kevin Everett, Sophie Fernandes, Edward Lord, Chris Punter, and James Tumbridge.

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 of the last meeting held on 20 October 2014 be agreed.

Matters Arising

Rough Sleepers

In response to a Member's question, an Officer of the City of London Police (CoLP) advised that the tickets issued to people begging for Operation Fennel were not fines; they were notices asking for the information to bring the person into the system of support available.

Sale of Alcohol to Under 18s

The Licensing Manager advised Members that officers had worked closely with premises who were found serving alcohol to under 18s to help them put further policies and procedures in place to prevent it happening again.

4. **MINUTES OF LICENSING HEARING (SUB) COMMITTEES**

4.1 **PREMIER INN, 28 GREAT TOWER STREET, EC3R 5AT**

RESOLVED – That the draft minutes of the Licensing (Hearing) Sub Committee held on 30 October 2014 be noted.

4.2 **SAMMIE'S BAR, 14 CROSSWALL, LONDON, EC3N 2LJ**

The Committee received the minutes of the Licensing (Hearing) Sub Committee regarding Sammie's Bar Ltd. held on 27 November 2014.

In response to a Member's question, the Comptroller and City Solicitor advised that there was no case law regarding whether a premises licence application for on-sales only prevented patrons from purchasing beverages to be consumed directly outside the premises. He added that he had consulted with an expert QC who supported the view that on sales meant on the premises only.

The Chairman of this Licensing (Hearing) Sub Committee noted that the lack of case-law and the likelihood of appeal from the applicant were both taken into account during the Panel's decision, in line with the Sub Committee's usual practices. Members also noted that this application was assessed as an individual case; the City of London Corporation chose not to implement a cumulative impact policy as one was not appropriate for this area.

RESOLVED – That the minutes of the Licensing (Hearing) Sub Committee held on 27 November 2014 be noted.

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

There were none.

6. **NEW ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 - DELEGATED POWERS**

The Committee received a report of the Director of the Built Environment that informed Members of the relevant provisions of the Anti-Social Behaviour, Crime and Policing Act 2014. The Community Safety Officer provided Members with a presentation on the Community Trigger aspect, which was introduced on 20 October 2014 as a statutory requirement under Part 1, Schedule 4 of the Act.

The Community Safety Officer advised Members that the Community Trigger allowed victims of anti-social behaviour to challenge the response from their local authority by way of a multi-agency anti-social behaviour case review, if certain criteria for a threshold were met. The Community Trigger threshold consisted of at least three separate qualifying complaints within the last six months. In response to a Members question, the Community Safety Officer advised that that process was retrospective as complaints from before 20

October 2014 could currently qualify but the threshold had not been met by anyone yet.

In response to question from the Chairman, the Assistant Director of Environmental Health and Public Protection advised that the Community Trigger would act as a safety net for licensing issues within the City of London. The new Act had condensed the previous legislation and made it more specific, which had allowed officers to issue Community Protection Notices to licensees for anti-social behaviour caused outside their premises as well as closure powers in extreme circumstances.

RECEIVED – That the relevant provisions of the Anti-Behaviour, Crime and Policing Act 2014 be noted.

7. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS & CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**

The Committee received a report of the Director of Markets and Consumer Protection that advised Members of the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 October to 31 December 2014.

Members were advised that there had been few noise complaints during the Christmas period. An Officer of the CoLP advised that officers were assigned to visit all premises in problem areas during November and December, visiting 200 premises per night per weekend on average. The proactive approach and joint agency working between Licensing, London Fire Brigade, Environmental Health, CoLP, and Safer City Partnership in the run up Christmas and over the festival holidays had ensured a successful festive period, with few noise complaints. There had been no increase in crime. Anti-social behaviour and theft had decreased compared to the same period on 2013. There had been no increase in crime and anti-social behaviour and theft both decreased compared to the same period on 2013.

The Licensing Manager advised one premises in Walbrook had gained a high number of penalty points between May and October 2014 due to several incidents in a short space of time. Officers had been working closely with this premises and it was expected to reduce from Red to Amber for the next period.

The Chairman and Members of the Committee thanked all officers for their proactive efforts in keeping issues to a minimum.

RESOLVED – That the delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences from 1 October to 31 December 2014 be noted.

8. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2015/16**

The Committee considered a report of the Director of Markets and Consumer Protection that sought approval to the proposed 2015/16 fee structure for gambling fees.

Members were advised that the proposed fees had been calculated by taking the under-recovery of costs during 2013/14 into account in addition to the expected 2015/16 costs. The Chamberlain added that the 2013/14 under-recovery was just £148, demonstrating that the methodology used to calculate the fees has proved to be very accurate.

RESOLVED – That the proposed fees for 2015/16 be approved.

9. UPDATE ON THE LATE NIGHT LEVY

The Committee received a verbal update from the Assistant Director of Environmental Health and Public Protection regarding the Late Night Levy (LNL).

Members were advised that the number of premises due to pay the LNL was currently 224 as 68 premises applied for variations to their licence to close at midnight or before. The Assistant Director added that 92 premises had already paid a total of £136,000 and that the total amount raised by the LNL was projected to be almost £400,000; 70% of this would be used by the CoLP and the remaining portion, in the region of £120,000, by the City of London Corporation on services related to the night time economy as set out in the report agreed at the July 2014 Committee meeting.

The Director of Port Health and Public Protection also advised that discussions were on-going with the cleansing service on proposals to provide additional cleaning activities to reflect the opening hours of premises within the LNL scheme.

RESOLVED – That the update on the Late Night Levy be noted.

10. UPDATE ON SAFETY THIRST

The Committee received a verbal update from the Licensing Manager regarding Safety Thirst.

Members were advised that applications for 2015/16 would be received from 1 March to 30 June 2015 and that the awards ceremony would take place on 12 October 2015 in the Livery Hall, Guildhall.

The Licensing Manager advised that the criterion for achieving the award was in the process of being graded. Premises would achieve different levels on the award beyond 'pass' and awards for different types of premises would also be introduced.

In response to a Member's question regarding the reaction of business who failed to achieve the award, the Licensing Manager advised that multi-national businesses tended to be concerned at not achieving the award so had implemented improvements to aid a second application.

RESOLVED – That the update on Safety Thirst be noted.

11. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

In response to a Member's question, the Assistant Director of Environmental Health and Public Protection advised that he would contact Poppleston Allen Licensing Solicitors to obtain certificates for all Members who recently passed the Award for Personal Licence Holders. The Assistant Director added that a training session with Simon Walsh would be scheduled between February and May 2015.

12. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no urgent items.

13. NON-PUBLIC MINUTES

RESOLVED – That the non-public minutes of the last meeting held on 20 October 2014 be agreed.

14. NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were none.

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

There was none.

The meeting ended at 2.40 pm

Chairman

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