

LICENSING COMMITTEE
Monday, 22 October 2012

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Monday, 22 October 2012 at 1.45 pm.

Present

Members:

Marianne Fredericks (Deputy Chairman)	Deputy Revd Stephen Haines
Alex Bain-Stewart	Chris Punter
Deputy Douglas Barrow	Stephen Quilter
Revd Dr Martin Dudley	Alderman Simon Walsh
Sophie Fernandes	

Officers:

Peter Nelson	- Assistant Town Clerk
Katie Odling	- 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
Steve Blake	- Markets and Consumer Protection
Jenny Pitcairn	- Chamberlain's Department

1. APOLOGIES

Apologies were received from Deputy Edward Lord, Peter Dunphy, Dr Peter Hardwick, Jeremy Simons and James Tunbridge.

2. DECLARATIONS BY MEMBERS OF ANY PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

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. MINUTES

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

Matters Arising

4.6 – 28 May 2012 – Charlie's Wine Bar, 9 Crosswall, London, EC3 – The Comptroller and City Solicitor provided an update regarding Charlie's Wine Bar advising that owners of the bar had been prosecuted for not have the appropriate Sex Entertainment Venue (SEV) licence.

Heron Tower – Licensing (Hearing) Sub Committee – Members were assured that reference would be made in the Statement of Licensing Policy on both the public duty under the Equality Act on disregarding vexatious or racist representations and amending the information set on child protection.

4. MINUTES OF LICENSING (HEARING) SUB COMMITTEES

4.1 29 June 2012 - The Heron, 5 Moor Lane, London, EC2

The Minutes of the Licensing Sub Committee hearing held on 29 June 2012 were RECEIVED.

4.2 17 July 2012 - Revolution, 140 - 144 Leadenhall Street, London, EC3V 4QT

The Minutes of the Licensing Sub Committee hearing held on 17 July 2012 were RECEIVED.

4.3 30 August 2012 - Club 2AD, 2 Crutched Friars, London, EC2N 2HT

The Minutes of the Licensing Sub Committee hearing held on 30 August 2012 were RECEIVED.

5. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

The Comptroller and City Solicitor informed the Committee that in respect of Club 2AD, a case management hearing was scheduled to take place on Thursday 25 October.

RECEIVED.

6. DELEGATED DECISIONS PERTAINING TO PREMISES LICENCES

The Committee received a report of the Director of Markets and Consumer Protection which detailed the premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 July 2012 to 30 September 2012. The report also provided a summary of the enforcement action taken under the Licensing Act 2003 between 1 July 2012 to September 2012.

Members recognised that improvements had been made in respect of conditions attached to licences.

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.

RECEIVED.

7. **THE ROLE OF THE COMMITTEE IN RELATION TO THE APPOINTMENT OF THE DIRECTOR OF MARKETS & CONSUMER PROTECTION**

The Town Clerk explained that the terms of reference of the Licensing Committee would be updated next April, 2013 to reflect the Committees involvement in the appointment of the Director of Markets and Consumer Protection.

RECEIVED.

8. **REVENUE BUDGETS 2013/14**

A joint report of the Chamberlain and the Director of Markets and Consumer Protection set out the annual submission of the revenue budgets overseen by this Committee. The report sought approval to the provisional revenue budgets for 2013/14, for subsequent submission to the Finance Committee. Overall, the 2013/14 provisional revenue budget was nil, a decrease of £50,000 compared with the latest approved budget for 2012/13. Main reasons for the reduction were:-

- One-off carry-forwards from 2011/12 totalling £34,000 which were included in the 2012/13 latest approved budget and;
- A forecast increase in licence fee income of £26,000.

RESOLVED – That Members:

- the budget for submission to the Finance Committee be approved; and
- the Chamberlain be authorised to revise the budgets to allow for further implications arising from potential budget developments including PP2P reviews, the implementation of the City of London Procurement Service, review of the licensing fee structure, introduction of a Late Night Levy, and changes in respect of recharges.

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

A report of the Director of Markets and Consumer Protection which set out a revised draft text of the Licensing Policy together with a timescale for consultation and publication was considered. The report highlighted that although it was not statutorily due for a review until 2016 it was felt that due to changes in the City Corporation's policies and procedures, the introduction of a new code of conduct and major legislative changes to the Licensing Act 2003 there was a need to revise and update the Statement of Licensing Policy sooner.

RESOLVED – That -

- i) the draft Licensing Policy text be approved for consultation and;
- ii) the time table and methodology to determine the final text and adoption of the Statement of Licensing Policy be approved.

10. **LICENSING CODE OF PRACTICE**

A report of the Director of Markets and Consumer Protection seeking approval for the introduction of a code of practice and risk assessment scheme, which will supplement the formal statement of licensing policy, was considered. The report highlighted that the Code gave guidance on how to promote the four licensing objectives and would be taken into account by the licensing authority in such matters as hearings and reviews.

RESOLVED – That –

- i) the Code of Practice and Risk Assessment Scheme as presented in the appendices to the report be implemented in April 2013 (subject to considerations arising from the consultation) and;
- ii) the code and scheme be launched by February 2013.

11. **GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES**

A report of the Director of Markets and Consumer Protection which explained that the Gambling Act 2005 required all licensing authorities to produce and publish a Statement of Licensing Principles was considered. The report highlighted that the legislation required all authorities to review their policy at three yearly intervals and sought approval for the updated document to form the basis of the proposals sent for consultation to statutory bodies and persons representing those affected by the legislation and those persons carrying on gambling businesses in the City.

RESOLVED – That –

- i) the draft Licensing Principles text for consultation and;
- ii) the time table and methodology to determine the final text and adoption of the Statement of Licensing Principles.

12. **LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS**

A report of the Director of Markets and Consumer Protection highlighting that the Police Reform and Social Responsibility Act 2011 (PRSRA) had introduced the power for licensing authorities to impose a late night levy on the whole of the City and, separately, to impose Early Morning Restriction Orders on part or all of the City, as a means of changing the balance of the night time economy in favour of the general community, was considered.

The Committee indicated that the late night levy was something that they foresaw as being necessary and the Corporation would therefore put forward a further report on this, subsequent to detailed guidance being issued by Government, which would include the outlines of the likely consultation for agreement by the Grand Committee.

Members went on to discuss EMROs but considered these were problematic in terms of clearly defining a suitable area and the potential impact on well-run as well as poorly-run establishments and that it may be better to apply the Code of Practice to target individual premises for enforcement activity.

RESOLVED – That a further report be submitted to the Committee in light of the comments made by the Committee after the final central Government guidance had been issued.

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

A question was raised regarding Charity collections within licensed premises and the regulations surrounding this.

The Licensing Manager advised the Committee of the regulations regarding Charity collections stating that Persons collecting coins from people in the City can only do so if they have either a permit issued under Regulations made under Section 5 of the Police, Factories, & c. Miscellaneous Provisions Act 1916 in respect of street collections or a licence granted under Section 2 of the House to House Collections Act 1939 (unless holding an Order of Exemption granted by the Cabinet Office – currently forty-three national charities).

It was noted that there were 43 charities that were permitted to collect charitable contributions without a permit and it was agreed these would be circulated to Members and also included on the Corporation's website along with some useful guidance. Officers acknowledged the importance of educating licensees regarding bogus charities.

14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no items of urgent business.

The meeting ended at 2.35 pm.

Chairman

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