



Licensing Committee

Date: MONDAY, 21 JULY 2014
Time: 1.45 pm
Venue: COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

Members:	Alex Bain-Stewart	Christopher Hayward
	Deputy John Barker	Michael Hudson
	Jamie Ingham Clark	Edward Lord
	Revd Dr Martin Dudley	Graham Packham
	Peter Dunphy	Judith Pleasance
	Kevin Everett	Chris Punter
	Sophie Fernandes	James Tumbridge
	Marianne Fredericks	

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Lunch will be served for Members in the Guildhall Club at 1pm

John Barradell
Town Clerk and Chief Executive

AGENDA

1. **APOLOGIES**

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

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

To receive the Order of the Court of Common Council, 1 May 2014, appointing the Committee and approving its Terms of Reference.

For Information
(Pages 1 - 2)

4. **ELECTION OF CHAIRMAN**

To elect a Chairman in accordance with Standing Order No. 29.

For Decision

5. **ELECTION OF DEPUTY CHAIRMAN**

To elect a Deputy Chairman in accordance with Standing Order No. 30.

For Decision

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

To appoint three Members, in addition to the Chairman, Deputy Chairman and Past Grand Committee Chairmen, to chair Licensing (Hearing) Sub Committee meetings and serve on the Reference Sub Committee, for the ensuing year.

For Decision

7. **PUBLIC MINUTES**

To agree the public minutes of the meeting held on 28 April 2014.

For Decision
(Pages 3 - 10)

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

For Information

a) Unit 3, 200 Aldersgate Street, London, EC1 (Pages 11 - 22)

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

The Comptroller & City Solicitor to be heard.

For Information

10. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**
Report of the Director of Markets and Consumer Protection.
For Information
(Pages 23 - 36)
11. **DEREGULATION BILL**
Report of the Remembrancer.
For Information
(Pages 37 - 40)
12. **UPDATE ON MANDATORY CONDITIONS**
Verbal update by the Director of Markets and Consumer Protection.
For Information
13. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2014/15**
Report of the Director of Markets and Consumer Protection.
For Decision
(Pages 41 - 48)
14. **UPDATE ON THE LATE NIGHT LEVY & SAFETY THIRST**
Verbal update by the Director of Markets and Consumer Protection.
For Information
15. **TABLES & CHAIRS POLICY**
Report of the Director of Markets and Consumer Protection.
For Information
(Pages 49 - 78)
16. **STREET TRADING POLICY**
Report of the Director of Markets and Consumer Protection.
For Information
(Pages 79 - 118)
17. **REVENUE OUTTURN 2013/14**
Joint report of the Chamberlain and the Director of Markets and Consumer Protection.
For Information
(Pages 119 - 122)
18. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

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

20. **EXCLUSION OF THE PUBLIC**

MOTION - 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 Part I of Schedule 12A of the Local Government Act.

For Decision

21. **NON PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 28 April 2014.

For Decision
(Pages 123 - 124)

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

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

WOOLF, Mayor

RESOLVED: That the Court of Common Council holden in the Guildhall of the City of London on Thursday 1st May 2014, doth hereby appoint the following Committee until the first meeting of the Court in April, 2015.

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 2014/15**
 - 10 (4) Alex Bain-Stewart M.Sc., J.P.
 - 12 (4) Kevin Malcolm Everett, D.Sc.
 - 4 (4) Sophie Anne Fernandes
 - 4 (4) James Richard Tumbridge
 - 10 (2) John Alfred Barker, O.B.E., Deputy, for three years
 - 11 (3) The Revd. Dr. Martin Dudley
 - 6 (3) Marianne Bernadette Fredericks
 - 4 (2) Peter Gerard Dunphy
 - 2 (2) Jamie Ingham Clark
 - 12 (2) Charles Edward Lord, O.B.E., J.P.
 - 12 (2) Chris Punter
 - 1 (1) Christopher Michael Hayward
 - 2 (1) Michael Hudson
 - 2 (1) Graham David Packham
 - 1 (1) Judith Lindsay Pleasance, M.A. (Hons).
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 (in consultation 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.

Barradell

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LICENSING COMMITTEE

Monday, 28 April 2014

Minutes of the meeting of the Licensing Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Monday, 28 April 2014 at 1.45 pm

Present

Members:

Marianne Fredericks (Chairman)	Sophie Fernandes
Alex Bain-Stewart	Michael Hudson
Deputy John Barker	Graham Packham
Jamie Ingham Clark	Judith Pleasance
Revd Dr Martin Dudley	Chris Punter
Peter Dunphy	Tom Sleigh
Kevin Everett	James Tumbridge

In Attendance

Henrika Priest, Member of the Court of Common Council

Officers:

Rakesh Hira	Town Clerk's Department
Lorraine Brook	Town Clerk's Department
James Goodsell	Town Clerk's Department
David Arnold	Town Clerk's Department
Christopher Membu	Town Clerk's Department
Paul Chadha	Comptroller & City Solicitor's Department
Norma Collicott	City of London Police
David Smith	Director, Markets & Consumer Protection
Steve Blake	Markets & Consumer Protection Department
Peter Davenport	Markets & Consumer Protection Department
Jenny Pitcairn	Chamberlain's Department
John Park	Public Relations Office
Greg Williams	Public Relations Office

The Chairman welcomed the members of the public who were seated in the public gallery and asked Members and officers to introduce themselves for the benefit of those sitting in the public gallery.

The Town Clerk advised Members that the proceedings of the Committee would be film recorded.

1. APOLOGIES

Apologies were received from Edward Lord.

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

In relation to Item 7, Revd Dr Martin Dudley declared that he was a Designated Premises Supervisor (DPS) of a City premises.

3. **PUBLIC MINUTES**

RESOLVED: That Members agree the minutes of the 17 February 2014 meeting as a correct record.

Matters Arising

It was noted that the Street Trading and Tables and Chairs policies would be submitted to the next Committee meeting.

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

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

4.1 **Feng Shui, 1A Pudding Lane, London, EC3R 8AB - 19 February 2014**

The names of those representing the premises and applicant would be corrected to state that Leo Charalambides represented the applicant and that Ms Mary McKenna represented the premises.

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

The Committee received an update from the Comptroller and City Solicitor informing Members that there had been no appeals against Licensing (Hearing) Sub Committee decisions.

6. **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 January 2014 to 31 March 2014. The report also presented data from the 'traffic light' risk scheme introduced within the City of London on 1 April 2013.

Members noted that the names of the premises who had reached the red and amber status had been tabled and would be discussed in the non-public session of the meeting.

RESOLVED – That Members note the contents of the report.

7. **LATE NIGHT LEVY CONSULTATION**

The Committee considered a report of the Director of Markets and Consumer Protection which set out that the Police Reform and Social Responsibility Act 2011 had introduced a power for licensing authorities to impose a Late Night Levy. Within the legislation there was a requirement to consult on various matters relating to a proposed levy prior to its introduction. The report

highlighted that Members were informed of the proposed consultation process in a report to the Licensing Committee on 14 January 2013.

The Assistant Director, Environmental Health & Public Protection, explained that the City Corporation had now consulted on introducing such a levy with those persons licensed to sell alcohol after mid-night, licensing solicitors/barristers, Members, all other premises licensed to sell alcohol and relevant trade associations. There were 70 responses to the consultation, 34 were written responses and 36 responded online. 18 of these were from premises which currently had a licence to sell alcohol after mid-night, 16 from premises that currently had a licence to sell alcohol up to mid-night, 5 from residents, and 12 from Members (of whom 4 were residents) and 19 others. The 'other' category included trade representatives, solicitors and companies representing a number of licenced premises in the City of London.

It was noted that 67% of all respondents favoured the levy, with 27 of the premises selling alcohol after mid-night being represented in the responses, of which 70% were against the levy.

Appendices 4a – 4e of the report set out the full detailed responses.

The Assistant Director, Environmental Health & Public Protection, explained that the report requested Members to consider and decide whether the late night levy should be recommended to the Court of Common Council for adoption.

A discussion took place with reference being made to the following points:-

- The Police Committee had considered the introduction of a levy and for monies to be used in the City for the enforcement of the night time economy.
- The 'Safety Thirst' Scheme was being revamped and was in essence based on the City Corporation's code of best practice and traffic light scheme.
- Licenced premises that operated beyond mid-night would be able to amend/vary their licences at no extra cost if the levy was introduced from 00:01 – 06:00hours.
- Newcastle City Council was the first local authority to introduce the levy with Islington Council recently agreeing to introduce the levy.
- 70% of the monies generated by the levy would be used for night time economy enforcement purposes by the City Police and the remaining 30% would be used by the City Corporation to ensure a cleaner and safer City. The final allocation of this portion would be decided by the Chairman and Deputy Chairman of the Licensing Committee in consultation with the Director of Markets and Consumer Protection.

Members proceeded to discuss any other reductions/exemptions from the levy, in particular to small business rate relief premises, and in response to a

question by a Member the Licensing Manager pointed out that from initial investigations there were no such licenced premises which would be affected by the levy which fell into this category. A Member commented that some small business rate relief premises could also cause crime and disorder and also a noise nuisance and therefore further analysis and investigations would need to be explored with regard to how much they contributed to the night time economy.

Following a lengthy discussion a motion was proposed and seconded to have a reduction of the levy fee for small business rate relief premises. A vote took place with 6 in favour and 7 against the proposed reduction. It was agreed however that a reduction of 30% of the levy fee would be granted to premises operating between 00:01 and 06:00 where the premises had shown that they operated at the standard required to achieve the City of London Safety Thirst Award.

The Chairman proposed that a review of the operation and effect of the levy be carried out in 6 months.

Members then proceeded to consider the recommendations with the following being agreed.

RESOLVED – That Members agree the following:-

1. That the Late Night Levy be applied in the City of London.
2. That a recommendation be made to the Court of Common Council for the adoption of the Late Night Levy to be applied across the City of London to commence on the 1 October 2014 with the late night supply period set from 00:01 to 06:00 to all premises licensed to supply alcohol and, that the following be recommended to the Court of Common Council:
 - a. A reduction in the Levy of 30% be granted to premises operating between 00:01 and 06:00 where the premises have shown that they operate at the standard required to achieve the City of London Safety Thirst Award;
 - b. The proportion of the net amount of the levy revenue to be paid to the City of London Police be 70%;
 - c. The final allocation of that portion of the levy to be used by the City Corporation to be decided by the Chairman and Deputy Chairman of the Licensing Committee in consultation with the Director of Markets and Consumer Protection;
 - d. There were no premises which would fall into the 'exempt' category; and
 - e. A review take place in 6 months and thereafter annually to review the operation and effect of the levy and reported to the Licensing Committee.

8. **DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2014-2017**

The Committee considered a report of the Director of Markets and Consumer Protection which detailed the Business Plan for 2014-17. The Business Plan identified some key achievements from the past year and set out what the department aimed to achieve this year, the standards that would be attained and where this fitted in with the corporate plans.

A discussion took place and a Member pointed out that the Key Performance Indicator's (KPI's) set out in the business plan should be more target based. The Director undertook to look at other output measures.

A discussion took place on the Licensing Service objectives and it was noted that the objective relating to the late night levy would be amended to read that the measure of success would be 'increased revenue for the enforcement of the night time economy' rather than 'increased revenue'.

In response to a question by a Member, officers explained that the Street Trading policy was being submitted to the Port Health & Environmental Services Committee in May and thereafter would be submitted to this Committee. In relation to the Tables and Chairs policy a draft version was being progressed by officers and that the necessary consultation would take place with the Chairman and Deputy Chairman prior to being submitted to the next Committee meeting.

RESOLVED – That Members agree the contents of the report.

9. **PORT HEALTH AND PUBLIC PROTECTION OUT OF HOURS NOISE SERVICE**

The Committee considered a report of the Director of Markets and Consumer Protection which provided details on the noise complaints enforcement service which operated 24 hours a day, 7 days a week, primarily to respond to noise complaints at night and weekends, but also to occasional reports of accidents, notifiable diseases including food poisoning and other urgent environmental health matters.

The Assistant Director, Environmental Health & Public Protection, explained that the previous arrangements included Westminster City Council providing a noise enforcement service alongside the Street Environment Officers (SEOs) from the Department of the Built Environment. He reported that the Port Health & Environmental Services Committee had agreed that the service would be brought in house which would provide better efficiency and had been in operation since the beginning of April 2014. A Service Level Agreement (SLA) had been agreed with the Department of the Built Environment to provide a one hour response time from when the complaint was received to a SEO arriving on-site.

Members and officers were grateful for the service and efforts which Westminster City Council had provided in the past.

RESOLVED – That Members note the contents of the report.

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

There were no questions.

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

Personal Licences

It was highlighted that personal licences were due to be renewed after the 10 year period in 2015 as a decision to retain these had been taken by Government.

Hector McKoy

The Chairman congratulated Hector McKoy who had recently been appointed as Chief Inspector and thanked his team for all their hardwork.

Licensing Committee Dinner

The Chairman thanked all those who had attended the Dinner and thanked Members and officers for their hardwork, efforts and support.

Tom Sleigh

The Chairman thanked Mr Sleigh, who would be leaving the Committee, for his support whilst serving on the Committee.

Licensing Breakfast, Francis Taylor Building

The Chairman made reference to the productive meeting which took place at the Francis Taylor Building where the code of best practice and traffic light scheme was discussed.

12. **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
13	7
14-15	-

13. **LICENSING AND NIGHT TIME ECONOMY UPDATE**

The Committee received a report of the Commissioner of Police.

14. **NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

The Committee thanked the Chairman for the Licensing Committee Dinner which had recently taken place.

15. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

Three items of business were raised by Members.

The meeting ended at 2.59 pm

Chairman

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MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 17 JUNE 2014

APPLICANT: THE MEAT COMPANY ALDERSGATE LTD

PREMISES: UNIT 3, 200 ALDERSGATE STREET, EC1

PRESENT

Sub Committee:

Peter Dunphy CC (Chairman)

Marianne Fredericks CC

Michael Hudson CC

City of London Officers:

Rakesh Hira – Town Clerk's Department

Paul Chadha – Comptroller & City Solicitor's Department

Peter Davenport – Markets & Consumer Protection Department

Steve Blake – Markets & Consumer Protection Department

Applicant:

Represented by Robert Botkai – Partner, Winkworth Sherwood.

Witnesses:

Johnny Tomazos, Chief Executive Officer

Callum Hutchinson, Assistant General Manager

Jason Swan, Noise Consultant

Those making representations:

Jonathan Morton, Chairman, London House Residence Association

Robert Barker, Chairman, Barbican Association also representing Jane Smith, Chairman, Seddon House Group.

Jonathan Dennis, resident also representing Jonathan Perks

Deborah Tompkinson, resident

In attendance:

Alderman Vincent Keaveny

Clare James CC

Ann Holmes CC

Virginia Rounding CC

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public Hearing was held at 2.15 pm in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises 'Unit 3, 200 Aldersgate Street, London, EC1'.

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

Appendix 1: Copy of Application

Appendix 2: Conditions consistent with the Operating Schedule

Appendix 3: Representations from Other Persons (39)

Appendix 4: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

In addition the following document, which was circulated to all parties prior to the Hearing, was also considered:

- Letter entitled 'Amendments to Application'.

The following documents were also made available at the Hearing:

- Booklet from the Applicant entitled 'The Meat Co'
 - Appendix 5 – Plan of the premises
- 2) The Hearing commenced at 2:16pm.
 - 3) The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present and the nature of the application. He explained that the Applicant had amended the application which removed regulated entertained and late night refreshment and now sought the following licensable activity:

<u>Activity</u>	<u>Proposed</u>
Supply of Alcohol	Monday to Saturday: 09:30 – 23:00 hours (<i>premises to be closed by 23:30 hours</i>) Sunday: 09:30 – 22:30 hours (<i>premises to be closed by 23:00 hours</i>)

- 4) The Applicant confirmed that the above was correct.
- 5) It was noted that no Members of the Sub Committee had any declarations.

- 6) The Chairman outlined the procedure which would be followed.
- 7) The Chairman invited Mr Morton to outline his objection to the application. He explained that London House was a residential block and if the application was granted a noise disturbance would be generated from the premises by smokers, people drinking outside the premises, people talking, customers arriving/leaving and from mini cabs arriving/leaving. It was the City Corporation's policy to limit noise nuisance between 23:00 hours and 07:00 hours and this location was not suitable for the venue as it would create a noise nuisance but if granted the application should be amended for the terminal hour for sale of alcohol to be 22:30 hours on all days with a view to the area being clear and quiet by 23:00 hours. There was a triangular landscape at London House with the potential for this area to be used by customers, which would create a further noise nuisance as it was surrounded by small buildings with noise bouncing around. Finally the refuse store area was behind London House and therefore the noise from bottles and other material could cause further noise for residents.
- 8) The Chairman invited Mr Dennis to outline his objection to the application. He explained that from previous experience of licensed premises being in close proximity to a residential block a noise nuisance would be created and a further concern related to the premises submitting Temporary Event Notices (TENs) which would exacerbate the situation. He agreed with Mr Morton that the terminal hour for the sale of alcohol should be 22:30 hours on all days with a view to the area being clear and quiet by 23:00 hours.
- 9) Mrs Tompkinson was invited to speak who explained that the London House flats did not have air conditioning and in order for ventilation the windows would need to be opened. In the event that the licence was granted customers would generate noise which would be directly heard in the flats at London House. She highlighted that the City Corporation's policy of limiting noise nuisance from licensed premises between 23:00 hours and 07:00 hours should be respected. She requested that the premises be shut by 22:30 hours due to the noise from the air conditioning facilities. In addition there were foxes commonly around the refuse store area, if more refuse was accumulated, from the premises, this would give rise to more foxes around the refuse store area.
- 10) The Chairman pointed out that the Sub Committee could only consider matters relating to licensing and not other matters which would most likely fall under the remit of planning or environmental health.
- 11) Mr Barker was invited to speak and explained that the premises had made no effort to contact the Barbican Association or residents at London House. There were internal design configuration concerns which the premises had said it would consider. The Barbican Association was generally content with the amended application however if all the

conditions could not be accepted by the Sub Committee they should form part of the premises management plan.

- 12) The Chairman emphasised that the re-designing of the internal design configuration was not a matter which the Sub Committee could take into account.
- 13) There were no questions from the Applicant or Sub Committee for those making representations.
- 14) Mr Botkai was invited to make his submissions on behalf of the Applicant. He explained that the premises would operate as a fine steak restaurant which would be food led and not as a musical dance venue. The original application had been submitted covering various licensable activities but it was not intended that the applicant would operate at that level. Mr Barker had contacted the premises and a meeting took place thereafter with various conditions agreed and the hours curtailed to 23:00 hours. The Applicant had gone further by cutting the hours of operation for Sundays and removed Late Night Refreshment from the application altogether. The necessary expert advice would be taken when air conditioning and extraction fans would be constructed and dialogue was being maintained with the Authority's environmental health team.
- 15) Mr Botkai asked questions of Mr Hutchinson and Mr Tomazos with reference being made to the following points:-
 - no more than 60 members of staff would be employed by the premises with a host at the front of the premises.
 - The windows of the premises were clear and therefore staff would monitor the area both inside and outside the premises.
 - It was not expected that customers would congregate outside the premises.
 - The host at the front of the premises will ensure that customers do not take any open end beverages outside the premises. The range of wines which were sold in unsealed containers were at a high end quality i.e. not available in supermarkets such as Waitrose and Sainsburys.
 - There will be an agreement with the taxi firm whereby the staff at the premises will telephone the taxi company on behalf of the customer with the customer remaining in the premises and then sending the customer out once the taxi had arrived.
 - A waste disposal plan was being discussed with the Environmental Health Officer with waste being contained within the building.
 - The bar area will be designed to have both food and drink with fixed seats and it was not expected that for example 70 people would be congregated in this area.
 - The configuration of the internal design would be looked at to ensure accessibility possibly through a minor variation application in the future.

- There would be one member of staff, who would have easy access to management, who would be tasked with manning the phones.
- 16) Mr Morton pointed out that there were no conditions which had been agreed by all five resident associations and highlighted that the loading bay was opened sided. The Chairman explained that this was not a licensing issue.
- 17) A Member of the Sub Committee explained that the licensing and planning systems operated on different levels and for licensing the Applicant was only legally required to display a blue notice outside the premises and advertise the proposed application in the local newspaper. However the City Corporation encourages potential licensed premises to make contact with local residents and to undertake pre-application meetings which are facilitated by the City Corporation's Licensing Team.
- 18) Mr Botkai explained that there would be gradual dispersal of customers leaving the premises and it was not anticipated that the premises would be at full capacity at 23:00 hours.
- 19) The Chairman noted that some of the conditions put forward by the Applicant were either not enforceable or necessary however reference would be made to these in the decision letter of the Sub Committee.
- 20) In response to a question by a Member of the Sub Committee relating to TENs, Mr Botkai said that it was not known how many TENs would be submitted.
- 21) It was noted that under the legislation Live Music could take place in the premises until 23:00 hours.
- 22) All parties were given an opportunity to sum up prior to Members of the Sub Committee withdrawing to deliberate and make their decision; accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
- 23) The Chairman explained that a full decision would be circulated within five working days and that if the Sub Committee reached a decision this would be announced today.

All parties returned to the room

- 24) The Chairman thanked those who had remained to hear the decision of the Sub Committee. He explained that the full decision would be circulated to all parties however the application had been granted with the hours of operation being as per the revised application. There were three conditions added to the licence relating to CCTV, age verification and no sale of alcohol in unsealed containers for consumption off the premises. A number of conditions proposed by the Applicant related to planning matters or other areas of legislation and therefore a full note of

the Sub Committee's decision would set out the above along with those points which were deemed as an 'advisory note' for the premises.

- 25) The Chairman thanked all parties for attending.

The meeting closed at 4.14 pm

Chairman

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Copy of Decision letter circulated to all parties on 24 June 2014

Applicant: The Meat Company Aldersgate Ltd
Application: New Premises Licence
Premises: Unit 3 200 Aldersgate Street EC1
Date of Hearing: Tuesday 17 June 2014 at 2:15 pm

I write to confirm the decision of the Licensing Sub Committee at the hearing on 17 June 2014 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

1. This decision relates to an application made by the Meat Company Aldersgate Ltd for a new premises licence in respect of the premises 'The Meat Company, Unit 3, 200 Aldersgate Street, London, EC1A 4HD'.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Films, Live Music, Recorded Music, Performances of dance, Anything similar to live music, recorded music and performances of dance	N/A	Sunday to Thursday: 12:00 – 00:00 hours Friday to Saturday: 12:00 – 01:00 hours
Late Night Refreshment	N/A	Sunday to Thursday: 23:00 – 00:30 Friday to Saturday: 23:00 – 01:30 hours
Supply of Alcohol	N/A	Monday to Thursday: 09:30 – 00:00 hours Friday to Saturday: 09:30 – 01:00 hours Sunday: 12:00 – 00:00 hours

2. The application was subsequently amended by the Applicant to the following with both regulated entertainment and late night refreshment being removed altogether:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Monday to Saturday: 09:30 – 23:00 hours (<i>premises to be closed by 23:30 hours</i>) Sunday: 09:30 – 22:30 hours (<i>premises to be closed by 23:00 hours</i>)

3. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by those making representations and the Applicant. There were a number of issues and concerns which were raised both in the written representations and orally however it was noted that these were matters not relating to licensing and most likely fell under the remit of planning or environmental health and therefore were outside the scope of the Licensing (Hearing) Sub Committee.
4. 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.
5. Furthermore, the Sub Committee took on board 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.
6. 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.
7. The Sub-Committee took into account the representations regarding the potential for nuisance from the premises but was persuaded that the premises could operate without causing nuisance to local residents. In reaching this conclusion the Sub-Committee took into account the revised hours of operation and the removal of regulated entertainment from the application. The Sub-Committee was also satisfied that the premises would operate as a restaurant as opposed to a drinking

establishment and that by the very nature of a restaurant operation it was highly unlikely that all patrons would remain at the premises up until closing time but rather that there would be graduated departure of patrons during the course of the evening

8. It was the Sub Committee's decision to therefore grant the new premises licence, subject to the amended hours and conditions set out below.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Monday to Saturday: 09:30 – 23:00 hours <i>(premises to be closed by 23:30 hours)</i> Sunday: 09:30 – 22:30 hours <i>(premises to be closed by 23:00 hours)</i>

9. The Sub Committee then considered whether it was necessary and appropriate to impose any conditions upon the licence, to promote the relevant licensing objective and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.

10. The Sub Committee decided to impose the following conditions:

- The premises shall install and maintain a comprehensive CCTV system. All public entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when 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 from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data without any unreasonable delay when requested.
- An age verification scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 (of older if the licence holder so elects) shall provide documented proof that he/she is over 18 years of age. Proof of age

shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

- There shall be no sale of alcohol in unsealed containers for consumption off the premises.

11. The Sub Committee noted the other proposed conditions put forward by the Applicant and whilst the Sub Committee did not consider it to be appropriate or necessary to impose these proposals as conditions on the premises licence it did expect the applicant to implement the proposals. In particular, the Sub-Committee was expected that the premises ensured the following steps be implemented by the Applicant and that these steps be incorporated into a Management Plan applicable to the premises:-

- All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer on request.

- The premises be constructed and designed to avoid noise escape.
- A contact telephone number shall be made available to local residents which they can use to report any noise disturbance.
- A free taxi phone service and an internal waiting area will be provided for customers.
- Steps shall be taken to ensure that any taxi operator used by the licence holder will instruct its drivers that patrons of the venue may be collected in Albion Way and not on the Museum of London roundabout and not on Aldersgate Street north of the roundabout.
- All deliveries and refuse collection will be via the loading bay and not from the street.
- A notice shall be displayed at the exit to the premises with words to the effect that customers will be asked to depart quietly so as not to disturb nearby residents.

- The licence holder will take steps to discourage smokers from loitering outside the premises and will not permit them to take their drinks outside of the premises. Customers who do wish to smoke will be directed towards Montague Street. For the avoidance of doubt the intention is that smokers will be asked to stay away from residential premises.
12. If the Sub Committee was wrong and the conditions prove insufficient to prevent a public nuisance associated with these premises, all parties are reminded that any responsible authority, business, resident or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.
13. 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

Rakesh Hira

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

Licensing Policy and Code of Good Practice for Licensed Premises:

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

ENDS

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Committee:	Date:
Licensing	21 July 2014
Subject: Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	Public
Report of: Director of Markets and Consumer Protection	For Information
<p style="text-align: center;">Summary</p> <p>This report details the 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. It does not include any premises where Members have been involved in the decision making process i.e. decisions made at licensing sub-committee hearings.</p> <p>The report gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 April 2014 and 30 June 2014. This report also presents data from the ‘traffic light’ risk scheme introduced within the City of London on 1 April 2013. The data covers the period 1 June 2013 to 31 May 2014.</p> <p>Recommendation: To note the contents of the report.</p>	

Main Report

Premises Licence Applications

1. Pursuant to the instructions from your committee, I attach for your information a list detailing ‘premises licence’ applications (Appendix I) and variations (Appendix II) granted by the Licensing Service between 1 April 2014 and 30 June 2014.
2. The report also contains information appertaining to the number of personal licences issued. This information is also contained in Appendix II.
3. Any questions of detail concerning premises licences can be obtained from the Corporation’s public register which can be found on <http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Search-the-public-register.aspx>. or by contacting Peter

Davenport, Licensing Manager, on extension 3227 or by email to the Licensing Team at licensing@cityoflondon.gov.uk.

4. Appendix IV details the conditions attached to the premises licences listed in Appendices I and II.

Routine Enforcement

5. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003 (Appendix III). The table in Appendix III shows the number of visits undertaken, number of complaints received and the number of enforcement actions taken. Enforcement actions include warning letters, notices, simple cautions, legal proceedings etc.
6. Appendix III provides data from 1 April 2014 to 30 June 2014.
7. Licensing Officers undertake routine enforcement visits checking on premises licence conditions where there are concerns, e.g. closing times, compliance with Temporary Event Notices and managing numbers of people consuming alcohol outside venues, and also in response to complaints. The Departmental Policy Statement on Enforcement is followed prior to escalating action and taking legal proceedings.
8. The Departmental Policy Statement on Enforcement conforms to the Regulators' Compliance Code and the regulatory principles required under the Legislative and Regulatory Reform Act 2006. It sets out the general principles and approach which Officers are expected to follow and addresses issues of proportionality, consistency, targeting, transparency and accountability.
9. More widely, enforcement arrangements are currently coordinated at the Licensing Liaison Partnership meetings that are held monthly and are attended by representatives from all enforcement agencies. Joint visits are organised via this forum and subsequent reports are used to add to the top level premises list that that comprises those premises that have accrued the most points under the 'traffic light' risk scheme. These are then targeted by relevant enforcement officers.
10. This report details data produced from the 'traffic light' risk scheme for the period of 1 June 2013 to 31 May 2014. 18 premises have accrued a sufficient number of points to turn 'Red' and 1 premises a sufficient number to turn 'Amber'. Further details can be seen in Appendix V.
11. There is a very good working relationship between the Port Health & Public Protection (PH&PP) Licensing Team, The City of London Police Licensing

Team and the PH&PP Pollution Control Team, all of whom are based at Walbrook Wharf.

12. The Memorandum of Understanding (MoU) between the City of London Police and the Markets and Consumer Protection Department agreed in November 2011 outlines specific arrangements for cooperation between the Licensing Teams.
13. The other City Corporation Department that is routinely involved in enforcement is the Department of the Built Environment (DoBE). Where it appears that a material change of use has occurred, or there is a failure to comply with any condition attached to a planning permission or a breach of planning controls, when it is expedient to do, officers from this Department seek authorisation to take enforcement action under the Town and Country Planning Act 1990.

Response to complaints

14. Any complaints about licensed premises are dealt with by the relevant agency/team, e.g. crime and disorder – Police, fire safety – London Fire Brigade. As far as PH&PP are concerned, complaints relating to the conditions on a licence will be dealt with in the first instance by the Licensing Team, but if there are noise issues the Pollution Team will also be involved.
15. Investigations are undertaken and if there are grounds for a review of the licence in relation to the licensing objectives, then the responsible authorities can apply accordingly. In practice, potential applications are considered at the Licensing Liaison Partnership meetings, and agencies/authorities support one another in providing evidence and making applications.

Implications

16. There are no financial, legal or strategic implications that arise from this report

Background Papers:

None

Contact:

Peter Davenport x3227

peter.davenport@cityoflondon.gov.uk

Appendix I

New Licence Applications Issued by way of Delegated Authority (Apr-Jun 2014)

Name	Address	Ward	Details
Ace Capita 1V LTD	100 Leadenhall Street	Aldgate	A, L 00:00
Amazon	60 Holborn Viaduct	Farringdon Within	A, L 00:00
Appleberry Food Limited	94 Fleet Street	Castle Baynard	A 23:00
Compass @ CBI	4 th Floor, 78 Cannon Street	Dowgate	A, L 00:00
Co-op	5 Cheapside	Bread Street	A 00:00
Elvendon Restaurant	3a Botolph Alley	Bridge and Bridge Without	A 20:00
Honest Burger	12 Widegate Street	Bishopsgate	A, L 00:00
La Pizzetta	5 White Kennett Street	Portsoken	A, L, (f) 23:30
Merchant House	13 Well Court	Cordwainer	A, L, (e), (f) 00:00
Nationwide Building Society	1 Threadneedle Street	Cornhill	A, L 01:00
Notes, Music and Coffee Ltd	1 Ropemaker Street	Coleman Street	A 23:00
Pasty Shop	B Lower Concourse, Liverpool Street	Bishopsgate	L 05:00
Paternoster Associates (Bowler Hat and Adjoining bar)	Street Record	Bread Street	A, (a), (e), (f), (g) 23:45
The Fish and Chip Shop	69 Old Broad Street	Bishopsgate	A, L, (e), (f) 00:30
The Leadenhall Building	122 Leadenhall Street	Lime Street	(a), (b), (d), (e), (f), (g) 23:00
The Trading House	91 Gresham Street	Cheap	A, L, (f) 02:00

Total Licences Issued = 16

Key to Details:

- | | |
|----------------------------|---------------------------|
| A Sale of Alcohol | (e) Live Music |
| L Late Night Refreshment | (f) Recorded Music |
| (a) Plays | (g) Performances of Dance |
| (b) Films | (h) Making Music |
| (c) Indoor Sporting Events | |
| (d) Boxing or Wrestling | |

Times stated are the latest terminal hour for at least one of the licensable activities.

Number of Licences by Ward

WARD	No.
Aldgate	1
Bishopsgate	3
Bread Street	2
Bridge and Bridge Without	1
Castle Baynard	1
Cheap	1
Coleman Street	1
Cordwainer	1
Cornhill	1
Dowgate	1
Farringdon Within	1
Lime Street	1
Portsoken	1

Appendix II

Licence Variations Issued by way of Delegated Authority (Apr-Jun 2014).

Name	Address	Ward	Details
Ask for Janice	50-52 Long Lane	Farringdon Within	<ul style="list-style-type: none"> To remove condition “alcohol shall only be served on the premises together with food” to “Substantial food shall be available at all times during the permitted hours”
Broadgate Towers	201 Bishopsgate	Bishopsgate	<ul style="list-style-type: none"> To extend timings on licensable activities To add the sale of alcohol To add area
City Social	Tower 42, 25 Old Broad Street	Cornhill	<ul style="list-style-type: none"> To amend hours regarding the sale of alcohol and regulated entertainment Addition condition to provide taxi booking service for customers
Omnino Steak House	79 Leadenhall Street	Aldgate	<ul style="list-style-type: none"> To amend licence activate hours

Total Variations = 4

Number of Licences by Ward

WARD	No.
Farringdon Within	1
Bishopsgate	1
Cornhill	1
Aldgate	1

Personal Licences Issued by way of Delegated Authority

01 Apr 2014 – 30 Jun 2014 2

**Enforcement Action Carried out Under the Licensing Act 2003
1 April 2014 - 30 June 2014**

Total Number of Inspections	36
Number of Warning Letters	1
Number of Premises advised	7
Number of simple cautions	0
Number of suspension notices	17
Paid prior to suspension	6
Licence lapsed*	4
'Dead' Suspensions**	3
'Live' Suspensions***	4

*Licences are deemed lapsed in circumstances where the licence holder no longer exists e.g. a company has gone into liquidation.

**A 'dead' suspension is where the premises is closed but there is no evidence to suggest that the licence holder is still in existence. If the licence holder returns to the premises the outstanding fee will have to be paid in order for the licence to be resurrected.

***A 'Live' suspension is where the premises is still trading and can now no longer carry on licensable activities until the licence fee has been paid.

Number of complaints received between 01 April 2014 and 30 June 2014

No of Complaints = 36

Date	Outcome	Details	Ward
Abbey, St Clare House, 30-33 Minories			
03/04/14	Resolved/Compliance	Noise from smokers at rear	Tower
11/04/14	Resolved/Compliance	Noise from smokers at rear	Tower
01/05/14	Resolved/Compliance	Noise from smokers at rear	Tower
02/05/14	Resolved/Compliance	Noise from smokers at rear	Tower
10/05/14	Resolved/Compliance	Noise from smokers at rear	Tower
Anokha, 4 Burgon Street			
25/06/14	Resolved/Compliance	Shouting, loud music. Fans operating after 11.	Farringdon Within

Ask for Janice, 50-52 Long Lane			
04/06/14	Resolved/Compliance	Music breakout and raised voices disturbing flat above.	Farringdon Within
Bird of Smithfield, 26 Smithfield Street			
03/06/14	Ongoing	Noise and cooking smells going into complainant's flat	Farringdon Without
21/06/14	Ongoing	Talking/music emanating from terrace	Farringdon Without
Boisdale of Bishopsgate, 202 Bishopsgate			
12/06/14	Informally resolved	Loud music being played after 11 p.m.	Bishopsgate
Clause, 1 Lovat Lane			
08/04/14	Resolved/Compliance	Noise from bar	Bridge & Bridge w/o
Copenhagen House, 5-10 Bury Street			
02/04/14		Noise & vibration from chiller outside office window	Aldgate
Corney & Barrow, 1 Ropemaker Street			
07/01/2014	Resolved/Compliance	Noise from people smoking outside in Moor Lane	Coleman Street
Grand Union, Rolls Passage			
04/04/14	Resolved/Compliance	People laughing, yelling in front of residential building	Farringdon Without
11/04/14	Resolved/Compliance	Noise from patrons	Farringdon Without
15/05/14	Resolved/Compliance	Noise from people and music breakout	Farringdon Without
Kings Stores Public House, 14 Widegate Street			
30/05/14	Resolved/Compliance	Noise from people and music	Bishopsgate
Patch, 58-62 Carter Lane			
13/04/14	Resolved/Compliance	Noise from patrons outside bar	Farringdon Within
23/04/14	No action required	Recording rec re patrons outside. Advised no comps 5/6 wk	Farringdon Within
05/05/14	Resolved/Compliance	Recording received from patrons outside	Farringdon Within
30/05/14	Informally resolved	Music breakout and people noise outside	Farringdon Within
31/05/14	Resolved/Compliance	General noise complaint	Farringdon Within
Punch Tavern, 99 Fleet Street			
26/04/14	Resolved/Compliance	Loud music from Punch Tavern	Castle Baynard
Smithfield Meat Markets			
01/04/14		Bottle crates being banged at 3 a.m.	Farringdon Without
St Barts Brewery, 66 West Smithfield			
15/06/14	Resolved/Compliance	Singing and shouting.	Farringdon Within
St Mary-At-Hill Church. St Mary-At-Hill			
02/05/14	Resolved/Compliance	Loud music	Billingsgate
Street record, Crutched Friars			
05/06/14	Resolved/Compliance	Noise from drinkers & music in courtyard	Tower
Thai Square, 136-138 Minories			
22/06/14	Resolved/Compliance	Part & people noise coming from outside	Tower
22/06/14	Resolved/Compliance	Party spilled onto street. Loud music.	Tower
22/06/14	Resolved/Compliance	Music too loud. 30-40 people on street making noise	Tower
22/06/14	Resolved/Compliance	Part & people noise from Thai Square	Tower
The Crutched Friar, 39-41 Crutched Friars			
06/06/14	Resolved/Compliance	Noise from customers standing outside	Tower
The Jugged Hare, 49 Chiswell Street			
27/04/14	Resolved/Compliance	Noise from music breakout	Coleman Street
28/04/14	No action required	Barbican res comp noise from wedding. Music too loud	Coleman Street
The Minories Public House, 64-73 Minories			
10/01/2014	Resolved/Compliance	Loud music coming from PH	Tower
Vinezia Bacaro, 3-5 Goswell Road			
28/03/2014	Resolved/Compliance	Noise from people drinking outside	Cripplegate

Appendix IV

Conditions Applied to Licences Granted by way of Delegated Authority

NEW APPLICATIONS

Ace Capital 1V Ltd

1. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

Amazon

1. The provision of licensable activities shall be restricted to: employees and officers of the organisations in occupation, or their associated companies; and bona fide guests of the said employees, officers and companies; and persons attending any bona fide private event at the premises.

Appleberry Food Limited

None

Compass @ CBI

1. The provision of named licensable activities is restricted to: employees and officers of the organisations in occupation, or their associated companies; and bona fide guests of the said employees, officers and companies; and persons attending any bona fide private event at the premises.

Co-op

1. The premises shall install and maintain a CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 28 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.

Elvendon Restaurant

None

Honest Burger

1. The premises shall install and maintain a comprehensive digital colour CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum 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 recordings of the preceding two days immediately when requested.

2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

3. Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

La Pizzaetta

1. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

Merchant House

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered,. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum 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.

2. All doors and windows shall remain closed at all times the premises licence is in use, save for entry or exit, or in the event of an emergency

3. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

Nationwide Building Society

None

Notes, Music and Coffee Ltd

None

Pasty Shop

None

Paternoster Associates (Bowler Hat and Adjoining bar)

None

The Fish and Chip Shop

1.The premises shall install and maintain a CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 28 days.

2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

3. All doors and windows shall remain closed at all times after 23.00 hours save for entry or exit, or in the event of an emergency.

The Leadenhall Building

None

The Trading House

1. The premises shall install and maintain a CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 28 days.

2. All windows and external doors shall remain closed at all times after 21:00 hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.

3. There shall be no sale of alcohol in unsealed containers for consumption off the premises

VARIATIONS

Ask for Janice

1) Substantial food shall be available at all times on the premises during permitted hours for licensable activities.

Broadgate Towers

None

City Social

1) The premises may be used for the provision of private entertainment as previously permitted under the Private Places of Entertainment (Licensing) Act 1967.

2) Permission is given for the playing of recorded music.

3) Late night refreshment may be provided between the hours of 11.00pm and 5.00am.

4) The sale of alcohol is permitted from opening time on New Years Eve until closing time on New Years Day.

Omnino Steak House

None

Appendix V

Premises obtaining sufficient points on the Risk Scheme to reach Red or Amber. (June 2013 – May 2014)

RED (20 penalty points or at least 10 from one licensing objective)

1 – Coleman Street (Crime and Disorder – 44)	44
2 – Castle Baynard (Crime and Disorder – 38)	38
3 – Lime Street (Crime and Disorder – 26)	26
4 – Billingsgate (Crime and Disorder – 25)	25
5 – Bread Street (Crime and Disorder – 19, General - 4)	23
6 – Cordwainer (Crime and Disorder – 23)	23
7 – Cornhill (Crime and Disorder – 22)	22
8 – Bridge & Bridge Without (Crime and Disorder – 11, Public Nuisance - 10)	21
9 - Candlewick (Crime and Disorder – 20)	20
10 - Walbrook (Crime and Disorder – 19)	19
11 - Cheap (Crime and Disorder – 16, General - 2)	18
12 – Bishopsgate (Crime and Disorder – 15)	15
13 – Bridge & Bridge Without (Crime and Disorder – 13, Public Nuisance - 2)	15
14 – Candlewick (Crime and Disorder – 14)	14

15 – Bishopsgate (Crime and Disorder – 10, Public Safety - 3)	13
16 – Coleman Street (Crime and Disorder – 10, Public Safety - 2)	12
17 - Cordwainer (Crime and Disorder – 11)	11
18 – Tower (Crime and Disorder – 10)	10

Billingsgate	1	Candlewick	2	Cordwainer	2
Bishopsgate	2	Castle Baynard	1	Cornhill	1
Bread Street	1	Cheap	1	Lime Street	1
B/B Without	2	Coleman Street	2	Tower	1
				Walbrook	1

AMBER (11 penalty points or at least 6 from one licensing objective)

1 – Tower (Crime and Disorder – 9, Public Nuisance - 2)	11
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Tower	1
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Committee:	Date:
Licensing	21 July 2014
Subject: Deregulation Bill	Public
Report of: Remembrancer	For Information
<p style="text-align: center;">Summary</p> <p>This report summarises those provisions in the Deregulation Bill that are most relevant to your committee's interests.</p> <p>In relation to the Bill the main points of interest include</p> <ul style="list-style-type: none"> • Imposing an obligation on non-economic regulators to have regard to promoting economic growth • Liberalising rules relating to Temporary Event licensing • Changing the duration of a personal alcohol sales licence <p>Recommendation</p> <p>Your committee is invited to note the contents of this report.</p>	

Main Report

Introduction

1. Following the recent legislative trend of publishing legislation in draft, the Government introduced a draft version Deregulation Bill for consideration by a cross-party committee of MPs and peers. The committee considered evidence at the end of 2013. The committee concluded that the Bill did not go far enough towards “meaningful proposals to really tackle the challenges of deregulation” and expressed the hope that it was the first of several deregulation bills.
2. The Government's re-crafted Bill received its first reading in the House of Commons on 23 January 2014. Describing the Bill, Local Government Secretary Eric Pickles said that among the measures are ones to “bring common sense back and rein in the town hall bin bullies”. Cabinet Office Minister Oliver Letwin said the measures are part of the “Government's

ongoing drive to remove unnecessary bureaucracy that costs British businesses millions, slows down public services like schools and hospitals, and hinders millions of individuals in their daily lives”. Opposition spokesman Chi Onwurah said the Bill does not tackle the “big issues”, adding that the Bill is “Christmas tree Bill to end all Christmas tree Bills. In fact, Christmas trees are one of the few things that are not covered by this Bill”. She gave support, however, to the “many parts of the Bill” that tackle the “unnecessary burdens on businesses, particularly small and medium-sized enterprises”.

Economic Growth Duty

3. The proposal to place a duty on non-economic regulators to have regard to the desirability of promoting economic growth is one of the most politically high profile of the measures contained in the Bill. It sets out a general duty but does not list those regulators to which this new duty will apply - a later statutory instrument will provide that detail. It is likely that regulators in the fields of health and safety and environment will be covered by the duty and it is conceivable that the regulators of some professions (the Law Society, for example) might fall within the scope of this provision.
4. Where a regulator is brought within the scope of the duty, that regulator will be required to ensure that it considers “the importance of the promotion of economic growth in the way in which it carries out its regulatory activities”. The Bill proposes a two-step process – first that regulatory action is “taken only when needed” and, second, that “any action taken is proportionate”. The Bill does not provide any detail about either of these two requirements but does give ministers the power to issue guidance.

Licensing

5. Currently an individual may apply for a maximum of 12 Temporary Event Notices per year - where an event organiser applies to serve or sell alcohol, offer late-night refreshment or provide certain types of entertainment, for less than 500 people. Local police and environmental health officials may object to a TEN application. In the City some temporary events appear to lead to an increase in criminal activity and the Bill’s proposal to increase the maximum number of TENs per year to 15 will, therefore, be of interest to the City Police and licensing officers.

6. Despite significant opposition to the change, the Bill proposes the revocation of the current requirement to renew personal alcohol sales licences every 10 years. In future personal licences will continue indefinitely.
7. The current offence of selling ‘liqueur confectionary’ to under 16s will be repealed if the Bill is enacted.
8. According to the Bill, late night refreshment licensing will be liberalised so that licensing authorities will have powers to exempt the sale of hot food and drink from the need to obtain a late night licence in certain circumstances. Licensing authorities will be able to grant exemptions where sales takes place entirely within an area designated by the authority and where the sale is on or from premises designated by the authority and during a period after 11pm and before 5am.

Miscellaneous

9. The Bill proposes the repeal of a variety of local authority duties, including
 - Sustainable communities strategies
 - Local area agreements
 - Multi area agreements
10. Of interest to the City in its capacity as a local authority, under provisions in the Local Government and Public Involvement in Health Act 2007, where a Best Value Authority decides to consult local people, the authority must demonstrate it provides information about the subject of the consultation, involves local interests and secures input from representatives of relevant interests. In a move supported in the Local Government Association’s evidence to Parliament, the Bill proposes the repeal of these requirements.

Consultation

11. The Markets & Consumer Protection Department has been consulted in the preparation of this report.

Philip Saunders
Parliamentary Affairs Counsel
Remembrancer’s Office
X 1201

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Committee:	Date:
Licensing	21 July 2014
Subject: Gambling Act – Annual Review of Fees 2014/15	Public
Report of: Director of Markets and Consumer Protection	For Decision
<p style="text-align: center;"><u>Summary</u></p> <p>The City of London Corporation has to set annual fees for those premises requiring a licence under the Gambling Act 2005. The report outlines recent case law which has indicated that the process for setting the fees must be robust and that income received through the licensing process cannot exceed the cost of obtaining that income.</p> <p>The matters considered by the licensing service in setting the proposed fees are discussed and include all aspects, other than enforcement costs which case law currently excludes, within the licensing process.</p> <p>The proposed fees will result in similar income compared with previous years.</p> <p>Recommendations</p> <p>It is recommended that your Committee:-</p> <ul style="list-style-type: none"> • Agree the proposed fees for 2014/15 as set out in Appendix two (column four) to this report. 	

Main Report

Background

1. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (the ‘Regulations’) sets out the statutory provisions and limitations for setting gambling fees.
2. The City of London Licensing Authority must determine the appropriate fees subject to a maximum as set out in the schedule to the regulations. The fee structure allows for various types of applications associated with varying classes of premises licence, many of which do not currently apply within the City of London e.g. Casinos, bingo Halls. A copy of the ‘Table of Maximum Fees’ can be seen as Appendix 1.
3. Licences are valid for life from the date of grant unless surrendered or revoked. An annual fee is due for payment within thirty days of the licence issue (effective date) and then annually thereafter.

4. Section 212 of the Gambling Act 2005 states that the licensing authority, ‘...shall aim to ensure that the income from fees of that kind [*determined by the licensing authority*] as nearly as possible equates to the costs of providing the service to which the fee relates...’.
5. A High Court case (whose findings were subsequently endorsed by the Court of Appeal) held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.
6. Mr Justice Keith stated in the case ‘... [*in relation to*] the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed. And when you talk about the cost of those procedures, you are talking about the administrative costs involved, and the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating their compliance with the terms of their licence (in the case of applications for the renewal of a licence). There is simply no room for the costs of the ‘authorisation procedures’ to include costs which are significantly in excess of those costs.’ Therefore enforcement costs cannot be recouped.
7. Two important principles were established in the *Hemming* case:
 - That where a local authority profits from licence fees in that its expenditure is exceeded by its fee income, it must carry the surplus forward in determining the fee for future years;
 - That in authorisation schemes covered by the Provision of Services Regulations 2009, which includes the Gambling Act 2005, enforcement costs may not be recharged to licensed operators.

Calculation of Fees for 2014/15

8. In order to avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that are undertaken in order to administer the licence application/renewal and the costs of investigating compliance with any licence conditions.
9. In determining the proposed fee structure for gambling premises licences the following factors have been taken into account:
 - Officer time spent on processing applications including site inspections and the issue of any licence

- Officer time spent on the development and maintenance of processes and guidance notes
- Training of staff as necessary
- A percentage of the service costs such as accommodation and equipment
- Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence

10. Gambling fees for 2013/14 were calculated on the above basis for each of a number of different types of licence. The forecast number of applications for each type can be seen in the table below along with the number of licences/registrations that were actually is.

	Forecast for 2013/14	Actual for 2013/14
New Betting Shop	2	3
Annual fee (renewal)	40	43
Gaming machine permit	25	19

11. The forecast for 2014/15 is that a similar number of licenses will be issued as in 2013/14. As costs have also remained at a similar level in the past 12 months, administration and inspection costs for 2014/15 can be covered by charging the same fee as last year. The proposed fees can be seen as Appendix 2.
12. The fee is made up of an administration and an inspection part. This has been apportioned taking into account the criteria listed in paragraph 9. The total cost of both parts has then been rounded up to the nearest £10 to produce the final proposed fee. The costs attributed to each part can be seen in the table below for those fees where income was received by the City of London in 2013/14:

	Inspection/ Compliance Costs/Consultation	Administration Costs	Total Costs
New Betting Shop	228.24	598.57	826.81
Annual Fee (Renewal)	130.73	365.46	496.19

Gaming Machine Permit	0	50.00	50.00
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13. Costs associated with the enforcement of unlicensed activity have not been taken into account in setting the proposed fee structure

Proposals/Options

14. If fees are set lower than those recommended the result will be a deficit for 2014/15 as costs of administering the licence will not be fully met from income received.
15. Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
16. Any such under or over recovery of costs from 2014/15 will be calculated after the end of that financial year and be carried forward to be taken into consideration in setting the fees for 2016/17. The surplus/deficit for 2013/14 is currently being calculated and will be taken into account when setting the fees for 2015/16. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge

Implications

17. Setting the recommended fees will result in 'Gambling' licence estimated income for 2014/15 being in line with the budgeted income of £18,000.
18. Setting fees above or below those recommended will have the implications as set out in paragraph twelve above.

Appendices

Appendix I – Table of Maximum Fees

Appendix II – Proposed fees

Background Papers:

Transcript of (R (Hemming and Others) v Westminster City Council)

Contact: *Peter Davenport*
Licensing Manager
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Table of statutory maximum fees

Column (1)	Column (2)	Column (3)	Column (4)	Column (5)	Column (6)	Column (7)	Column (8)	Column (9)
Classes of premises licence	Maximum conversion application fee for non-fast track application	Maximum non-conversion application fee in respect of provisional statement premises	Maximum non-conversion application fee in respect of other premises	Maximum annual fee	Maximum fee for application to vary licence	Maximum fee for application to transfer a licence	Maximum fee for application for reinstatement of a licence	Maximum fee for application for provisional statement
Regional casino premises licence		£8,000	£15,000	£15,000	£7,500	£6,500	£6,500	£15,000
Large casino premises licence		£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence		£3,000	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000
Converted casino premises licence	£2,000			£3,000	£2,000	£1,350	£1,350	
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises licence	£1,000	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Betting premises (track) licence	£1,250	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£1,000	£950	£2,000	£750	£1,000	£950	£950	£2,000
Betting premises (other) licence	£1,500	£1,200	£3,000	£600	£1,500	£1,200	£1,200	£3,000

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Proposed Fee Structure

APPENDIX 2

Application Type	Estimated number	Current fee	Proposed Fee	Income Forecast
New Betting Shop	2	£830.00	£830.00	£1,660.00
New Casino (small) *	0	£2,810.00	£2,810.00	£0.00
New Bingo	0	£830.00	£830.00	£0.00
New AGC	0	£830.00	£830.00	£0.00
New FEC	0	£830.00	£830.00	£0.00
Annual fee Betting Shop	43	£500.00	£500.00	£21,500.00
Annual fee Casino (small) *	0	£880.00	£880.00	£0.00
Annual fee Bingo	0	£500.00	£500.00	£0.00
Annual fee AGC	0	£500.00	£500.00	£0.00
Annual fee FEC	0	£500.00	£500.00	£0.00
Variation betting shop	0	£580.00	£580.00	£0.00
Variation Casino (small) *	0	£2,570.00	£2,570.00	£0.00
Variation Bingo	0	£580.00	£580.00	£0.00
Variation AGC	0	£580.00	£580.00	£0.00
Variation FEC	0	£580.00	£580.00	£0.00
Transfer/reinstatement betting shop	0	£240.00	£240.00	£0.00
Transfer/reinstatement Casino (small) *	0	£310.00	£310.00	£0.00
Transfer/reinstatement Bingo	0	£240.00	£240.00	£0.00
Transfer/reinstatement AGC	0	£240.00	£240.00	£0.00
Transfer/reinstatement FEC	0	£240.00	£240.00	£0.00
Provisional statement Betting Shop	0	£830.00	£830.00	£0.00
Provisional statement Casino (small) *	0	£2,810.00	£2,810.00	£0.00
Provisional statement Bingo	0	£830.00	£830.00	£0.00
Provisional statement AGC	0	£830.00	£830.00	£0.00
Provisional statement FEC	0	£830.00	£830.00	£0.00
New app with prov statement Bet Shop	0	£590.00	£590.00	£0.00
New app with prov statement Casino (sm)	0	£700.00	£700.00	£0.00
New app with pro statement Bingo	0	£590.00	£590.00	£0.00
new app with prov statement AGC	0	£590.00	£590.00	£0.00
New app with prov statement FEC	0	£590.00	£590.00	£0.00
Change of circumstances	0	£50.00	£50.00	£0.00
Copy of licence	0	£25.00	£25.00	£0.00
Temporary use notice (TUN)	0	£430.00	£430.00	£0.00
Replacement TUN (copy)	0	£25.00	£25.00	£0.00
Gaming machine permit (2 or less) (one off fee & no annual fee)	0	£50.00	£50.00	£0.00
Gaming machine permit (3 or more)	0	£150.00	£150.00	£0.00
Annual fee gaming machine permit (3 or more)	19	£50.00	£50.00	£950.00
Variation to gaming machine permit (3 or more)	0	£100.00	£100.00	£0.00
Transfer of gaming machine permit (3 or more)	0	£25.00	£25.00	£0.00
Total				£24,110.00

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Committee(s):	Date(s):
Planning and Transportation (For Decision)	17 July 2014
Licensing (For Information)	21 July 2014
Subject: Tables & Chairs Policy	Public
Report of: Director of Markets & Consumer Protection	For Information
<p style="text-align: center;"><u>Summary</u></p> <p>The Highways Act 1980 permits an individual or corporate body to seek permission to place tables and chairs on the highway in order to facilitate their business.</p> <p>The Corporation's licensing team administer the process and enforce the provisions of the Highways Act relevant to the granting of a permission and the use of such tables and chairs.</p> <p>In order to assist the licensing team a number of guidelines are used relating primarily to the health and safety implications of obstructing the highway. These guidelines are now out of date and incorporated in an updated policy attached as an appendix to this report.</p> <p>Recommendations:-</p> <p>Planning and Transportation</p> <p>It is recommended that your committee agree the proposed policy as attached at Appendix 1 to this report.</p> <p>Licensing</p> <p>Members are invited to note the contents of this report</p>	

Main Report

Background

1. An individual or corporate body wishing to place tables and chairs on the public highway, including a City Walkway, must first seek the necessary licence (permission) under the Highways Act 1980. The Licensing Team in the Department of Port Health & Public Protection has responsibility for the operational administration of this function.
2. Planning permission is not normally required to place tables and chairs on the highway as long as none of the furniture is affixed or left in place outside hours of use, and the primary use of the area remains as highway. Tables and Chairs applications arrive separately from any planning process and are also, usually, separate from the premises licence process although there is no reason, except the wishes of the businesses concerned, why these should not be applied for concurrently. (However, the determination procedures for each are distinct, and the outcome of one cannot predetermine the outcome of another).
3. The process of dealing with an application to place tables and chairs on the highway involves consulting with other City of London Corporation departments as well as external individuals and organisations. This is primarily in respect of highway matters such as provision of and access to services, traffic and pedestrian management and street scene issues as well as potential public safety and nuisance matters such as obstruction and noise.
4. A typical small, uncontentious tables and chairs application currently takes approximately three months to process. However, this timescale can be considerably extended if there is any unresolved concern with any consultee, whether internal or external to the City of London Corporation.
5. A Tables & Chairs licence cannot be granted where certain frontagers (a person who occupies or owns a property adjoining the part of the highway on which tables and chairs are to be put) withhold their consent. If the Licensing Team consider that consent has been withheld unreasonably, that is, where an objection is maintained (irrespective of all negotiated agreements and mitigating conditions that appear to address such concerns) the issue must be referred to arbitration.

Current Position

6. There are 105 premises in the City of London for which tables and chairs licences are granted or under consideration. This figure has remained consistent for the past four years. 62 of these premises are licensed premises for the purchase of the supply of alcohol under the Licensing Act 2003. The remaining 43 are associated with coffee shops/sandwich bars etc.
7. Policy and guidelines for the issue of tables and chairs licences were agreed by the then Planning and Communications Committee on 26 April 1983. They have not been formally reviewed or revised since then. Recent cases have shown that they need to be updated to keep abreast with changing circumstances in the City. Additional guidelines used to assist officers are similarly out of date and require updating.
8. A combined policy and procedure document has been produced for the purpose of:
 - explaining the legislation affecting the placing of tables and chairs on the highway;
 - setting out the Corporation's policy in respect of the placement of tables and chairs on the highway, including its enforcement; and
 - offering guidance as to the procedure that should be followed when submitting an application.

The document can be seen as Appendix I

9. Of particular note is paragraph 4.3 which looks at the criteria which will be considered prior to issuing a licence. The criteria are designed to ensure that before a licence is issued environmental and public safety considerations will be taken into account, together with any other relevant City Corporation policies and strategies.
10. Also of note is paragraph 4.10 which makes access requirements a consideration when granting a licence
11. Before preparing the policy the views from a number of City Corporation services were sought including Planning, Highways, Cleansing, the Remembrancer's Office, the Comptroller's Office, and Environmental Health. Their comments were taken into consideration in the preparation of the policy.

Corporate and Strategic Implications

12. The proposed policy surrounding the placing of tables and chairs on the highway and extending trading facilities in the City of London meets one of the City Corporation's aims, as stated in the Corporate Plan 2013-2017, 'To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes'.
13. It also meets one of the five key policy priorities KPP2, in that it seeks to 'support and promote the international and domestic financial and business sector.

Legal Implications

14. In preparing policy and criteria it should be noted that the Highway Authority has a duty under s. 130 of the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of the highway or City Walkway. This has to be balanced against the public benefits that could be derived by placing amenities on the public highway. Due regard must also be had to other relevant considerations including whether there is any interference with property or family life, and if so, whether it is proportionate to the public benefit (Human Rights Act 1998), and any Equalities Act considerations for example in terms of reduced access or safety.

Contact:

Peter Davenport, peter.davenport@cityoflondon.gov.uk, ext 3227



City of London Corporation

POLICY and PROCEDURE

Licensing Tables and Chairs On the Highway



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1. Introduction

- 1.1. The placing of Tables and Chairs on the Highway is becoming a more frequent sight as more and more people discover the pleasure of alfresco dining and the City's tourism and retail business increases. Tables and Chairs on the Highway can contribute to the life and character of an area. However, if not carefully controlled pedestrians and wheelchair users can be put in danger, and excessive numbers of people eating and drinking outdoors can cause littering and a noise nuisance for residents.
- 1.2. In addition to the above the City of London Corporation is concerned with traffic movement, maintaining adequate space for pedestrian movement, street cleaning, improving the appearance of the City and protecting the character of historic areas and buildings. The siting of tables and chairs has to be considered carefully subject to appropriate conditions to regulate their use.
- 1.3. This policy will explain the criteria to be applied when deciding whether to grant permission to place tables and chairs on the highway and the procedure to be followed, how an application will be dealt with and the conditions that are likely to be imposed.

2. Definitions

Act:	The Highways Act 1980
Frontagers:	Owners and occupiers of any premises adjoining the part of the highway on, in or over which an object or structure would be placed thus having an interest in proposals to place objects or structures wholly or partly between their premises and the centre of the highway.
Furniture:	Includes tables, chairs, parasols, planters etc. Please note that this does not include heaters which are not permitted.

Highway:	Includes the carriageway, Footpath and City walkways.
Permission:	A permission to place furniture on the highway or city walkway granted by the Corporation pursuant to Section 115(E)(1)(b)(i) of the Highways Act 1980.
Permission Holder:	The person named on the application form.
Permitted Area:	The area for which permission has been granted to place furniture on the highway.
Persons materially affected:	Those persons living or working in premises near to the permitted area that, although not frontagers, are likely to be affected by permission being granted.
Tables and Chairs:	Includes all 'Furniture'.
Walkway:	Any place within the City of London declared to be a City Walkway in pursuance of Section 6 of the City of London (Various Powers) Act 1967.
Walkway Consent:	The consent of any person who is the owner or occupier of premises adjoining the Walkway and is a person who, in the opinion of the City of London Corporation, is likely to be materially affected or is the owner of land on, under or above which the walkway subsists.

3. Legislation

- 3.1. The legislation applying to the granting of Permission to place Tables & Chairs on the highway in the City of London is contained primarily in Section 115 of the Highways Act 1980.

- 3.2. Permission may be granted under section 115E(1)(b)(i) of the Act for a person to temporarily place tables and chairs, and other items, on the highway for any purpose which will result in the production of income.
- 3.3. Permission may also be granted under section 115E(1)(b)(ii) of the Act for a person to use objects or structures on the highway, for the purpose of providing a centre for advice or information.
- 3.4. The City Corporation may attach such conditions to any permission granted as it thinks fit. All permissions will run for 12 months.
- 3.5. It is an offence under section 148 of the Act to place anything on a highway, without lawful permission, that interrupts any user of the highway. The maximum level of fine which may be imposed is level 3 (currently £1,000). Any items so placed on the highway may be removed in accordance with section 149 of the Act.
- 3.6. Section 115K of the Act outlines the procedure to be taken where a person breaches the terms of their permission. This may result in items being removed from the highway.

4. City Corporation's policy in respect of granting permission to place tables and chairs on the highway

- 4.1. The 1980 Highways Act requires permission to be sought and granted prior to the placing of tables and chairs on the highway. Highways Act permission is not required to place tables and chairs on private land (although planning permission may be required) and there are slightly different rules for City Walkways. *[insert web link]*
- 4.2. If permission is granted it gives the applicant the authority to place tables and chairs on the highway in accordance with any conditions laid down. The Act does not specifically mention Tables and Chairs and permission may be granted for other items such as planters, heaters, parasols etc. The policy criteria will be applied to each of these items particularly with consideration to excessive street clutter, health and safety and other City Corporation policies.

- 4.3. In considering whether or not to grant permission to place items on the highway, the City Corporation will have in mind environmental and public safety considerations, together with other relevant Council policies. Specific factors to be taken into account will include:
- The proximity and nature of any road junctions and pedestrian crossing points;
 - The volume of pedestrian footfall especially at peak times;
 - Whether the proposed permitted area would enable suitable access to all members of the public using the road or pavement;
 - The presence of existing street furniture;
 - Any other factors which might put safety at risk;
 - Whether the proposed permission might have a negative effect on pedestrian amenity and the character and appearance of the area in particular around heritage sites, conservation areas and listed buildings;
 - Impact of the proposed permission on noise and the amenity of neighbours;
 - The number of other permissions issued for areas in or near the proposed permitted area.
- 4.4. It is important that the public are able to pass along footpaths without the risk of coming into contact with vehicular traffic, in particular those using wheelchairs, mobility vehicles and pushchairs. As a guide, there should be a minimum width of unobstructed footway of 2.2 metres between the edge of a permitted area and the edge of the footway. Where pedestrian flow rates are greater than 1200 persons per hour this distance may be increased. Such distances will need to take account of street furniture such as bollards, benches, cycle racks, bus stops etc. Permission will not be granted where the permitted area might interfere with a fire escape. Further details of safe distances and how they should be measured can be seen at Appendix 1.
- 4.5. An exception to the 2.2 metres stated in paragraph 4.4 will be made where an application for permission to place tables and chairs on the highway is in effect a 'renewal' of a previous permission. In these circumstances, where there is insufficient space for 2.2 metres of unobstructed footpath the previously allowed distance of 1.8 metres will be permitted providing it is safe to do so.

- 4.6. Other potential hazards to be considered include the impact on emergency services accessibility and whether the tables and chairs would result in poor sight lines affecting vehicular or pedestrian traffic. In particular, a permitted area will not normally be permitted within five metres of a pedestrian crossing.
- 4.7. To protect the attractiveness of the City's streets, it is important that the granting of permission does not result in detriment to the street scene. Tables and chairs should not cause environmental problems or detract from the amenities of adjacent retailers, occupiers and pedestrians. Regard will be had to any potential problems associated with crime and disorder or anti-social behaviour. Permission to place tables & chairs on the highway should not represent, or be likely to represent, a substantial risk of nuisance to the public from noise, particularly in residential areas.
- 4.8. Tables and chairs should normally be placed adjacent to a premises at the rear of the footway. In exceptional circumstances this requirement may be waived. However;
- The positioning of tables and chairs should never discourage pedestrians from using the footway.
 - The available pedestrian route must be straight, obvious and unobstructed and not pass through the permitted area.
 - A risk assessment must be submitted by the applicant concerning the transport of food and drink between a premises and the permitted area.
 - The positioning of tables and chairs away from the premises would not be suitable where there is a possibility of persons drinking whilst standing up congregating between the permitted area and the premises.
- 4.9. A standard design of seating and tables is not required. Items should be sufficiently robust to withstand daily use and not present a hazard to the user. Materials and colours shall not be so bright or overly reflective as to cause a hazard to other users of the highway. Plastic 'garden' type furniture will not be permitted.

- 4.10. It is expected that some of the tables and chairs will meet access requirements for those persons with a disability. Some of the tables should permit access to wheelchair users and some seating should have backs and arm rests. Further details on accessibility can be found on the City Corporation's web site. *[insert web link]*
- 4.11. Where the permitted area is a 'licensed' area under the Licensing Act 2003, or where the permitted area is connected with a 'licensed' premises and can be used for 'off' sales, permission will not be given to use tables and chairs later than the terminal hour for the sale of alcohol.
- 4.12. This Policy is a guide and each application will be treated on its merits and individual circumstances. Any written objections (not including frontagers) will be considered in terms of relevancy. Frivolous, vexatious or repetitious observations will be disregarded.

5. Terms and conditions of permissions

- 5.1. Permission will not normally be granted to place tables and chairs on the highway earlier than 07:00 or later than 23:00. In considering the trading times, the Corporation will take into account the needs of other residents, pedestrians and businesses. Permission to place tables and chairs on the highway outside of these times will only be given in exceptional circumstances.
- 5.2. All furniture is to be removed from the highway at the close of permitted hours. If this is not possible until the associated premises closes, permission may be granted for them to remain on the highway until they can be removed at the closure of the premises. Whilst the furniture remain on the highway after permitted hours they must be made unusable i.e. not available for anybody to use. Once the premises ceases trading for that day, all furniture must be removed and stored away from the highway.
- 5.3. Permissions made under section 115E of the Act will specify, in addition to the permitted area, time of permission and the number of tables and chairs permitted to be placed on the highway and terms and conditions under which any permission must take place (section 115F of the Act). Conditions will

include the permission holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. The standard conditions for permissions are set out in Appendix 2.

- 5.4. The City Corporation reserve the right to withdraw permission at short, or no, notice where it is necessary for the City Corporation and/or utilities to maintain the highway, plant and/or apparatus, or for any justifiable reason at the City Corporation's discretion.
- 5.5. Umbrellas must be specified as additional items of furniture if intended to be used. All parts of the umbrella must be contained within the permitted area and must be an integral part of the table i.e. they cannot be free standing. The umbrellas must not present an impact hazard to users of the permitted area or to those persons passing by or through the area.
- 5.6. Heaters of any kind will not be permitted.
- 5.7. No preparation of food or drink shall be allowed in the permitted area.
- 5.8. The playing of music in the permitted area will not be allowed.
- 5.9. No permanent fixture will be permitted whether it is at ground, or below ground level.
- 5.10. Permission details are to be displayed by the permission holder in a conspicuous position (usually in the window of the premises) and states the number of items for which permission has been granted.

6. Enforcement relating to the placing of tables & chairs on the highway

- 6.1. It is an offence under section 148 of the Act to deposit anything on the highway, without lawful authority, that interrupts any user of the highway. Permission under section 115E of the Act is deemed to be lawful authority.

- 6.2. Any person convicted of an offence under section 148 is liable to a fine up to Level 3 on the Standard Scale (£1000).
- 6.3. Alternatively, if anything is deposited on a highway so as to constitute a nuisance, the City Corporation may by notice require the person to remove it. If the person fails to remove the item(s) the City Corporation may apply to a Magistrates' Court for a removal and disposal order.
- 6.4. Where tables and chairs have been placed on a highway otherwise than in accordance with the terms and conditions of a permission, the Highway Authority may by notice require the permission holder to remove the items within the time stated in the notice. If the permission holder fails to remove the items the City Corporation may remove them and recover expenses reasonably incurred from the permission holder.
- 6.5. The Port Health and Public Protection Department's Enforcement Policy will always be taken into consideration before any enforcement action is taken. The aim of the City of London Corporation is to assist traders in meeting their legal obligations and to work with them in putting things right. Further information on the Enforcement Policy can be found at *[insert web link]*.

7. Making an application for permission to place tables & chairs on the highway

General

- 7.1. In order to obtain permission to place tables and chairs on the highway an application must be made in writing to the City of London Licensing Service. An application must be in the form set out in Appendix 3.
- 7.2. The application form must be accompanied with the following items:
- A location plan of the proposed area where tables and chairs are to be placed. The plan must be at least 1:250 scale and clearly define the premises to which the permission will relate.

- A plan to a scale of 1:50 detailing the precise position of all items of furniture with items to be drawn to scale. The proposed area seeking the permission must be outlined in red.
- The above plans must show the position of features such as trees, dropped kerbs, pedestrian crossings, cycle lanes, parking bays, fire exits (next to or within the proposed permitted area) and any other existing street furniture e.g. cycle racks, telephone boxes, street lamps, bollards etc.
- Photographs, brochures and/or pictures and specifications of the proposed furniture e.g. make, finishes and dimension.
- A completed Indemnity Certificate giving evidence of public liability insurance to the minimum value of £2,000,000 per incident. (Incorporated within the application form).
- Where an LPG fuelled appliance is to be used, a copy of an up-to-date competent person's form certifying that the appliance has been properly checked and is sound.
- The appropriate fee.

7.3 On receipt of an application form, licensing officers will check to ensure it is completed correctly and complies with all statutory requirements. An applicant is recommended to speak to a licensing officer if they need advice as to how to complete the form.

7.4 If any Licensable activity (as defined in the Licensing Act 2003) is to take place either in the permitted area or in premises linked to the permitted area then the application will not be determined until after the relevant Premises Licence has been obtained.

7.5 The placing of tables and chairs on the highway will not normally require planning permission as long as none of the furniture is affixed or left in place outside hours of use, and the primary use of the area remains as highway. If planning permission is required, or clarity is required as to a particular situation, applicants must contact the City Corporation Planning Authority *[insert web link]*.

7.6 Applications for permission to place tables and chairs on the highway are to be made at least three months prior to the date on which they are required to

be first used. If the application is submitted later than this it may not be processed in time for the proposed first day of use.

- 7.7 Applicants with an existing permission, and wishing to seek a further permission, are still advised to submit their application three months prior to the date on which their current permission ceases to be valid. If the application is late it may not be processed before the current permission ceases to be valid. This may result in a period of time where the applicant will have to remove all tables and chairs from the highway until a decision is made regarding the new application.

Consultation

- 7.8 The City Corporation will affix a notice at or near the permitted area setting out the details of the application. The notice will state a period during which representations can be made. This will normally be between 28 and 35 days and will normally commence within 14 days of the application being received.
- 7.9 All frontagers will be contacted and their consent sought for the applicant to place tables and chairs on the highway. Permission cannot be granted if any frontagers withhold their consent. If a frontager fails to reply to the requests for consent within the consultation period, consent will be deemed to have been given.
- 7.10 Copies of the notice will be served on the owner/occupier of any premises that the City Corporation considers to be materially affected. This would normally be the premises either side of and above the applicant's premises.
- 7.11 Where the highway is a City Walkway all owners/occupiers of premises that open onto the walkway will be treated as materially affected and served a copy of the notice.
- 7.12 All representations or comments received from persons, and in particular those persons who are materially affected, will be taken into consideration before permission is granted.
- 7.13 Once the consultation period has finished and frontager consent has been obtained, permission to place tables and chairs on the highway will normally

be granted subject to considerations from those persons materially affected (paragraph 7.12) and the application satisfying other policy criteria.

8. Appeal and Arbitration Procedure

- 8.1. If frontager consent has been withheld, and the City Corporation are of the view that the withholding of the consent is reasonable, permission will not be granted.
- 8.2. Any person aggrieved by the refusal of the City Corporation to grant permission to place tables and chairs on the highway, or by the withdrawal or variation of a permission, although they do not have a statutory right of appeal, will be permitted to have the matter heard by the City Corporation's Planning and Transportation Committee.
- 8.3. Any 'appeal' must be made within fourteen days from the date on which the refusal, withdrawal or variation is notified to the permission holder or applicant.
- 8.4. Where consent has been refused by one or more frontagers, the licensing team will attempt to mediate between all parties with the aim of making a proposal which is satisfactory to all frontagers and meets City Corporation policy.
- 8.5. If the mediation is not successful, and the City Corporation are of the opinion that frontager consent is being unreasonably withheld, then the matter will be referred to and determined by an arbitrator either appointed on agreement by all parties or by the President of the Chartered Institute of Arbitrators. In order to assist the City Corporation in deciding what is unreasonable, they will have regard to this Policy.
- 8.6. Further details of the appeal and arbitration procedure can be found in the Licensing section of the City of London website (*web link to be inserted*) or by contacting the licensing team.

9. Sale of Ice Cream on the highway

- 9.1. This section only applies if the criteria in paragraph 9.2 are met. If these criteria are not met the sale of ice cream on the highway is considered to be street trading and needs to meet the requirements of the Street Trading Policy *[link to policy]*.
- 9.2. In order to sell ice cream, and it not to be considered as street trading, the following criteria must be met:
- the sale must be made by the occupier of a business premises which is used for conducting a food business;
 - ice cream can only be sold from a receptacle the design of which has been approved by the City Corporation;
 - the receptacle must be situated within 15 metres of the business premises;
 - The location and purpose of the receptacle has been approved by the City Corporation.

Premises must comply with all Food Hygiene Regulations and be registered as Food Businesses.

- 9.3. In determining whether the above criteria have been met, a food business shall mean any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food.
- 9.4. Where the above criteria are met, permission under section 115 of the Act must be obtained. Under these circumstances the requirements of this policy must be met and the procedure laid down for tables and chairs is to be followed.

10. Fees and charges

- 10.1. The fee for an application for Permission to place tables and chairs on the highway is determined by the City Corporation and is currently set at £400 plus an additional amount dependant on the number of items for which

permission is being sought. A list of current fees and charges is set out in Appendix 4.

- 10.2. The fee must be submitted with the application. Where permission is not successful the base fee of £400, which covers the cost of the administration process, will not be refundable.

11. Contacts

Write to: Licensing Service
 Walbrook Wharf
 Upper Thames Street
 EC4R 3TD

Email: licensing@cityoflondon.gov.uk

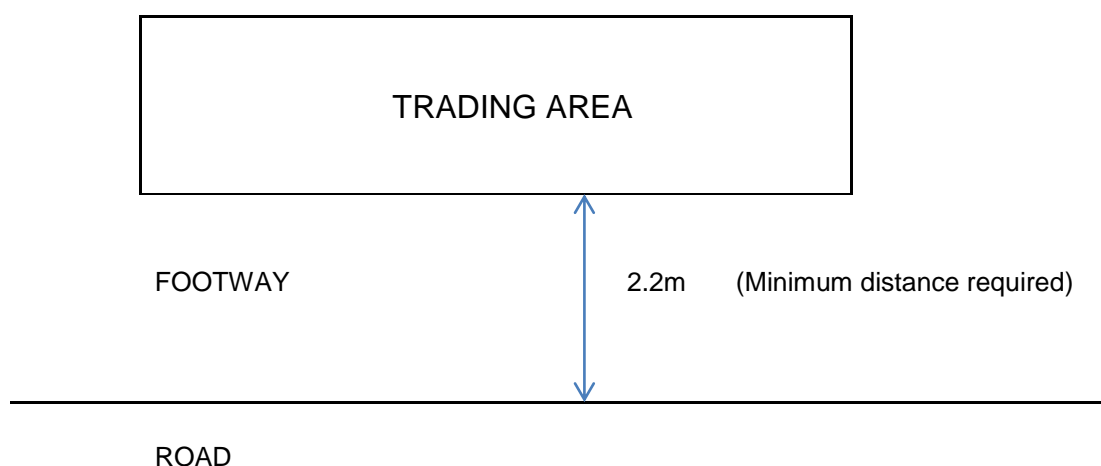
Telephone: 020 7332 3406

You can also find more information and links to other sources of information on the City of London's website. Please click on the link below:

[Tables and Chairs further information](#) *(link to be inserted)*

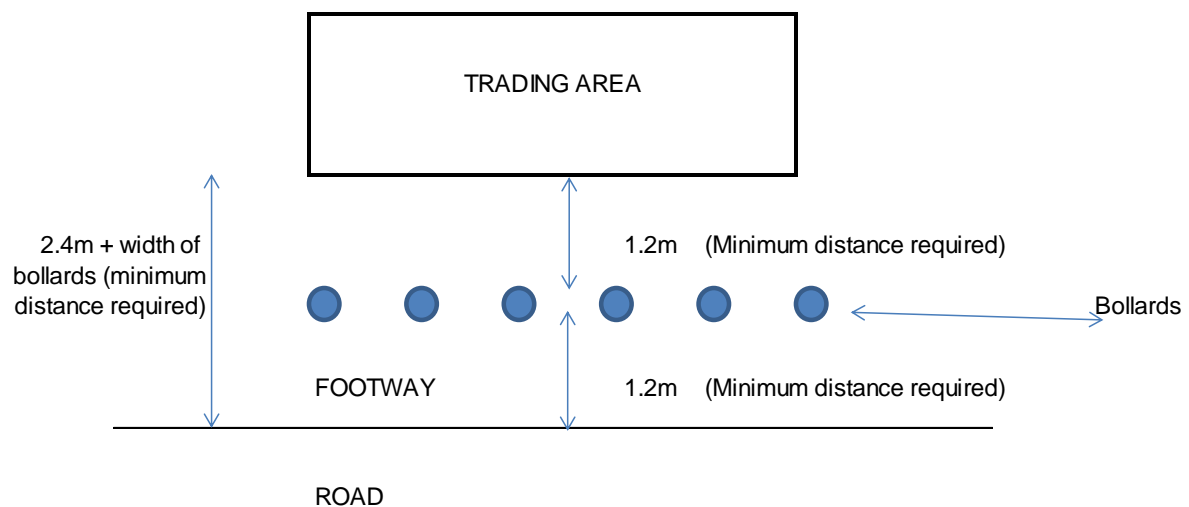
Measurement of Available Footpath

- a) There must be a minimum width of unobstructed footway of 2.0 metres between the edge of the permitted area and 200mm from the edge of the footway. The 200mm distance is to allow for the fact that pedestrians cannot be expected to walk on the edge of the footpath.



- b) Please note that the measurement is taken from the edge of the permitted area and not a particular item within that area. This is to allow for customers for example, to pull back a chair when leaving a table without interfering with passing pedestrians.
- c) Where pedestrian flow rates are greater than 1200 persons per hour, particularly near a tourist attraction, this distance may be increased taking into consideration the likelihood of pedestrians stopping to observe shop fronts/the attraction etc. There is no exact formula for determining the minimum width of footpath and each case will be determined on its merits. The overriding factor will be the safety and comfort of pedestrians and their ability to pass along the footpath safely.

- d) Where the footpath contains other street furniture such as lamp posts, bollards, parking meters, telephone booths, benches etc., the minimum unobstructed width will be measured between the edge of the permitted area and 200mm from the item(s) in question plus the additional distance between the item(s) and 200mm from the edge of the footpath if that additional distance is not less than one metre.



- e) The positioning of the permitted area should never discourage pedestrians from using the footway. The available pedestrian route must be straight, obvious and unobstructed and not pass through the permitted area.

TABLES AND CHAIRS PERMISSION TERMS AND CONDITIONS

The term “furniture” used hereinafter is to be taken to mean tables and chairs, parasols, planters etc. It does not include ‘A’ Boards.

1. This licence must be displayed in a prominent position during any period that furniture is located on the Public Footway.
3. All furniture is to remain within the delineated area whilst it is in use on the Public Footway.
4. No furniture may be placed in any position where it will obstruct a designated fire escape route.
5. The furniture must be removed by the licensee from the Public Footway outside the hours specified herein, or at any time when the licensee is requested by the Police, the Director of the Built Environment, the Director of Markets & Consumer Protection or Transportation and Public Realm Director (to facilitate cleaning and street washing) to remove the same.
6. The number of items of furniture specified overleaf shall not be exceeded at any time.
7. The furniture shall be maintained in a safe, clean and well decorated condition, and be of a design acceptable to the Director of Markets & Consumer Protection.
8. The licensee is responsible for the removal of all litter from the delineated area and from the adjacent carriageway and Public Footway as often as may be necessary to the satisfaction of the Transportation and Public Realm Director.
9. The permission holder must pressure wash the permitted area at a minimum of six-monthly intervals to ensure adequate levels of cleanliness are maintained.
10. No food or drink shall remain at unoccupied tables.
11. The licensee shall be liable for any damage to the Public Footway which the Director of Markets & Consumer Protection considers reasonably attributable to the licensee’s use of the Public Footway and shall reimburse the costs of the City of London Corporation or its Agents in repairing the same.

12. i) The permission holder shall be liable for and shall indemnify the City of London Corporation, their Servants and Agents against:-
- a) any expense, liability, loss, claim or proceedings whatsoever arising under statute or at common law in respect of personal injury to or the death of any person whomsoever, and
 - b) any expense, liability, loss, claim or proceedings in respect of any injury, loss or damage whatsoever to any person whomsoever or to any property real or personal, arising from the use of the Public Footway for the permitted purpose.
- ii) Without limiting the obligation hereunder, the licensee will effect insurance against the matters referred to in 11(i) to the satisfaction of the Chamberlain of London and will produce to the Chamberlain the policies of insurance so effected and the current premium renewal receipts relative thereto at such times as the Chamberlain shall reasonably require.
13. No tables or chairs may be reserved for the exclusive use of the premises associated with this permission. In other words, all tables and chairs may be used by the general public at no charge.
14. No advertising material may be attached to, or form part of, any of the furniture.
15. No supplemental lighting may be used in connection with the furniture.
16. The permission holder shall obtain all necessary consents that may be required relative to the use of the Public Footway for the permitted purpose and comply with all bye-laws and statutory requirements relating thereto.
17. This permission may be withdrawn or suspended at any time by the City of London Corporation if any of the terms and/or conditions are not complied with by the permission holder. No reimbursement of licence fees, nor compensation for any loss occasioned thereby will be made by the City of London Corporation.
18. In the event of withdrawal or suspension of this permission by the City of London Corporation for its highway or similar works, the Director of Markets & Consumer Protection may agree a proportional reimbursement of the permission fee.
19. Furniture must be capable of being stored off the highway on cessation of the permitted hours. No tables and chairs will be permitted on the highway after 23:00.



APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE PAVEMENT IN ACCORDANCE WITH THE HIGHWAYS ACT 1980 PART VIIA

PLEASE REFER TO GUIDANCE NOTES

DETAILS OF PREMISES AND INTERESTED PARTIES		OFFICIAL USE : APPLICATION NUMBER
1	NAME OF PREMISES: ADDRESS: TELEPHONE:	
2	PROPOSED LICENCE HOLDER(Company or Individual) NAME ADDRESS: TELEPHONE FAX E-MAIL	CONTACT OR AGENT NAME ADDRESS: TELEPHONE FAX E-MAIL
3	FREEHOLDER(S) NAME ADDRESS: TELEPHONE FAX E-MAIL	ADDITIONAL FREEHOLDER(S*) NAME ADDRESS: TELEPHONE FAX E-MAIL
4.	LEASEHOLDER OF THE UNIT NAME ADDRESS: TELEPHONE FAX E-MAIL	OTHER LEASEHOLDER(S*) IN THE BUILDING NAME ADDRESS: TELEPHONE FAX E-MAIL
	DETAILS OF PREVIOUS PERMISSION(s)	
5	DATE OF EXPIRY	Do you hold a premises licence issued under the Licensing Act 2003? Y/N
	PERMISSION NUMBER	Premises Licence No if applicable:

*PLEASE CONTINUE ON AN ADDITIONAL SHEET

DETAILS OF APPLICATION SITE		
6	TYPE OF AMENITY	NUMBERS
	TABLE	<input type="text"/>
	CHAIRS	<input type="text"/>
	UMBRELLAS	<input type="text"/>
	PLANTERS	<input type="text"/>
	OTHER	<input type="text"/>
7	STORAGE FACILITIES	
	LOCATION OF ALL ITEMS WHEN NOT IN USE	
	SIZE OF STORAGE FLOORSPACE IN METRES	
8	DAYS OF THE WEEK AMENITIES TO BE PLACED ON THE PUBLIC HIGHWAY	
	MONDAY	<input type="text"/>
	TUESDAY	<input type="text"/>
	WEDNESDAY	<input type="text"/>
	THURSDAY	<input type="text"/>
	FRIDAY	<input type="text"/>
	SATURDAY	<input type="text"/>
	SUNDAY	<input type="text"/>
9	SIZE	
	SIZE OF PROPOSED LICENSED AREA(S)	
	SIZE OF EXISTING PRIVATE FORECOURT (IF ANY)	
	TOTAL DISTANCE FROM BUILDING LINE TO KERB EDGE	
10	REFUSE	
	EXISTING REFUSE DISPOSAL AND STORAGE ARRANGEMENTS	
	PROPOSED REFUSE AND STORAGE ARRANGEMENTS FOR THE LICENSED AREA(S)	
11	LOCATION OF FIRE EXITS AND ESCAPE HATCHES WITHIN OR NEXT TO THE PROPOSED LICENCE AREA	

FINISHES (Materials)	SIZE (Width/Depth/Height In Metres)

FROM (HOURS)	TO (HOURS)
WIDTH (Metres)	LENGTH (Metres)

TABLES AND CHAIRS INDEMNITY CERTIFICATE

PROPOSED LICENCEE NAME: ADDRESS:		PREMISES NAME: ADDRESS:
---	--	--

I the undersigned, confirm that the above named proposed licensee to the City of London Corporation has in force, on an annual basis, the policy of insurance as described below, and the details given are a true record of the insured's insurance arrangements currently in force in respect of the above premises.

Public Liability Insurance against the insured's legal liability for death of or bodily injury to or disease contracted by a third party and/or loss of or damage to a third party properly arising out of or in the course of or in connection with the carrying out of the insured's business at the above premises.

- 1) Provision of an automatic indemnity to the City of London Corporation.
- 2) Inclusion of liability assumed under contract or agreement.
- 3) No exclusion for fire or explosion.
- 4) A minimum limited of indemnity for any one occurrence of £2,000.000.

NAME OF INSURER: ADDRESS OF INSURER/BROKER PROVIDING THIS CERTIFICATE: 	POLICY NUMBER: INDEMNITY LIMITED: PERIOD COVERED BY INSURANCE: TO..... ...
--	---

TO BE SIGNED BY THE APPLICANT

SIGNED

PRINT NAME

DATE

Appendix 4

Fees for tables and chairs consents on the highway April 2014

No. of items	New application	Renewal application	No. of items	New application	Renewal application
1	£435	£395	16	£1200	£1160
2	£470	£430	17	£1250	£1210
3	£505	£465	18	£1300	£1260
4	£540	£500	19	£1350	£1310
5	£575	£535	20	£1400	£1360
6	£610	£570	21	£1450	£1410
7	£645	£605	22	£1500	£1460
8	£680	£640	23	£1550	£1510
9	£715	£675	24	£1600	£1560
10	£750	£710	25	£1650	£1610
11	£785	£745	26	£1700	£1660
12	£820	£780	27	£1750	£1710
13	£855	£815	28	£1800	£1760
14	£890	£850	29	£1850	£1810
15	£925	£885	30	£1900	£1860

If you wish to have more than 31 items on the highway, please use the following table to calculate the correct fee. The same table has been used to calculate the fees above.

Application Type	Base cost	Fee per item (Up to 15 items)	Fee per item (Up to 30 items)	Fee per item (Up to 45 items)	Fee per item (Over 46 items)
Application for a new licence	£400.00	£35	£50.00	£60.00	£65
Application to renew licence	£360.00	£35	£50.00	£60.00	£65
Application to vary licence*	£360.00	£35 per additional item	£50 per additional item	£60 per additional item	£65 per additional item
Application for a minor variation**	£40.00	N/A	N/A	N/A	N/A

- * A variation application may be considered by the City of London Corporation in circumstances where a licence has been granted and the licence holder wishes to make amendments to the terms and conditions of that licence during the course of the licence. A variation application may relate to a change in the number of tables and chairs permitted, the terminal hour of the permission, the layout of the furniture or a change to the design and size of the furniture.
- ** A minor variation may be considered by the City of London Corporation where the licence holder wishes to change their name or address details on the licence or to make some minor changes to the furniture materials. This does not apply to a change of ownership of the premises in which case an application for a new licence must be made.

Refund table:

Application type	Refundable element for unsuccessful applications	Refundable element for withdrawn applications
Application for a new tables and chairs licence	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.
Application to renew a tables and chairs licence	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.
Application to vary a tables and chairs licence*	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.

Note: There is no refund available if a licence is surrendered part way through the year.

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Committee(s):	Date(s):
Port Health and Environmental Services (For Decision)	13 May 2014
Planning and Transportation (For Information)	20 May 2014
Licensing (For Information)	21 July 2014
Subject: Street Trading Policy	Public
Report of: Director of Markets and Consumer Protection	For Information
<p style="text-align: center;"><u>Summary</u></p> <p>The City of London (Various Powers) Act 2013 has made changes to the long established street trading regime within the City of London. The City Corporation will have the authority to issue temporary street trading licences so that commemorative and seasonal events will be able to include a street trading element.</p> <p>Powers of enforcement against illegal street trading have been strengthened with items used to facilitate illegal sales being subject to seizure. This includes vehicles such as ice cream vans.</p> <p>This report provides an introduction to the attached combined policy and procedure document. This report:</p> <ul style="list-style-type: none"> • Explains the legislation affecting street trading in the City of London; • Sets out the City Corporation's policy in respect of the regulation of street trading, including its enforcement; and • Offers guidance as to the procedure to be followed in seeking a street trading licence <p>The report outlines matters considered by the licensing service in setting the proposed temporary licence fees which follow legally established guidelines. The fees set out in the policy are designed to cover the costs associated with the licensing process. Authorities, including the City Corporation, are not able to include the costs of enforcement against unlicensed street traders within their fees.</p> <p>Recommendation</p> <p>Members are invited to note the contents of this report and particularly the policy set out in Appendix 1 which was agreed by the Port Health and Environmental Services Committee on 13 May 2014.</p>	

Main Report

Background

1. A report was considered by the Port Health and Environmental Services Committee on 11 March 2014 and the Planning and Transportation Committee on 18 March 2014 outlining the main changes introduced by the City of London (Various Powers) Act 2013. The present report concentrates on the City Corporation's policy response to the changes in the law.
2. Prior to the 2013 Act the only street trading permitted in the City of London was in part of Middlesex Street and only on Sunday mornings. Under the new measures, the City Corporation may issue temporary street trading licences for up to 21 days in any area of the City of London other than Middlesex Street. It remains the view of the City Corporation that street trading is generally not suitable within the City of London.
3. Where a temporary market is proposed, the Act provides for one person to apply on behalf of a number of traders. Provision is made by the Act for charging of fees for applications for and grant of temporary licences and for the imposition of licence conditions as to charges and the recovery of expenses.
4. A new seizure power applies to goods being unlawfully sold, and to equipment and vehicles used by unlawful street traders. This will enable, for example, an ice cream van operating in the City to be seized.

Current Position

5. A prohibition on street trading in the City of London, other than in Middlesex Street, has been in force for many years. The 2013 Act liberalises the arrangements so as to permit street trading to take place for temporary periods in defined areas.
6. A combined policy and procedure document has been produced for the purpose of:
 - explaining the legislation affecting street trading in the City;
 - setting out the Corporation's policy in respect of the regulation of street trading, including its enforcement; and
 - offering guidance as to the procedure that should be followed in seeking a street trading licence.

The document can be seen as Appendix 1.

7. Of particular note is paragraph 4.3 of the document which establishes the type of occasion where a temporary licence will be acceptable i.e. as part of a one-off street festival or charity event, seasonal event or a specialist market.
8. Paragraph 4.4 looks at the criteria which will be considered prior to issuing a licence. The criteria are designed to ensure that before a temporary licence is issued environmental and public safety considerations will be taken into account, together with any other relevant City Corporation policies and strategies.
9. Also of note is paragraph 7.16 which ensures any receptacle has been approved by the City Corporation before being placed on the highway.
10. Before preparing the policy the views from a number of City Corporation services were sought including Planning, Highways, Cleansing, the Remembrancer's Office, the Comptroller's Office, and Environmental Health. Their comments were taken into consideration in the preparation of the policy.

Corporate & Strategic Implications

11. The proposed policy and the introduction of temporary street trading in the City of London meets one of the City Corporation's aims, as stated in the Corporate Plan 2013-2017, 'To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes'.
12. It also meets one of the five key policy priorities KPP2, in that it seeks to 'support and promote the international and domestic financial and business sector. [Bearing in mind the public sector equality duty please add whether the policy has any equalities implications.]

Appendices

Appendix 1 – Street Trading policy and Procedure

Background Papers:

Port Health & Environmental Services Committee Report 11 March 2014:
'City of London (Various Powers) Act 2013 London Local Authorities and Transport for London (No. 2) Act 2013'

Contact: *Peter Davenport*
Licensing Manager
peter.davenport@cityoflondon.gov.uk / x 3227

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City of London Corporation

POLICY & PROCEDURE

Street Trading

(In accordance with section 16H of the
City of London (Various Powers) Act 1987)

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1. Introduction

- 1.1. The purpose of this document is to:
 - explain the legislation affecting street trading in the City;
 - set out the Corporation's policy in respect of the regulation of street trading, including its enforcement; and
 - offer guidance as to the procedure that should be followed in seeking a street trading licence.
- 1.2. For many years street trading within the City of London was not permitted except for a Sunday market held in part of Middlesex Street. This general prohibition has now been amended by the City of London (Various Powers) Act 2013 which permits licences to be issued for street trading elsewhere in the City of London for limited periods.
- 1.3. Separate provision is made for ice cream trading outside food premises in the City. Please go to *[web link to be inserted]* for more information about this.
- 1.4. It is intended to review the Corporation's policy on street trading every three years although minor amendments may be made between general reviews.

2. Definitions

1965 Act: The City of London (Various Powers) Act 1965

1987 Act: The City of London (Various Powers) Act 1987

2013 Act: The City of London (Various Powers) Act 2013

Middlesex Street licence: A licence granted under section 8 of the 1987 Act.

Licensed street trader: A person, including a temporary licence holder, licensed to engage in street trading by a street trading licence granted under the 1987 Act. This includes both Middlesex Street traders and temporary licence holders.

Receptacle:	Includes a vehicle, trailer or stall and any basket, bag, box, vessel, stand, easel, board, tray or other structure or thing which is used as a container for, or for the display of, any article or thing.
Street trading:	The selling or exposing or offering for sale of any article or thing in a street.
Street trading licence:	A licence to engage in street trading granted under the 1987 Act. This includes both Middlesex Street licences and temporary licences.
Temporary licence:	A licence granted under section 11A of the 1987 Act which is valid for a period of up to 21 days.
Trading area:	An area which is specified in a temporary licence as the area within which street trading is permitted.

3. Legislation

- 3.1. The legislation applying to street trading in the City of London is contained primarily in the City of London (Various Powers) Act 1987 as amended by the 2013 Act.
- 3.2. Licences may be granted under section 8 of the 1987 Act for street trading in the part of Middlesex Street between the junctions with Widegate Street and Sandys Row. Street trading under such a licence can only take place between the hours of 9 a.m. and 2 p.m. on Sundays (other than on Christmas Day when that day falls on a Sunday). Middlesex Street licences expire at the end of each calendar year.
- 3.3. Temporary licences may be granted under section 11A of the 1987 Act. Temporary Licences permit the licence holder to carry on street trading in a designated area set out in the licence for a maximum period of 21 days.
- 3.4. The City of London Corporation may make byelaws under section 21 of the 1965 Act (applicable to Middlesex Street trading only) and section 14 of the

1987 Act (applicable to all street trading) concerning, amongst other things, the manner in which street trading is carried on and the dimensions of receptacles. Applicable byelaws are attached as Appendix 1.

- 3.5. Sections 8(1) and 11A(4) of the 1987 Act provide that an application for a street trading licence must contain certain information. The grounds for refusing to grant or renew a Middlesex Street licence are set out in section 8 of the Act.
- 3.6. It is an offence under section 16(1) of the 1987 Act for any person to engage in street trading in the City of London other than in accordance with a street trading licence.

4. City Corporation's policy in respect of temporary street trading

- 4.1. As a global financial and business centre with a small resident population and a very large daily workforce, the City requires an environment which meets its special needs. This was recognised at the beginning of the 20th century with the enactment of the City of London (Various Powers) Act of 1911. This brought to an end the problems of maintaining order, safety and hygiene created by large numbers of street traders being crowded into the City's many narrow and winding streets.
- 4.2. With one exception to the prohibition, for that part of Middlesex Street which is within the City, the general City restriction on street trading has been maintained until the present day. It remains the view of the Corporation that street trading is generally not suitable within the City. However, the 2013 Act enables the prohibition to be lifted so as to permit street trading to take place for temporary periods in specified areas.
- 4.3. The intention is to enable limited street trading to take place in relation to one-off street festivals or charity events such as the 800th anniversary celebration for London Bridge in 2009, the annual Smithfield Nocturne, and, where appropriate, for seasonal events such as may occur at Christmas. This could also include, for example, the licensing of short term specialist markets.
- 4.4. In considering an application for a temporary licence, the City Corporation will have in mind environmental and public safety considerations, the public's

right to use and enjoy the highway, together with any other relevant City Corporation policies and strategies. Specific factors to be taken into account will include:

- The proximity and nature of any rail and tube stations, road junctions, and pedestrian crossing points;
- The volume of pedestrian footfall especially at peak times;
- Whether the proposed Trading area would enable continued free access to members of the public using the road, pavement, other footpath, footway or walkway or cause obstruction to e.g. pedestrians, prams and wheelchairs;
- The presence of existing street furniture;
- Any other factors which might put safety at risk;
- Whether the proposed street trading might have a negative effect on the character and appearance of the area in particular near heritage sites, conservation areas and listed buildings;
- The number of other temporary licences that have been issued for areas in or near the proposed trading area;
- Other events taking place within the City of London
- The nature of goods proposed to be sold;
- Any relevant factors relating to the applicant;
- Waste disposal arrangements;
- Any adverse impact on private rights – especially impacts on access to property/security of premises.

4.5. It is important that the public are able to pass along footpaths without the risk of coming into contact with vehicular and other traffic. In particular those using wheelchairs, mobility vehicles, pushchairs and buggies should be able to pass on pavements. As a guide, there should be a minimum width of unobstructed footway of two metres between the edge of a trading area and the edge of the footway. Where pedestrian flow rates are greater than 1200 persons per hour this distance may be increased, and such distances will need to take account of street furniture such as bollards, benches, cycle racks and bus stops etc. Permission will not be granted where the street trading might interfere with a fire escape. Further details of safe distances and how they should be measured are set out in Appendix 2.

4.6. Other potential hazards which will be considered include the impact on emergency services accessibility and whether the street trading would result in poor sight lines affecting vehicular or pedestrian traffic. In particular, street

trading will not normally be permitted within five metres of a pedestrian crossing.

- 4.7. To protect the attractiveness of the City's streets, it is important that the granting of a temporary licence does not result in detriment to the street scene. Street trading activity should not cause environmental problems or detract from the amenities of adjacent retailers/occupiers. Regard will be had to any potential problems associated with crime and disorder or anti-social behaviour. Street trading activity should not represent, or be likely to represent, a substantial risk of nuisance to the public or business from noise, particularly in residential areas and close to sensitive premises/areas e.g. schools, banks, listed buildings, conservation areas etc.
- 4.8. Where an event is to take place over a large area, such as a processional route, applications are more likely to be granted where they are along the route designated for that event or close to the event area. In these circumstances the number of temporary street trading licences granted in the same street or area, (where part of a single application), will be of less significance than in other cases. However, consideration will be given to the sufficiency of existing trading outlets to serve the needs of the event.
- 4.9. Temporary Licences will usually be connected with a particular event. It is expected that the duration of the licence will be the same as the duration of that event, up to the statutory maximum of twenty-one days.
- 4.10. In order to restrict the possibility of noise nuisance, the playing of amplified or non-amplified music is unlikely to be permitted unless it is an integral part of the event. Each application will be considered individually taking into account the likelihood of disturbance to residents, businesses and other sensitive premises. Further information can be obtained from the Corporation's Environmental Health Pollution Team or can be found on the Corporation's website *[web link]*. Under certain circumstances the playing of music may require a Temporary Event Notice. This would be in addition to the Street Trading Licence. For more information on Temporary Event Notices please go to *(insert web link)*.
- 4.11. The use of generators may be permitted subject to the consideration of noise and emissions. Applications must include a detailed location plan indicating full details of generators and associated noise control. Further information can

be obtained from the Corporation's Environmental Health pollution Team or can be found on the Corporation's website [*web link*].

- 4.12. Artificial lighting will only be permitted if it does not cause a public nuisance.

5. Terms and conditions of licences

Middlesex Street Licences

- 5.1. The conditions (or "prescriptions") which are applied to Middlesex Street licences are set out in section 9 of the 1987 Act. These include the position or place in Middlesex Street where the licensee may trade, the articles which may be traded and the nature of any receptacle or equipment which may be used. A standard set of conditions for a Middlesex Street licence is set out at Appendix 3.
- 5.2. A street trading licence is granted to an individual and may not be transferred, sold or sublet to another individual.
- 5.3. A completed indemnity certificate is required before a licence is issued giving evidence of public liability insurance to the minimum value of £2,000,000 per incident.
- 5.4. Failure to comply with any conditions of a Middlesex Street licence may lead to its revocation in addition to any enforcement action.

Temporary Licences

- 5.5. Temporary licences will specify, in addition to the area and time of street trading, the terms and conditions in accordance with which any street trading must take place (section 11A of the 1987 Act). Conditions will include the licence holder's responsibilities to maintain public safety, prevent nuisance and generally preserve the amenity of the locality. The standard conditions for temporary licences, which may be subject to alteration in the circumstances of each case, are set out in Appendix 4.
- 5.6. Permission will not normally be granted for temporary street trading to begin earlier than 09:00 Monday to Friday and 10:00 Saturday or Sunday. The

terminal hour will not normally be later than 21:00 Monday to Friday and 20:00 Saturday or Sunday. In considering the trading times, the Corporation will take into account the need to service the pitch e.g. to stock and re-stock, and the time needed to set up and take down any stall or other receptacle against the likelihood of disturbance to nearby residents and businesses.

- 5.7. A street trading licence is granted to an individual and may not be transferred, sold or sublet to another individual.
- 5.8. Where applicable, waste transfer arrangements must be provided on request to a City of London authorised officer. Any arrangement must comply with the City Corporation's Time banding Regulations. Further details can be obtained by clicking *[insert web link]*.
- 5.9. The licence holder must ensure that there is no litter around his place of trading and in a 3 square metre immediate vicinity of the trading area (regardless of whether the litter emanated from his business). The licence holder will ensure any staining of the footpath is removed before the end of trading on each day to the required standards of the City Corporation. Failure to achieve this will result in the City Corporation arranging removal of any staining and recharging the licence holder. The expected rates for additional cleansing can be seen as part of Appendix 9.
- 5.10. A completed indemnity certificate is required before a licence is issued giving evidence of public liability insurance to the minimum value of £2,000,000 per incident. Where the trading area and/or receptacle is large e.g. a marquee, a trading area containing more than two receptacles, the minimum value of public liability insurance may have to be increased. If in doubt as to the amount of insurance required please consult the licensing team.

6 Enforcement of street trading laws

- 6.1 It is an offence under section 16 of the 1987 Act for any person to engage in street trading in the City of London unless they are a licensed street trader who is:
 - trading in accordance with a Middlesex Street licence, or
 - trading in accordance with a temporary licence granted under section 11A of the 1987 Act.

- 6.2 Any person convicted of an offence under section 16 is liable to a fine up to Level 3 on the Standard Scale (£1000).
- 6.3 A police officer or authorised officer of the City Corporation may, where they have reasonable grounds for believing that a person has committed an offence of unlawful street trading, seize any article or thing being offered for sale (whether or not the items are displayed), or any receptacle or equipment being used.
- 6.4 The procedure to be followed for seizure, including information about how goods may be returned, is explained in Appendix 5. Special provision is made for perishable goods and motor vehicles.
- 6.5 The City of London Port Health and Public Protection Department's Enforcement Policy will always be taken into consideration before any enforcement action is taken. The City of London Corporation's general approach is to assist traders in meeting their legal obligations and to work with them in putting things right. Further information on the Enforcement Policy can be found at *[insert web link]*.

7. Making an application for a street trading licence

General

- 7.1 It is recommended that potential applicants contact a licensing officer prior to submitting an application.
- 7.2 In order to obtain a street trading licence, or renew an existing Middlesex Street licence, an application must be made in writing to the City of London Licensing Service.
- 7.3 An application for a Middlesex Street licence must be in the form set out in Appendix 6 (new) or 7 (renewal). An application for a temporary licence must be in the form set out in Appendix 8. There is no renewal process for a temporary licence.
- 7.4 An application form must be accompanied by two recent photographs of the applicant and the appropriate fee.

- 7.5 On receipt of an application form, licensing officers will check to ensure it is completed correctly and complies with all statutory requirements.
- 7.6 Street trading will not normally require planning permission. However the selling of articles on the highway may require planning permission or affect the current planning use of the premises where that premises is connected with the licensed street trader. In these circumstances planning permission must be obtained in the normal way. Similarly, where temporary street trading will involve the closure of a road, a closure order under the Road Traffic Regulation Act 1984 will need to be applied for. *[link to relevant parts of CoL website]*
- 7.7 Where an LPG fuelled appliance is to be used, a copy of an up-to-date competent person's form certifying that the appliance has been properly checked and is sound must accompany the application form.

Middlesex Street Licences

- 7.8 Under section 8(2) of the 1987 Act, an application for renewal of a Middlesex Street trading licence should be made no earlier than three months, and no later than two months, before the date on which that licence, unless revoked or surrendered, will cease to be valid.
- 7.9 Late applications will be considered and processed so far as reasonably practicable. However, applicants should be aware that if the application is submitted late it may not be processed before the existing licence ceases to be valid. This may result in a period of time during which the applicant cannot carry on any street trading.
- 7.10 Where a renewal application has been made, and there have been no justified complaints or enforcement issues, and all fees have been paid on time, the licence will normally be renewed.
- 7.11 If an application for a Middlesex Street Licence is refused on the grounds that there is no available space, the applicant will be given the option of having his details added to a waiting list. When a suitable space becomes available, the person next in line on the waiting list will be contacted and invited to re-submit an application form for the now vacant position.

Temporary Licences

- 7.12 Full details of the trader, the goods proposed to be traded and the area of trading must be included on the application form. The application form must be accompanied with a plan showing the proposed Trading area outlined in red.
- 7.13 Where a number of stall holders come together as part of a single market, event, commemoration, or similar, a single application may be made. Such an application must list the names and addresses of all proposed traders.
- 7.14 Applications should be made no earlier than six months before the date on which a licence is required, and no later than twenty-eight days before the start of the proposed licence. As with Middlesex Street applications, if the application is submitted late it may not be processed in time for the proposed first trading day.
- 7.15 Before the grant of a temporary licence a site visit will be carried out by Licensing Officers and/or other officers of the City Corporation.
- 7.16 The design and appearance of any receptacle which is to be used will need to be agreed with the Licensing team and/or planning officers. If a large structure, the receptacle may need to be inspected by the City Corporation's District Surveyors.

8 Appeal Procedure

- 8.1 Any person aggrieved by the refusal of the City Corporation to grant or, in the case of a Middlesex Street licence, renew, a street trading licence, or by the revocation or variation of a street trading licence, or by any prescription of a Middlesex Street licence, may appeal to the magistrates' court.
- 8.2 Any appeal must be made within fourteen days from the date on which the refusal, revocation, variation or prescription which is the subject of the appeal is notified to such person.

- 8.3 Further details of the appeal procedure can be found in the Licensing section of the City of London website (*web link to be inserted*) or by contacting the licensing team.

9 Fees and charges

Middlesex Street Licences

- 9.1 The fee for an application for the grant or renewal of a Middlesex Street licence is set by section 10 of the 1987 Act at £5. The fee should be submitted with the application. In the case of a Middlesex Street application, the fee will be returned to the applicant if the application is refused.
- 9.2 In addition to the application fee a further fee will be charged (a 'licence' fee) to recover the City Corporation's costs in issuing and maintaining the licence. This fee is currently set at £780 per annum. Where a licence is granted part way through the year the 'licence' fee will be reduced on a pro-rata basis. For example, if a licence was granted at the beginning of April only 75% of the fee will be payable. The fee for a Middlesex Street licence can be paid on a quarterly basis at no additional cost to the licence holder.
- 9.3 A list of current fees and charges is set out in Appendix 9.

Temporary Licences

- 9.4 The fee for an application for a temporary licence is determined by the City Corporation and is currently set at £300 plus an additional 'trading' fee dependant on the length of time the licence is granted and is currently set at between £73 and £370.
- 9.5 Where the application is for multiple traders and/or trading areas, the fee will be determined individually in each case.
- 9.6 In addition to the application fee, charges may be payable including for the removal of refuse or other services provided to licensees.
- 9.7 An application for a temporary licence must be accompanied by the relevant total fee. The fee is for the duration of the temporary licence.

9.8 A list of current fees and charges is set out in Appendix 9.

10 Contacts

Write to: Licensing Service
 Walbrook Wharf
 Upper Thames Street
 EC4R 3TD

Email: licensing@cityoflondon.gov.uk

Telephone: 020 7332 3406

You can also find more information and links to other sources of information on the City of London's website. Please click on the link below:

[Street Trading further information](#) *(link to be inserted)*

BYELAWS AS TO STREET TRADING

BYELAWS made by the Mayor and Commonalty and Citizens of the City of London acting by the Common Council with respect to Street Trading in the said City pursuant to Section 21 of the City of London (Various Powers) Act, 1965.

1. In these Bylaws:-

“the Act” means the City of London (Various Powers) Act, 1965;

“the Act of 1911” means the City of London (Various Powers) Act, 1911;

“the Corporation” means the Mayor and Commonalty and Citizens of the City of London acting by the Common Council;

“licensed street trader” means a person licensed to engage in street trading by a licence granted under Part III of the Act;

“registered street trader” means a person registered as a street trader under Section 24 of the Act of 1911;

“receptacle” includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or other structure or thing which is used (whether or not constructed or adapted for such use) as a container for, or for the display of, any article or thing;

“article or thing” includes any living thing;

“street traders’ certificate” means a certificate issued to a registered street trader under Section 24 of the Act of 1911;

“street trading” means the selling or exposing or offering for sale of any article or thing in a street;

“street trading licence” means a licence to engage in street trading granted under Part III of the Act.

2. A licensed street trader shall not use a receptacle under the authority of a street trading licence unless it is so constructed as to be easily and immediately removable without the necessity of undressing the receptacle, and no accessories shall be attached thereto which would be likely to cause damage to the street.

3. A licensed street trader shall not, except for the purposes of supplying artificial light, cause or permit a receptacle used by him to be connected physically in any manner with any other receptacle, or any premises or property.

Provided that any connection for the purpose of supplying artificial light shall be readily detachable.

4. A licensed street trader shall not use a receptacle for street trading exceeding 7 feet in length, 4 feet 3 inches in width and 10 feet in height measured from the ground level.
5. *[no longer applicable]*
6. A licensed street trader shall not place a receptacle in such a manner as to project over the footway and where practicable shall place the receptacle along the curb-line. A receptacle may have an awning or roof projecting not more than 2 feet to the front and 2 feet to the rear of the receptacle (the front of the receptacle for this purpose is the side facing the footway).

Provided that any such awning or roof, including its supports, if any, shall insofar as they so project be in every part not less than 7 feet above the highway, and no articles or things shall be suspended from such awning or roof so as to reduce the headroom to less than 7 feet.

7. *[no longer applicable]*
8. A licensed street trader or a registered street trader shall not cause or permit any article or thing to project beyond or be placed alongside or around any receptacle used by him or be placed above the height of 10 feet measured from ground level.

Provided that the space immediately beneath the receptacle may be used for the deposit of articles or things, provided always that the street gullies are not obstructed thereby.

9. *[no longer applicable]*
10. *[no longer applicable]*
11. A licensed street trader or his assistant, shall when required by an officer of the City of London Police immediately remove his receptacle, articles or things temporarily, for so long a period as may be necessary from the space in front of any premises where their presence unduly obstructs or hinders the approach to or departure from such premises of persons or vehicles.

12. A licensed street trader or his assistant, or registered street trader, shall immediately remove his receptacle, articles or things temporarily for so long as may be necessary if required to do so by an officer of the City of London Police in the event of an emergency or in the exercise by the Corporation of any of their powers and duties.
13. A licensed street trader whilst engaged in street trading shall produce his street trading licence, [...], for inspection when requested to do so by an officer of the City of London Police or by an Inspector appointed by the Common Council of the City of London under the Shops Act, 1950.
14. *[no longer applicable]*
15. A licensed street trader shall cause all refuse, scraps, waste material, litter or rubbish arising from his street trading to be placed in suitable covered containers which shall be supplied by him and shall be kept exclusively for that purpose and he shall cause all such containers to be kept in a reasonably clean state, regard being had to the purposes for which they are provided, and shall cause such containers to be emptied as often as they are full into Refuse Containers provided by the Corporation.
16. A licensed street trader and any assistant shall demonstrate, offer for sale or sell goods only whilst standing at ground level or whilst sitting on a chair, box or other object placed at ground level, the height of such chair, box or other object not being in excess of 20 inches.
17. A licensed street trader shall not use or cause or permit to be used on any receptacle used by him for street trading, any system of lighting which includes any of the following types of equipment:-
 - (a) equipment not readily detachable.
 - (b) electricity leads exceeding five yards in length.
 - (c) candles or other naked lights unless the same are surrounded by a non- flammable and windproof shield.
18. The amount of the charges which the Corporation are authorised to make under Section 19 of the Act for the removal of refuse or other services rendered by them to licensed street traders, in respect of expenses incurred by them in the administration of Part III of the Act, and in the cleansing of that part of Middlesex Street in the City of London in which street trading takes place, shall not exceed *[£15 per week]*.

19. Any person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a penalty not exceeding [£500] and in the case of a continuing offence, to a further penalty not exceeding [???] for each day during which the offence continues after conviction therefor.

Examined.

(Signed) DESMOND HEAP,
Comptroller and City Solicitor

The Common Seal of the Mayor and Commonalty and Citizens of the City of London was affixed to these Byelaws at a duly constituted meeting of the Court of Common Council held on the 29th day of June, 1967 and in my presence.

(Signed) E. H. NICHOLS.
Town Clerk

The Secretary of State this day confirmed the foregoing Byelaws and fixed the date on which they are to come into operation as the first day of November, 1967.

(L.S.) (Signed) H. B. WILSON.
An Assistant Under
Secretary of State

Whitehall
4th October 1967

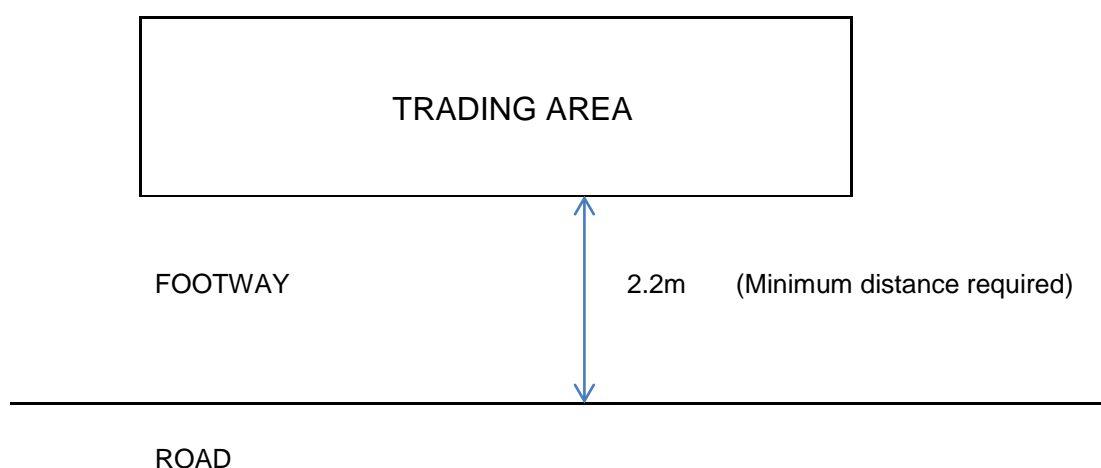
NOTE.

Section 13(2) of the City of London (Various Powers) Act, 1965, is in the following terms.

“(2) A person who is a licensed street trader may, subject to the provisions of this Part of this Act, engage in street trading in that part of Middlesex Street in the City which lies between the junctions of that street with Widegate Street and Sandys Row at any time between the hours of 9 a.m. and 2 p.m. on Sundays other than Christmas Day when that day falls on a Sunday.”

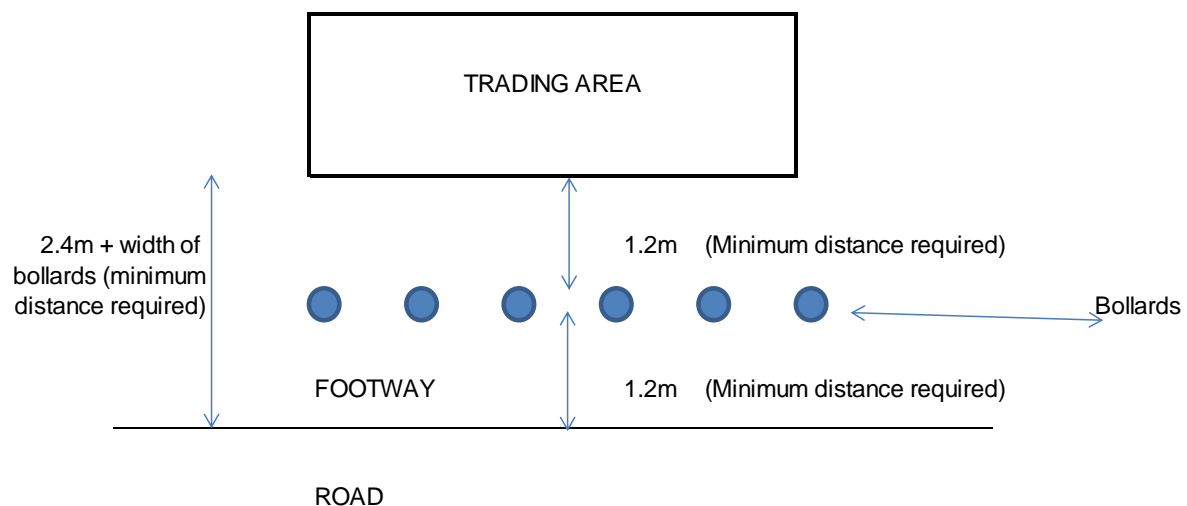
Measurement of Available Footpath

- a) There must be a minimum width of unobstructed footway of 2.0 metres between the edge of the trading area and 200mm from the edge of the footway. The 200mm distance is to allow for the fact that pedestrians cannot be expected to walk on the edge of the footpath.



- b) Please note that the measurement is taken from the edge of the trading area and not the receptacle that may be used for trading. This is to allow for people browsing or queuing at the trader and not interfering with passing pedestrians.
- c) Where pedestrian flow rates are greater than 1200 persons per hour, particularly near a tourist attraction, this distance may be increased taking into consideration the likelihood of pedestrians stopping to observe shop fronts/the attraction etc. There is no exact formula for determining the minimum width of footpath and each case will be determined on its merits. The overriding factor will be the comfort of pedestrians and their ability to pass along the footpath safely.

- d) Where the footpath contains other street furniture such as lamp posts, bollards, parking meters, telephone booths, benches etc., the minimum unobstructed width will be measured between the edge of the trading area and 200mm from the item(s) in question plus the additional distance between the item(s) and 200mm from the edge of the footpath if each distance is not less than 1.2 metres.



- e) The positioning of the trading area should never discourage pedestrians from using the footway. The available pedestrian route must be straight, obvious and unobstructed and not pass through the trading area. An exception may be made where a street market occupies the whole of the Trading Area and the pedestrian route passes through the centre of that market.

Standard Conditions for Middlesex Street Licences

1. The holder of any street trading licence, and any receptacle used for the purpose of street trading, must comply with all relevant road traffic and highways legislation.
2. The holder of any street trading licence, and any receptacle used for the purpose of street trading, must comply with all relevant food hygiene legislation.
3. The licensed street trader shall only trade from a receptacle approved by the Corporation in writing.
4. The licensed street trader shall maintain the receptacle in a clean condition and its structure, where appropriate, shall be kept in good order, repair and condition to the satisfaction of a licensing officer.
5. The licensed street trader shall conduct his business in such manner to ensure that he does not:
 - Cause a nuisance to the occupiers of adjoining property
 - Cause an obstruction to the vehicles or pedestrians using the highway
 - Cause a danger to occupiers of adjoining property or to users of the highway
6. A copy of the licence, suitably protected against the weather, shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place
7. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
8. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if, in the

opinion of an authorised officer of the City Corporation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.

9. Failure to comply with any condition attached to the street trading licence may result in the revocation of that licence

Standard Conditions for Temporary Street Licences

1. The holder of any street trading licence, and any receptacle used for the purpose of street trading, must comply with all relevant road traffic and highways legislation.
2. The holder of any street trading licence, and any receptacle used for the purpose of street trading, must comply with all relevant food hygiene legislation.
3. The licensed street trader shall only trade from a receptacle approved in writing by the Corporation.
4. Trading shall only take place in the area specified on the licence.
5. The licensed street trader may only offer for sale the commodities specified on the licence.
6. The licensed street trader shall maintain the receptacle in a clean condition and its structure, where appropriate, shall be kept in good order, repair and condition to the satisfaction of a City Corporation licensing officer.
7. The licensed street trader shall conduct his business in such manner to ensure that he does not:
 - Cause a nuisance to the occupiers of nearby property
 - Cause an obstruction to the vehicles or pedestrians using the highway
 - Cause a danger to occupiers of nearby property or to users of the highway
8. Refuse storage must be provided adjacent to the trading area. The storage must be of substantial construction and waterproof. The trade waste must be removed at the end of each working day or, if the amount of refuse warrants it, when the container is full, whichever is the sooner.

9. A copy of the licence, suitably protected against the weather, shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
10. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
11. Nothing in any licence has the effect of granting to the holder any other licence or permissions needed under any other enactment or requirement and the licence holder is specifically advised to obtain such other approvals as may be required.
12. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if, in the opinion of an authorised officer of the City Corporation, it is indecent, scandalous, campaigning, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
13. Failure to comply with any condition attached to the street trading licence may result in the immediate revocation of that licence.

Procedure Relating to Seized Items

Goods other than vehicles or perishable goods

- Goods (includes any articles or things) may only be seized if they are to be used as evidence in proceedings for illegal street trading or may be the subject to forfeiture in such proceedings.
- If legal proceedings **have not** been instituted within 28 days of seizure, the goods will be returned to the person from whom the goods were seized before the end of the 28 day period.
- Where legal proceedings **have** been instituted within 28 days of seizure, the goods will be returned to the person from whom they were seized following the conclusion of proceedings.
- If proceedings have been instituted within the 28 day period but discontinued, the goods will be returned to the person from whom they were seized once proceedings have been discontinued.
- Goods will not be returned if the person from whom they were seized, or the owner if different, cannot be identified or refuses to accept them. In these circumstances we will apply to the Courts for a disposal order.
- Goods will not be returned if a forfeiture order is made under section 16C of the 1987 Act.
- Where costs are awarded to the City Corporation following the conclusion of proceedings, and they have not been paid within 28 days of the order for costs being made, goods will not be returned until the costs are paid. In these circumstances, the City Corporation may dispose of the goods and secure the best possible price for them. Where the sum obtained from the disposal of the goods exceeds the costs awarded by the court, the excess shall be returned to the person to whom the goods belong.

Motor Vehicles:

- Vehicles may only be seized if they are to be used as evidence in proceedings for illegal street trading or may be the subject of forfeiture in such proceedings.
- We will make a request to the Secretary of State within 14 days of seizure in order to ascertain the identity of the person from whom the vehicle was seized.

- Where the results of the above request **have been** received by the City Corporation within 14 days of seizure and legal proceedings **have not been** instituted within 28 days of seizure (the 'proceedings period'), the vehicle will be returned to the person from whom it was seized before the end of the 28 day period.
- Where the results of the above request **have not been** received by the City Corporation within 14 days of seizure the 'proceedings period' will be extended to 14 days following receipt of the requested results. In these circumstances, if legal proceedings have not been instituted within the 'proceedings period' the vehicle will be returned to its owner before the expiry of that period.
- Where legal proceedings **have** been instituted within 28 days of seizure, the goods will be returned to the person from whom they were seized, or the vehicle's owner, following the conclusion of proceedings.
- If proceedings have been instituted within the 28 day period but discontinued, the vehicle will be returned to the person from whom they were seized once proceedings have been discontinued.
- A vehicle will not be returned if the person from whom it was seized, or the owner if different, cannot be identified or refuses to accept it. In these circumstances we will apply to the Courts for a disposal order.
- A vehicle will not be returned if a forfeiture order is made under section 16C of the 1987 Act.
- If the vehicle is used for ice cream trading, the owner or registered keeper of the vehicle will be permitted to collect it within three days of notifying us of their intention in writing irrespective of whether legal proceedings are being instituted.
- However, the owner or registered keeper of an ice cream vehicle will not be permitted to collect it if they have been convicted of an offence under s.87 of the 1987 Act (illegal street trading) within three years of the seizure taking place.

Perishable Goods

- Perishable Goods (includes articles or things) may only be seized if they are to be used as evidence in proceedings for illegal street trading or may be the subject of forfeiture in such proceedings.
- Where perishable goods are seized we will give to the person from whom they are seized a notice detailing how the goods may be collected from the Corporation.

- If perishable goods are not collected within 48 hours of seizure the City Corporation may dispose of them. In disposing of perishable goods the City Corporation will secure the best possible price for them. Whilst waiting for perishable goods to be collected the City Corporation will store them at an appropriate temperature.
- If legal proceedings **have not** been instituted within 28 days of seizure, the goods will be returned to the person from whom the goods were seized before the end of the 28 day period (unless disposed of as above)
- Where legal proceedings **have** been instituted within 28 days of seizure, the goods will be returned to the person from whom they were seized following the conclusion of proceedings (unless disposed of as above).
- If proceedings have been instituted within the 28 day period but discontinued, the goods will be returned to the person from whom they were seized once proceedings have been discontinued (unless disposed of as above).
- Goods will not be returned if the person from whom they were seized, or the owner if different, cannot be identified or refuses to accept them. In these circumstances we will apply to the Courts for a disposal order.
- Goods will not be returned if a forfeiture order is made under section 16C of the 1987 Act.
- Where costs are awarded to the City Corporation following the conclusion of proceedings, and they have not been paid within 28 days of the order for costs being made, goods will not be returned until the costs are paid. In these circumstances, the City Corporation may dispose of the goods and secure the best possible price for them. Where the sum obtained from the disposal of the goods exceeds the costs awarded by the court, the excess shall be returned to the person to whom the goods belong
- Where proceedings are not instituted within 28 days of their seizure, and the goods have been disposed of by the City Corporation following non-collection within 48 hours of seizure, compensation may be recovered from the City Corporation by any person who had a legal interest in the goods at the time of their seizure.



CITY OF LONDON (VARIOUS POWERS) ACT, 1987 (PART III)
APPLICATION FOR A MIDDLESEX STREET TRADING LICENCE

I hereby apply to the City of London Corporation, under Part III of the City of London (Various Powers) Act 1987 for a licence to engage in street trading in Middlesex Street: to be valid until 31 December and supply the following information: -

Please answer all questions in BLOCK CAPITALS

1) FULL NAME AND ADDRESS OF APPLICANT

Name: _____

Address: _____

_____ Postcode: _____

Tel No: (Home) _____ (Work): _____

2)	Date of birth: -----	
3)	Nature of articles and things to be sold or exposed or offered for sale. (These must be precisely defined).	
4)	Type of receptacle or equipment (i.e. stall, trailer, stand, etc.) to be used in connection with street trading. (Not exceeding 7ft x 4ft 3" / 2.13m x 1.30m per pitch)-	
5)	Location for storage when not trading;	
i)	of articles or things for sale:-	i)
ii)	of receptacle or equipment used in connection with street trading:-	ii)
6)	Do you hold a City of London Corporation Street Trading Licence at present? If so, state	
i)	Licence number	i)
ii)	Pitch number	ii)

7)	Do you hold any other Street Trading Licence or Licences at present? If so, give full details	
8)	Have you ever been refused a Street Trading licence or consent in this or any other area? If yes, give details.	
9)	Do you, or are you involved in any way with any Company or partnership that, own, operate or assist at any retail or wholesale premises at or near Middlesex Street? If yes, give full details.	
10)	Do you understand that you will only be permitted to trade at the pitch prescribed by a Street Trading Licence which may be granted to you and only between the hours of 9am and 2pm on Sundays, and not when that day is also Christmas Day?	
11)	Do you understand that you must also comply with any other legislation which may affect your business, and with Bylaws for the time being in force, which govern street trading within the City?	
12)	I confirm that the £5.00 renewal/application fee has been paid.	

In the event of a street trading licence being granted to me I agree to conform to the conditions in the licence, and to pay such charges as the City of London Corporation may direct for the removal of refuse or other services, for the cost of administration and the cleansing of that part of Middlesex street where the market is held.

Any person who by wilful misrepresentation obtains a Street Trading Licence or the renewal of any such Licence shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Any alterations desired by current traders from the terms and conditions of an existing City of London Corporation Street Trading Licence should be made in writing and enclosed with this application form.

NEW APPLICATIONS will require a £5.00 application fee to accompany this form.

N.B. *(The renewal application fee of £5.00 required from existing traders will be included in the next quarterly invoice and should be paid in the normal way).*

ALL APPLICATIONS will require two passport sized photographs (taken within the preceding twelve months and signed by the applicant on the reverse side), to accompany this form.

I declare that I have checked the information on this application form and to the best of my knowledge and belief it is correct. I further declare that the licence is for my use only.

Signed Date:
(Signature of Applicant)

Completed forms and their enclosures should be returned to:-

City of London Corporation
Department of Markets & Consumer Protection
Port Health & Public Protection - Licensing Office
P O Box 270
Guildhall
London, EC2P 2EJ.

Telephone: 020 7332 3406



CITY OF LONDON (VARIOUS POWERS) ACT, 1987 (PART III)
APPLICATION FOR A MIDDLESEX STREET TRADING LICENCE (RENEWAL)

I hereby apply to the City of London Corporation, under Part III of the City of London (Various Powers) Act 1987 for a licence to engage in street trading in Middlesex Street: to be valid until 31 December and supply the following information: -

Please answer all questions in BLOCK CAPITALS

1) FULL NAME AND ADDRESS OF APPLICANT

Name: _____

Address: _____

_____ Postcode: _____

Tel No: (Home) _____ (Work): _____

2)	Date of birth: -----	
3)	Nature of articles and things to be sold or exposed or offered for sale. (These must be precisely defined).	
4)	Type of receptacle or equipment (i.e. stall, trailer, stand, etc.) to be used in connection with street trading. (Not exceeding 7ft x 4ft 3"/ 2.13m x 1.30m per pitch)-	
5)	Location for storage when not trading; i) of articles or things for sale:- ii) of receptacle or equipment used in connection with street trading:-	i) ii)
6)	Do you hold a City of London Corporation Street Trading Licence at present? If so, state i) Licence number ii) Pitch number	i) ii)

7)	Do you hold any other Street Trading Licence or Licences at present? If so, give full details	
8)	Have you ever been refused a Street Trading licence or consent in this or any other area? If yes, give details.	
12)	Do you, or are you involved in any way with any Company or partnership that, own, operate or assist at any retail or wholesale premises at or near Middlesex Street? If yes, give full details.	
13)	Do you understand that you will only be permitted to trade at the pitch prescribed by a Street Trading Licence which may be granted to you and only between the hours of 9am and 2pm on Sundays, and not when that day is also Christmas Day?	
14)	Do you understand that you must also comply with any other legislation which may affect your business, and with Bylaws for the time being in force, which govern street trading within the City?	
12)	I confirm that the £5.00 renewal/application fee has been paid.	

In the event of a street trading licence being granted to me I agree to conform to the conditions in the licence, and to pay such charges as the City of London Corporation may direct for the removal of refuse or other services, for the cost of administration and the cleansing of that part of Middlesex street where the market is held.

Any person who by wilful misrepresentation obtains a Street Trading Licence or the renewal of any such Licence shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Any alterations desired by current traders from the terms and conditions of an existing City of London Corporation Street Trading Licence should be made in writing and enclosed with this application form.

NEW APPLICATIONS will require a £5.00 application fee to accompany this form.

N.B. *(The renewal application fee of £5.00 required from existing traders will be included in the next quarterly invoice and should be paid in the normal way).*

ALL APPLICATIONS will require two passport sized photographs (taken within the preceding twelve months and signed by the applicant on the reverse side), to accompany this form.

I declare that I have checked the information on this application form and to the best of my knowledge and belief it is correct. I further declare that the licence is for my use only.

Signed Date:
(Signature of Applicant)

Completed forms and their enclosures should be returned to:-

City of London Corporation
Department of Markets & Consumer Protection
Port Health & Public Protection - Licensing Office
P O Box 270
Guildhall
London, EC2P 2EJ.

Telephone: 020 7332 3406



CITY OF LONDON (VARIOUS POWERS) ACT 1987 (PART III)

APPLICATION FOR A TEMPORARY STREET TRADING LICENCE

I hereby apply to the City of London Corporation, under Part III of the City of London (Various Powers) Act 1987 for a licence to engage in temporary street trading in the City of London.

Please answer all questions in BLOCK CAPITALS		
1.	Full Name and Address of Applicant Name: Address: Post Code:	Tel: No. Home Mobile: Work: Email:
2.	Date of Birth	
3.	Type of Street trading activity proposed and nature of articles and things to be sold or exposed or offered for sale.	
4.	Type of receptacle or equipment (i.e. stall, trailer, stand etc.) to be used in connection with street trading (photograph if possible).	
5.	Area in which it is proposed that street trading will take place (a location plan must accompany this application) See Note 1 below.	
6.	Period (not exceeding twenty one days) for which it is desired that the licence should have effect.	
7.	Particulars of days and times during which trading will take place.	

8.	Is there any proposal to permit by agreement, individuals other than the applicants, to trade under the provisions of any licence granted? See Note 2 below	
9.	Have you ever been refused a Street Trading licence or consent in this or any other area? If yes, please give details	
10.	Do you intend to use generators, other noise making equipment, artificial lighting or intend to play music. If yes, please give details	
11.	Do you understand that you must also comply with any other legislation which may affect your business, and with bylaws for the time being in force, which govern street trading within the City?	

In the event of a Temporary Street Trading Licence being granted to me I agree to conform to the conditions in the licence.

Any person who by wilful misrepresentation obtains a Temporary Street Trading Licence shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

ALL APPLICATIONS must be accompanied by i) two passport sized portrait photographs (taken within the preceding twelve months and signed by the applicant on the reverse side), and, ii) an application fee of £xx.

I declare that I have checked the information on this application form and to the best of my knowledge and belief it is correct.

Signed: Date:

.....
(signature of applicant)

Notes

1. The application must be accompanied by three copies of a site plan, to a scale of 1.50 or larger, which show the precise position of the proposed pitch or pitches to be used for street trading.
2. Where an agreement is proposed between the applicant and any person(s) that provides for such person(s) to become a temporary licence holder by virtue of the temporary licence to which this application relates, you must provide full details of the agreement on the continuation form provided.

Completed forms and their enclosures should be returned to:-
City of London Corporation
Licensing Office
P O Box 207
Guildhall, EC2P 2EJ

CITY OF LONDON (VARIOUS POWERS) ACT 1987 (PART III)
CONTINUATION FORM

**DETAILS OF AGREEMENT WITH PROPOSED
TEMPORARY LICENCE HOLDER(s.11A(4)(f))**

Name of Applicant:

Proposed Trading Dates:

Name(s) of proposed temporary licence holder(s) if different:

Details of Agreement:

FEES

Middlesex Street Licence

Application Fee (statutory)	£5 (refundable if application not granted)
Annual Fee	£780 (payable by quarterly invoice)
TOTAL FEE	£785

(n.b. For persons renewing their licence the £5 application fee will be included in the first quarters invoice.)

Temporary Street Licence

Application Fee	£300 (non refundable)
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In addition to the application fee a trading fee will be charged depending on the length of the licence (this fee is refundable if for whatever reason the licence is not granted):

Trading Fee	1 days	£73
	2 - 3 days	£106
	4 - 7 days	£172
	8 – 14 days	£271
	15 – 21 days	£370

TOTAL FEE (temporary licence for a single trader)*:

1 day	£373
2 – 3 days	£406
4 – 7 days	£472
8 – 14 days	£571
15 – 21 days	£670

*Where the application is for two or more traders, or for two or more trading locations, the temporary licence fee will be decided individually in each case. The fee will take into account the number of traders, the size and number of trading areas and the duration of the licence. The fee will cover the costs of administering the licence and ensuring applicable conditions are met..

The following is a **guide only** as to the fee for temporary licence applications for multiple traders/trading areas:

2 – 3 traders	Increase single trader fee by approximately 75%
4 – 5 traders	Increase single trader fee by approximately 100%
6+ traders	Increase single trader fee by approximately 150%

Please contact licensing team to obtain a precise fee.

N.B. In addition to the above fees, charges may be payable for the removal of refuse or cleaning the highway at the rate of £55 per hour.

Committee:	Date:
Licensing	21 July 2014
Subject: Revenue Outturn 2013/14	Public
Report of: The Chamberlain Director of Markets and Consumer Protection	For Information

Summary

This report compares the revenue outturn for the services overseen by your Committee in 2013/14 with the final agree 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) as set out below:

Summary Comparison of 2013/14 Revenue Outturn with Final Agreed Budget			
	Final Approved Budget £000	Revenue Outturn £000	Variations Increase / (Reduction) £000
Direct Net Expenditure			
Director of Markets and Consumer Protection	(35)	(113)	(78)
Capital and Support Services	209	212	3
Overall Totals	174	99	(75)

The underspend was largely due to an increase in licence application fee income (£62,000).

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

Recommendation(s)

Members are asked to:

- Note the report and the proposed carry forwards of underspendings to 2014/15.

Main Report

Revenue Outturn for 2013/14

1. Actual net expenditure for your Committee' services during 2013/14 totalled £99,000, an underspend of (£75,000) compared to the final agreed budget of £174,000. A summary comparison with the final agreed budget for the year is tabulated below. In this and subsequent tables, figures in brackets indicate income or in hand balances, increases in income or decreases in expenditure.

Summary Comparison of 2013/14 Revenue Outturn with Final Agreed Budget				
	Final Approved Budget £000	Revenue Outturn £000	Variation Increase / (Reduction) £000	Variation Increase / (Reduction) %
Local Risk				
Expenditure	469	453	(16)	(3.4)
Income	(504)	(566)	(62)	(12.3)
Total Director of Markets and Consumer Protection	(35)	(113)	(78)	(222.9)
Capital and Support Services	209	212	3	1.4
Overall Totals	174	99	(75)	(43.1)

2. The most significant local risk variation was an increase of (£62,000) in licence fee income resulting from increased volume of applications as follows:
- Premises licences (£31,000)
 - Massage and Special Treatment (£13,000)
 - Street traders (£11,000)
 - Tables & Chairs (£6,000)
 - Gambling (£1,000)

Local Risk Carry Forward to 2014/15

3. The Director of Markets and Consumer Protection has a local risk underspending of £78,000 on the activities overseen by your Committee. The Director also had local risk underspendings totalling £570,000 on activities overseen by other Committees. The Director is proposing that his maximum allowed underspend of £402,000 be carried forward, of which £52,000 relates to activities overseen by your Committee for the following purposes:
- £13,000 for purchase and integration of software for online completion of applications; and

- £39,000 for temporary staff to undertake administration of Licensing Code of Practice compliance and transfer of files to electronic database.

Appendices

- None

Jenny Pitcairn

Chamberlain's Department

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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