

**LICENSING COMMITTEE**  
**MONDAY, 12 JULY 2010**

**Minutes of the meeting of the LICENSING COMMITTEE held at Guildhall, EC2, on MONDAY, 12 JULY 2010, at 1.45pm.**

**Present**

**Members:**

Edward Lord (Chairman)  
Alderman Simon Walsh (Deputy Chairman)  
Alex Bain-Stewart  
Deputy Douglas Barrow  
The Revd Dr Martin Dudley  
Kevin Everett  
Marianne Fredericks  
Deputy the Revd Stephen Haines  
Wendy Mead  
Chris Punter  
Stephen Quilter  
Jeremy Simons

**Officers:**

Simon Murrells	- Town Clerk's Department
Tia Cox	- Town Clerk's Department
Iggi Falcon	- Town Clerk's Department
Caroline Webb	- Town Clerk's Department
Jenny Pitcairn	- Chamberlain's Department
Paul Chadha	- Comptroller & City Solicitor's Department
Philip Saunders	- Remembrancer's Office
Jon Averbs	- Department of Environmental Services
Steve Blake	- Department of Environmental Services

**In Attendance:**

Henrika Priest	
PC Christopher Strafford-Piper	- City of London Police

**1. APOLOGIES**

Apologies for absence were received from Deputy John Barker.

**2. DECLARATIONS BY MEMBERS OF PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ITEMS TO BE CONSIDERED AT THIS MEETING**

There were no declarations.

**3. MINUTES**

The Committee approved the public minutes of the special meeting held on 14 June 2010 as a correct record.

## **MATTERS ARISING**

**Licensing of Sexual Entertainment Venues** (page 221-223) – The Chairman advised that, following the meeting and after the report to the Court of Common Council had been circulated, it had transpired that an error had been made in the original Committee report, which had led to the Committee resolving to recommend to the Court some matters that the Committee had the powers to decide. He said the Court had already delegated to this Committee all matters relating to the licensing functions under this legislation, other than adopting the legislation itself, so the Committee should not therefore be making recommendations to the Court concerning the matters of setting a maximum number of sexual entertainment venues (SEVs) or confirming that the City should be viewed as a single locality, which were based on this Committee's resolution and appeared in the Court report as recommendations (d) and (c), respectively.

He added that the Town Clerk and Comptroller and City Solicitor had advised that the Court should still be asked on 15 July to decide recommendations (a) and (b), which related to the adoption of the legislation and the date when the provisions would come into effect, and would be informed that the Committee had already approved the matters in recommendations (c) and (d) pending the Court's adoption of the legislation. The Committee confirmed that they accepted that clarification.

The Chairman advised that the Town Clerk would now write to all Members of the Court to that effect.

The Deputy Chairman added that the Court would still be able to debate those issues, and that it would be useful to hear those Members' views so that this Committee could take them into account when determining SEV applications at future hearings.

In answer to a question, the Chairman confirmed that the Town Clerk's letter would make it clear that Members could still debate those issues in Court, and he advised that he would introduce the report and could explain the reasoning behind the Committee's decision.

## **4. MINUTES OF LICENSING SUB COMMITTEE HEARINGS**

The Committee considered the public minutes of the following Licensing Sub Committee hearings:-

### **(a) 15 April 2010 – 33 Broadgate Circle, London, EC2M**

In answer to a question, the Town Clerk confirmed that the minute should be amended by deleting the words 'the applicant' in paragraph 10 in order to avoid creating confusion about the identity of the applicant.

### **(b) 20 May 2010 – Charlie's Bar, 9 Crosswall, London, EC3**

(c) **8 June 2010 – 26 Smithfield, 26 Smithfield Street, London, EC1A**

The Deputy Chairman noted that the minute should be amended so that paragraph 13 referred to the double doors being 'closed for access' rather than 'egress'. He also expressed concern about the Sub Committee having attached an unnecessary condition [in paragraph 16(4)] referring to no adult entertainment being permitted 'until all the conditions relating to adult entertainment had been complied with' when in fact it would be illegal in any other circumstances.

The Chairman of that Sub Committee explained that the Sub Committee had decided on the other two conditions, but when announcing their decision to those present, the applicant and the City Police informed them that they had agreed the additional condition relating to adult entertainment, so it had been included.

The Deputy Chairman noted the explanation but clarified that his point was that the Town Clerk should not have included such a condition in the minutes, and the Town Clerk undertook to ensure his relevant members of staff were aware.

RESOLVED – That these Sub Committee minutes be received, subject to the above amendments being made.

**5. APPEALS AGAINST LICENSING SUB COMMITTEE DECISIONS**

The Comptroller and City Solicitor advised that the appeal against the City's decision on Paradigm had recently been heard and dismissed. He advised that the appellant had not attended and that the company had gone into administration, so the licence had lapsed.

He also referred to the premises now known as Charlies Two and advised that he had received a notice of appeal from the licence holder but had not as yet received formal notice of the date from the Magistrates' Court.

RECEIVED.

**6. COALITION GOVERNMENT -- LICENSING PROPOSALS**

The Committee considered a report of the Remembrancer summarising proposals that were referred to in the Queen's Speech on 25 May that were relevant to the interests of the Licensing Committee.

The Chairman suggested that it might be useful, at the relevant time, to stress the importance of a quicker route for appeals to be heard.

In answer to a question about whether the potential cost of appeals against Sub Committee decisions might be clarified for people who might wish to appeal, the Comptroller and City Solicitor stated that the law offered no guidance, and it was entirely at the discretion of the court. The Deputy Chairman added that, in his experience, costs were usually awarded to discourage spurious appeals.

In answer to a question, the Director of Environmental Services advised that he could look into the costs, other than legal costs, spent investigating the case against Paradigm, but it was not something the officers would normally assess.

In answer to a Member's suggestion that the City might provide financial assistance to small residents groups, for instance, who might wish to appeal a decision, the Chairman suggested that the City would be unlikely to support their case given that the Members would have made what they believed was a fair and reasonable decision when the matter was originally before them.

A Member supported the Director's aspirational suggestion in paragraph 9 of the report relative to additional powers to regulate establishments and the Sub Committee's decision being upheld at least until an appeal was heard, which the officers said could be submitted in response to the Government's consultation, for which no timescale had been set.

The Chairman asked the Remembrancer to note the points made during the discussion for future consideration where appropriate.

RECEIVED.

#### **7. REVENUE OUTTURN 2009/10**

The Committee received a joint report of the Chamberlain and Director of Environmental Services comparing the revenue outturn for the services overseen by the Licensing Committee in 2009/10 with the final agreed budget for the year.

#### **8. LICENSING ENFORCEMENT**

The Committee considered a report of the Director of Environmental Services (DES) outlining the current approach to enforcement undertaken in relation to licensed premises and detailing how the Safer City Partnership grant would be used.

Members discussed the out-of-hours service and the need to publicise the relevant telephone number, as people would generally prefer to ring DES rather than the police, and usually only did so after the nuisance had become unbearable, and they stressed the importance of a quick response.

The Director of Environmental Services noted the points made and, in answer to questions, advised that:-

- Street Enforcement Officers who already work in the City out of hours would also cover the enforcement service and respond to calls quickly, with back up from Environmental Health Officers when necessary
- The agreed process for dealing with alarms would be to log them as a warrant would be required to break into the building to stop the alarm, and he preferred to deal with difficult situations less formally.

- The Enforcement Officers would generally be able to enter a premises to deal with excessively loud sound systems, but it would depend on which legislation applied in that particular circumstance.
- The officers would work with the City Police when there were problems such as threats or health and safety issues, and they had a Memorandum of Understanding
- Enforcement Officers would be made aware of what was permitted in the vicinity of any tables and chairs so they could report back on any nuisance being caused
- His department was responsible for licensing tables and chairs.

RESOLVED—That the following issues set out in the report be approved:-

- The Director's approach to enforcement in relation to licensed premises;
- The use of the grant provided by the Safer City Partnership; and
- The pilot project to provide additional cover outside of the normal working week by utilising Street Enforcement Officers from within his department, supported by Environmental Health Officers.

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

There were no questions.

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

There were no urgent items.

**The meeting closed at 2.20pm.**

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**CHAIRMAN**

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