

## LICENSING COMMITTEE

Monday, 16 July 2012

**Minutes of the meeting of the Licensing Committee held at the Guildhall EC2 at 1.45pm**

### **Present**

#### **Members:**

Deputy Edward Lord (Chairman)	Deputy Revd Stephen Haines
Marianne Fredericks (Deputy Chairman)	Dr Peter Hardwick
Alex Bain-Stewart	Chris Punter
Deputy Douglas Barrow	Jeremy Simons
Revd Dr Martin Dudley	James Tumbridge
Peter Dunphy	Alderman Simon Walsh
Sophie Fernandes	

#### **Officers:**

Rakesh Hira	- Town Clerk's Department
Simon Murrells	- Assistant Town Clerk
Ignacio Falcon	- Town Clerk's Department
David Smith	- Director of Markets and Consumer Protection
Jon Averbs	- Markets and Consumer Protection Department
Steve Blake	- Markets and Consumer Protection Department
Peter Davenport	- Markets and Consumer Protection Department
Paul Chadha	- Comptroller & City Solicitor's Department
Jenny Pitcairn	- Chamberlain's Department
Greg Williams	- Public Relations Office

### **1. APOLOGIES**

Apologies were received from Kevin Everett and Stephen Quilter.

### **2. DECLARATIONS BY MEMBERS OF ANY PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ANY ITEMS ON THIS AGENDA**

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.

Jeremy Simons declared a personal interest in Item 4 in relation to the Tas Restaurant Licensing (Hearing) Sub Committee as he had submitted a representation in respect of a new premises licence. Mr Simons did not consider this to be prejudicial.

### 3. **MINUTES**

The public minutes and summary of the meeting held on 10 May 2012 were approved subject to the following amendments:

Under the matters arising section under item 7 on Advertising of Licensing Applications the following sentence would be added at the end of the minute: -

*“A Member queried the cost of seeking Counsel’s advice on the guidance which would be issued to applicants when advertising licensing applications. The Comptroller & City Solicitor explained that the cost was in the region of approximately £1,350”.*

Under item 13 the sentence *“It was noted that conditions imposed on premises licences should be short, succinct, understandable and enforceable”* would be amended to *“A Member raised a question in relation to conditions being added to licences under delegated authority pointing out that conditions being imposed on premises licences under delegated authority were unenforceable, lengthy and indistinct and that they needed to be short, succinct, understandable and enforceable”.*

Under item 10, third paragraph, the sentence *“A discussion took place on the word ‘appropriate’ being replaced with the word ‘necessary’ in relation to...”* would be replaced with *“A discussion took place on the word ‘necessary’ being replaced with the word ‘appropriate’ in relation to...”*

#### Matters Arising

##### **Health and Wellbeing Board**

In relation to whether the Health and Wellbeing Board would be considered as a Responsible Authority, the Comptroller & City Solicitor pointed out that further guidance was yet to be released from government which may provide clarity on the matter.

##### **New Internet Web Pages**

The Chairman explained that the ‘Licensing’ section on the new internet website was currently under the ‘Business’ section and could also be accessed through the ‘Services’ option but not directly. Members felt that the ‘Licensing’ section should be available directly through the ‘Services’ option and the Assistant Director of PR (Press) undertook to ensure that this would be changed on the City Corporation’s website.

##### **Enforcement Letters**

The Chairman pointed out that the Committee had previously agreed that copies of any enforcement letters issued to licensed premises would be circulated at the committee.

## **Home Office Consultation**

The Assistant Director of Environmental Health & Public Protection explained that the Early Morning Restriction Orders and the Late Night Levy would most likely be implemented in March 2013 and June 2013 respectively and that it was expected that 70% of the levy would go to the City of London Police and 30% to the licensing service. A report would be submitted to this Committee in October 2012 providing an update.

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

The Committee received the public minutes of the following Licensing (Hearing) Sub Committees: -

#### **4.1 4 May 2012 - Carter Rooms, 56-58 Carter Lane, London, EC4V 5EA**

It was noted that Carter Rooms had now closed and was in the process of being sold.

#### **4.2 4 May 2012 - Patch, 58-62 Carter Lane, London, EC4V 5EA**

#### **4.3 9 May 2012 - Jamies, 2 Alban High Walk, 125/136 London Wall, London, EC2Y 5AS**

#### **4.4 16 May 2012 - TAS Restaurant, 5 New Street Square, London EC4A 3BF**

A discussion took place on the outcome reached by the Sub Committee; a Member queried why the full 'gold plated' CCTV condition had been placed on the licence as it was a restaurant which could seat 60 people whereas Wetherspoons public house (referred to under Item 6) had a slightly less onerous CCTV condition. The Chairman of the Licensing (Hearing) Sub Committee pointed out that questions on the decision reached by the Sub Committee should be provided in advance in order for papers referring to the Hearing to be brought along to the committee. It was noted that the CCTV condition had been included as it may have been suggested by the applicant and agreed by both parties. The decision of the Sub Committee was to allow the supply of alcohol from 10:00 to 22:40 hours with the premises closing at 23:00 hours, a Member explained that a customer would need to pay their bill at 22:40 hours but would still be able to consume alcohol until 23:00 hours and therefore an unintended consequence may have been reached if the intention was for customers to cease drinking slightly earlier than the premises closed.

Members asked for appropriate guidance to be provided to any officer attending a Hearing from the Comptroller & City Solicitor's department, who did not usually attend, to explain the implications of the decisions taken at a Hearing.

A discussion also took place on when the appropriation of the sale of alcohol took place i.e. either when the cash changes hands or when the bill is provided

at the terminal hour. The Comptroller & City Solicitor undertook to provide some further guidance for Members ahead of the next committee meeting.

4.5 **21 May 2012 - Dorset Rise Youth Hostel, 1 Dorset Rise, London, EC4Y 8EN**

4.6 **28 May 2012 - Charlie's Wine Bar, 9 Crosswall, London EC3**

It was noted that Charlie's had now closed, it did not intend on appealing and that the owners would still be prosecuted.

4.7 **11 June 2012 - Padron, 13 Harrow Place, London E1 7DB**

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

The Comptroller and City Solicitor informed the Committee that a case management hearing was due to take place for Patch and that if Carter Rooms also appealed a request would be made to have both Hearings on the same day.

6. **DELEGATED DECISIONS PERTAINING TO PREMISES LICENCES**

The Committee received a report which detailed the premises licences and variations to premises licences which had been granted under the Licensing Act 2003 by the Licensing Service from 1 April 2012 – 30 June 2012.

A Member pointed out that sensible conditions should be added to licences, if needed.

**RECEIVED**

7. **REVIEW OF THE GOVERNANCE ARRANGEMENTS IMPLEMENTED IN 2011**

A report of the Town Clerk, on behalf of the Post Implementation Governance Review Working Party, explaining that a Working Party had been established to undertake a post-implementation review of the revised governance arrangements, after twelve months of their operation, to take stock of the new arrangements and how they were working, was considered.

The report sought comments on the governance arrangements introduced in March 2011 and the impact they may have had on the operation of the Licensing Committee.

A discussion took place and Members made reference to the following areas to be considered by the Working Party:

- The published data of attendance be made clearer to show the number of Licensing (Hearing) Sub Committees the Member was actually asked to attend and duly attended rather than the full number of Hearings held i.e. if a Member attended 6 Licensing (Hearing) Sub Committees the figures should

show 6 out of 6. The Town Clerk explained that the concerns raised would be explored to provide a fairer way of publishing attendance data.

- There was an opportunity for the Working Party to look at any overlap of work covered by other committees i.e. the Planning & Transportation, Port Health & Environmental Services and Licensing Committees to ensure that issues such as tables and chairs be covered by one committee for example.
- A recommendation be made for the Chairman of the Licensing Committee to become an ex-officio Member of the Policy & Resources Committee as licensing is a major policy area which affects the City, workers and residents.

**RESOLVED** – That the report be noted and that the following representations be made to the Working Party:-

- (a) The published data of attendance be made clearer to show the number of Licensing (Hearing) Sub Committees the Member was actually asked to attend and duly attended rather than the full number of Hearings held i.e. if a Member attended 6 Licensing (Hearing) Sub Committees the figures should show 6 out of 6.
- (b) Any overlap of work within other committees which is quasi-judicial or regulatory i.e. the Planning & Transportation, Port Health & Environmental Services and Licensing Committees be looked at to ensure that issues such as tables and chairs be covered by one committee.
- (c) The Chairman of the Licensing Committee should become an ex-officio Member of the Policy & Resources Committee as licensing is a major policy area which affects the City, workers and residents.

## 8. **REVENUE OUTTURN 2011/12**

A joint report of the Chamberlain and the Director of Markets and Consumer Protection comparing the revenue outturn for the services overseen by this Committee in 2011/12 with the final agreed budget for the year was considered. The report set out that the overall total net income during the year was £57,000 whereas the total agreed budget was nil, which represented an underspend of £57,000.

The report explained that the Director of Markets and Consumer Protection had submitted a request to carry forward underspends and that the request would be considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub (Policy and Resources) Committee.

Members noted that the whole underspend was not being retained within this Committee's budget, as the current rules on the use of carry forwards permit the Director of Markets and Consumer Protection to determine the distribution of his carry forward between the three Committees he reports to, subject to an overall maximum of £500,000.

Members considered that the Committee should have a say in the allocation of underspending and asked for the rules on the use of carry forwards to be reviewed by the Resources Allocation Sub (Policy and Resources) Committee with a view to securing adjustments to facilitate greater Member involvement.

**RESOLVED** – That the report be noted and a recommendation be made to the Resource Allocation Sub (Policy and Resources) Committee to review the arrangements for carrying forward underspends.

9. **PUBLIC NUISANCE ASSOCIATED WITH LICENSED PREMISES**

A report of the Director of Markets and Consumer Protection in relation to the concern that Members had about the insufficient provision in the City at night to deal with anti-social behaviour and public nuisance, primarily patron noise from licenced premises, particularly in Carter Lane, was considered.

The Assistant Director of Environmental Health & Public Protection presented this item explaining that the report outlined the actions which would be taken to improve the service and that the Licensing Steering Group set up by the Town Clerk would be the appropriate body to oversee the improvements.

In response to a query by a Member it was agreed that the names of the officers on the Licensing Steering Group would be circulated to Members.

The Chairman explained that he was pleased to get a positive outcome from the meeting which took place with the Town Clerk.

**RECEIVED**

10. **CODE OF PRACTICE FOR LICENSED PREMISES**

A report of the Director of Markets and Consumer Protection introducing the initial ideas for a Code of Practice for licenced premises as requested by Members was considered. The report explained that the Code was linked with the City Corporation's Licensing Policy and also introduced a risk assessment scheme for enforcement purposes. The report sought to approve the draft version of the Code which would be sent to various stakeholders for consultation with a final draft being submitted to this Committee in October 2012. The minutes of the Reference Sub (Licensing) Committee were also considered.

The Chairman explained that officers had been asked to prepare a Code of Practice which would set out what the Authority would hope and expect licensed premises to aspire to.

Members were supportive of a Code of Practice and it was noted that reference to the Code would be included in any relevant trade press; a Member congratulated officers on bringing forward an innovative Code for licenced premises.

**RESOLVED** – Members agree that: -

1. Officers continue to develop standards for each of the areas covered by the licensing objectives in line with the example given in Appendix 1 of the report (some standards are to be considered as the minimum required in order to operate a licensed premises within the City of London).
2. Criteria for a risk assessment scheme be developed with scoring bands set for green, amber and red status, and the criteria be closely linked to the Code's standards.
3. The final draft Code be sent to stakeholders for consultation during August and September 2012 after input and agreement from the Reference Sub (Licensing) Committee. The stakeholders would include Members, officers from other services, other responsible authorities, members of the public and licensed premises.
4. Results of the consultation be collated and incorporated in a report to this Committee in October 2012.
5. The minutes of the Reference Sub (Licensing) Committee which took place on 13 July 2012 be noted.

11. **POOL OF CONDITIONS FOR USE IN PREMISES LICENCES**

A report of the Director of Markets and Consumer Protection on the 'bucket' of conditions previously used to assist Members and applicants when adding conditions to a premises licence or club certificate was considered. The report provided a new list, renamed the 'Pool of Model Conditions', which had been extensively revised following consultation with Members and the Chairman, Deputy Chairman and Alderman Walsh.

The Chairman pointed out that a change may be made to the CCTV condition as three separate CCTV conditions may be needed.

**RESOLVED** – That Members note the contents of the report.

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

**Heron Tower – Licensing (Hearing) Sub Committee**

In response to a question by a Member the Chairman pointed out that reference would be made in the Statement of Licensing Policy on both the public duty under the Equality Act on disregarding vexatious or racist representations and amending the information set out on child protection. Members agreed that the Licensing (Hearing) Sub Committee procedure note would be amended immediately to reflect the public duty under the Equality Act.

**13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

**Charterhouse Street**

The Assistant Director of Environmental Health & Public Protection provided an oral update concerning a recent murder in Charterhouse Street associated with a club in the London Borough of Islington. Islington's Licensing Team are discussing the matter with the Metropolitan Police and it appears that there will either be changes to the licence to add conditions on security or a review of the premises licence upon which the views of The City Corporation will be sought.

Environmental Health has consulted with the Comptroller & City Solicitor and have received advice that it could seek a review across the border (Islington) under S 51 of The Licensing Act 2003 as "any other person" with a cautionary caveat that they must have suitable and sufficient evidence to base this upon. Except for the murder investigation there is little other evidence of complaints to Public Protection or the City Police. It was noted that the matter would be kept under review at the fortnightly 'tactical' meetings now being held with City Police.

**The meeting closed at 3.00pm**

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Chairman

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