

**LICENSING COMMITTEE**  
**MONDAY, 15 NOVEMBER 2010**

**Minutes of the meeting of the LICENSING COMMITTEE held at Guildhall, EC2, on MONDAY, 15 NOVEMBER 2010, at 1.45pm.**

**Present**

**Members:**

Edward Lord (Chairman)  
 Alderman Simon Walsh (Deputy Chairman)  
 Deputy Douglas Barrow  
 The Revd Dr Martin Dudley  
 Marianne Fredericks  
 Deputy the Revd Stephen Haines  
 Dr Peter Hardwick  
 Wendy Mead  
 Chris Punter  
 Jeremy Simons

**Officers:**

Simon Murrells	- Town Clerk's Department
Tia Cox	- Town Clerk's Department
Iggi Falcon	- Town Clerk's Department
Jenny Pitcairn	- Chamberlain's Department
Richard Jeffrey	- Comptroller & City Solicitor's Department
Jon Avern	- Department of Environmental Services
Steve Blake	- Department of Environmental Services
Peter Davenport	- Department of Environmental Services

**WELCOME**

The Chairman welcomed Peter Davenport of the Department of Environmental Services to his first meeting of the Committee.

**1. APOLOGIES**

Apologies for absence were received from Kevin Everett and Stephen Quilter.

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

The Revd Dr Martin Dudley declared a general personal interest as a Designated Premises Supervisor (DPS) of a City premises and a personal licence holder, particularly in relation to Item 7c (relating to the Review of the Statement of Licensing Policy). He did not consider this interest to be prejudicial.

**3a. MINUTES**

The Committee approved the public minutes of the meeting held on 12 July 2010 as a correct record.

**3b. MINUTES – SPECIAL MEETING**

The Committee approved the public minutes of the special meeting held on 11 October 2010 as a correct record.

**MATTERS ARISING**

**Licensing of Sexual Entertainment Venues** (page 221) – The Director of Environmental Services laid around the table a document setting out the expected timetable for progressing this matter and advised that consultants were currently being asked to submit estimates and plans for the consultation work. He stated that approval of the letter and questionnaire would then be sought using authority previously delegated to the Town Clerk, in consultation with the Chairman and Deputy Chairman, and the documents would be circulated to the Committee Members.

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

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

- (a) **19 July 2010 – Brass Mongoose, 9-11 New Bridge Street, EC4V**
- (b) **21 July 2010 – Counting House, 50 Cornhill, EC3V 3PD**
- (c) **30 July 2010 – Lutyens Grill, 85 Fleet Street, EC4Y 1DY**
- (d) **26 October 2010 – Coq d'Argent, Royal Exchange, EC3V 3LP**

The Chairman stated that he had informed the officers of some minor issues, such as that the objectors who were not present should not be listed along with the parties who were, although reference could be made to them elsewhere.

A Member stated that Members needed more guidance on the link between the work of this Committee in granting licences and that of the Planning and Transportation Committee in granting change of use planning permission or licences for tables and chairs. He referred to a difficulty with the hearing at Item 4d where the Sub Committee had been asked to grant a licence for a restaurant that would operate on the pavement, for which planning permission had not yet been obtained so no operating schedule was submitted. He stressed the need for a more joined-up approach.

The Town Clerk stated that the licensing of tables and chairs was now dealt with by the Director of Environmental Services' licensing team rather than the City Planning Officer, but that the officers would look at how to improve these issues.

In answer to a question, the Town Clerk confirmed that proposals to locate tables and chairs on public highway required planning permission for change of use, and that any application to which an objection had been received would be determined by the Planning and Transportation Committee rather than the City Planning Officer under his delegated authority.

Discussion ensued about how the Coq d'Argent premises at the Royal Exchange planned to operate when alcohol could not be purchased via a waiter service at tables and chairs on the public highway, and the Chairman of that Panel advised that the order would be placed by an electronic device, which meant that the point of sale was not technically at the tables. The Chairman suggested that, rather than further investigating that matter in the proposed report on the Planning/Licensing issues as a Member suggested, it could perhaps be covered in a future training session for the Sub Committee Chairmen.

RESOLVED—That:-

- (1) The minutes be noted; and
- (2) The officers be directed to submit a report to the next meeting on the matter of ensuring that the processes between the responsibilities of this Committee and those of the Planning and Transportation Committee in relation to premises worked coherently.

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

The Comptroller and City Solicitor advised that a hearing had been set for 6 and 7 January 2011 for the appeal by the proprietors of Charlie's Wine Bar, 9 Crosswall, against the decision by the Sub Committee on 20 May 2010.

RECEIVED.

## **6. REVENUE BUDGETS – 2010/11 AND 2011/12**

The Committee considered a joint report of the Chamberlain and Director of Environmental Services on the revenue and capital budgets overseen by the Committee.

The Director of Environmental Services advised that the budget transfer referred to in paragraph 15 relating to the transfer of cleaning costs of Middlesex Street market would only take place if a report proposing the transfer of responsibility for the Market and its cleaning from the Port Health and Environmental Services Committee was approved by the relevant Committees.

RESOLVED—That:-

- (1) the latest approved revenue budget for 2010/11 be noted;
- (2) the provisional 2011/12 revenue budget be approved for submission to the Finance Committee; and
- (3) it be noted that the Director (in common with other Chief Officers) was assessing how a further reduction of 10% would be achieved from 2011/12 and that the timing and extent of such further reductions would be considered by Members in the context of the City Corporation's overall financial position early in the new calendar year.

**7a. DES OUTTURN REPORT 2009/10 AND DES BUSINESS PLAN 2010-2012**

The Committee considered a report of the Director of Environmental Services outlining the details of the Business Plan for 2010-12 for the Department of Environmental Services and the outturn report for 2009/10.

The Chairman stated that he had asked the Director in future to submit a much more concise report summarising only the parts of the Business Plan that related specifically to this Committee.

RESOLVED—The contents of the report and appendices be approved, and the Director of Environmental Services be asked in future to submit reduced versions of this report that focused only on the parts of the Plan that were relevant to this Committee.

**7b. DES BUSINESS PLAN 2010 -- PROGRESS REPORT**

The Committee considered a report of the Director of Environmental Services outlining the progress of the Department of Environmental Services for the first quarter of 2010-11 against key performance indicators (KPIs) outlined in the department's current Business Plan.

The Chairman advised that he had also asked the Director to submit concise progress reports in future that dealt solely with the elements that related specifically to this Committee.

RESOLVED—That:-

- (1) the Quarter 1 performance for 2010/11 against the key performance indicators and Service Response Standards set out in Appendix A be noted;
- (2) the financial information contained in Appendix B be noted;
- (3) the progress shown against the Key Objectives set out in Appendix C be approved;
- (4) the Director be asked in future to submit reduced versions of this report focusing only on the parts of the Business Plan that were relevant to this Committee.

**7c. STATEMENT OF LICENSING POLICY REVIEW 2011**

The Committee considered a report of the Director of Environmental Services (DES) relative to the review of the Statement of Licensing Policy.

The Revd Dr Martin Dudley declared a general personal interest as a Designated Premises Supervisor (DPS) of a City premises and a personal licence holder, particularly in relation to this item. He did not consider this interest to be prejudicial.

The Director laid around the table a note of comments and amendments suggested by a Member before the meeting.

The Chairman advised that some necessary technical changes had also been identified in Annexe 2, the most substantial of which the Director then outlined, including:-

- The final Policy would include a foreword by the Chairman that would refer to the fact that future legislation would be taken into account as it came into effect
- He would liaise with Comptroller and City Solicitor and the Town Clerk's Equalities' Officer to ensure that any issues arising from the Equality Act 2010 were addressed
- The Equality Act would replace references to the Disability Discrimination Act
- The reference in paragraph 34 (about promoted events) to '(as indicated by City of London Police)' would be deleted
- The reference in paragraph 38 to promoters 'applying to perform' would be changed to 'organising events'
- The first sentence of paragraph 43 would be changed to reflect that it was policy that the City would 'always endeavour...' to make people aware of applications
- The last line of paragraph 97 about events related to the Olympics and the Queen's Jubilee would be changed to say that applications that posed a risk of compromising the licensing objectives would 'not normally be granted'.

Members discussed the proposed amendments in the paper laid around the table and agreed that they could be incorporated subject to the following:-

- In paragraph 31.2, the sound limiting device as well as the level should be approved by the Director
- The phrase in paragraph 31.3 remain as '....compared to the ambient noise level will not cause *undue* disturbance' as the policy could not require an absolute lack of disturbance
- As it was important to stress the need to emphasise that conditions needed to be necessary and enforceable, the potential duplication of that point should remain in paragraph 46.2 (ie 'but all should ensure that the conditions apply....and enforceability'.)
- The inclusion of the proposed sentence in paragraph 50, but with the word 'unduly' added, so that it read 'Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 11pm and 7am.'—following discussion about the specific hours mentioned—as residents were not entitled to have their sleep never disturbed at all and the policy would otherwise be too strict.

In addition, the following amendments were proposed:-

- As an example of how to limit noise, reference should be made in paragraph 31 to having double door lobbies.
- A clear policy on candles should be included to make people aware of their danger, perhaps stating that the City would expect compliance with the fire regulations, particularly in the area of candles and tea lights that can pose a danger, although references to candles should not appear as conditions to licences

- That expected compliance would cover such points as ensuring that fire exit signs were lit up, and it was suggested that fire alarms might be linked to noise limiters, although no reference to having that in the policy was agreed.

Members also agreed later in the meeting when considering Item 7d that the Statement of Licensing Policy should include a requirement for applicants to submit with their applications useful plans of the premises in a certain format.

RESOLVED—That:-

- (1) the recommended amendments to the current Statement of Licensing Policy in the light of the consultation responses be approved, subject to the agreed points above being incorporated; and
- (2) authority to approve the final text, which would then be recommended to the Court of Common Council, be delegated to the Town Clerk, in consultation with the Chairman and Deputy Chairman.

#### **7d. PROPOSED TEMPLATE FOR REPORTS TO SUB COMMITTEE MEETINGS**

The Committee received a report of the Director of Environmental Services proposing changes to the report template for licensing hearings in order to reflect best practice taken by other Local Authorities.

During discussion, the following amendments were agreed:-

- In paragraph 3.1 of the template, the proposed conditions should be phrased as ones that '*might* be appropriate', rather than 'would be', in order to avoid appearing to influence the panel
- Premises should be asked to submit four copies of a plan of the premises to the scale required by the Licensing Act 2003, so that Members could be sent a copy of the plan with their other papers.

Members also agreed that the Statement of Licensing Policy, which was considered at Item 7c, should include a reference to requiring applicants to submit with their applications useful plans of the premises in a certain format.

RESOLVED—That the suggested template at Annexe 1 be approved for use at future Sub Committee hearings, subject to the above amendments relating to proposed conditions from the Operating Schedule and the submission of plans.

#### **7e. 'REBALANCING THE LICENSING ACT' – CONSULTATION RESPONSE**

The Committee received a report of the Director of Environmental Services (DES) outlining a response issued to the Home Office regarding a consultation paper concerning the Licensing Act, on which the Chairman reminded Members that they had been consulted, and the approval of which was reported later on the agenda.

**8a. MANDATORY CONDITIONS**

The Director of Environmental Services was heard regarding two mandatory conditions that had come into effect in October relating to an age verification policy and offering smaller measures of some drinks. He reminded Members that three other mandatory conditions had been introduced in April, and they were all listed in Appendix 2 of the proposed Licensing Policy in Item 7c.

RECEIVED.

**8b. SEXUAL ENTERTAINMENT VENUES CONSULTATION PROCESS**

The Chairman referred to the fact that the Director of Environmental Services had already been heard at Item 3b on the consultation process relating to sexual entertainment venue licensing.

**8c. LICENSING ENFORCEMENT**

The Director of Environmental Services was heard relative to licensing enforcement and advised that a pilot project had begun on 1 September whereby a member of his staff was present in the City to respond to calls between Saturday at 10pm and Sunday at 6am. He also stated that he was endeavouring to draw up a Memorandum of Understanding with the City Police to ensure there was clear formal guidance about the arrangements when working together on enforcement issues.

In answer to questions, the Director advised that there would be a point of contact in the City during other periods, which tended to be quieter, and that the City Police would also respond to calls to them about problems, but this project ensured that an Environmental Health Officer was present overnight on Saturday to respond to any problems then.

RECEIVED.

**9. REBALANCING THE LICENSING ACT – CONSULTATION RESPONSE**

The Committee noted action taken under delegated authority in accordance with Standing Order No 39a to approve, formally and retrospectively, the City of London Corporation's response to the consultation by the Home Office on 'Rebalancing the Licensing Act - a consultation on empowering individuals, families and local communities to shape and determine local licensing'.

**10. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE****(1) Sexual Entertainment Venue Licensing – Potential Educational Visit**

A Member referred to the presentation that had been given to Members of the Court of Common Council by Philip Kolvin QC and asked what training would be provided to equip the Committee to deal with Sexual Entertainment Venue (SEV) licensing.

The Director of Environmental Services advised that he was putting together proposed procedures to be followed and added that Members may wish to consider whether they would want to visit some licensed SEVs, as had been suggested during that session.

During discussion, some Members suggested that it would be useful for Members to see a well-run club so that they could gain a balanced, educated and realistic view of these venues, perhaps with only a representative party attending so that others would be available to consider any applications from the company whose venue was visited. The Deputy Chairman advised caution and said that such a visit should only be taken if absolutely necessary, bearing in mind how it might be perceived if Members visited a club, particularly in a climate of budget reductions.

In answer to a Member's suggestion, the Chairman stated that it was unlikely that Members would want to visit such venues individually as their intent could be misinterpreted. He also asked the Town Clerk to look into whether it would be appropriate for a Member who had offered to do so to send other Committee Members a report to which she had contributed after a visit to one of these venues.

The Chairman added that the Committee needed to judge its position and ultimately draft the policy in accordance with the consultation results and Members' views as elected representatives. He said the process of doing so may include visits to premises, the appropriateness of which he would take a view following further discussion with the Town Clerk. He said that another option would be having a representative of the SEV industry make a presentation to Members.

**(2) City of London Police – Licensing Inspector**

A Member paid tribute as a resident and Committee Member to the former City of London Police Inspector with responsibility for licensing issues, Inspector Ashley May, who was now the Force's Head of Diversity.

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

There were no urgent items.

**The meeting closed at 2.50pm.**

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**CHAIRMAN**

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