

LICENSING COMMITTEE

Monday, 15 July 2013

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

Present

Members:

Marianne Fredericks (Chairman)	Kevin Everett
Edward Lord (Deputy Chairman)	Michael Hudson
Alex Bain-Stewart	Graham Packham
Deputy John Barker	Judith Pleasance
Jamie Ingham Clark	Chris Punter
Revd Dr Martin Dudley	Tom Sleigh
Peter Dunphy	James Tumbridge

Officers:

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

The Chairman welcomed Graham Packham to the Committee.

1. APOLOGIES

There were no apologies.

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

There were no declarations.

3. **PUBLIC MINUTES**

The public minutes of the meeting held on 15 May 2013 were approved as a correct record.

Matters Arising

Licensing Committee – Training Sessions

It was noted that training sessions were in the process of being organised and that Members would be contacted about these in due course.

Central City Resident's Meeting

The Chairman informed the Committee that at a recent Central City Resident's meeting the City Corporation and its Traffic Light Scheme for licensed premises had been complimented upon by residents. The Chairman also highlighted that a report would be submitted to the next Committee meeting on how various bodies (e.g. environmental health, fire service, licensing service and City Police) co-ordinated their site visits to feed into the Traffic Light Scheme. The Chairman thanked the Licensing Team and the City Police Licensing Team on all their efforts in rolling out the scheme.

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

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

4.1 **Cos Bar, 148 Queen Victoria Street, London, EC4V 4BY - 21 May 2013**

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

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

6. **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 April 2013 to 30 June 2013. The report also provided a summary of the enforcement action taken and presented the first data from the Traffic Light risk assessment scheme introduced within the City of London on 1 April 2013.

The Licensing Manager presented the report highlighting the licensed premises which had hit the 'red' status in June 2013 under the Traffic Light Scheme and that it was envisaged that these would fall into a lower category in due course.

In response to a question by a Member, the Licensing Manager reported that the names of the premises would be included in future reports.

It was noted that Novus Leisure had decided not to have any promoted events at any of their premises in the City.

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7. SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES

The Committee considered 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 Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment. The report outlined the recent case law which had indicated that the process for setting the fees must be robust and that income received through the licensing process must not exceed the cost of administering that process.

It was noted that the report would also be submitted to the Port Health & Environmental Services Committee along with a request for clarification on whether the Licensing Committee had been given responsibility for licensing all sex establishments or just for Sexual Entertainment Venues (SEVs). The Chairman explained that the terminology used in previous reports had been an oversight and that the intention had been for the Port Health & Environmental Services Committee to transfer responsibility for licensing of all sex establishments to the Licensing Committee.

A discussion took place and a Member queried the difference between the proposed fees for an application for an SEV and an application for a sex shop/sex cinema. The Licensing Manager explained that the resources required for dealing with an SEV application were deemed to be higher than that for dealing with applications for other sex establishments hence the cost to be recovered through fees was higher.

It was noted that the fee set initially for SEVs had taken into account the large costs associated with the process of adopting and implementing the SEV licensing regime along with the preparation of the policy relating to applications but following a recent decision of the Court of Appeal (the "Hemmings" judgement), those costs were not included in the calculation of the revised fee proposed in the report.

The Deputy Chairman pointed out that the cost of the initial consultation was to help this Committee and the Court of Common Council to reach the correct policy approach for SEVs. It was now perverse to offset the cost of the consultation onto licensed premises and would potentially open the City Corporation to judicial review.

It was noted that the administrative costs of holding a Licensing (Hearing) Sub Committee to consider sex establishment applications were taken into account in the fees set out in the report and that a full breakdown would be circulated to Members in due course.

RESOLVED – That Members agree the proposed fees for 2013/14 (as set out in Appendix 1 of the report).

8. REVENUE OUTTURN 2012/13

The Committee considered a joint report of the Chamberlain and the Director of Markets and Consumer Protection which compared the revenue outturn for the services overseen by this Committee in 2012/13 with the final budget agreed for the year. The report highlighted that the total net income during the year was £5,000 whereas the total agreed expenditure budget was £37,000 representing an under spending of £42,000.

RESOLVED – That the report be noted.

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

There were no questions.

10. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Simon Murrells

The Chairman thanked Simon Murrells for his support to the work of the Committee as this was his last meeting as the Assistant Town Clerk responsible for Licensing Committee matters.

City of London Police – Licensing Team

The Chairman thanked Rita Jones, the previous City of London Police Licensing Inspector, for her hard work and dedication and informed the Committee that Hector McKoy had now replaced her.

The meeting closed at 2.15pm

Chairman

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