

LICENSING COMMITTEE
Monday, 14 January 2013

Minutes of the meeting of the Licensing Committee held at Guildhall, EC2 on
Monday, 14 January 2013 at 1.45 pm

Present

Members:

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| Deputy Edward Lord (Chairman) | Sophie Fernandes |
| Marianne Fredericks (Deputy Chairman) | Stephen Quilter |
| Alex Bain-Stewart | Jeremy Simons |
| Revd Dr Martin Dudley | James Tumbridge |
| Peter Dunphy | |

Officers:

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| Simon Murrells | - Assistant Town Clerk |
| Rakesh Hira | - Town Clerk's Department |
| Caroline Webb | - Town Clerk's Department |
| Ignacio Falcon | - Town Clerk's Department |
| Paul Chadha | - Comptroller & City Solicitor's Department |
| David Smith | - Director of Markets and Consumer Protection |
| Jon Averbs | - Markets & Consumer Protection Department |
| Steve Blake | - Markets & Consumer Protection Department |
| Peter Davenport | - Markets & Consumer Protection Department |

1. APOLOGIES

Apologies were received from Deputy Doug Barrow, Dr Peter Hardwick and Alderman Simon Walsh.

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

The Revd Dr Martin Dudley declared a general 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 in relation to item 9.

3. TERMS OF REFERENCE

In accordance with the Order of the Court of Common Council, of 6 December 2012, the Committee reviewed their terms of reference prior to its submission to the Court at its meeting in April 2013.

A discussion took place on including an additional reference to the Licensing Committee being able to consider any relevant statutory re-enactments or regulations made to the Licensing Act 2003. It was noted that the wording would be drafted by the Town Clerk in consultation with the Chairman and Deputy Chairman under delegated authority.

It was agreed that involvement of this Committee in the appointment of the Director of Markets and Consumer Protection would be added to the Terms of Reference.

RESOLVED – That the Terms of Reference be approved and submitted to the Court of Common Council meeting in April 2013 subject to the following:

- An additional reference be added in relation to the Licensing Committee being able to consider any relevant statutory re-enactments or regulations made to the Licensing Act 2003 which would be approved under Delegated Authority by the Town Clerk in consultation with the Chairman and Deputy Chairman and;
- Reference to the Licensing Committee being involved in the appointment of the Director of Markets and Consumer Protection be included in the Terms of Reference.

4. **COURT ORDER**

The Committee received the Order of the Court of Common Council, of 6 December 2012, concerning the Post-implementation Review of the Governance Arrangements.

In response to a question by a Member it was highlighted that officers were looking at more joined-up working by regulatory committees to look at issues such as tables and chairs and that a report would be submitted to a future meeting.

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5. **PUBLIC MINUTES**

The public minutes and summary of the meeting held on 22 October 2012 were approved as a correct record subject to the deletion of the third paragraph under the Delegated Decisions Pertaining to Premises Licences item, namely *“A change to Appendix IV (page 49) was made as follows – there shall be no sale of alcohol on the roof terrace after 22.00 hours”* being amended to read *“A change could not be made to the condition at Appendix IV (page 49) but it was highlighted that the condition should have read there shall be no sale (rather than supply) of alcohol on the roof terrace after 22:00 hours”*.

Matters Arising

Charity Collections

A discussion took place on the regulations regarding charity collections in licensed premises. It was noted that those persons collecting money from people in the City required a permit as set out under the regulations made under s.5 of the Police, Factories & c. Miscellaneous Act 1916, in respect of street collections.

A list of 43 charities which were permitted to collect charitable collections without a permit was tabled.

A discussion took place and Members expressed concern about bogus charitable collections taking place in the City. In response to a question by a Member it was pointed out that the enforcement of the regulations was for the City Police to take forward and not a matter for this Committee.

RESOLVED – That a resolution be sent to the Police Committee highlighting this Committee's concerns and seeking a reassurance over enforcement of the regulations.

6. MINUTES OF LICENSING (HEARING) SUB COMMITTEES

The minutes of the Licensing (Hearing) Sub Committees as below were **RECEIVED**.

6.1 **21 November 2012 - Club 2AD, 2 Crutched Friars, London, EC3N 2HT - Consideration of Interim Steps**

6.2 **23 November 2012 - Club 2AD, 2 Crutched Friars, London, EC3N 2HT - To consider Representations by Premises Licence Holder on taking Interim Steps**

6.3 **27 November 2012 - The Duke & Duchess, 2-3 Creed Lane, London, EC4V 5BR**

A discussion took place on Ward Members being made aware of Temporary Event Notices in their Ward. The Licensing Manager reported that there would be a resource issue in sifting through each Temporary Event Notice and sending the information onto each Ward Member but that the information was displayed on the website.

It was noted that a previous request had been made by a Member to allow people to register for an email alert to be sent onto them when a Temporary Event Notice was issued in a particular Ward.

6.4 **17 December 2012 - Club 2AD, 2 Crutched Friars, London, EC3N 2HT - Summary Review Hearing**

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

The Comptroller & City Solicitor reported that the 21 days for lodging an appeal for the premises 'Club 2AD, 2 Crutched Friars, London, EC3N 2HT' had passed last Friday and confirmation was being awaited from Westminster Magistrates Court if an appeal had been lodged. In response to a request by a Member it was noted that the outcome on whether an appeal had been lodged or not would be sent onto him in due course.

In relation to the premises 'Patch, 58-62 Carter Lane, London, EC4V 5EA' the Comptroller & City Solicitor explained that the appeal was meant to be heard last week but was withdrawn by the appellant back in November 2012.

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

A report of the Director of Markets and Consumer Protection detailing the premise licences and variations granted under the Licensing Act 2003 by the Licensing Service from 1 October 2012 to 31 December 2012 was considered. The report also provided a summary of the enforcement action taken under the Licensing Act 2003 between 1 October 2012 and 31 December 2012.

In relation to the licence variations issued by way of delegated authority it was clarified that for the premises 'Heron Tower, 110 Bishopsgate' the variation of changing the terminal hour to a 24 hour licence related only to floors 38, 39 and 40 of the premises.

A discussion took place on the enforcement action carried out and the breakdown of complaints (page 34), the Chairman pointed out that the names of the premises and the action taken would be included in future reports.

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9. **LICENSING ACT 2003: REVIEW OF STATEMENT OF LICENSING POLICY 2013**

A report of the Director of Markets and Consumer Protection on the review of the Statement of Licensing Policy was considered. The report explained that in its capacity as the Licensing Authority, the City Corporation published its first statutory statement of licensing policy under the Licensing Act 2003 in January 2005 and a subsequent review was published in January 2008 and again in January 2011. Although not statutorily due for a further review until 2016 it was felt that due to changes in the Corporation's policies and procedures, the introduction of a new code of practice and major legislative changes to the Licensing Act 2003 there was a need to revise and update the Statement of Licensing Policy sooner.

The following amendments, which were tabled, were taken into consideration and agreed by the Committee to be incorporated into the Statement of Licensing Policy:

Paragraph 37

Replace first line with:

'The City Corporation always expects every Premises Licence Holder to comply fully with its statutory duty to promote the licensing objectives and in respect of any 'promoted event' therefore strongly recommends that:'

Paragraph 48 – line 9

Remove. '...the race, religion, sex or sexuality...'

Replace with, '...protected characteristics, as defined by the Equalities Act 2010,...'

Paragraph 55 – line 3

Add the following text after '...licensing conditions.'

'...licensing conditions (these mandatory conditions applying to all premises licences).

Paragraph 57

Checks still being carried out on latest Government policy.

If paragraph 57 is shown to be no longer true changes would be made before the policy goes to print and approved by way of Delegated Authority.

Paragraph 63(v) – line 5

Replace 'Bridge' with 'Brigade'

Paragraph 72

Delete the first line of the paragraph and replace with:

'When the current licensing regime passed to Local Government in 2005, one of the aims was to prevent concentrations of...'

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Insert CD13 (e):

Where a premises holds a special event which is expected to attract a greater than usual number of patrons (and in excess of 500) the Premises Licence Holder will be expected to notify the City of London Police Licensing Team in advance of the event.

Page 56

After Primary Care Trust add:

'...(until 31 March 2013 and thereafter its statutory successor)...'

The Chairman explained that the above amendments would be circulated to Members of the Court and orally reported at the Court of Common Council meeting on 17 January 2013.

In relation to the Foreword text it was highlighted that this did not require Court of Common Council approval and would be inserted once the policy had been agreed.

RESOLVED – That Members agree that:

- the amendments to the draft 2013 Statement of Licensing Policy in light of the consultation responses be approved as the final text and;
- the Statement of Licensing Policy be submitted to the Court of Common Council for final approval, subject to the above amendments.

10. GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES 2013

A report of the Director of Markets and Consumer Protection on the Gambling Act 2005: Review of Statement of Licensing Principles was considered. The report explained that the Gambling Act 2005 required all licensing authorities to produce and publish a Statement of Licensing Principles. The legislation required that all authorities reviewed their policy at three yearly intervals and was last reviewed in January 2010 and therefore required to be reviewed in January 2013.

RESOLVED – That Members agree that:

- the amendments to the draft 2013 Statement of Licensing Principles in light of the consultation responses be approved as the final text and;
- the Statement of Licensing Principles be submitted to the Court of Common Council for final approval.

11. LATE NIGHT LEVY

A report of the Director of Markets and Consumer Protection in relation to the Late Night Levy consultation proposals was considered. The report explained that the Police Reform and Social Responsibility Act 2011 had introduced the power for licensing authorities to impose a late night levy in the City. Within the legislation there was a proposal to consult on various matters relating to a proposed levy prior to its introduction. The report expanded on the introductory report put before the Committee on 22 October 2012 as the regulations had now been introduced.

Agreement was sought on the consultation of the proposals to introduce a Late Night Levy and outlined the proposed areas for consultation and those persons it was felt should be included as consultees. The Assistant Director (Environmental Health & Public Protection) explained that those who would be consulted would include the City of London Police, the City Corporation's Police Committee and the holders of relevant late night authorisations. The consultation document would also be circulated to a minimum of six local resident groups and the Safer City Partnership.

A discussion took place on the statutory fee and it was noted that this was determined by the band the property fell in and could potentially be four times the amount of the licence fee.

In response to a question by a Member in relation to Early Morning Restriction Order's (EMRO's) the Assistant Director (Environmental Health & Public Protection) reported that as this Committee had decided that it did not wish to consider enforcing EMRO's this would not impact on the levy.

It was noted that the levy aimed to encourage premises to focus on the hours applied for and if the premises decided to open during late night hours they would contribute towards the cost of policing.

In response to a question it was noted that no other Licensing Authority had the levy in force and that if the City Corporation implemented the levy in October 2013 it was likely to be one of the first in the country.

RESOLVED – That Members agree the areas which should be consulted upon (paragraphs 10 – 15) and the list of consultees (paragraphs 7 and 8) subject to the above amendments.

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

There were no questions.

13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Urgency Procedures

The Town Clerk reported that the following decisions which were taken under urgency procedures since the last meeting:

- (a) Power was given to a Sub Committee to consider objections from "all relevant persons" and not just the Police (which was previously the case) to consider 'Temporary Event Notices'.
- (b) Approval was given for the Licensing and Gambling Policies to be submitted to the Court of Common Council meeting on 17 January 2013.

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Caroline Webb

The Chairman thanked Caroline Webb, Committee & Member Services Officer, for her work and contributions to the Committee and Sub Committee Hearings and wished her well for the future.

Chairman's Thanks

As this was the Chairman's last meeting in the Chair he thanked Members and officers for their support during his chairmanship and wished Members well for the March 2013 elections.

The meeting ended at 2.28 pm

Chairman

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