

Report – Port Health & Environmental Services Committee

Amendment to the Terms of Reference of the Licensing Committee

To be presented on Thursday, 20th July 2017

*To the Right Honourable The Lord Mayor, Aldermen and Commons of
the City of London in Common Council assembled.*

SUMMARY

This report requests that the Court of Common Council agrees to amend the Terms of Reference of its Licensing Committee to include charity collections (under the provisions of the Police, Factories and Miscellaneous Provisions Act 1916). This recommendation has been agreed by your Licensing Committee, your Port Health and Environmental Services Committee (which currently has responsibility for such charity collections) and your Policy and Resources Committee.

RECOMMENDATION

The Court is asked to approve the inclusion of charity collections, under the Police, Factories and Miscellaneous Provisions Act 1916 (or any subsequent re-enactment) in the Terms of Reference of the Licensing Committee, as set out in the appendix to the report.

MAIN REPORT

Background

1. The Police, Factories and Miscellaneous Provisions Act 1916 permits the Common Council of the City of London to make regulations with respect to the places where, and the conditions under which, persons may be permitted to collect money for the benefit of charitable or other purposes (charity collections).
2. The Regulations create an offence for any collection to be made unless a permit has been obtained from the City of London's Police Commissioner or, similarly, a certificate from the City of London's Police Commander where the collection takes place between 1 and 24 December in any year and relates to the singing or playing of Christmas carols.
3. On 14 November 2006 a report was brought before and agreed by your Port Health and Environmental Services Committee (PHES) in anticipation of the then new Charities Bill becoming law. Although the Bill received Royal Assent, the Charities Act 2006 remains dormant and has never commenced.
4. If the Charities Act 2006 had commenced, face-to-face collections would have been brought within the scope of the Police, Factories and Miscellaneous

Provisions Act 1916 and would have been treated as charity collections. Collections which currently take place on private land, and are outside the scope of the 1916 Act, would have been brought under the Act's control.

5. In 2006, your PHES Committee agreed that the functions carried out under the Act should be transferred to the Licensing Committee, subject to the concurrence of the Licensing Committee and the Court of Common Council. Reports were never sent to these Committees because the Charities Act 2006 did not become law. The presumption is that the decision made in 2006 to transfer the functions was made as legislation dealing with charity collections has no safety implications unlike other licensing legislation dealt with by your PHES Committee namely, legislation dealing with Massage and Special Treatments and the issuing of Street Trading licences.

Current Position and Proposal

6. Although the Charities Act 2006 never commenced, the sentiments behind the 2006 report have not changed and the proposal to include the Police, Factories and Miscellaneous Provisions Act 1916 in the Terms of Reference of the Licencing Committee was brought back before both your PHES and Licencing Committees in May 2017 and endorsed by your Policy and Resources Committee in July 2017. All Committees agreed, subject to the concurrence of the Court of Common Council, that this amendment should be made.
7. The wording of the PHES Committee's Terms of Reference is such that no amendment is required to facilitate the transfer of responsibility. Therefore, the proposal is only for the insertion of an additional clause within the Licensing Committee's Terms of Reference (as set out in the appendix to this report).

All of which we submit to the judgement of this Honourable Court.

DATED this 9th day of May 2017.

SIGNED on behalf of the Committee.

Jeremy Simons
Chairman, Port Health & Environmental Services Committee

Proposed Amendments to Licensing Committee's Terms of Reference

****proposed addition underlined***

4. Terms of Reference

To be responsible for:-

- (a) the City of London Corporation's licensing functions under the following legislation:-
 - (i) Licensing Act 2003:-
 - (ii) Gambling Act 2005:-
 - (iii) Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009:-
 - (a) the licensing of sexual entertainment venues
 - (b) action to prohibit the consumption of alcohol in designated public places as detailed in sections 12-16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
 - (c) the implementation of those sections of any Acts of Parliament and/or European Legislation which direct that the local authority take action in respect of those duties listed at (a) above, including the functions contained in Sections 2(1) and 2(2) of the Hypnotism Act 1952
 - (d) determining which of its functions and responsibilities may be delegated to enable the Director of Markets and Consumer Protection to act on its behalf.
- (b) the appointment of the Director of Markets and Consumer Protection (acting jointly with the Port Health and Environmental Services Committee and the Markets Committee);
- (c) making recommendations to the Court of Common Council regarding:-
 - (i) the City Corporation's Statement of Licensing Policy; and
 - (ii) the Statement of Licensing Principles in respect of the Gambling Act 2005.
- (d) charity collections, under the Police, Factories and Miscellaneous Provisions Act 1916 (or any subsequent re-enactment).