

LICENSING COMMITTEE

MONDAY, 24 OCTOBER 2011

Minutes of the meeting of the LICENSING COMMITTEE held at Guildhall, EC2, on MONDAY, 24 OCTOBER 2011, at 1.45pm.

Present

Members:

Edward Lord (Chairman)
Marianne Fredericks (Deputy Chairman)
Alex Bain-Stewart
Deputy Doug Barrow
The Revd Dr Martin Dudley
Peter Dunphy
Deputy The Reverend Stephen Haines
Dr Peter Hardwick
Stephen Quilter
James Tumbridge
Alderman Simon Walsh

Officers:

Rakesh Hira	- Town Clerk's Department
Simon Murrells	- Town Clerk's Department
Ignacio Falcon	- 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	- Department of Markets & Consumer Protection
Steve Blake	- Department of Markets & Consumer Protection
Bruce Hunt	- Remembrancer's Department

1. APOLOGIES

Apologies were received from Kevin Everett, Sophie Fernandes, Jeremy Simons and Chris Punter.

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. He did not consider this interest to be prejudicial.

3. MINUTES

The Committee approved the public minutes, along with an amended set of minutes relating to items 6, 9 and 11, which were tabled, of the meeting held on 18 July 2011. The amendments which were tabled and agreed were as follows:

Item 6

The final sentence of the fifth paragraph would be amended from “The Chairman suggested that guidance on Olympic logos and branding should also be circulated to ensure they are used in the appropriate ways; otherwise premises’ could be subject to enforcement action” to “The Chairman suggested that any enquiries about Olympic logos and branding should be referred to LOCOG’s published guidance”.

Item 9

The resolution marked (a) would be amended from “being the Committee aligned with achieving the best amenity provision on an area of highway or City walkway and given the very limited number of appeals, tables and chairs licensing is to remain the responsibility of the Planning and Transportation Committee” to read “the Committee note the contents of the report”

It was agreed that under item 9 the term “licenses” under point (b) would be amended to read “licences”.

Item 10

Advertising of Licensing Applications

The resolution would be amended from “That a report be brought back to the next Committee meeting concerning the key issues raised in the discussion and outlining a clear process by which any decision is arrived at” to “That a report be brought back to the next Committee meeting concerning the key issues raised in the discussion and outlining a clear process by which any decision is arrived at, including a definition of the term ‘newspaper’”.

Matters Arising

Training Session

The Chairman informed the Committee that Members had been notified of the forthcoming training session which was scheduled to take place on 1 November 2011 which Members may find beneficial to attend.

Public Reform and Social Responsibility Bill

In response to a question by a Member, the Remembrancer pointed out that the City could apply both an early morning restriction and/or a late night levy however the implications of either could potentially mean that income may fall. He explained that it would be for this Committee to decide whether to introduce

early morning restrictions and/or a late night levy, and that further information was still expected from the Government.

Olympic Preparedness for Licenced Premises in the City

It was noted that a letter would be circulated to all licenced premises in the City which was currently being produced by officers and would then be sent to both the Chairman and Deputy Chairman for final sign off. The Chairman explained that Olympic trademarks did not fall within the terms of reference of this Committee and that Trading Standards would ensure that licensed premises were aware of the guidance issued by LOCOG.

A tick box will be added to the premises licence application form that requests the applicant confirm that they will comply with the London Olympic Games and Paralympics Games Act 2006 and other relevant Olympic legislation in relation to use of the Olympic brand, and symbols associated with the Olympics.

Licensing of Tables and Chairs

The Chairman informed the Committee that he was meeting informally with the Chairman of the Planning and Transportation Committee to discuss the responsibility of licensing tables and chairs.

Drinks Spiking in the City

It was noted that four complaints had been received about drink spiking of which three had not been substantiated and that overall it was not a problem for the City.

4. MINUTES OF LICENSING SUB COMMITTEE HEARINGS

The Chairman thanked Deputy Doug Barrow for sitting on a Licensing Sub-committee at short notice as a Member did not attend. The Chairman explained that it was the duty of each Member of the Committee to serve on a Licensing Sub-committee and try to assist whenever they were able to do so. It was noted that the Licensing team would notify the Town Clerk's office as soon as the first objection to an application was received in order to start consulting Members on their availability. It was noted that the Town Clerk's office would notify all Members of the Committee of the date/time of a Licensing Sub-committee once a panel had been determined.

The Chairman pointed out that officers should ensure that applications were accompanied by a covering statement explaining in some detail the nature of the proposed operation, e.g. traditional pub, restaurant, late night bar/club etc and that if the application was for a licence variation the statement must set out the reasons for the variation and whether there were any proposals to change the nature of the operation of the premises as set out in the Licensing Policy. The Chairman highlighted that if this information was provided it would enable potential objectors to understand the nature of the operation of the premises and in turn possibly reduce the need to hold a Licensing Sub-committee.

It was agreed that the name and address of the premises would be displayed at the top of the minutes for future Licensing Sub-committee hearing minutes.

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

- (a) **25 August 2011 – Brass Mongoose, New Bridge Street, London, EC4V 6AN**

It was noted that paragraph 27 would be amended from “...No specific measurements had been taken...” to “...In answer to a question Mr McCann confirmed that no specific measurements had been taken...”

- (b) **1 September 2011 – The Alchemist, 133 Houndsditch, London, EC3A 7BX**
- (c) **20 September 2011 – Spice Rack, 78-79 Leadenhall Street, London, EC3A 3DH**
- (d) **29 September 2011 – Shooting Star, 125-129 Middlesex Street, London, E1 7JF**
- (e) **5 October 2011 – Anokha, 9-13 Fenchurch Buildings, London, EC3M 5HR**

5. APPEALS AGAINST LICENSING SUB COMMITTEE DECISIONS

The Comptroller and City Solicitor informed the Committee that the judicial review for Charlie's Wine Bar, which was scheduled for 2 November 2011, was not now taking place and relevant costs were being sought.

RECEIVED

6. POOL OF CONDITIONS FOR USE IN PREMISES LICENCES

The Committee considered a report of the Director of Markets and Consumer Protection which introduced an updated pool of conditions with some basic guidance for its use and the use of conditions in general. The report highlighted that the current 'bucket' of conditions had been updated primarily due to finding various conditions within the document which were unenforceable, irrelevant and/or did not meet the criteria in the Government guidelines issued under s.182 of the Licensing Act 2003.

The Chairman explained that if any Members had any observations or comments on the nature of the proposed 'pool of conditions' they should inform the Town Clerk within the next 14 days and thereafter the proposed conditions would be agreed by way of delegated authority by the Town Clerk in consultation with the Chairman, Deputy Chairman and Alderman Simon Walsh.

RESOLVED — that Members inform the Town Clerk within the next 14 days of any observations or comments on the nature of the proposed 'pool of conditions' and thereafter the proposed conditions would be agreed by way of delegated authority by the Town Clerk in consultation with the Chairman, Deputy Chairman and Alderman Simon Walsh.

7. DELEGATION OF POWERS TO OFFICERS WITHIN REORGANISED DEPARTMENTS

The Committee considered a report of the Director of Markets and Consumer Protection which outlined that Chief Officers and designated post holders within the City of London Corporation were required to implement various legal acts under the authority of delegated powers. As a result of the reorganisation of departments, all powers currently delegated to the Director of Environmental Services would be transferred to the appropriate Director of the following departments: Department of Built Environment; Markets and Consumer Protection Department; and Open Spaces Department.

It was noted that there would be no changes to the current scheme of delegations however a forthcoming Governance Review would take place to look at whether any changes needed to be made.

RESOLVED — that Members agree that:

- In all cases where proceedings are to be brought the institution of proceedings be subject to the proviso that, in each case, the Comptroller & City Solicitor would have advised that the evidence is sufficient to justify a prosecution and;
- the delegation of powers for activities as set out in the appendix be approved and referred to the Court of Common Council for final approval.

8. DELEGATED DECISIONS PERTAINING TO PREMISES LICENCES

The Committee considered a report of the Director of Markets and Consumer Protection which detailed the premises licences and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service since 1 January 2011.

The report also provided information regarding the Department's approach to routine enforcement in licensed premises and the way in which it responded to complaints.

In future reports further information will be provided in relation to premises which have been sent warning letters, had notices served upon them, or where a Simple Caution has been made.

A Member pointed out that Appendix 1 of the report which set out new licence applications issued by way of delegated authority was incorrect as a Licensing Sub-committee took place for The Duke & Duchess premises and was

therefore not dealt with under delegated authority. It was noted that the report should be reviewed prior to submission to Committee.

RESOLVED — that the contents of the report be noted.

9. REVENUE BUDGETS 2011/12 AND 2012/13

The Committee considered a joint report of the Chamberlain and the Director of Markets and Consumer Protection which updated the Committee on its latest approved revenue budget for 2011/12 and sought approval for a provisional revenue budget for 2012/13, for subsequent submission to the Finance Committee.

RESOLVED — that Members:

- note the latest approved revenue budget for 2011/12;
- approve the provisional 2012/13 revenue budget for submission to the Finance Committee and;
- authorise the Chamberlain to revise these budgets to allow for any further implications arising from departmental reorganisations and other reviews.

10. 2011/12 LICENSING SERVICE PLAN UPDATE

The Committee considered a report of the Director of Markets and Consumer Protection which updated Members on the progress of the Licensing Team's 2011/12 Service Plan.

RESOLVED — that the contents of the report be noted.

11. LICENSING HEARING PROCEDURES

The Committee considered a report of the Town Clerk which outlined the existing procedures implemented by officers of the Licensing Team and the Town Clerk's Department when organising hearings to consider representations in connection with applications for licences under the Licensing Act 2003.

A discussion took place on Licensing Sub-committee papers and it was noted that the papers circulated to the Sub-committee would not be redacted in future. In relation to the 'decision letter' it was noted that as common practice the letter would be circulated to all Members of the Sub-committee prior to it being circulated to the applicant and objectors. In relation to the minutes of the Licensing Sub-committee it was noted that these would be circulated to all Members of the Sub-committee once the hearing had taken place.

The Committee discussed site inspections and it was noted that these would only take place when necessary and at the discretion of the Chairman of the Sub-committee. It was noted that a hearing should open at Guildhall prior to an

inspection taking place. It was agreed that a protocol for site inspections would be produced and submitted to the next Committee meeting.

A discussion took place on the quality of maps and plans and the need for these to be clear in order for the Sub-committee to reach sound decisions. The Environmental Health and Public Protection Director explained that where an application was made for a change of layout a Licensing officer would visit the premises to check for accuracy and that all maps and plans for a Sub-committee would be made clearer in future.

RESOLVED — that;

- i) the contents of the report be noted and;
- ii) The Comptroller & City Solicitor in conjunction with the Director of Markets and Consumer Protection submit a protocol on site inspections to the next meeting.

12. ADVERTISING OF LICENSING APPLICATIONS

The Committee considered a report of the Town Clerk in relation to the use of newspapers to advertise licensing applications. The report provided advice on the use of the term 'local newspaper' and whether Licensing Authorities were able to prescribe the use of specific newspapers to ensure notices were published in newspapers with the appropriate circulation.

The Chairman explained that the definition of a regional or local newspaper (UK) as defined by the Newspaper Society was:

"Any publication in written form on newsprint or a similar medium, published in the British Isles (excluding the Irish Republic) at regular intervals not exceeding seven days and available regionally rather than nationally (i.e. not available throughout all or most of the British Isles). It contains news and information of a general nature, updated regularly, rather than being devoted to a specific interest or topic".

The Chairman pointed out that an extract of the minutes from the September 1991 Court of Common Council meeting resolved that the London Evening Standard would be used for publishing certain City Corporation notices.

A discussion took place on the potential list of publications which could be used for publishing licensing applications; Members were content with the London Evening Standard, Metro and City AM being used by applicants to advertise licensing applications. It was however noted that use of these publications was not exclusive.

It was noted that applicants would be provided with guidance on where licensing applications could appropriately be advertised along with the wording being produced by the Comptroller & City Solicitor and agreed by way of

delegated authority by the Town Clerk in consultation with the Chairman and Deputy Chairman.

RESOLVED — that;

- i) that the contents of the report be noted and;
- ii) Guidance be provided to applicants that the City Corporation was content with licensing applications being advertised in the London Evening Standard, Metro and City AM with the wording of such guidance being produced by the Comptroller & City Solicitor and agreed by way of delegated authority by the Town Clerk in consultation with the Chairman and Deputy Chairman.

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

Home Office – Consultation

A Member pointed out that the Home Office had issued a consultation on the 'relaxation of licensing for the Queen's Diamond Jubilee'; the Town Clerk confirmed that officers would advise the Chairman and Deputy Chairman on the matter and report as appropriate.

14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS TO BE URGENT

There were no urgent items

The meeting closed at 2.52pm.

CHAIRMAN

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