

**LICENSING COMMITTEE**  
**MONDAY, 11 OCTOBER 2010**

**Minutes of the special meeting of the LICENSING COMMITTEE held at Guildhall, EC2, on MONDAY, 11 OCTOBER 2010, at 1.50pm.**

**Present**

**Members:**

Edward Lord (Chairman)  
Deputy John Barker  
Deputy Douglas Barrow  
The Revd Dr Martin Dudley  
Marianne Fredericks  
Deputy The Revd Stephen Haines  
Dr Peter Hardwick  
Wendy Mead  
Chris Punter

**Officers:**

Chris Duffield	- Town Clerk
Simon Murrells	- Town Clerk's Department
Tia Cox	- Town Clerk's Department
Neil Young	- Town Clerk's Department
Iggy Falcon	- Town Clerk's Department
Caroline Webb	- Town Clerk's Department
Andrew Colvin	- Comptroller & City Solicitor
Paul Chadha	- Comptroller & City Solicitor's Department
Philip Everett	- Director of Environmental Services
Jon Avern	- Department of Environmental Services

**In Attendance:**

Archie Galloway  
Alderman David Graves  
Anthony Llewelyn-Davies  
Michael Hudson  
Sylvia Moys  
Barbara Newman  
Michael Page  
Elizabeth Rogula  
Angela Starling

**1. APOLOGIES**

Apologies for absence were received from the Deputy Chairman, Alderman Simon Walsh; Kevin Everett; Stephen Quilter and Jeremy Simons.

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

There were no declarations.

### **3. LICENSING OF SEXUAL ENTERTAINMENT VENUES**

The Committee considered the Director of Environmental Services' report relative to the consultation process to determine the policy in relation to sexual entertainment venues (SEVs) in the City.

The Director had also circulated a late addendum with a revised paragraph 21 and Appendix 4(i) of the report following the receipt of Counsel's advice, and he laid around the table a page giving indicative costs of the various options proposed for the consultation methodology set out in paragraph 24.

#### SEV Policy

The Chairman referred to Counsel's suggestion in the presentation he gave to Members on 8 October that, regardless of whether the City set a maximum number of SEVs, it should draw up an SEV policy, which could set out the City's view as to the appropriate number for given localities, its criteria for suitable applicants, and the expected standards of management that would apply should an SEV be approved. Other Members supported that suggestion as well as including a reference to such a policy in the consultation.

#### Consultation Letter and Questionnaire

The Director of Environmental Services stated that, as the proposed letter and questionnaire set out in Appendix 4 did not refer to such an SEV policy, it may be best to use an adjusted version of the letter and questionnaire proposed by Counsel as set out in Appendix 3.

A Member stressed the importance of clearly defining 'locality' in the consultation documents and said it would be impractical to view Wards as localities since their boundaries contained such varying areas. However, the Town Clerk suggested that it would be impossible to give a clear definition and that respondents should instead be asked to give a clear, specific description of what they meant in Question 5.

The Chairman noted a Member's suggestion that officers might look at how other authorities had described localities, such as that they 'were not minded to put SEVs near places of worship', and the suggestion that the content of Question 12 should appear on the first page. However, he said that it would be difficult to apply one rule to all places of worship in the City since they had such varying levels of activity, and he suggested that given the credentials of the barrister who had drawn up the proposed questionnaire, the City should take his advice about its layout and order.

A Member suggested that an expert on social research might be consulted on the questionnaire and that a neutral option should be offered in Question 12 so that people were not encouraged to choose an option about which they did not feel strongly. The Chairman said that, if the Committee chose to use a polling company, it would advise on the best way to formulate questions, and that the Town Clerk's Community Development Manager had also been consulted.

The Town Clerk suggested that it might also be useful to ask a pilot group to complete the questionnaire to gauge whether its length and language were appropriate.

Members made various suggestions about the questionnaire, including:-

- Respondents' views about instances where there was no external evidence that a venue was operating as an SEV should be tested
- Counsel's advice to avoid open-ended questions should be borne in mind
- A Data Protection statement should be included since people were asked for their contact details
- Healthcare facilities should be included in the list of neighbouring uses in Question 12
- The references to the 'Council' should be changed to 'licensing authority'
- The meaning of 'standards of management' should be clarified
- Officers might gain knowledge from other authorities' experience
- The Director's proposed letter at Appendix 4 seemed a more appropriate length.

The Director noted a Member's suggestion that that space might be left after questions for people to add comments, although he and the Chairman said the City's proposed questionnaire had been drafted to be as neutral as possible.

The Town Clerk noted the points made and suggested that, as the City may employ an independent company to finalise the questionnaire, the Committee might now delegate to him, in consultation with the Chairman and Deputy Chairman, approval of the final version, which he would also put to Counsel and send to all Members of the Committee for their comments.

### Consultation Methodology

The Town Clerk proposed that a variation of Option 2 be considered, as opinion polling would have the advantage of offering more explanation to people taking part and provide a statistically valid response. However, in order to accommodate others who wanted to contribute their views, he said the questionnaire could also be made available to all residents, with their responses kept separate so as not to affect the validity of the other data. He expressed concern about similarly contacting workers, owing to the cost and difficulties in reaching them, but suggested that the questionnaire be made available on the website, that those on the electoral list who had signed up to receive e-mails might be advised of it, and that officers could consider other possible ways to inform businesses in a cost effective matter.

A Member expressed concern that a telephone poll would only reach a certain group of residents who were often at home and that a street poll would capture the views of people who might not be as affected by SEVs as residents would be. Another Member suggested that officers look into whether it might be possible to include a reference to the consultation in the centre pages that were common to all Ward newsletters.

The Chairman said that the intention of the legislation was to include workers in some way in any consultation, and he said that several methods that Members had suggested for contacting people would be used, including a notice in *City AM*, an online questionnaire, and writing to business leaders, the City of London Police, schools, churches, relevant tourism organisations and Livery Halls. He asked the officers to ensure that the Director of Public Relations was briefed on this Committee's plans.

In answer to a question, the Town Clerk stated that the funds for this proposed hybrid of the consultation options at an estimated cost of £24,800 would need to be sought from the Finance Committee.

The Committee supported his proposal to use Option 2 as their consultation methodology, but with additional consultation by making the questionnaire available to everyone via the website and endeavouring to contact businesses that had opted to be contacted on general issues via email.

### Geographical Information Systems (GIS) Map

The Director of Environmental Services laid around the table a larger version of the Geographical Information Systems (GIS) map that appeared in Appendix 2, which he proposed to place on the City's website to assist consultees by mapping out key premises and buildings.

He noted Members' suggestions that he might incorporate other sites on the map, such as Guildhall and perhaps St Bartholomew's Hospital, and again noted the importance of bearing in mind the possibility that a premises operating as an SEV might be externally 'invisible' as in a hotel basement. He also undertook to endeavour to ensure that a zoom facility was available for the online map so people could inspect areas more closely.

In answer to a Member's question about this Committee's link with the Planning and Transportation Committee in terms of the approval of such premises, the Comptroller and City Solicitor said he believed the premises would be classed as an entertainment venue and that it was feasible that some drinking establishments would operate some degree of SEV activity that would not necessitate a change of use. He undertook to look into the matter and advise the Member directly.

Members supported using the proposed map subject to the inclusion of some of their above suggestions.

### Consultation Timetable

The Director of Environmental Services referred to the timetable set out in Appendix 5 and suggested that the actual dates might be deferred by a month in order to allow time to appoint a consultant. He noted the Chairman's point that it must not be delayed longer than that, and he undertook to ensure that the timetable would take into account the fact that people might be away during the holiday period at the end of the year. He proposed that the Committee delegate approval of the final timetable to the Town Clerk, in consultation with the Chairman and Deputy Chairman.

#### **RESOLVED—That:-**

- (1) The consultation should include reference to the City being minded to draw up an SEV policy setting out matters such as whether it believes there should be a maximum number of SEVs in given localities in the City and how any such venues should be managed;
- (2) An external consultant be engaged to finalise the letter and questionnaire, on which the officers would seek the views of Counsel, and authority to approve the final version be delegated to the Town Clerk, in consultation with the Chairman and Deputy Chairman, with a copy also sent to all Members of the Committee for their comments.
- (3) That a consultation methodology be agreed as follows:-
  - Option 2 as set out in the report (questionnaires to be completed using telephone surveys or 'on the street' polling with a fixed number of random residents and workers) be agreed;
  - In addition, a hard copy of the consultation questionnaire be sent to every residential household in the City (as set out in Option 1)
  - Businesses also be contacted in some way, but rather than sending a hard copy of the questionnaire to every business voter, the City might use its email list of workers who had opted to be contacted about general issues.
- (4) The Geographical Information Systems Map at Appendix 2 be placed on the City of London website to assist consultees, subject to the Director of Environmental Services incorporating other suggested iconic premises such as Guildhall, and preferably with the ability to zoom in and out of the map
- (5) Approval of the final consultation timetable, likely to be one month later than the dates set out in Appendix 5, be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.

**The meeting closed at 2.40pm.**

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#### **CHAIRMAN**

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