

LICENSING COMMITTEE

Wednesday, 15 May 2013

Minutes of the meeting of the Licensing Committee held at Guildhall, EC2 on
Wednesday, 15 May 2013 at 1.45pm

Present

Members:

Alex Bain-Stewart
Deputy John Barker
Jamie Ingham Clark
Peter Dunphy
Kevin Everett
Marianne Fredericks

Michael Hudson
Edward Lord
Judith Pleasance
Tom Sleigh
James Tumbridge

In Attendance

Graham Packham

Officers:

Simon Murrells	- Assistant Town Clerk, Town Clerk's Department
Rakesh Hira	- Town Clerk's Department
Ignacio Falcon	- Town Clerk's Department
Paul Chadha	- Comptroller & City Solicitor's Department
Jenny Pitcairn	- Chamberlain's Department
David Smith	- Director of Markets & Consumer Protection
Jon Averbs	- Markets & Consumer Protection Department
Steve Blake	- Markets & Consumer Protection Department
Peter Davenport	- Markets & Consumer Protection Department
Julie Gibbs	- Markets & Consumer Protection Department

Deputy John Barker took the Chair

1. APOLOGIES

Apologies were received from Dr Martin Dudley and Chris Punter.

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

There were none.

3. ORDER OF THE COURT OF COMMON COUNCIL

The Order of the Court of Common Council, 25 April 2013, appointing the Committee and approving its Terms of Reference was received.

4. **ELECTION OF CHAIRMAN**

Members proceeded to elect a Chairman pursuant to Standing Order No. 29. The Town Clerk read out a list of Members eligible for the Chair, and Marianne Fredericks, being the only Member indicating her willingness to serve was duly elected Chairman for the ensuing year, and took the Chair.

5. **ELECTION OF DEPUTY CHAIRMAN**

The Committee proceeded to elect a Deputy Chairman in accordance with Standing Order No. 30.

Deputy Edward Lord, the Immediate Past Chairman, exercised his right to be Deputy Chairman and was duly elected.

LATE CHAIRMAN – VOTE OF THANKS

RESOLVED UNANIMOUSLY –

THAT the Members of this Committee take great pleasure in expressing to

DEPUTY EDWARD LORD OBE JP

their sincere gratitude and appreciation for the extraordinary dedication he has shown in all aspects of work of this Committee and the exemplary manner in which he has presided over their proceedings during the last three years as the Chairman of the Licensing Committee.

HE has been very active in the work of the Committee and has shown great leadership in steering the Committee through a period of change in legislation affecting licensed premises, including the provision of a new licensing regime for Sexual Entertainment Venues, the introduction of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012.

Under Mr Lord's chairmanship, the City Corporation through its Licensing Committee undertook its responsibilities as a licensing authority with diligence and vision, evidenced in the thorough review of the City Corporation's Statements of Licensing Policy under the Licensing Act and of its Licensing Principles under the Gambling Act.

HE has shown exceptional foresight in promoting the introduction of a ground-breaking Code of Practice and a risk matrix for licensed premises and the comprehensive Pool of Conditions list for use in Premises Licences.

During his tenure, over fifty licensing hearings took place, including eight reviews, and he paid particular attention to improving the format of Licensing (Hearing) Sub Committee reports. He also showed an active interest in the Olympic preparedness of licensed premises in the City ahead of the London 2012 Games.

Throughout his term of office, Edward Lord has managed the Committee's deliberations with a fair and firm hand to ensure that the Committee executed its duties in a competent manner.

FINALLY, in congratulating their former Chairman upon a most successful term of office, his colleagues wish to thank him for his enthusiasm and commitment and to express that with continued good health and happiness the hope that he can continue to serve the City Corporation for many years to come.

Deputy Edward Lord thanked his colleagues for their support over the time he served as Chairman and wished both Members and officers well for the future.

WELCOME TO NEW MEMBERS

The Chairman welcomed Deputy John Barker, Michael Hudson, Jamie Ingham Clark, Tom Sleigh and Judith Pleasance to the Committee and thanked Deputy Doug Barrow, Deputy Revd Stephen Haines, Dr Peter Hardwick, Stephen Quilter, Jeremy Simons and Simon Walsh for their contributions to the work of the Committee.

6. APPOINTMENT OF SUB COMMITTEE CHAIRMEN AND REFERENCE SUB COMMITTEE

The Committee proceeded to appoint the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for the ensuing year. Following a ballot three Sub Committee Chairmen were elected in addition to the Chairman, Deputy Chairman and Past Grand Committee Chairmen.

RESOLVED – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2013/14 comprise of the following Members:

Chairman, Marianne Fredericks
Deputy Chairman, Deputy Edward Lord
The Revd Dr Martin Dudley
Peter Dunphy
James Tumbridge and;
Past Grand Committee Chairmen

7. PUBLIC MINUTES

The public minutes of the meeting held on 14 January 2013 were approved as a correct record.

Matters Arising

Code of Practice Launch

The Chairman thanked officers and those who attended the Code of Practice Launch event on 9 April 2013.

8. **MINUTES OF LICENSING (HEARING) SUB COMMITTEES**

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

8.1 **The Pelt Trader, Arch 3, Dowgate Hill, London, EC4N 6AP - 11 February 2013**

8.2 **Bird of Smithfield, 26 Smithfield, London, EC1A 9LB - 12 March 2013**

8.3 **Amber, City Point, 1 Ropemaker Street, London, EC2Y 9AS - 24 April 2013**

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

The Comptroller and City Solicitor informed the Committee that there were no outstanding appeals.

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

A report of the Director of Markets and Consumer Protection detailed the premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 January 2013 to 31 March 2013. The report also provided a summary of the enforcement action taken under the Licensing Act 2003 between 1 January 2013 and 31 March 2013.

A discussion took place on the conditions placed on the premises licences granted under delegated authority. In response to a question by a Member the Licensing Manager explained that a number of conditions were offered by the applicant in question and a compromise had been reached on the number of conditions placed on the premises licence.

Members emphasised that the conditions placed on premises licences should be minimal, effective and enforceable.

In relation to a question raised by a Member on the breakdown of complaints the Licensing Manager explained that reports would contain more detail in the future.

RECEIVED

11. **GAMBLING ACT - ANNUAL REVIEW OF FEES**

A report of the Director of Markets and Consumer Protection which explained that the City Corporation was required to set annual fees for those premises requiring a licence under the Gambling Act 2005 was considered. The report outlined recent case law which indicated that the process for setting fees must be robust and that income received through the licensing process could not exceed the cost of obtaining income.

The Licensing Manager explained that the proposed fees would result in a small reduction of income compared with previous years however once all

licensing activities were carried out by the licensing service the net result would not affect budget income targets.

In response to a question by a Member it was noted that a profit could not be made from the income generated from the annual fee.

RESOLVED – That Members agree the proposed fees for 2013/14 (as set out in Appendix 2 of the report).

12. DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2013-2016

A report of the Director of Markets and Consumer Protection detailed the Business Plan for 2013-16 for the Department of Markets & Consumer Protection. The Business Plan identified some of the key achievements from the past year and set out what the Department aimed to achieve for this year; the standards that will be attained and where this fit in with the corporate plans.

Members proceeded to discuss the report and, in particular, the key performance indicators (KPI's) set for 2013/14. It was noted that the performance indicator (PI1) would be amended from 75% to 90% and would therefore read as follows:

'To ensure that, within 12 months, 90% of premises entering the red or amber zone are brought back to the amber or green zone respectively.'

Members requested that the Committee be informed in future on the KPI's set for previous years and the monitoring and performance of the current KPI's.

RESOLVED – That Members approve the contents of the report and the appendix subject to the above amendment.

13. TABLES AND CHAIRS

The Director of Markets and Consumer Protection explained that a report would be produced detailing the overlaps, if any, of the various licensing activities undertaken to look at whether any changes or improvements could be made.

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

City Police

In response to a question by the Deputy Chairman, the Director of Markets & Consumer Protection undertook to speak to the Commissioner on the role and legal duties of the City Police in relation to licenced premises.

15. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Training Session

The Chairman thanked Members who attended the morning training session which was provided by a solicitor from Poppleston Allen. It was noted that further training courses would be arranged for Members.

Licensing Handbook

It was noted that a handbook containing relevant information for Licensing (Hearing) Sub Committees would be created and provided to Members of the Committee.

Licensing Committee Dinner

The Chairman and Deputy Chairman thanked all Members who attended the recent Licensing Committee dinner.

The meeting ended at 2.50pm

Chairman

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