

LICENSING COMMITTEE

Wednesday, 6 May 2015

Minutes of the meeting of the Licensing Committee held at Committee Room 3 - 2nd Floor West Wing, Guildhall on Wednesday, 6 May 2015 at 1.45 pm

Present

Members:

Marianne Fredericks (Chairman)	Michael Hudson
Peter Dunphy (Deputy Chairman)	Deputy Jamie Ingham Clark
Alex Bain-Stewart	Edward Lord
Deputy John Barker	Graham Packham
Sophie Anne Fernandes	Judith Pleasance
Christopher Hayward	Chris Punter

Officers:

David Arnold	Town Clerk's Department
Paul Chadha	Comptroller and City Solicitor's Department
Jenny Pitcairn	Chamberlain's Department
Sam Cook	Remembrancer'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
Simon Douglas	City of London Police
Hector McKoy	City of London Police

1. **APOLOGIES**

Apologies for absence were received from Revd. Dr. Martin Dudley, Deputy Kevin Everett, and James Tumbridge.

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

There were no declarations.

3. **ORDER OF THE COURT OF COMMON COUNCIL**

RESOLVED – That the Order of the Court of Common Council, of 1 May 2014, appointing the Committee and approving its Terms of Reference, be noted.

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. Marianne Fredericks being the only Member indicating her willingness to stand as Chairman was duly elected for the ensuing year.

RESOLVED – That Marianne Fredericks be declared Chairman for the ensuing year.

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 serve as Deputy Chairman, and Peter Dunphy, being the only Member indicating his willingness to serve, was duly elected Deputy Chairman for the ensuing year.

RESOLVED – That Peter Dunphy be declared Deputy Chairman for the ensuing year.

6. **APPOINTMENT OF SUB COMMITTEE CHAIRMEN AND REFERENCE SUB COMMITTEE**

The Committee proceeded to appoint three Licensing (Hearing) Sub Committee Chairmen for the ensuing year, in addition to the current Chairman and Deputy Chairman and Past Grand Committee Chairmen.

Seven Members indicated their willingness to serve as Licensing (Hearing) Sub Committee Chairmen so a ballot was required.

RESOLVED – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2015/16 comprise of the following Members:

Marianne Fredericks (Chairman)

Peter Dunphy (Deputy Chairman)

Sophie Fernandes

Christopher Hayward

Jamie Ingham Clark

Kevin Everett (Past Grand Committee Chairman)

Edward Lord (Past Grand Committee Chairman)

7. **PUBLIC MINUTES**

RESOLVED – That the public minutes of the meeting held on 21 January 2015 be approved as a correct record.

Matters Arising

Award for Personal Licence Holders

In response to a Member's question, the Assistant Director of Environmental Health and Public Protection advised that certificates for all Members who passed the Award for Personal Licence Holders would be circulated via post later this month.

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

RESOLVED – That the minutes of the Licensing (Hearing) Sub Committee held on 29 January 2015 be noted.

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

There were none.

10. **LOCAL GOVERNMENT (REVIEW OF DECISIONS) ACT 2014**

The Committee received a report of the Remembrancer regarding the provisions of the Local Government (Review of Decisions) Act 2015, which required local authorities to put in place a formal review procedure for any decisions which stop or restrict a proposed event on grounds of health or safety and enabled the introduction of a fast-track procedure for such decisions to be reviewed by the Local Government Ombudsman.

RESOLVED – That the provisions of the Local Government (Review of Decisions) Act 2015 be noted.

11. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**

The Committee received a report of the Director of Markets and Consumer Protection that provided details of the premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 January 2015 to 31 March 2015.

In response to Members' requests, the Town Clerk and officers from the Markets and Consumer Protection Department agreed to provide Committee Members with the details of premises obtaining sufficient points on the Risk Scheme to reach Red or Amber in advance of the meeting as part of a Non-Public appendix in the main agenda.

The Licensing Manager advised that there was another premises in Lime Street who had reached Amber on the Risk Scheme with 11 penalty points. The list of premises obtaining sufficient points on the Risk Scheme would therefore be amended. He added that the full list of Green to Red premises on the Risk Scheme could be circulated to Member upon request.

RESOLVED – That the details of premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 January to 31 March 2015 be noted.

12. **DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2015-2018**

The Committee considered a report of the Director of Markets and Consumer Protection that sought approval to the 2015-18 Business Plan of the City of London Corporation's Licensing Service.

In response to a Members' questions regarding Operational Performance Indicators, the Director of Markets and Consumer Protection advised that the wording of PI 2 would be revised to be clear that it is a snapshot indicator. The

Chamberlain advised that the latest available figures showed that as at 31 March 2015, 97.6% of debts were less than 60 days old and 99.9% were less than 120 days old. The Director of Markets and Consumer Protection added the target to achieve an overall sickness absence level of no more than 6 days per person had been reduced from a target of 7 days in 2014/15, which had been met.

The Licensing Manager advised that the Statements of Licensing Policies under the Licensing Act 2003 and Gambling Act 2005 would be drawn up through public consultation in late 2015 and would be submitted for Committee approval in early 2016. The Chamberlain added that a statutory annual update report on the Late Night Levy would be considered in October 2015.

RESOLVED – That the Licensing Service Business Plan 2015-18 be approved.

13. SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES

The Committee considered a report of the Director of Markets and Consumer Protection that sought approval to the annual fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment.

The Comptroller and City Solicitor advised Members of the Supreme Court Decision in relation to Hemming vs. Westminster City Council. Members were advised that the Supreme Court concluded on 29 April 2015 that licensing schemes which required the applicant to pay a fee covering the administrative costs of the application at the time the application is made and, in the event that the application is granted, a further fee to cover the costs of enforcing the licensing scheme did not fall foul of the Provision of Services Regulations 2009.

Members were also advised that a decision regarding licensing schemes which required a fee that covered both the administrative costs and the costs of enforcing the scheme to be paid at the time the application was made, with the enforcement element being refunded should the application be rejected, was referred to the European Court of Justice for determination.

These findings from the Supreme Court case could be applied to the entire local authority licensing regime save for premises licensed under the Licensing Act 2003 and the Gambling Act 2005 where there were statutory fee structures in place.

RESOLVED – That the annual fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment, be approved.

14. LATE NIGHT LEVY UPDATE

The Committee received a report of the Director of Markets and Consumer Protection that provided an update of the Late Night Levy (LNL) since 1 October 2014.

Members were introduced to Simon Douglas, the new Licensing Inspector for the City of London Police, who was attending his first Committee meeting.

In response to a Member's question, the Licensing Manager advised that a large percentage of premises removed the condition on their licence to allow the sale of alcohol after midnight on New Year's Eve only for free before the LNL was introduced in October 2015. This meant that they would no longer be liable to pay the LNL. The condition remained on some premises licences but these premises were able to remove it from their licence for a charge of £89.

RESOLVED – That the report be noted.

15. **SAFETY THIRST UPDATE**

Members received a verbal update from the Licensing Manager regarding the Safety Thirst scheme.

The Licensing Manager advised that letters had been sent to Safety Thirst members at the start of May 2015. This was later than originally intended as some amendments had been made to the scheme. Amendments included the introduction of different 'grades' to the award as well as an award for the Licensed Premises of the Year. In response to a Member's question, he confirmed that previous winners of the award would still have to re-apply this year. He added that the Award ceremony would take place on 12 October 2015 in the Livery Hall.

RESOLVED – That the Safety Thirst update be noted.

16. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

17. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

The Chairman advised Members that there would be a presentation at the next Committee meeting regarding the expected impact of Transport for London's introduction 24 hour Tube services on Fridays and Saturdays with effect from 12 September 2015. It was noted that the City of London would be affected by 24 hour services on the Central Line.

The Chairman expressed thanks to the Remembrancer's Department for a successful Licensing Committee Dinner on 16 April 2015 and was particularly grateful to staff who secured an excellent new venue at short notice.

The meeting ended at 2.45 pm

Chairman

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