



Licensing Committee

Date: WEDNESDAY, 3 MAY 2017
Time: 1.45 pm
Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

3. ORDER OF THE COURT OF COMMON COUNCIL

For Information
(Pages 1 - 2)

8. MINUTES OF LICENSING HEARING (SUB)

For Information

a) Louie's Bar - TEN (Pages 3 - 10)

To receive the public minutes of the meeting regarding the Temporary Event Notice application for 'Louie's Bar', 1 Fore Street, London, 46 Moorgate, EC2R 6EL' held on 24 April 2017 (TO FOLLOW).

b) Cannon Green House (Pages 11 - 24)

To receive the public minutes of the meeting regarding 'Cannon Green House', 27 Bush Lane, London, EC4R 0AA' held on 26 April 2017 (TO FOLLOW).

16. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

(Pages 25 - 32)

Item received too late for circulation in conjunction with the Agenda.

John Barradell
Town Clerk and Chief Executive

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Agenda Item 3

PARMLEY, Mayor	RESOLVED: That the Court of Common Council holden in the Guildhall of the City of London on Thursday 27th April 2017, doth hereby appoint the following Committee until the first meeting of the Court in April, 2018.
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LICENSING COMMITTEE

1. **Constitution**
A Non-Ward Committee consisting of 15 Members elected by the Court of Common Council, at least one of whom shall have fewer than five years' service on the Court at the time of their appointment.
2. **Quorum**
The quorum consists of any five Members.
3. **Membership 2017/18**
 - 4 (4) Christopher Michael Hayward
 - 5 (4) Michael Hudson
 - 5 (4) Graham David Packham
 - 4 (4) Judith Lindsay Pleasance
 - 15 (3) Kevin Malcolm Everett, Deputy
 - 7 (3) Sophie Anne Fernandes
 - 7 (3) James Richard Tumbridge
 - 9 (2) Marianne Bernadette Fredericks
 - 2 (2) Emma Edhem
 - 2 (1) Keith David Forbes Bottomley, Deputy
 - 7 (1) Peter Gerard Dunphy
 - 1 (1) Joan Mary Durcan
 - 5 (1) Jamie Ingham Clark, Deputy
 - Vacancy*
 - Vacancy*
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.

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MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 24 APRIL 2017

APPLICANT: MEL SERPS

PREMISES: LOUIE'S BAR, 46 MOORGATE, LONDON, EC2R 6EL

PRESENT

Sub Committee:

Peter Dunphy (Chairman)

Michael Hudson

Deputy Jamie Ingham Clark

City of London Officers:

Gemma Stokley – Town Clerk's Department

Paul Chadha – Comptroller & City Solicitor's Department

Steve Blake – Markets & Consumer Protection Department

Peter Davenport – Markets & Consumer Protection Department

Andre Hewitt – Markets & Consumer Protection Department

Premises User:

Mel Serps – Applicant

Jeremy Phillips representing the Applicant

Representations by Responsible Authorities:

John Hall, City of London Police

Simon Douglas, City of London Police

Stephen Walsh QC representing the City of London Police

In Attendance:

Julie Cornelius – Town Clerk's Department

George Fraser – Town Clerk's Department

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 11.00am in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a Temporary Event Notices (TEN) for the premises 'Louie's Bar, 46 Moorgate, London, EC2R 6EL'

The Sub Committee had before them a report of the Director of Markets and Consumer Protection, which appended copies of:-

Appendix 1: Temporary Event Notice

Appendix 2: Objection Notices

- i) City of London Police

Appendix 3: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

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1. The Hearing commenced at 11:00am.
 2. The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee and the officers present.
 3. The application sought a temporary event which was as follows:
Date of event:
27 April 2017 – 3 May 2017.
Time for event:
11:00 to 03:00 each day
Licensable activities sought:
i) Sale of alcohol (on and off the premises)
ii) Provision of regulated entertainment
iii) Provision of late night refreshment
Maximum number of people:
499
 4. At the Chairman's invitation, Stephen Walsh QC stated that the City of London Police's objection to the TEN was on the grounds that the granting of it would, in their opinion, undermine the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. They were not confident, given the history of the premises as well as recent occurrences, that the Applicant was capable of operating the TEN within licensing laws. Mr Walsh QC went on to inform the hearing of the history of the premises which had formerly traded as a café/restaurant but, in 2015, had applied to vary the licence to include regulated entertainment. At this stage, the City of London Police stated that they did not want to see any promoted events on the premises. The Applicant had agreed to this condition and the variation to the licence had therefore been granted in March 2015. Additional conditions added to the licence at this stage also included the need for all doors/windows to remain closed at the premises and the need for the premises to install and maintain a comprehensive CCTV system with a staff member who is conversant with the operation of the system to be present on the premises at all times when they are open to the public.
 5. Mr Walsh QC reported that, during the course of 2015, the premises, when inspected/visited by various responsible authorities, were found to be in breach of all 3 conditions attached to the licence. He added that there were also

concerns from the City of London Police that the premises were not taking the need to have a Designated Premises Supervisor (DPS) seriously.

6. Mr Walsh QC reported that, on 7 February, the Corporate Premises Licence Holder had gone into liquidation and that, as a result, the premises licence had automatically lapsed on this date. To date, there was still no licence in place for this premises. Despite this, the premises had continued to trade until the end of March 2017 and a City Police Officer had seen an advertisement for an externally promoted event at the venue set to take place on 31 March 2017. Evidence of this in the form of a screen shot from an external website was provided by the City of London Police to all present at the hearing. The Sub Committee was informed that City Police had visited the venue on 31 March but had found the premises closed – it was suspected that this was only because the licensing authority had, by this point, served a notice to the premises stating that their licence had lapsed.
7. Mr Walsh QC referred to an application to vary the premises licence/DPS made on 29 March 2017 – after the previous licence had lapsed. They stated that they had also obtained a statement from the individual named as the DPS on the form stating that he had already left employment at the premises when the application was made. Copies of the statement were provided to all parties shortly before the hearing had commenced. The named DPS had denied completing, consenting to or signing the application form naming him as DPS.
8. The Chairman invited the Applicant to present their case. Mr Phillips, on behalf of the Applicant stated that he had been disappointed to receive the additional information submitted by the City of London Police at such short notice given that both he and his client were unaware, on receipt of the hearing papers, that any these matters would be raised at the hearing. He suggested that the incidents referred to by the Police in 2015 were very much 'water under the bridge', particularly given that there were no further concerns/incidents to report from the whole of 2016.
9. Mr Phillips informed the Sub Committee that the premises in question had been licensed since 2012 with the licence varied in 2015 where no representations were made. In October 2016 there was a change of ownership at the Corporate Premises licence holder level and, shortly after, in January 2017, this company ran into difficulties. In February 2017, 'LG Bars Ltd' took over and Ms Serps was asked to make an application to reflect this change on the premises licence. Mr Phillips explained Ms Serps' interest in the premises and familiarity with the owners and stated that she was assisting the premises licence holder on a consultancy basis.
10. The Sub Committee were informed that Ms Serps had made the application to transfer the licence in January 2017 and had taken a photograph of the application on her mobile telephone. Unfortunately, the device had since experienced technical problems and Ms Serps was therefore unable to access the photograph as evidence. Mr Phillips, with the permission of the Sub Committee and the consent of those making representations, tabled emails between Ms Serps and Samsung regarding the failure of the device and Ms

Serps' attempts at recovering the photograph. When questioned further on this, Ms Serps accepted that she should have kept multiple copies of the document before sending and should also have provided LG Bars Ltd with a copy of this documentation for their records. Ms Serps also confirmed that she had signed the application document on behalf of LG Bars Ltd and that she had been authorised to do so.

11. Mr Phillips concluded by stating that, despite the concerns expressed by the Police, the premises had traded trouble-free to date and had not featured on their radar in terms of crime and disorder. He reported that he had been informed that any reference to promoted events taking place on the premises in the past were untrue. For this reason he urged the Sub Committee to grant the TEN application for the period 27 April – 3 May. If this application were to be successful, a full licence application would follow in due course which would allow for any further objections and a further hearing where more adequate notice of any issues could be provided to all parties. Mr Phillips reported that it was estimated that the company had already lost in the region of £50-60,000 due to its closure and lack of alcohol licence over the past few weeks. He added that the company employed up to 12 part time staff whose employment was also dependent on it trading successfully in the future.
12. With the permission of the Sub Committee and the consent of those making representations, the Applicant tabled some photographs of the premises and a current food and drink menu. Ms Serps went on to comment on the additional information submitted by the City of London Police shortly before the hearing, particularly the statement made regarding the recent DPS application. Ms Serps reported that the statement provided by the individual named as the DPS was untrue and that she had evidence to show that he was still in employment with the company in March 2017 after a short break to attend studies. She added that she had very little personal knowledge of the individual and had not been present at his initial interview.
13. With regard to promoted events at the premises, Ms Serps reported that she was not aware that any had taken place. She clarified that the venue employed a DJ to provide recorded music every Friday/Saturday evening and that this individual was not external to the company.
14. Mr Walsh QC questioned whether LG Bars Ltd were leaseholders and, if so, who the freeholder of the premises was. Ms Serps reported that the freeholder was Ms Cotina who was the Director of LG Bars and known to her personally. When questioned as to her role at the premises, Ms Serps reported that she had a superficial role and assured the Sub Committee that a new premises manager, who would also act as the DPS going forward had recently been appointed. She confirmed that she had no direct financial interest in LG Bars Ltd.
15. The Sub Committee questioned why Ms Serps had not followed up on the application to transfer the licence after the stipulated notification period of 28 days. They also questioned if Ms Serps had checked to see if payment for the application had been received and debited from the specified account. Ms

Serps reported that she had submitted payment by cheque and, on contacting the bank on 31 March 2017, had been informed that payment for this had not been taken. The Sub Committee commented that it was unfortunate that Ms Serps did not have her chequebook present to demonstrate when the relevant cheque was made.

16. In response to further questions, Ms Serps reported that she only became aware that there was no premises licence in place when contacted by the Licensing Authority on the matter on 30th March 2017. The Sub Committee commented that they were surprised by the delay in any subsequent application for a licence/TEN given that it was now late April. Ms Serps reported that she had been seeking advice on how best to progress a new application and that various forms had been sent back to her due to various errors or omissions in recent weeks.
17. The Sub Committee went on to question the additional information submitted by the City of London Police which referred to a promoted event at the venue that was set to take place on 31 March 2017. Ms Serps stated that this was clearly a birthday party as opposed to a promoted event and that she had not personally instructed 'the ticketsellers' to act on the premises' behalf. She disputed the date of the evidence provided in the screenshot and also stated that she had no knowledge of 'ONO London'. The Sub Committee expressed concerns that this event was clearly being promoted externally and stated that the intended date of the event was clear from the evidence provided. On further questioning, Ms Serps clarified that the person known to be in charge of 'ONO London' and named in Mr Holmes' as Zakki Muwawu was known to her and employed by the premises to co-ordinate events on Thursday, Friday and Saturday evenings.
18. In presenting his closing statement, Mr Walsh QC stated that the Police had not been made aware previously that LG Bars Ltd were to operate the new premises. He added that the Police also found it extraordinary that the Applicant had retained no copies of the application for the transfer of the premises licence. With regard to the TEN, he stated that very little detail had been provided as to what this would entail which further added to their concerns and lack of confidence. With regard to the involvement of ONO London, the Police were of the view that these were very clearly externally promoted events irrespective of if the owner was directly employed by the premises. He expressed concern at the apparent lack of understanding demonstrated by the Applicant on this matter.
19. Mr Phillips began his closing statement by suggesting that, despite the horrible confusion confined to the relevant paperwork and applications, there was no evidence from those making representations as to any incidents of crime and disorder or public nuisance at the premises. He reiterated the huge financial losses incurred by the company during the period that alcohol sales had been prohibited. He expressed surprise that the Police had not previously been aware of the role of LG Bars Ltd at the premises and questioned their assumption that ONO London was external to the premises when its owner was employed by Louie's Bar. Mr Phillips clarified that the only purpose of the TEN

application was to maintain continuity and trade at the premises and nothing further. He added that, should the premises need to apply for any subsequent TEN's pending the submission of a full application, this would allow for further dialogue with the Police. Finally, he informed the Sub Committee that the possibility of re-instating the previous corporate premises owner – Mexican Express Ltd was currently being investigated.

- 20.** Members of the Sub Committee withdrew from the room to deliberate, accompanied by the representatives of the Town Clerk and the Comptroller & City Solicitor at 12.20pm.

All parties returned to the room at 12.50pm

- 21.** The Chairman explained that whilst the Sub Committee's default position was to support and encourage the licensing trade and licensed premises within the City, they had a number of serious concerns regarding this application - primarily around the applicant's knowledge of licensing laws. They felt that the applicant's understanding of what constituted an externally promoted event and the role of/statutory requirement to have a Designated Premises Supervisor in place was of particular concern. The Sub Committee commented that they were also unclear as to who would be ultimately responsible for the running of the premises during the event. In conclusion, the Sub Committee were not confident in the applicant's ability to promote the licensing objectives.
- 22.** The Sub Committee therefore decided that it was appropriate and necessary to issue a Counter Notice for the proposed event.
- 23.** The Chairman suggested that the Applicant seek professional advice before looking to submit any further licence or Temporary Event Notice applications to the City of London.
- 24.** The Chairman thanked all those present at the hearing and informed them that a written decision would follow in due course.

The meeting closed at 12.50pm

Chairman

Contact Officer: Gemma Stokley
Tel. no. 020 7332 1407
E-mail: gemma.stokley@cityoflondon.gov.uk

Decision Letter circulated to all parties on 25 April 2017:

Premises: Louie's Bar, 46 Moorgate, London, EC2R 6EL

Reason for Hearing: To consider whether to issue a Counter Notice

Date of Hearing: Monday 24 April 2017, at 11.00am

I refer to the above matter and write to confirm the decision of the Licensing (Hearing) Sub Committee which was held on 24 April 2017.

A Temporary Event Notice was received by the Local Authority on 10 April 2017 for events to be held in respect of the premises 'Louie's Bar, 46 Moorgate, London, EC2R 6EL.

Details of the proposed temporary event were as follows:

Date of event:

27 April 2017 – 3 May 2017.

Time for event:

11:00 to 03:00 each day

Licensable activities sought:

i) Sale of alcohol (on and off the premises)

ii) Provision of regulated entertainment

iii) Provision of late night refreshment

Maximum number of people:

499

In response to the application, representations were served by the City of London Police on 11 April 2017, on the basis that that the proposed event would undermine the 'prevention of crime and disorder' and the 'prevention of public nuisance' licensing objectives.

At the hearing to consider the representations, the Sub Committee had to determine whether it would be appropriate or necessary to issue a counter notice for the promotion of the licensing objectives.

Having heard from Mr Walsh, Mr Phillips, Ms Serps and the City of London Police, the Sub Committee considered the application.

In reaching its decision the Sub Committee took into consideration the promotion of the licensing objectives.

The Sub Committee stated that, whilst their default position was to support and encourage the licensing trade and licensed premises within the City, they had a number of serious concerns regarding this application - primarily around the applicant's knowledge of licensing laws. They felt that the applicant's understanding of what constituted an externally promoted event and the role of/statutory requirement to have a Designated Premises Supervisor in place was of particular concern. The Sub Committee commented that they were also

unclear as to who would be ultimately responsible for the running of the premises during the event. In conclusion, the Sub Committee were not confident in the applicant's ability to promote the licensing objectives.

The Sub Committee therefore decided that it was appropriate and necessary to issue a Counter Notice for the proposed event.

Yours faithfully

Gemma Stokley

Clerk to the Licensing (Hearing) Sub Committee



Town Clerk's Office
John Barradell
Town Clerk & Chief Executive

Drake & Morgan Ltd
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3 – 7 Temple Avenue
EC4Y 0HP

Telephone 020 7332 1407

Fax 020 7796 2621

Email:

gemma.stokley@cityoflondon.gov.uk

Our ref GS/LIC

Date 4 May 2017

Dear Sir/Madam,

Applicant:	Drake & Morgan Limited
Premises:	Cannon Green House, 27 Bush Lane, EC4R 0AA
Date / time of Hearing:	Wednesday, 26 April 2017 – 11.00am
Venue:	Committee Room 1, 2nd Floor, West Wing, Guildhall, London EC2V 7HH

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 26 April 2017 in respect of an application for a premises licence for the above-mentioned premises. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Marianne Fredericks (Chairman), Deputy Jamie Ingham Clark and Judith Pleasance.

Mr Craig Maitland – Operations Director at Drake & Morgan and Mr Craig Baylis – Solicitor acting on behalf of the Applicant, made submissions in support of the application.

Written representations were received from the City of London Environmental Health pollution team, represented at the hearing by Mr Garry Seal. A further written representation was received from Mr and Mrs Truell. Mr and Mrs Truell were unable to attend but were represented by Harriet Beaumont and Mark Wheatley – Common Councilman for the Ward of Dowgate who spoke to oppose the application on the Truell's behalf.

1. This decision relates to an application made by Drake & Morgan Limited, for a new premises licence in respect of the premises situated at 27 Bush Lane, EC4R 0AA.

The application originally sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
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Supply of Alcohol	N/A	Mon - Sat 07:30 – 02:00 Sun 07:30 – 23:00
Late Night Refreshment	N/A	Mon – Sat 23:00 – 02:30 Sun 23:00 – 23:30
Live Music, Recorded Music	N/A	Mon – Sat 23:00 – 02:00

The premises would be open to the public between 07:00 and 02:30 Mon – Sat and between 10:00 and 23:30 on Sunday.

The supply of alcohol was for both on and off the premises.

2. The Sub Committee began by asking the Applicant to provide a more comprehensive outline of the proposed offering at the premises as it was felt that this was lacking in the written application submitted.
3. The Applicant provided those present with details of the offering at the premises and went on to refer to the written representation received from the City of London Environmental Health pollution team which expressed concerns around public nuisance. Given this and the nature of the surrounding area, the Applicant stated that they had now produced a written Dispersal Policy which was tabled to all present at the hearing. He added that the premises lease prohibited any outside drinking and highlighted that, on dispersal, it was anticipated that the natural flow of those leaving the premises would be along Bush Lane and towards Cannon Street towards public transport.
4. The Applicant's Solicitor informed the hearing that live and recorded music would not form part of the offering at the premises and that the application for this was purely to cover any private functions that might require this without the need to apply for a Temporary Event Notice. With this in mind, the Applicant's Solicitor suggested that the Applicant would be content to either remove this request or attach an appropriate condition to it, if deemed necessary.
5. The Applicant went on to report that a Planning condition prohibited any use of the outside terrace after 22:00 on Monday-Friday until 07:00 the following day and, in response to questions, added that the premises would also be equipped with a noise limiter which would be pre-built into the system. He clarified that any external music providers, for private bookings for example, would also have to route their music through the same house system.
6. Mr Seal, on hearing a fuller explanation of the premises offering and what steps would be taken to prevent public nuisance, stated that he was now broadly content that the Applicant's proposals satisfied his original concerns.

7. Mr Wheatley, speaking on behalf of Mr and Mrs Truell, stated that concerns around outside drinking, noise and the proposed hours of operation remained. He requested that a 22:00-23:00 closure be considered by the Applicant, particularly in its first 12 months of operation as a 'good neighbour' gesture to local residents and businesses.
8. In response to the concerns voiced by Mr Wheatley, the Applicant's Solicitor stated that his client would be happy to withdraw the application for all off sales of alcohol and to make the terminal hour of licensable activities 01:00. He added that the premises lease prohibited any outside drinking.
9. The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the hearing by those making representations and the Applicant.
10. In reaching the decision the Sub-Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2013.
11. Furthermore, the Sub-Committee had regard to the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
12. In determining the application, the Sub-Committee first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of public nuisance.
13. In reaching its decision the Sub-Committee took into account the nature of the business that the Applicant proposes to operate and its location/surrounding area.
14. The Sub Committee were satisfied that, subject to the imposition of suitable conditions, the premises can operate within the licensing objectives.
15. It was the Sub-Committee's decision to grant the premises licence as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon - Sat 07:30 – 01:00 Sun 07:30 – 23:00
Late Night Refreshment	N/A	Mon – Sat 23:00 – 01:00 Sun 23:00 – 23:30

The premises would be open to the public between 07:00 and 01:30 Mon – Sat and between 10:00 and 23:30 on Sunday.

The supply of alcohol was for on the premises only.

16. The Sub-Committee considered the following conditions to be appropriate and necessary to promote the licensing objectives:

- a) *The premises will install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested. (MC01);*
- b) *There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public. (MC02);*
- c) *The premises licence holder shall prepare and implement a written dispersal policy at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. (MC14);*
- d) *A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15);*
- e) *The supply of alcohol at the premises between 07:30 and 10:00 shall only be to a person as ancillary to their table meal (similar to MC27);*

17. The Sub Committee also noted that the premises' lease requirements prohibited any outside drinking and that a Planning condition stipulated that the outside terrace was not to be used or accessed between the hours of 22:00 on one day and 07:00 on the following day and 20:00 and 07:00 on Sundays or Bank Holidays, other than in the case of emergency.

18. The Sub Committee also made reference to the fact that the premises would be equipped with a noise limiter and stated that Officers from the City's Environmental Health Office would visit to set an agreed limit on this once the premises was operational.

19. In response to earlier questions from the Sub Committee on the location of disabled toilets within the premises, the applicant reported that he had been informed that there was an agreement in place for patrons to make use of the disabled toilet facilities in the office block adjacent to the premises. The Committee felt that this was unacceptable and the Chairman stated that she would be raising this issue with the City's Access and Planning Officers. She was concerned to learn that this appeared to be an afterthought in terms of the premises plans and hoped that this

would be reconsidered whilst the premises was still under construction. To this end, this letter has also been copied to the City's Access and Planning Officers.

20. Finally, the Chairman referred to the City's Licensing Code of Best Practice, noting that the Applicant had stated that he was already familiar with this document. She also encouraged the Applicant to provide those present with a contact telephone number to be used in the event of any complaints arising. It was noted that, in due course, this would also be provided to all nearby residents.

21. If any party is dissatisfied with this decision, he or she is reminded of the right to appeal, within 21 days of the date of this letter, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

Yours faithfully,

Gemma Stokley

Clerk to the Licensing (Hearing) Sub Committee

Useful Numbers/Websites:

An 'Out of Hours' noise response service is available 24 hours a day by telephone:
0207 6063030

The City's Environmental Health Team can be contacted at:

publicprotection@cityoflondon.gov.uk

The City's Licensing Department can be contacted on: licensing@cityoflondon.gov.uk

Licensing Policy and Code of Good Practice for Licensed Premises:

<http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Licensing-policy.aspx>

CC - Craig Baylis, BLP, Adelaide House, London Bridge, EC4R 9HA

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MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE
WEDNESDAY, 26 APRIL 2017

APPLICANT: DRAKE & MORGAN LTD
PREMISES: CANNON GREEN HOUSE, 27 BUSH LANE, LONDON,
EC4R 0AA

Sub Committee

Marianne Fredericks (Chairman)
Deputy Jamie Ingham Clark
Judith Pleasance

City of London Officers

Paul Chadha	- Comptroller & City Solicitor's Department
Steve Blake	- Department of Markets and Consumer Protection
Peter Davenport	- Department of Markets and Consumer Protection
Gemma Stokley	- Town Clerk's Department

The Applicant

Craig Baylis, Solicitor acting on behalf of the applicant
Craig Maitland, Operations Director, Drake & Morgan Ltd, dealing with day to day
Operations

Parties with Representations

Harriet Beaumont, representing Edmund and Cedriane Truell
Mark Wheatley CC, representing Edmund and Cedriane Truell
Garry Seal, Environmental Health

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 11:00am in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a new premises licence at 'Cannon Green House, 27 Bush Lane, London EC4R 0AA.'

The Sub Committee had before them the following documents:-

Hearing Procedure
Report of the Director of Markets and Consumer Protection

Appendix 1 – Copy of Application

Appendix 2 – Conditions Consistent with the Operating Schedule

Appendix 3 – Representations from responsible authorities

Appendix 4 - Representations from Other Persons

Appendix 5 – Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales

Appendix 6 – Plan of Premises

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- 1) The Hearing commenced at 11:00am.
 - 2) The Chairman introduced the Sub-Committee members, explained the purpose of the hearing and confirmed that all papers had been considered by the Sub-Committee in advance. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Sub-Committee.
 - 3) The Chairman stated that the Sub Committee had found the application very vague in terms of the general description of the premises and therefore asked the applicant to outline this in more detail for the benefit of all present.
 - 4) The Solicitor acting on behalf of the applicant began by stating that there had been a typographical error in the conditions consistent with the operating schedule at Appendix 2 and clarified that the supply of alcohol at the premises between 07:30 and 10:00 (as opposed to 22:00) shall only be to a person as ancillary to their table meal. The Chairman stated that the Sub Committee had already picked up on this point.
 - 5) The Solicitor acting on behalf of the applicant went on to state that he hoped that the Sub Committee were already familiar with Drake & Morgan given that they already successfully operated several, well known, premises within the City. He commented that the premises were known for being sleek and modern with a significant food offering and designated areas where patrons were able to observe chefs preparing their dishes. The Sub Committee were informed that this new premises would have a maximum capacity of approximately 350. He reassured all present that there was a covenant within the premises lease which prohibited all outside drinking.
 - 6) The Solicitor acting on behalf of the applicant went on to refer to the outside terrace area shown on the premises plans and stated that this would be used for smoking until 22:00 only as there was a Planning condition in place which prohibited its use after this time on Monday-Friday until 07:00 the following day.
 - 7) The Applicant clarified that the hours applied for were consistent with the offerings across other Drake & Morgan venues, where it was highly unlikely that trade would extend beyond midnight most evenings. He clarified that an application for up until 2am was simply to allow for some flexibility when dealing with any private bookings for things such as wedding receptions without the need to apply for a Temporary Event Notice each time a booking of this nature was received.

- 8) The Applicant went on to refer to the written representation received from the City of London Environmental Health pollution team which expressed concerns around public nuisance. Given this and the nature of the surrounding area, the Applicant stated that they had now produced a written Dispersal Policy which was tabled to all present at the hearing.
- 9) The Applicant's Solicitor informed the hearing that live and recorded music would not form part of the offering at the premises and that the application for this was purely to cover any private functions that might require this without the need to apply for Temporary Event Notices. With this in mind, the Applicant's Solicitor suggested that the Applicant would be content to either remove this request or attach an appropriate condition to it, if deemed necessary.
- 10) In response to questions from the Sub Committee, the Applicant outlined the staffing arrangements for the new premises explaining that this would consist of four managers and around 20 front of house staff. All of the managers were experienced in terms of crowd and space management and, for this reason, it was not anticipated that door staff would be regularly employed at the premises, although the need for this would continue to be risk assessed. The Applicant confirmed that it was anticipated that the premises would open to the public in September 2017.
- 11) The Chairman questioned whether the premises would have a double lobby entrance. The Applicant responded that, as this was absent from the plans, he did not believe that this would be the case.
- 12) The Chairman questioned whether food would be made available at the premises until the terminal hour requested. The Applicant responded that, after 22:00 it would be primarily snack foods on offer.
- 13) The Chairman also questioned the lack of disabled facilities on the premises plans. The applicant stated that, given building regulations, he would assume that these facilities would be part of the offering.
- 14) The Applicant was asked to describe the anticipated weekend offering at the premises in greater detail. The Applicant stated that the aspiration was for the premises to be open all day on a Saturday where it was assumed that the majority of business would be predominantly from pre-bookings. He clarified that there would be no promoted events at the venue at weekends and exact opening times for Saturdays and Sundays would need to be determined in time. He clarified that a number of Drake & Morgan premises did not open at weekends due to lack of trade.
- 15) In response to further questions, the Applicant confirmed that the premises would be equipped with a noise limiter which would be pre-built into the house system. He clarified that any external music providers, for private bookings for example, would also have to route their music through the same house system. The Department of Markets and Consumer Protection confirmed that Officers would need to visit the premises to set an acceptable level on the noise limiter once it was operational.

- 16) The Chairman invited those making representations to present their case. Mr Seal, stated that, on hearing a fuller explanation of the premises offering and what steps would be taken to prevent public nuisance, he was now broadly content that the Applicant's proposals satisfied his original concerns. He added that he was pleased to have received a written dispersal policy for the premises and to have his as a recognised condition on the new licence in order to protect the rights of nearby workers and residents.
- 17) Mr Wheatley, speaking on behalf of Mr and Mrs Truell, stated that concerns around off premises drinking, noise and the proposed hours of operation remained. He requested that a 22:00-23:00 closure be considered by the Applicant, particularly in its first 12 months of operation as a 'good neighbour' gesture to local residents and businesses. He added that, should the need to operate outside of these hours arise, the applicant could apply for a Temporary Event Notice. At this point, the Chairman clarified that only responsible authorities, and not residents, were able to object to TEN applications. She added that any noise concerns should be raised by residents immediately with the City's Environmental Health Team using their dedicated 24/7 telephone number which was provided to all in the Hearing Decision letter for ease of reference.
- 18) Mr Wheatley went on to express concern that Mr and Mrs Truell would not have had the opportunity to read and consider the written dispersal policy that had been produced by the applicant and tabled at this morning's hearing. He went on to conclude that, in his opinion, this application did not protect the rights of residents to have a reasonable expectation that their sleep would not be unduly disturbed between the hours of 23:00 and 07:00 and neither did it include, in detail, steps to be taken to comply with the four licensing objectives when operating between these hours.
- 19) In response to the concerns voiced by Mr Wheatley, the Applicant's Solicitor stated that his client would be happy to withdraw the application for all off sales of alcohol and to make the terminal hour of licensable activities 01:00. He added that the premises lease prohibited any outside drinking and highlighted that, on dispersal, it was anticipated that the natural flow of those leaving the premises would be along Bush Lane and towards Cannon Street towards public transport. He highlighted that other premises already present in the area, with a capacity of around 200, were already operating until 02:00. Finally, he stated that Drake & Morgan had a good track record in terms of running premises in the City with no recorded incidents with residents at any site (all of which had licences beyond midnight) and that they also had a good relationship with the City of London Police.
- 20) The Chairman referred to the City's Licensing Code of Best Practice, noting that the Applicant had stated that he was already familiar with this document. She encouraged the Applicant to adhere to the recommendation within the document and provide those present with a contact telephone number to be used in the event of any complaints arising. The Applicant stated that he was happy to do so and would welcome a pro-active relationship with the premises'

neighbours. It was noted that, in due course, this would also be provided to all nearby residents.

- 21) In response to further questions from the Sub Committee, the Applicant stated that re-admittance to the premises would be restricted to those needing to use toilet facilities or collect personal belongings after 12:00 each evening. In terms of waste disposal, he reassured those present that there would be a refuse room located in the basement of the premises with a service tunnel leading to this.
- 22) The Sub-Committee retired at 11.45am.
- 23) At 12.17pm the Sub-Committee returned from their deliberations and explained that they had reached a decision. The Chairman thanked those who had remained to hear the decision of the Sub-Committee.
- 24) In determining the application, the Sub-Committee first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of public nuisance.
- 25) In reaching its decision the Sub-Committee took into account the nature of the business that the Applicant proposes to operate and its location/surrounding area. The Sub Committee were satisfied that, subject to the imposition of suitable conditions, the premises can operate within the licensing objectives.
- 26) The Chairman reported that it was the Sub-Committee's decision to grant the premises licence as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon - Sat 07:30 – 01:00 Sun 07:30 – 23:00
Late Night Refreshment	N/A	Mon – Sat 23:00 – 01:00 Sun 23:00 – 23:30

The premises would be open to the public between 07:00 and 01:30 Mon – Sat and between 10:00 and 23:30 on Sunday.

The supply of alcohol was for on the premises only.

- 27) The Sub-Committee considered the following conditions to be appropriate and necessary to promote the licensing objectives:
 - a) *The premises will install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. A*

staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested. (MC01);

b) There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public. (MC02);

c) The premises licence holder shall prepare and implement a written dispersal policy at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. (MC14);

d) A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15);

e) The supply of alcohol at the premises between 07:30 and 10:00 shall only be to a person as ancillary to their table meal (similar to MC27);

- 28) The Sub Committee also noted that the premises' lease requirements prohibited any outside drinking and that a Planning condition stipulated that the outside terrace was not to be used or accessed between the hours of 22:00 on one day and 07:00 on the following day and 20:00 and 07:00 on Sundays or Bank Holidays, other than in the case of emergency.
- 29) The Sub Committee also made reference to the fact that the premises would be equipped with a noise limiter and stated that Officers from the City's Environmental Health Office would visit to set an agreed limit on this once the premises was operational.
- 30) The Applicant reported that, on checking, he had been informed that there was an agreement in place for patrons to make use of the disabled toilet facilities in the office block adjacent to the premises. The Chairman stated that she would be raising this issue with the City's Access and Planning Officers as she was concerned to learn that this appeared to be an afterthought in terms of the premises plans. She hoped that this would be reconsidered whilst the premises was still under construction.
- 31) The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would be circulated to all within five working days.

Chairman

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Item 16

Summary of conclusions and recommendations

The Background to the Act

1. We think it unfortunate that in the 11 years since the full implementation of the Licensing Act there have been piecemeal amendments made by nine different Acts of Parliament, a large number of significant amendments made by other Acts and by secondary legislation and further changes to licensing law and practice made by amendment of the section 182 Guidance.

2. We regret that there will no longer be any opportunity for Parliament to scrutinise the Guidance in draft, nor even to ensure that there has been adequate consultation during its preparation.

3. Assuming that minimum unit pricing is brought into force in Scotland, we recommend that once Scottish ministers have published their statutory assessment of the working of MUP, if that assessment demonstrates that the policy is successful, MUP should be introduced in England and Wales.

4. We urge the Government to continue to look at other ways in which taxation and pricing can be used to control excessive consumption.

The Licensing Process

5. We appreciate that we are perhaps more likely to receive evidence critical of the way the licensing process operates than evidence saying it operates well or better. We believe—we certainly hope—that most members of licensing committees take their responsibilities seriously, adopt a procedure which is fair and seen to be fair, are well advised, and reach sensible conclusions. But clearly reform of the system is essential.

6. Sections 6–10 of the Licensing Act 2003 should be amended to transfer the functions of local authority licensing committees and sub-committees to the planning committees. We recommend that this proposal should be trialled in a few pilot areas.

7. We believe that the debate and the consultation on transferring the functions of licensing committees and sub-committees to the planning committees must start now, and the pilots must follow as soon as possible.

Appeals

8. Licensing authorities should publicise the reasons which have led them to settle an appeal, and should hesitate to compromise if they are effectively reversing an earlier decision which residents and others intervening may have thought they could rely on.

9. We recommend that appeals from licensing authorities should no longer go to magistrates' courts, but should lie to the planning inspectorate, following the same course as appeals from planning committees. This change is not dependent on the outcome of our recommendations on the licensing function, and should be made as soon as possible.

Immediate Changes

10. *The section 182 Guidance should be amended to make clear the responsibility of the chair of a licensing committee for enforcing standards of conduct of members of sub-committees, including deciding where necessary whether individual councillors should be disqualified from sitting, either in particular cases or at all.*

11. *We recommend that the Home Office discuss with the Local Government Association, licensing solicitors and other stakeholders the length and form of the minimum training a councillor should receive before first being allowed to sit as a member of a sub-committee, and the length, form and frequency of refresher training.*

12. *The section 182 Guidance should be amended to introduce a requirement that a councillor who is a member of a licensing committee must not take part in any proceedings of the committee or a sub-committee until they have received training to the standard set out in the Guidance.*

13. *We recommend that where there are no longer any matters in dispute between the parties, a sub-committee which believes that a hearing should nevertheless be held should provide the parties with reasons in writing.*

14. *The Hearings Regulations must be amended to state that the quorum of a sub-committee is three.*

15. *Regulations 21 and 23 of the Hearings Regulations leave everything to the discretion of the committee. They regulate nothing. They should be revoked. [Relates to the structure of a hearing]*

16. *The section 182 Guidance should indicate the degree of formality required, the structure of hearings, and the order in which the parties should normally speak. It should make clear that parties must be allowed sufficient time to make their representations.*

17. *We recommend that where on a summary review a licence is revoked and the livelihood of the licensee is at stake, magistrates' courts should list appeals for hearing as soon as they are ready.*

18. *We recommend that notice of an application should not need to be given by an advertisement in a local paper. Notices should be given predominantly by online notification systems run by the local authority.*

19. *Local authorities should ensure that blue licensing notices, as for planning applications, should continue to be placed in shop windows and on street lights in prominent positions near the venue which is the subject of the application.*

20. *Coordination between the licensing and planning systems can and should begin immediately in all local authorities. The section 182 Guidance should be amended to make clear that a licensing committee, far from ignoring any relevant decision already taken by a planning committee, should take it into account and where appropriate follow it; and vice versa.*

The Licensing Objectives

21. We have received submissions in both written and oral evidence that three further objectives should be added to the four already listed. Our consideration of them is based on our view that the objectives are not a list of matters which it would be desirable to achieve, but simply an exhaustive list of the grounds for refusing an application or imposing conditions. There is therefore no point in including as an objective something which cannot be related back to particular premises.

22. Promotion of health and well-being is a necessary and desirable objective for an alcohol strategy, but we accept that it is not appropriate as a licensing objective.

23. We do not recommend that "enjoyment of licensable activities", "the provision of social or cultural activities", or anything similar, should be added as a licensing objective.

24. We do not recommend adding as a licensing objective "compliance with the Equality Act 2010" or "securing accessibility for disabled persons".

25. We recommend that the law should be amended to require, as in Scotland, that an application for a premises licence should be accompanied by a disabled access and facilities statement.

The Off-Trade

26. We do not recommend that powers to ban super-strength alcohol across many premises simultaneously be granted to local authorities.

27. The Coalition Government's Responsibility Deal on alcohol did not achieve its objectives, and appears to have been suspended. We believe much more still needs to be done to tackle the production of super-strength, low-cost alcoholic products. If and when any similar schemes are developed in the future, there must be greater provision for monitoring and maintaining them, and greater collaboration between all parties involved, including both public health experts and manufacturers. They should also account for the realities of super-strength alcohol, with particular focus on, for example, ABV rather than the specificities of packaging.

28. We believe that proposed Group Review Intervention Powers, which would give local authorities the power to introduce mandatory blanket conditions on all premises in a particular area, should not be introduced. As a blanket approach to problems which can normally be traced back to particular premises, they are likely to suffer from the same problems as Early Morning Restriction Orders, and the same results can be achieved through existing means.

29. While there appears to be some merit to a few voluntary schemes, the majority, and in particular the Government's Responsibility Deal, are not working as intended. We believe there are limits to what can be achieved in this way, and many of the worst operators will probably never comply with voluntary agreements. We strongly believe that the Alcohol etc. (Scotland) Act 2010 offers a proportionate and practical basis for measures specifically regulating the off-trade.

30. We recommend that legislation based on Part 1 of the Alcohol etc. (Scotland) Act 2010 should be introduced in England and Wales at the first available opportunity. In the meantime, the section 182 Guidance should be amended to encourage the adoption of these

measures by the off-trade. [Refers to prices of multiple packs, timing of the variation of a price, restriction on drink promotions, under 25 age verification policy, power to vary conditions, mandatory annual reports from Police and additional limits on TENs.]

Temporary Event Notices

31. Temporary Event Notices are used for a wide range of purposes, and the impact of a particular event on local residents cannot be reliably determined by whether they fall into broad 'community' and 'commercial' categories. We do not recommend the division of the current TENs system into 'community' and 'commercial'.

32. We recommend that licensing authorities be given the power to object to Temporary Event Notices, alongside police and environmental health officers. A system for notifying local councillors and local residents of TENs in a timely fashion should also be implemented.

33. We recommend that section 106(2) of the Licensing Act 2003 be amended, replacing the words "before a hearing" with "before or during a hearing", to enable TENs to be amended during a hearing if agreement is reached.

34. Where it appears that notices are being given for TENs simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.

35. Although it is difficult to know whether the inadequate recording of TENs is widespread among local councils, we recommend that the section 182 Guidance be strengthened and clarified with respect to the collection and retention of TENs. It should clarify what personal information should be retained and in which particular format.

36. This information must be retained in a system allowing for its quick and easy retrieval, both by local authorities and by the public, and in such a way that local and national statistical data can be produced from them. The national GOV.UK platform should be used for receiving and processing TENs.

37. We recommend that section 67 of the Deregulation Act 2015, relating to Community and Ancillary Sellers' Notices, should not be brought into force, and should be repealed in due course.

Crime, Disorder and Public Safety

38. We are convinced that licensing is a sufficiently specialist and technical area of policing, requiring a distinct and professional body of police licensing specialists. Although we are aware of the many demands currently placed on police resources, the proper and attentive licensing of premises has a considerable if sometimes indirect impact on public reassurance and wider aspects of crime and disorder. It is therefore important that the role of police licensing officers should not be diluted or amalgamated, as evidence suggests is occurring in some constabularies. They do not need to be sworn police officers, and in many cases it may indeed be preferable that this role be performed by civilian police staff.

39. We recommend the development and implementation of a comprehensive police licensing officer training programme, designed by the College of Policing. While we accept that such an undertaking will require additional funds, these costs will likely be more than offset if the quality of police licensing decisions is improved, thereby reducing the number of appeals and other corrective procedures.

40. We believe it is highly likely that licensing committees will take police evidence seriously, especially if it is presented in a consistent and compelling fashion, regardless of whether they are required to by the section 182 Guidance. The risk that presently exists is that this additional emphasis could lead some licensing committees to partially or fully abdicate their responsibility to scrutinise police evidence to the same high standards as they would any other evidence. Our evidence suggests this is indeed occurring in some areas. It is entirely wrong that police evidence should be given more weight than it deserves solely because of its provenance.

41. Given evidence that paragraph 9.12 of the section 182 Guidance is being misinterpreted by licensing committees, and the fact that similar sentiments, more clearly stated, are already expressed in paragraph 2.1 of the Guidance, we recommend that paragraph 9.12 be removed.

42. We support the Government's current move to transfer Cumulative Impact Policies from the section 182 Guidance and to place them on a statutory footing, as this will introduce much needed transparency and consistency in this area.

43. We agree with criticism of the drafting of the new section 5(5A) of the Act, as it threatens to remove discretion from local authorities on how they may interpret their own cumulative impact policies.

44. We were surprised to learn that the Home Office have not collected centralised figures on the use of relatively serious police powers until now, and that figures relating to section 169A closure notices are presented in such a confusing and misleading way.

45. We recommend that the section 182 Guidance be amended to make clear that the service of a Closure Notice pursuant to section 19 of the Criminal Justice and Police Act 2001 does not:

- require the premises to close or cease selling alcohol immediately; or*
- entitle the police to require it to do so; or*
- entitle the police to arrest a person on the sole ground of non-compliance with the notice.*

46. We sympathise with the police, practitioners and businesses who cannot always fully comprehend the complex process surrounding interim steps. We conclude that instead of conferring discretion upon the sub-committee to impose further interim steps upon a licensee pending appeal, a discretion to impose with immediate effect the determination that the sub-committee reached upon the full review would be preferable. This final decision must represent the sub-committee's more mature reflection upon the situation, based upon the most up to date evidence, and this ought to be the decision that binds the licensee, if immediacy is a requirement, rather than the superseded interim steps.

47. Within the Anti-Social Behaviour, Crime and Policing Act 2014, the power of the magistrates to "modify" the closure order is curious wording, which has already perplexed the magistrates' courts, given that the magistrates are just as likely to be invited to exercise their power to lift the revocation and re-open premises at a time when the original closure order

has expired as they are during the currency of that closure order. We recommend a clarification of this wording.

The Night-Time Economy

48. We believe that the appointment of the Night Czar and other champions of the night time economy (NTE) has the potential to help develop London's NTE and ease the inevitable tensions that arise between licensees, local authorities and local residents. We believe that greater transparency should be expected of these roles if they are to secure the co-operation and trust of key parties in London's NTE. In time Night Mayors may also offer a model to other cities in the UK.

49. We believe it is appropriate that no Early Morning Restriction Orders have been introduced and we recommend that, in due course, the provisions on EMROs should be repealed.

50. While we acknowledge the concerns of local residents, we believe that overall the Night Tube is likely to have a positive impact for London's late night licensed premises, their staff, and local residents. Not only will it provide a welcome boost to London's night-time economy, which must be allowed to grow if London is to continue to prosper as a global city in the 21st century, but it may well also bring advantages for residents by dispersing crowds more effectively and efficiently.

51. The Late Night Levy was introduced in large part to require businesses which prosper from the night time economy to contribute towards the cost of policing it. Yet the evidence we have heard suggests that in practice it can be very difficult to correlate the two with any degree of precision, which contributes to the impression, held by many businesses, that the levy is serving as a form of additional general taxation, and is not being put towards its intended purpose.

52. We have received from ministers, verbally and in writing, categorical assurances that the provisions of the Policing and Crime Act 2017 regarding Late Night Levies will not be implemented until the Government has considered and responded to the recommendations in this report.

53. Given the weight of evidence criticising the Late Night Levy in its current form, we believe on balance that it has failed to achieve its objectives, and should be abolished. However we recognise that the Government's amendments may stand some chance of successfully reforming the Levy. We recommend that legislation should be enacted to provide that sections 125 to 139 of the Police and Social Responsibility Act 2011 and related legislation should cease to have effect after two years unless the Government, after consulting local authorities, the police and others as appropriate, makes an order subject to affirmative resolution providing that the legislation should continue to have effect.

54. If the Government, contrary to our recommendation to abolish the Late Night Levy, decides to retain it, we further recommend that Regulations be made under section 131(5) of the Police Reform and Social Responsibility Act 2011 amending section 131(4) of the Act, abolishing the current 70/30 split, and requiring that Late Night Levy funds be divided equally between the police and local authorities.

55. The EU Services Directive is an additional consideration which could have implications for the legality of the Late Night Levy. If the Government, contrary to our recommendation, decides to retain the Late Night Levy, the Home Office should satisfy itself that any further action relating to the Late Night Levy complies with the EU Services Directive.

56. We welcome all the initiatives of which we heard evidence, including BIDs, Best Bar None, Purple Flag and others, and recognise the effort which goes into them and the potential they have to control impacts and improve conditions in the night time economy. We commend the flexibility which such schemes appear to offer, and the bespoke way in which they are developed to match the needs of their locality.

57. We welcome the initiative of local authorities such as Cheltenham which have abandoned Late Night Levies in favour of Business Improvement Districts. While recognising that local authorities cannot impose Business Improvement Districts in the same way that they can Late Night Levies, we recommend that other local authorities give serious consideration to initiating and supporting Business Improvement Districts and other alternative initiatives.

Live Music

58. We believe that the Live Music Act 2012 is working broadly as intended, but that there is not presently a case for further deregulation, let alone the complete removal of all live music-related regulation from the Licensing Act 2003.

59. We recommend that more be done to spread awareness of the provisions of the Live Music Act 2012 and its implications for licensed premises among local councils, licensed premises and local residents.

60. We recommend that a full 'Agent of Change' principle be adopted in both planning and licensing guidance to help protect both licensed premises and local residents from consequences arising from any new built development in their nearby vicinity.

Fees and Fee Multipliers

61. We recommend that section 121 of the Police Reform and Social Responsibility Act 2011 be brought into force, and new Fees Regulations made requiring licensing authorities to set licensing fees.

62. The Opinion of the Advocate-General in the case of Hemming has cast doubt on the legality of any element of a licensing fee which goes beyond the cost to a licensing authority of processing an application. Accordingly we consider that it would not be sensible to recommend the extension of the fee multiplier to supermarkets at this time.

63. We recommend that the Home Office should consider whether the Fees Regulations should be amended to make them compatible with the EU Services Directive and the Provision of Services Regulations 2009.

64. If, as we recommend, the power to set licence fees is devolved to licensing authorities, then this power will inevitably have to be constrained by any conclusion which the Home Office draws on the compatibility of fees generally with the Directive and Regulations.

Other Matters of Importance

65. We recommend further development of the GOV.UK platform for licensing applications, to ensure that it is working with local authority computer systems, and fully compatible with the provisions of the Licensing Act 2003. In due course, its uniform adoption by all local authorities in England and Wales should be encouraged by the Government and the section 182 Guidance updated accordingly.

66. We believe the enforcement of section 128 and 132A of the Licensing Act 2003 would be facilitated by a national database of personal licence holders, against which to check those who are convicted of relevant offences. We recommend the creation of a national database of personal licence holders for use by courts and licensing authorities, linked to the Police National Database.

67. We do not recommend that licensing committees be given the power to suspend or revoke a premises licence for non-payment of business rates.

68. The evidence we received on the application of the Act specifically to clubs suggests that they have adapted to it well.

69. Given the decline in most forms of members' clubs, and the social value they hold in many communities, we believe that even minor adjustments which may help them should be made. We therefore recommend the removal of Conditions 1 and 2 by the repeal of section 62 (2) and (3) of the Licensing Act 2003, abolishing the two-day waiting period required of new members. We acknowledge that at least some clubs will want to keep this waiting period in their club rules, and they will still be entitled to do so.

70. The designations of airports as international airports for the purposes of section 173 of the Licensing Act 2003 should be revoked, so that the Act applies fully airside at airports, as it does in other parts of airports.

71. The 1964 and 2003 Acts both refer to ports and hoverports as well as to airports, so that the same arrangements can be made portside. Our discussion has centred on airports. Any similar designations made for ports and hoverports should also be revoked.

72. The sale of alcohol on a railway journey does not need to be licensed. We accept that the Act cannot sensibly apply to a moving train, and the railway companies have their own applicable bylaws. They also have the power where necessary to ban the sale and consumption of alcohol altogether, for example on train journeys to football matches. These powers seem to us adequate.

73. We are concerned that section 141 of the Licensing Act is not being properly enforced, and the few concerted attempts by local authorities to date have been lacklustre at best. Notwithstanding the difficulties of defining drunkenness, we believe that enforcement of section 141 needs to be taken far more seriously, and by doing so many of the problems currently associated with the Night Time Economy, in particular pre-loading and the excessive drunkenness and anti-social behaviour often linked with it, would be reduced.