

LICENSING COMMITTEE

Monday, 21 July 2014

Minutes of the meeting of the Licensing Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Monday, 21 July 2014 at 1.45 pm

Present

Members:

Alex Bain-Stewart	Marianne Fredericks
Jamie Ingham Clark	Michael Hudson
Peter Dunphy	Edward Lord
Kevin Everett	Graham Packham
Sophie Fernandes	Judith Pleasance

In Attendance

Deputy John Bennett

Officers:

Rakesh Hira	Town Clerk's Department
Saimah Tahir	Town Clerk's Department
Paul Chadha	Comptroller & City Solicitor's Department
Jenny Pitcairn	Chamberlain's Department
Philip Saunders	Remembrancer's Department
David Smith	Director, Markets & Consumer Protection Department
Steve Blake	Markets & Consumer Protection Department
Peter Davenport	Markets & Consumer Protection Department

1. APOLOGIES

Apologies were received from Deputy John Barker, Revd Dr Martin Dudley, Christopher Hayward, Chris Punter 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

The Order of the Court of Common Council, of 1 May 2014, 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. 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 the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for the ensuing year.

RESOLVED – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2014/15 comprise of the following Members:

Marianne Fredericks
Peter Dunphy
Alex Bain-Stewart
Jamie Ingham Clark
Revd Dr Martin Dudley
Kevin Everett, Past Grand Committee Chairman
Edward Lord, Past Grand Committee Chairman

7. **PUBLIC MINUTES**

The public minutes of the meeting held on 28 April 2014 were approved subject to the following amendments:

Department of Markets & Consumer Protection Business Plan 2014-2017

The reference to increased revenue as a measure of success for the late night objective would be removed, not amended.

Matters Arising

It was noted that the final 30% allocation of the monies generated by the late night levy had not as yet been decided by the Chairman and Deputy Chairman in consultation with the Director of Markets and Consumer Protection.

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

In relation to a recently held Hearing for the premises Badolina, 210 Bishopsgate, London, EC2M 4NR, it was pointed out that the Sub Committee resolved that the Chairman would raise the issue of anti-social behaviour by homeless people in the Bishopsgate area with the Community & Children's Services Department.

RESOLVED: That Members note the public minutes of the following Licensing (Hearing) Sub Committee meeting.

8.1 **Unit 3, 200 Aldersgate Street, London, EC1**

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

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

He explained that there was currently a Tower Hamlets case which was going through the courts relating to the decisions following a Summary Review Hearing and whether the interim measures stay in place both until the full Review Hearing and until the appeal was heard at a Magistrates Court. The outcome would be known in due course and an update would be provided to the Committee.

The Chairman noted that it would be helpful for a training course to be provided to Members on Summary Review Hearings and relating to objections for Temporary Event Notices.

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

The Committee received a report of the Director of the Markets and Consumer Protection informing Members of premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 April 2014 to 30 June 2014. The report also presented data from the 'traffic light' risk scheme covering the period 1 June 2013 to 31 May 2014.

The Chairman pointed out that the response time to call outs was close to 20 minutes, which residents had been pleased with.

RESOLVED – That Members note the contents of the report.

11. **DEREGULATION BILL**

A report of the Remembrancer summarised the provisions in the Deregulation Bill that were most relevant to this Committee. The report explained that in relation to the Bill the main points of interest included:

- Imposing an obligation on non-economic regulators to have regard to promoting economic growth;
- Liberalising rules relating to Temporary Event licensing; and
- Changing the duration of a personal alcohol sales licence

The Remembrancer explained that the Bill proposed an increase in the maximum number of Temporary Event Notices (TENs) which could be applied for from 12 to 15 per year. There was a proposal to revoke the requirement to renew personal alcohol sales licences and for them to instead continue indefinitely. There was also a proposal to liberalise late night refreshment licensing to give powers to licensing authorities the powers to exempt the sale of hot food and drink without obtaining a late night licence in certain circumstances.

In response to a question from a Member, the Remembrancer explained that the Bill has had various amendments but not in relation to the above points.

It was agreed that the Licensing Department would arrange training courses for Members relating to personal licence holders and licensing practitioners. Members would also be advised about any other training sessions relating to the Night Time Economy

RESOLVED – That the contents of the report be noted.

12. **UPDATE ON MANDATORY CONDITIONS**

The Licensing Manager provided a verbal update on mandatory conditions explaining that the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 amended the mandatory conditions made under s.19A of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

In relation to prohibiting drinks which were conducted in a way which carried a significant risk of undermining one or more of the licensing objectives the caveat would be removed in relation to promotions which consisted of the following:

- Games or other activities requiring or encouraging individuals to drink a quantity of alcohol within a time limit or to drink as much as possible;
- Dispensing alcohol directly into the mouth (the so-called ‘dentist’s chair’);
or
- Selling alcohol in association with promotional posters or flyers that condone, encourage or glamorise anti-social behaviour or drunkenness.

He reported that this meant that any such promotions would be forbidden. The caveat would however be retained in relation to promotions which consisted of:

- Providing unlimited or unspecified quantities of alcohol free or for a fixed or discounted price to the public or a group defined by a particular characteristic; or
- Providing free or discounted alcohol or any other thing as a prize to encourage or reward the purchase or consumption of alcohol over a period of 24 hours or less.

Reference was also made to dispensing alcohol directly into the mouth of an individual, free tap water, the age verification policy and other smaller measures.

The various changes would be updated on the City Corporation's public facing web pages.

RESOLVED – That the update be noted.

13. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2014/15**

The Committee considered a report of the Director of Markets and Consumer Protection which explained that the City Corporation was required to set annual fees for those premises requiring a licence under the Gambling Act 2005. The report outlined recent case law which indicated that the process for setting the fees must be robust and that income received through the licensing process could not exceed the cost of obtaining that income.

The report set out that the matters considered by the licensing service in setting the proposed fees were discussed and included all aspects, other than enforcement costs which case law currently excluded, within the licensing process. The proposed fees will result in similar income compared with previous years.

It was noted that the fees were the same as last year and had not been increased.

RESOLVED – That Members approve the fees for 2014/15 set out at Appendix 2 (column four) of the report.

14. **UPDATE ON THE LATE NIGHT LEVY & SAFETY THIRST**

The Assistant Director provided a verbal update on the Late Night Levy and Safety Thirst. He explained that letters had been sent to those premises which would be affected by the late night levy and informing them that they may apply for a free minor variation to their licence, if they wished to do so.

He reported that 14 applications, out of a possible 293 premises, had been received to vary their premises licence.

The Chairman explained that Members should note that if asked the minor variation would be processed free of charge and that it had been brought to her attention that some organisations were writing to licensees offering to arrange a variation for a fee of £175.

A discussion took place on the Safety Thirst Award Scheme and it was noted that the event would take place on 8 October 2014 with invitations being circulated to Members of this Committee. It was noted that information on the scheme would be circulated to Members prior to the next Committee meeting.

RESOLVED – That the update be noted.

15. **TABLES & CHAIRS POLICY**

The Committee considered a report of the Director of Markets and Consumer Protection which set out that the Highways Act 1980 permitted an individual or corporate body to seek permission to place tables and chairs on the highway in order to facilitate their business. The report highlighted that the City Corporation's licensing team administered the process and enforced the provisions of the Highways Act relevant to the granting of permission and the use of such tables and chairs. In order to assist the licensing team a number of guidelines were used relating primarily to the health and safety implications of obstructing the highway. These guidelines were out of date and incorporated in an updated policy which was attached as an appendix to the report.

RESOLVED – That the contents of the report be noted.

16. **STREET TRADING POLICY**

The Committee considered a report of the Director of Markets and Consumer Protection which set out that the City of London (Various Powers) Act 2013 made changes to the long established street trading regime within the City of London. The City Corporation would have the authority to issue temporary street trading licences so that commemorative and seasonal events would be able to include a street trading element. The report outlined the following:

- Explained the legislation affecting street trading in the City of London;
- Set out the City Corporation's policy in respect of the regulation of street trading, including its enforcement; and
- Offered guidance as to the procedure to be followed in seeking a street trading licence

The report also outlined matters considered by the licensing service in setting the proposed temporary licence fees which followed legally established guidelines. The fees set out in the policy were designed to cover the costs associated with the licensing process. Authorities, including the City Corporation, were not able to include the costs of enforcement against unlicensed street traders within their fees.

It was noted that minor amendments would be made to the policy relating to the consistency of a minimum width of unobstructed footway of '2.2 metres' between the edge of a permitted areas and the edge of the footway.

A Member pointed out that it was important to ensure that high street traders were no affected by street traders.

The Chairman thanked officers for their hard work on both the Street Trading and Tables and Chairs policies.

RESOLVED – That the contents of the report be noted.

17. **REVENUE OUTTURN 2013/14**

A report of the Chamberlain compared the revenue outturn for the services overseen by this Committee in 2013/14 with the final agreed budget for the year. Overall total net expenditure during the year was £99,000 whereas the total agreed budget was £174,000 representing an underspending of (£75,000). The underspend was largely due to an increase in licence application fee income (£62,000).

The report explained that the Director of Markets and Consumer Protection had submitted a request to carry forward underspendings, and that this request would be considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub Committee.

RESOLVED – That the contents of the report be noted.

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

Chuggers and Charity Collection

It was noted that information on the protocol in relation to ‘chuggers’ and charity collection in the City of London would be circulated to Members.

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

There were no urgent items.

20. **EXCLUSION OF THE PUBLIC**

RESOLVED – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Local Government Act as follows:-

Item	Paragraph
21	7
22-23	-

21. **NON PUBLIC MINUTES**

The non-public minutes of the meeting held on 28 April 2014 were approved as a correct record.

22. **NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

One question was raised relating to the traffic light scheme.

23. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT WHILST THE PUBLIC ARE EXCLUDED**

There were no urgent items.

The meeting ended at 2.49 pm

Chairman

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