

LICENSING COMMITTEE

THURSDAY, 10 MAY 2012

Minutes of the meeting of the LICENSING COMMITTEE held at Guildhall, EC2, on THURSDAY 10 MAY 2012, at 1.45pm.

Present

Members:

Deputy Doug Barrow
The Revd Dr Martin Dudley
Kevin Everett
Marianne Fredericks
Deputy The Revd Stephen Haines
Dr Peter Hardwick
Deputy Edward Lord
Chris Punter
Jeremy Simons
Alderman Simon Walsh

Officers:

Simon Murrells	- Assistant Town Clerk
Rakesh Hira	- Town Clerk's Department
Ignacio Falcon	- Town Clerk's Department
Bruce Hunt	- Remembrancer's Department
Paul Chadha	- Comptroller & City Solicitor's Department
David Smith	- Director of Markets & Consumer Protection
Jon Averbs	- Director of Port Health and Public Protection, Department of Markets & Consumer Protection
Steve Blake	- Assistant Director of Port Health and Public Protection, Markets & Consumer Protection
Peter Davenport	- Licensing Manager, Markets & Consumer Protection

1. APOLOGIES

Apologies were received from Alex Bain-Stewart, Peter Dunphy, Sophie Fernandes and James Tumbridge.

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. APPOINTMENT OF COMMITTEE

The Order of the Court of Common Council of 19 April 2012, appointing the Committee and approving its terms of reference was received.

4. ELECTION OF CHAIRMAN

The Committee proceeded to elect a Chairman in accordance with Standing Order No. 29.

The Town Clerk read out a list of Members eligible to stand as Chairman and Deputy Edward Lord, being the only Member indicating his 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.

The Town Clerk read out a list of Members eligible to stand as Deputy Chairman and Marianne Fredericks, being the only Member indicating her willingness to serve, was duly elected Deputy Chairman for the ensuing year.

6. APPOINTMENT OF SUB COMMITTEE CHAIRMEN

The Committee proceeded to appoint the Sub Committee Chairmen and the Reference Sub Committee for the ensuing year.

A discussion took place on the Licensing (Hearing) Sub Committee attendance lists and it was noted that the Town Clerk would undertake to look at this issue.

RESOLVED – That the Sub Committee Chairmen and the Reference Sub Committee for 2012/13 be as follows:

Chairman, Deputy Edward Lord;
Deputy Chairman, Marianne Fredericks;
The Revd Dr Martin Dudley;
Dr Peter Hardwick;
Jeremy Simons and;
Past Grand Committee Chairmen

7. MINUTES

The public minutes and summary of the meeting held on 16 January 2012 were approved as a correct record.

Matters Arising

Training Session

The Chairman thanked Members who attended the recent training session which had been extremely valuable.

Advertising of Licensing Applications

A discussion took place on the wording of the guidance for applicants on advertising licensing applications. The Comptroller explained that following Counsel advice if the definition of a "local newspaper" was removed the guidance would be lawful.

In response to a question by a Member, it was noted that if someone were to object to an advertisement not being in a 'local newspaper' an application would need to be made to the High Court to show that it was not a valid application.

RESOLVED – That the guidance for applicants on advertising licensing applications be as follows:

"For the purposes of Section 17 Licensing Act 2003 and Regulation 25 Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, the City of London recognises the following publications as being a local newspaper: -

London Evening Standard
London Metro
City AM

In the event that Applicants wish to use alternative publications, the Licensing Authority would remind Applicants to ensure that the publication complies with the requirements of being a 'local newspaper'.

It would be most helpful if you could supply a copy of the advertisement".

Licensing (Hearing) Sub Committee Issues

It was noted that a further internal review of the licensing procedures would be undertaken to ensure that the City Corporation was complying with its statutory obligations.

8. MINUTES OF LICENSING (HEARING) SUB COMMITTEES

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

- a) 4 January 2012 – Dining Venture, 16A, B & C New Street, London, EC2M 4TR
- b) 6 February 2012 – Etc Venues, 200 Aldersgate Street, London, EC1A 4HD
- c) 14 February 2012 – Aveqia, Lower Ground, Unit 2, 10 St Bride Street, London, EC4A 4AD
- d) 16 February 2012 – Premier Inn, 20 St Mary at Hill, London, EC3R 8EE

9. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

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

10. LIVE MUSIC ACT 2012 AND IMPLEMENTATION OF THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

The Committee received a joint report of the City Remembrancer and the Director of Markets and Consumer Protection which provided an overview of the Live Music Act 2012. The key points under the Act for Members to note were:

- the licensing requirement is removed for unamplified live music taking place between 8am and 11pm in all venues;
- the licensing requirement is removed for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises;
- the licensing requirement is removed for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment);
- the licensing requirement for the provision of entertainment facilities is removed;
- the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type is widened, so that the exemption applies to live or recorded music instead of unamplified live music.
- The licensing requirement can be reinstated and live music made licensable if a review of the licence is promoted by complaints.

The report also described how the Licensing Service had implemented those aspects of the Police Reform and Social Responsibility Act 2011 which came into force on 25 April 2012.

A discussion took place on the word 'appropriate' being replaced with the word 'necessary' in relation to many aspects of the Licensing Act 2003, it was noted that the word 'appropriate' would suggest it was not 'inappropriate' when adding a condition onto a premises licence for example.

In response to a question by a Member, the Town Clerk explained that when PCTs were abolished, the status and constitution of the Health and Wellbeing Board would need to be checked to determine if it was a Responsible Authority which could make representations.

RESOLVED — that Members note the contents of the report.

11. Reports of the Director of Markets & Consumer Protection were considered as follows:-

a) 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 January 2012 to 31 March 2012.

The Port Health and Public Protection Director undertook to provide further information in future reports about enforcement action (Appendix III), such as the nature of complaints and reasons for notices being served.

In relation to the enforcement action carried out under the Licensing Act 2003 for the period 1 January 2012 to 31 March 2012 it was noted that the number of complaints received were for noise complaints in relation to entertainment. A brief description of the complaint would be described in future reports.

RECEIVED

b) DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2012 – 2015

The Committee considered a report which detailed the Business Plan for 2012-15 for the Department of Markets & Consumer Protection. The Business Plan consisted of an overarching plan which contained information relating to the whole Department and a separate annex reflecting the responsibilities for the Committee.

RESOLVED – That Members approve the contents of the report and its appendix.

c) 2011/12 LICENSING SERVICE PLAN UPDATE

The Committee received a report which updated Members on the progress of the Licensing Team's 2011/12 Service Plan.

RESOLVED – That Members note the contents of the report.

d) WESTMINSTER REVIEW AND CHANGES TO HEARING REPORT

The Committee considered a report which detailed the changes made to reports for Licensing (Hearing) Sub Committees following a review of procedures by Westminster Licensing Team. The main changes to the report were:

- Minor changes to report headings;
- Variations to a licence, where applicable, presented in a table format;
- More historical information relating to the premises in questions;
- A summary of any representations and;
- Additional information to assist Members such as premises capacity where known.

A discussion took place on the maps and plans provided to Members at Licensing (Hearing) Sub Committees and it was noted that they should be provided in A3 format.

RESOLVED – That Members approve the new Sub Committee report format for hearings.

e) PROCEDURE FOR DEALING WITH AMENDED LICENCE APPLICATIONS

A report detailing the issues involved when a representation against a premises licence application was withdrawn, following negotiations between the applicant and person(s) making the representation, was considered.

A discussion took place and it was noted that the pool of conditions were in the process of being signed off under delegated authority.

RESOLVED – That Members approve the procedure set out in paragraph 14 of the report and Appendix 1.

12. PRESENTATION – NEW INTERNET WEB PAGES

The Committee received a presentation on the new internet web pages relating to the Licensing Service. The following points were raised:

- The Town Clerk would look into why 'Licensing' was listed under 'Business' and not 'Services'.
- Email notifications of any new licence applications added to the internet were not possible.
- In relation to viewing Licensing Sub Committee papers it was noted that this could be added onto the Licensing Service internet pages.
- The list of tabs would be listed in order of priority i.e. 'Premises Licences', 'Make a Representation' and so forth.

It was noted that the new internet pages would provide information on how to complete an operating schedule and application, the fees involved and a document on Frequently Asked Questions, along with other useful information.

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

Conditions added to licences under delegated authority

It was noted that conditions imposed on premises licences should be short, succinct, understandable and enforceable.

Late Papers

It was noted that where possible late papers would not be tabled and would be made available in good time for Members to view.

Public Register

It was noted that the Public Register needed to be updated.

Hardback Note Books for Licensing (Hearing) Sub Committees

It was agreed that hard back note books would be made available for Members when they attended Sub Committee hearings.

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

Peer Review of City of London Police Licensing Unit

A peer review report was tabled on the review undertaken by Sussex Police of the City of London's Police Licensing Unit. It was noted that it was not the business of this Committee to discuss these matters but if any Member had any points of clarification they should contact the City Police or the Town Clerk.

Home Office Consultation

The Town Clerk reported that the response to the Home Office's Consultation on Early Morning Restriction Orders and the Late Night Levy had been dealt with under delegated authority by the Town Clerk in consultation with the Chairman and Deputy Chairman.

The meeting closed at 3.00pm.

CHAIRMAN

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