



Licensing Committee

Date: WEDNESDAY, 21 JANUARY 2015
Time: 1.45 pm
Venue: COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

Members:

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

Enquiries: David Arnold
david.arnold@cityoflondon.gov.uk
020 7332 1174

Lunch will be served in Guildhall Club at 1PM
NB: Part of this meeting could be the subject of audio video recording

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. **PUBLIC MINUTES**

To agree the public minutes of the meeting held on Monday 20 October 2014.

For Decision
(Pages 1 - 6)

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

a) **PREMIER INN, 28 GREAT TOWER STREET, EC3R 5AT (PAGES 7 - 14)**

To note the draft minutes of the Licensing (Hearing) Sub Committee held on 30 October 2014.

For Information

b) **SAMMIE'S BAR, 14 CROSSWALL, LONDON, EC3N 2LJ (Pages 15 - 24)**

To note the minutes of the Licensing (Hearing) Sub Committee held on 27 November 2014.

For Information

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

The Comptroller & City Solicitor to be heard.

For Information

6. **NEW ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 – DELEGATED POWERS**

Report of the Director of the Built Environment and presentation by the Community Safety Officer. This report has been approved by the Port Health and Environmental Services Committee and the Community and Children's Services Committee and is to be considered by the Court of Common Council on 15 January 2015.

For Information
(Pages 25 - 62)

7. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS & CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**

Report of the Director of Markets and Consumer Protection.

For Information
(Pages 63 - 76)

8. **GAMBLING ACT – ANNUAL REVIEW OF FEES 2015/16**

Report of the Director of Markets and Consumer Protection.

For Decision
(Pages 77 - 84)

9. **UPDATE ON THE LATE NIGHT LEVY**

The Licensing Manager to be heard.

For Information

10. **UPDATE ON SAFETY THIRST**
The Licensing Manager to be heard.

For Information

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

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

13. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on Monday 20 October 2014.

For Decision
(Pages 85 - 86)

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

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

CONFIDENTIAL AGENDA

16. **GAMBLING ACT – ANNUAL REVIEW OF FEES 2015/16: APPENDIX 5**
To note the Confidential version of Appendix 5 in item 7 of the Public agenda.

For Information

This page is intentionally left blank

LICENSING COMMITTEE

Monday, 20 October 2014

Minutes of the meeting of the Licensing Committee held at Committee Room 3 - 2nd Floor West Wing, Guildhall on Monday, 20 October 2014 at 1.45 pm

Present

Members:

Marianne Fredericks (Chairman)
Peter Dunphy (Deputy Chairman)
Deputy John Barker
Jamie Ingham Clark
Revd Dr Martin Dudley
Kevin Everett

Christopher Hayward
Michael Hudson
Graham Packham
Judith Pleasance
Chris Punter
James Tumbridge

Officers:

Rakesh Hira	Town Clerk's Department
David Arnold	Town Clerk's Department
Paul Chadha	Comptroller & City Solicitor's Department
Jenny Pitcairn	Chamberlain's Department
David Smith	Director, Markets & Consumer Protection Department
Steve Blake	Markets & Consumer Protection Department
Peter Davenport	Markets & Consumer Protection Department
Norma Collicott	City of London Police

1. APOLOGIES

Apologies were received from Alex Bain-Stewart and Edward Lord.

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

There were no declarations.

3. PUBLIC MINUTES

RESOLVED – That the public minutes of the meeting held on 21 July 2014 were approved as a correct record.

Matters Arising

Rough Sleepers

An Officer of the City of London Police informed Members of the two Operations that were currently being implemented to combat the issue of anti-social behaviour by rough sleepers. Members were advised that Operation Fennel was a police-led operation to stop aggressive begging by issuing tickets to people begging and providing them with support and a place to stay.

Operation Acton focussed on those rough sleepers who had refused all other offers of help.

Street Trading

In response to a Member's question, the Assistant Director of Environmental Health and Public Protection advised that Enforcement Officers had visited a number of street traders on Millennium Bridge with a view to seize property or issue Fixed Penalty Notices if they continued to trade illegally. Members were also updated of enforcement action against ice-cream vans trading within the City. The Assistant Director of Environmental Health and Public Protection advised that three vans had been seized and undertakings had been signed to ensure that they would not return to trade in the City.

4.1 Badolina, 210 Bishopsgate, London, EC2M 4NR

The Committee received the minutes of a Licensing (Hearing) Sub Committee regarding Olive Grill Ltd. at Badolina, 210 Bishopsgate, EC2M 4NR that was held on 16 July 2014.

The Chairman of this Licensing (Hearing) Sub Committee advised the Committee that the hearing raised questions of anti-social behaviour by rough sleepers and access to toilets in and outside venues licensed to sell alcohol. The Chairman of the Committee added that she had discussed the issue of access to toilets with the City Surveyor's department, who would take them into account when applying for Table and Chairs licences at premises in Leadenhall Market.

RESOLVED – That the minutes of the Licensing (Hearing) Sub Committee held on 16 July 2014, be noted.

4.2 Kyber, 4 Burgon Street, London, EC4V 5DR

The Committee received the minutes of a Licensing (Hearing) Sub Committee regarding Mr Bashir Ahmed at Kyber, 4 Burgon Street, EC4V 5DR that was held on 25 July 2014.

The Deputy Chairman, who was Chairman for this hearing, advised the Committee that the new licence application was subject to allegations that alcohol was already being sold at the restaurant. However, there was no evidence to support this allegation so a decision was made separately without taking this into account.

RESOLVED – That the minutes of the Licensing (Hearing) Sub Committee held on 25 July 2014, be noted.

5. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

The Committee received an update from the Comptroller and City Solicitor regarding appeals against Licensing (Hearing) Sub Committee decisions.

Members were advised that no appeals had been received.

6. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS & CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**

The Committee received a report of the Director of Markets and Consumer Protection regarding the delegated decisions of the Director pertaining to premises licences. The report detailed the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 July to 30 September 2014.

Members were advised that some Wetherspoons pubs had added a condition to their licence preventing the sale of alcohol between 00:00 and 02:00 despite venue being open during this period. The Licensing Manager advised that this meant they did not need to pay the Late Night Levy so Members agreed that the wording in the report be changed to “Add condition which has effect of reducing hours to midnight whilst the Late Night Levy is enforced”.

In response to a Member’s question, the Licensing Manager advised that 8 premises had been investigated for the sale of alcohol to under 18s. The Licensing Team were working with venue owners to ensure due diligence and that all members of staff were fully trained about the importance of not serving alcohol to under-aged people. Members were also advised that the Licensing Team were working alongside the City of London Police to impose serious sanctions on premises that were found to have served alcohol to under 18s twice within a 3 month period. Inspections of those premises who had committed the offence recently would be taking place shortly.

RESOLVED – That the report be noted.

7. **UPDATE ON THE LATE NIGHT LEVY**

The Committee received an oral update on the Late Night Levy (LNL) from the Assistant Director of Environmental Health and Public Protection.

Members were advised that the number of premises selling alcohol between 00:01 and 06:00 had increased from 290 to 293 since original forecasts were made. Officers had expected 30% of affected premises to submit variations to bring their selling hours outside the LNL period but to date only 64 premises had submitted variations. Members were advised that premises would now be charged if they wished to submit a variation.

The Assistant Director reported that 25 premises had achieved the required standard for Safety Thirst, thus receiving a 30% discount. Members were advised that this figure was unlikely to exceed 35 premises. As a result, the amount of money to be raised by the LNL was likely to be in the region of £340,000. This would equate to a Police portion of approximately £230,000 and a Local Authority portion to the City Corporation of approximately £100,000. Six and twelve month figures would be reported to Members at the appropriate Committee meetings.

RESOLVED – That the Late Night Levy update be received.

8. UPDATE ON SAFETY THIRST

The Committee received an update on Safety Thirst from the Licensing Manager.

Members noted that 29 premises received the Safety Thirst Award at the well-attended and successful Awards Ceremony on 8 October 2014. The Licensing Manager advised that 26 further premises were still either being inspected or were in the process of providing further evidence to support their application for the Award. Members were advised that these would be finalised by the end of November 2014 and that a majority of these cases were late applications in order to obtain the 30% LNL discount.

Applications for the 2015/16 Award, which was due to be amended slightly to permit different premises categories, would be received from 1 January 2015 to 31 March 2015; inspections would then be carried out from April 2015 onwards. Members were also advised that grades could be added to Awards scheme to differentiate between premises that narrowly met criteria and those who passed easily, as well as an award for best in each category.

RESOLVED – That the update on Safety Thirst be received.

9. REVENUE BUDGETS - 2015/16

The Committee considered a joint report of the Chamberlain and the Director of Markets and Consumer Protection that sought approval of the provisional revenue budget for 2015/16, for subsequent submission to the Finance Committee.

Members were advised that the newly introduced Late Light Levy was the most significant change to the 2015/16 budget from previous years but figures were still provisional as all variations to premises licences had not been confirmed yet.

Members noted that the total 2013/14 expenditure in relation to employees, premises related expenses, and supplies and services was £453,000 not £423,000 as stated in the report. Members were also advised that the latest approved 2014/15 budget for support services and capital charges was £155,000 and would be £152,000 in 2015/16.

RESOLVED – That:-

- a) the provisional 2015/16 revenue budget reflected the Committee objectives and be approved for submission to the Finance Committee; and
- b) the Chamberlain be authorised to revise these budgets for changes in respect of the Late Night Levy and of recharges.

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

There were no questions.

11. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
Members of the Committee expressed their thanks and best wishes to the outgoing Committee Clerk, Rakesh Hira, who would be leaving to the City of London Corporation before the next Committee meeting.

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

13

Paragraph

3

13. **LICENSING RISK SCHEME**
The Committee received a report of the Director of Markets and Consumer Protection regarding the Licensing Risk Scheme.
14. **NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**
There were none.
15. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**
There was one item of urgent business.

The meeting ended at 2.50 pm

Chairman

Contact Officer: David Arnold
tel. no.: 020 7332 1174
david.arnold@cityoflondon.gov.uk

This page is intentionally left blank

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 30 OCTOBER 2014

APPLICANT: WHITBREAD GROUP PLC
PREMISES: PREMIER INN, 28 GREAT TOWER STREET, EC2R 5AT

PRESENT

Sub Committee:

Jamie Ingham Clark (Chairman)
Deputy John Barker
Graham Packham

City of London Officers:

Saimah Tahir – Town Clerk's Department
Elizabeth Picart – Town Clerk's Department
Sam Smith – Remembrancers
Paul Chadha – Comptroller & City Solicitor's Department
Peter Davenport – Markets & Consumer Protection Department
Steve Blake – Markets & Consumer Protection Department

Applicant:

Represented by John Gaunt – Solicitor, John Gaunt LLP.
Witnesses:
Kate Ketteringham – Whitbread Group plc

Those making representations:

Martin Westwood – Bakers Hall
Neil Fletcher – Bakers Hall

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held at 10:00 am in the Committee Rooms, West Wing, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises 'Premier Inn, 28 Great Tower Street, London, EC4V 5DR'.

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 (2)

Appendix 4: Plan of Premises

Appendix 5: 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:

- Brochure from the Applicant entitled Bakers Hall
- License from the Applicant entitled Premises License for the Worshipful Company of Bakers
- Letter from the Representee entitled Objection to Application – New Premises License – 28 Great Tower Street – Further Detailed Comment

- 2) The Hearing commenced at 10:00 am.
- 3) The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present, the nature of the application and outlined the procedure which would be followed. He explained that the hearing would determine whether the license application for Premier Inn – 28 Tower Street, London, EC4V 5DR would be granted.
- 4) The Chairman invited Mr Westwood to speak first regarding his representation. Mr Westwood explained that his primary concern was with the effect the sale of alcohol at Premier Inn would have on noise nuisance on surrounding properties. He advised that there was only one exit for Premier Inn which leads directly onto Bakers Hall Court and Car Park, and was concerned that individuals could take alcohol containers from the hotel onto the Court whilst smoking, causing a nuisance. Mr Westwood was concerned that future residents of a new development would be unaware of the application and not be able to object in time. He went on to seek assurance that the sale of alcohol would be monitored and that CCTV would be put in place to monitor the activity of patrons outside the buildings. He went on to ask that the application be rejected in its current form.
- 5) The Chairman explained that potential residents of a new development were not a relevant licensing issue for this application.
- 6) The Chairman invited the applicants to ask any questions to Mr Westwood regarding his representation. In response to a question from John Gaunt regarding Bakers Hall License. Mr Westwood confirmed that Bakers Hall was licensed until midnight and that their online brochure advertised this as part of the attraction to the venue. He went on to confirm that the Hall did not provide any accommodation, and that this

would result in their patrons leaving the premises at 11.30pm. Mr Gaunt noted that Bakers Hall would potentially pose a noise nuisance to Premier Inn patrons as they would need to leave the premises after events as no accommodation was provided by Bakers Hall.

- 7) The Chairman invited Mr Gaunt to make his submissions on behalf of the Applicant. In response to Mr Westwood's representations, Mr Gaunt explained that his concern regarding the sale of alcohol leading to noise nuisance for surrounding properties was unfounded. Premier Inn had a goodnight sleep money back guarantee. Mr Gaunt assured the Committee that the layout of Premier Inn ensured that the sale and consumption of alcohol could be monitored by the trained reception staff. CCTV would monitor the entrance, reception, parts of the restaurant and other exits, to observe the activity of its patrons and a no vibration clause would be welcomed if the Committee felt it was required.
- 8) Mr Gaunt noted that there had been only two representations from residents surrounding the premises and that there had been no representations from the Police or Environmental Health. He went on to assure the Committee that Premier Inn had no interest in off-sales so long as patrons could take alcohol to their rooms from the dining area. Furthermore, he informed the Committee that relevant signage regarding noise would be installed.
- 9) The Chairman questioned the way in which the dining area was advertised within Premier Inn and went on to ask if non-residents would have access. Mr Gaunt explained that the dining area was not advertised as a place to drink, however the public were allowed access if they were visiting residents.
- 10) The Chairman asked Mr Gaunt if he had any other comments regarding the license application. Mr Westwood explained that if the application had been presented with the conditions that had been discussed during the Hearing such as CCTV and the monitoring of alcohol then there would have not been any issues with the application. He went on to note that the Premier Inn at St Mary's Hill did advertise the restaurant outside their premises.
- 11) The Chairman explained that advertisement of a restaurant or cafe was not a relevant licensing issue for this application.
- 12) There were no further questions from those making representations for the applicant or the Sub-Committee.
- 13) The Chairman explained that a full decision would be circulated within 5 working days and that if the Sub-Committee reached a decision this would be announced today.

All parties returned to the room.

- 14) 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 conditions consistent with the Operating Schedule. The four conditions to the grant of the licence were as follows: there shall be no sale of alcohol in unsealed containers for consumption off the premises; The premises shall install and maintain a comprehensive CCTV system; A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly and a 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age.
- 15) The Chairman thanked all parties for attending.

The meeting closed at 11:05am

Chairman

Contact Officer: Saimah Tahir

Tel. no. 020 7332 3113

E-mail: saimah.tahir@cityoflondon.gov.uk

Copy of Decision letter circulated to all parties

Applicant: Premier Inn- Whitbread
Application: New Premises Licence
Premises: Premier Inn, 28 Great Tower Street, EC3R 5AT
Date of Hearing: Thursday 30th October 2014 at 10:00 am

I write to confirm the decision of the Licensing (Hearing) Sub Committee at the hearing on 30th October 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 Whitbread Group Plc. for a new premises licence in respect of the premises 'Premier Inn, 28 Great Tower Street, EC3R 5AT'.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Films	N/A	Monday to Sunday: 10:00 – 00:00 hours
Supply of Alcohol	N/A	Monday to Sunday: 10:00 – 00:00 hours (Open to hotel residents 24hours)
Late night refreshment	N/A	Monday – Sunday 23:00 – 00:00

2. 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.
3. 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.
4. Furthermore, the Sub Committee took account of it's 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.

5. 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. The representations focused on the potential for public nuisance resulting from non-clientele accessing unconsumed alcoholic drinks from the outside seating area and the lack of toilet facilities for staff and patrons at the premises.
6. The Sub-Committee took into account the representations regarding the potential for public nuisance from the premises along with the submissions on behalf of the Applicant as to safeguards that it would put in place to address the concerns relating to the potential for public nuisance. The Sub-Committee concluded that the premises could, with the imposition of suitable conditions, operate without causing nuisance to local businesses
7. The Sub-Committee then went on to consider conditions which it considered to be necessary and appropriate to ensure compliance with the licensing objectives. It was of the opinion that, although offered by the Applicant, it was not appropriate to impose any conditions relating to noise and vibration emanating from the premises as it felt that these issues would be more appropriately addressed under the provisions of the Environmental Protection Act 1990 should the need arise. However, the Sub-Committee did consider it necessary and appropriate to impose conditions which would prevent crime and disorder and prohibit patrons from drinking outside the premises thus causing public nuisance to neighbouring premises.
8. It was therefore the Sub Committee's decision to grant the premises licence, subject to the conditions consistent with the Operating Schedule set out below:
 - The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. 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 non-resident members of the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested. (MC01)
 - A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15)
 - There shall be no sale of alcohol in sealed or unsealed containers for consumption off the premises save for consumption in the hotel bedrooms (based on MC17)

- A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 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 or an industry approved proof of age identity card. (MC21)
1. The Sub Committee noted the Applicant's intention to comply with the following measures from the Code of Good Practice for Licensed Premises (available via the link at the bottom of this letter): G1, CD2, CH3, PN10
 2. 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.
 3. 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

Saimah Tahir

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>

This page is intentionally left blank

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 27 NOVEMBER 2014

APPLICANT: **SAMMIE'S BAR LTD**
PREMISES: **SAMMIE'S BAR, 14 CROSSWALL, LONDON EC3N 2LJ**

PRESENT

Sub Committee:

Peter Dunphy (Chairman)
Michael Hudson
Jamie Ingham Clark

City of London Officers:

Gregory Moore – Town Clerk's Department
David Arnold – Town Clerk's Department
Paul Chadha – Comptroller & City Solicitor's Department
Peter Davenport – Markets & Consumer Protection Department
Steve Blake – Markets & Consumer Protection Department
Sam Cook – Remembrancer's Department

Applicant:

Represented by David Dadds – Solicitor, Dadds LLP.
Witnesses:
Ms Samantha Hall – Director of Sammie's Bar Ltd.
Mr Freddie Hall

Those making representations:

Richard Lambert – Environmental Health Officer
Rita Jones – Licensing Inspector (City of London Police)
- Represented by Leo Charalambides
Marianne Fredericks – Resident

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held at 2:15 pm in the Committee Rooms, West Wing, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises 'Sammie's Bar, 14 Crosswall, London EC3N 2LJ'.

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 responsible authorities (2)

Appendix 4: Representations from other persons (4)

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

Appendix 6: Plan of Premises

- 2) The Hearing commenced at 2:15 pm.
- 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.
- 4) It was noted that no Members of the Sub Committee had any declarations.
- 5) The Chairman outlined the procedure which would be followed.
- 6) The Chairman invited Mr Lambert to speak first regarding his representation made in respect of Sammie's Bar Ltd.'s application for a new Premises Licence. Mr Lambert outlined his concerns over the lack of control of noise from the provision of live and recorded music after 11:00 pm in a residential area. He was also concerned about local residents potentially experiencing an increase in noise levels at 02:00 am if patrons were to gather outside the Bar at closing times. He explained that these noise levels could continue later into the night if patrons did not disperse due to a lack of public transport facilities at that time. Finally, he added that there would be inadequate noise control if the windows and door to the Bar were left open until closing times during the provision of live and recorded music.
- 7) In response to a question from Mr Dadds (the Applicant's representative), Mr Lambert advised that there had been one complaint to Environmental Health since Sammie's Bar Ltd. began operating at the premises in February 2014. This was however an uncorroborated complaint, as Environmental Health Officers were unable to attend at the time and witness the reason for the complaint.
- 8) In response to a further question from a Member of the Panel, Mr Lambert added that he would recommend that the terminal hour be brought forward to before midnight to allow patrons to depart via public transport and avoid problems with dispersal late into the night.

- 9) The Chairman invited Ms Fredericks to speak next regarding her representation concerning Sammie's Bar Ltd.'s application for a new Premises Licence. Ms Fredericks was concerned that the area surrounding Sammie's Bar had become over-burdened with late night licenced Premises. She added that the City of London Police (CoLP) had already suffered from problems of dispersal in the area. Ms Fredericks was also concerned at the lack of control for preventing patrons from blocking walkways when gathered outside the Bar. Residents would suffer from an increase in litter on the walkway and late night noise so she suggested that the licence should not allow the Bar to operate beyond midnight.
- 10) In response to a question from Mr Dadds, Ms Fredericks advised that she had been sent several complaints about the Premises from local residents concerned about public safety. Ms Fredericks added that she had also informed Licensing Officers of her concern for an issue she witnessed in July 2014, which involved a vehicle being obstructed by patrons gathered outside the premises.
- 11) The Chairman invited Mr Charalambides to outline the CoLP's representations in respect of Sammie's Bar Ltd.'s application for a new Premises Licence. Mr Charalambides advised that they were primarily concerned with the threat to public safety and increase in public nuisance that would be caused by patrons gathering outside the premises late into the night. He added that drinking should not be permitted outside the premises at any time to prevent an increase in public nuisance and threat to public safety. He also explained that a regulatory framework for the provision of alcohol should reflect the needs of the local community. He argued that this would not be the case if the new Premises Licence was granted as the local residents had demonstrated no desire for another late night licence in the area.
- 12) In response to a question from Mr Dadds, Mr Charalambides advised that there had been no complaints from the public received by the CoLP since Sammie's Bar Ltd. began operating at the premises in February 2014. In response to a further question from a Member of the Panel, Mr Charalambides advised that the CoLP had not been asked to visit the premises for any reason in that period.
- 13) The Chairman then invited Mr Dadds to outline his submissions on behalf of the Applicant. Mr Dadds explained that they had already operated at the premises since February 2014 and had only received one unsubstantiated complaint during that time. He added that the Applicant was committed to managing the areas directly outside the premises. He explained that the area would be monitored for over-crowding and checked for empty glasses regularly. He then proposed that no person be allowed to remove drink from the premises after 9:00 pm. Mr Dadds explained that he and the Applicant had used benchmarking of other similar premises in the area as well as

considering public nuisance to local residents caused by outside drinkers before reaching the proposed time of 9:00 pm.

- 14) In response to a question from Ms Fredericks regarding the walkways outside not being part of the premises, Mr Dadds explained that people could not be prevented from gathering on public walkways but the Applicant would aim to manage this if the licence was granted. In response to a suggestion from Mr Charalambides, Mr Dadds advised that the Applicant would be happy to implement a chart to document when the areas outside the premises had been checked and cleaned if the licensing authority saw fit.
- 15) In response to a question from Mr Lambert regarding noise for local residents, Mr Dadds advised that music was restricted to within the premises and reiterated that only one complaint regarding the premises had been made to Environmental Health previously with no complaints made to the CoLP. In response to a further question from Mr Charalambides regarding training of staff to promote public safety and prevent public nuisance, Mr Dadds advised that all 12 members of staff would be trained directly by the Director of Sammie's Bar Ltd with assistance from Dadd's Solicitors as soon as the licence was issued.
- 16) In response to a question from Mr Charalambides concerning the operating schedule included in Sammie's Bar Ltd.'s original application form, Mr Dadd's advised that the applicant misunderstood advice from the CoLP regarding no alcohol being allowed to leave the premises in open bottles or containers. Having consulted with Dadd's Solicitors who advised that condition did not have to form part of the operating schedule, the applicant changed the proposal. Objectors opposed this change as others were unable to submit representations based on this, but Mr Dadd's explained that this would not have been included on public notice in any case.
- 17) In response to questions from Members of the Panel, Mr Dadds advised that windows and doors would remain closed during the provision of live music, which would only consist of Karaoke on the last Friday of each month, but SIA door staff would not be employed.
- 18) The Chairman invited Mr Lambert to issue a closing statement regarding his representation to Sammie's Bar Ltd.'s application for a new Premises Licence. He stated that the control of noise from people gathered outside the premises and live music from inside the premises should be considered in the conditions of a new Premises Licence.
- 19) The Chairman invited Ms Fredericks to submit a closing statement regarding her representation to Sammie's Bar Ltd.'s application for a new Premises Licence. She explained that her primary concerns were for the potential for public nuisance caused by late night noise and the lack of consideration for public safety with streets and walkways being obstructed by people gathered outside the premises. She added that the

premises was not suitable for the provision of live music due to its small size and proximity to local residents.

- 20) The Chairman invited Mr Charalambides to submit a closing statement regarding the CoLP's representation to Sammie's Bar Ltd.'s new Premises Licence application. He advised that their primary concern was regarding the consumption of drinks outside the premises at any time, which he believed would undermine the Licensing objectives for public safety and prevention of public nuisance. He suggested that the Applicant had no concrete plan to manage outside drinking or dispersal at closing times and had no plan to implement the Licensing Code of Conduct.
- 21) The Chairman then invited Mr Dadds to submit his closing statement on behalf of the Applicant. In response to Mr Lambert's representations, Mr Dadds advised Members of the Panel that Sammie's Bar Ltd. had been operating at the premises until 01:00 am at weekends without any complaints to the CoLP and only one to Environmental Health. He argued that the Applicant was alive to the issue of managing the walkway outside the premises and they had had no complaints from wheelchair or pushchair users.
- 22) There were no further questions from those making representations for the Applicant or Sub-Committee.
- 23) The Chairman thanked all parties for attending and explained that a full decision would be circulated within five working days.

The meeting ended at 16:00

Chairman

Contact Officer: David Arnold
Tel. no. 020 7332 1174
E-mail: david.arnold@cityoflondon.gov.uk

Copy of Decision Letter circulated to all parties on 2 December 2014

Applicant: Sammie's Bar Ltd
Application: New Premises Licence
Premises: Sammie's Bar, 14 Crosswall, London EC3N 2LJ
Date of Hearing: Thursday 27 November 2014 at 2:15pm

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 27 November 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 Sammie's Bar Ltd, Carlton House, 101 New London Road, Chelmsford, Essex, CM2 0PP for a new premises licence in respect of the premises known as "Sammie's Bar", 14 Crosswall, London EC3N 2LJ.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Provision of Live Music	N/A	Sun – Wed 23:00 – 00:00 Thu – Sat 23:00 – 02:00
Provision of Recorded Music		Sun – Wed 11:00 – 00:00 Thu – Sat 11:00 – 02:00
Supply of Alcohol	N/A	Sun – Wed 07:00 – 00:00 Thu – Sat 07:00 – 02:00

The supply of alcohol would be for 'on' the premises only, with the premises open to the public between 07:00 and 00:30 (Sunday – Wednesday) and 07:00 to 02:30 (Thursday – Saturday).

2. The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the hearing by those making representations and the Applicant.
3. 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.
4. Furthermore, the Sub-Committee had regard to the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.

5. 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 and public safety. The representations focused primarily on the potential for public nuisance and the risk to public safety resulting from the applicant's inability to adequately manage patrons drinking outside the premises, as well as noise caused through dispersal and regulated entertainment events.
6. The Sub-Committee took into account the representations regarding the potential for public nuisance from the premises and the risk to public safety but concluded that the premises could, with the imposition of suitable conditions, operate without causing an unacceptable level of public nuisance to local residents or risk public safety.
7. In reaching its decision the Sub Committee took into account the fact that the premises had been operated by the applicant under an existing licence since February 2014 and that, during this period, there had been only one report to environmental health officers concerning public nuisance, which had been uncorroborated. There had also been no incidents requiring police attendance. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application. In this respect the Sub-Committee took into consideration the fact that this was an application for a new premises licence and, whilst acknowledging the oral and written representations in respect of potential for public nuisance and risk to public safety resulting from this application, the Sub-Committee was not convinced that the proposed operation of the premises would adversely affect the promotion of the licensing objectives given the proposed operating model.
8. The Sub Committee then considered whether it was necessary and appropriate to impose any conditions upon the licence, to promote the relevant licensing objectives and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance and public safety. The Sub-Committee gave lengthy consideration to the issue of patrons being allowed to take drinks outside the premises, taking into account the submissions made by those making representations that a condition should be imposed prohibiting the taking of drinks outside the premises at all times and the proposal put forward on behalf of the applicant that its patrons should be permitted to take drinks outside the premises until 21:00 hours. Whilst acknowledging the concerns expressed in relation to the disturbance caused by patrons taking drinks outside the premises and the risk to pedestrians not being able to pass freely along the footway, the Sub-Committee considered it unreasonable to prohibit patrons from drinking taking drinks outside the premises at all times. It noted that the Applicant had indicated that it would manage the area outside its premises to minimise noise and to ensure that its patrons would not obstruct pedestrian passage. The Sub-Committee was of the opinion that, if properly managed, it would be possible to permit the premises' patrons to take drinks outside the premises and therefore

concluded that it would be reasonable to permit them to take drinks outside until 21:00.

9. The Sub-Committee then went on to consider whether or not it was necessary to impose any conditions to prevent the escape of noise from the premises. The concerns of the City's Environmental Health Service were considered along with the size of the premises and the nature of the regulated entertainment to be provided (karaoke evenings on Friday nights once per month). In such circumstances the Sub-Committee decided that it was necessary and appropriate to impose a condition requiring that all windows and doors were to remain closed after 21:00 hours, save for access or egress, whilst regulated entertainment was being provided.
10. The Sub-Committee also decided that it was necessary and appropriate to impose the remaining conditions contained in Appendix 2i) of the Agenda papers.
11. It was the Sub-Committee's decision to therefore grant the premises licence, subject to the conditions consistent with the Operating Schedule and the informative set out below:
 1. *The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. 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 recent data or footage with the absolute minimum of delay when requested. (MC01)*
 2. *There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public. (MC02)*
 3. *All doors and windows shall remain closed at all times after 21:00 during the provision of regulated entertainment save for access or egress or in the event of an emergency. (MC12)*
 4. *A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15)*
 5. *A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 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 or an industry approved proof of age identity card. (MC21)*
 6. *Patrons are prohibited from taking any drinks outside the premises after 21:00 hours*

12. Further to the conditions outlined above, the Sub-Committee issued the following informative:

1. *The premises licence holder is expected to devise and implement measures to ensure that patrons drinking outside the premises are managed in such a manner that they do not cause public nuisance or prevent pedestrians from having free passage along the footway.*

13. The Sub-Committee also noted the proposed offer put forward by the Applicant, namely the commitment to make available a contact telephone number to nearby residents, local Common Councilmen and the City of London Licensing Team to be used in the event of complaints arising.

14. 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.

15. 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,

Gregory Moore

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/alcobol-and-entertainment/Pages/Licensing-policy.aspx>

This page is intentionally left blank

Committee(s):	Date(s):
Port Health and Environmental Services - For decision	18 November 2014
Police Committee - For information	08 December 2014
Policy and Resources - For information	10 December 2014
Community And Children Services - For decision	12 December 2014
Safer City Partnership - For information	12 January 2015
Court of Common Council - For decision	16 January 2015
Licensing Committee - For information	21 January 2015
Subject: New Anti-social Behaviour, Crime and Policing Act 2014 – Delegated Powers	Public
Report of: Director of Built Environment	For Information

Summary

This report informs the Committee of the relevant provisions of the Anti-social Behaviour, Crime and Policing Act 2014.

The Act replaces the various measures previously available to tackle anti-social behaviour within the Anti-social Behaviour Act 2003 with a new set of powers, intended to provide a simpler and more streamlined framework. It introduces new mechanisms with the aim of giving victims and local communities a greater say in the treatment of anti-social behaviour and low-level crime, and it strengthens the ability of landlords to terminate tenancies on grounds relating to anti-social behaviour.

The reforms set out in Parts 1-6 of the Act are intended to ensure that professionals from a number of agencies dealing with a variety of anti-social behaviours have effective powers that are quick, practical and easy to use to provide better protection to victims and communities whilst acting as a deterrent to perpetrators. 19 powers in the previous act are replaced with 6 simpler and more flexible ones but their implementation will require effective and coordinated consideration by all the agencies involved. (Appendix 1). In setting out the new powers, the City Corporation will always to seek restorative solutions to issues and only use these powers as a last resort.

In adopting the Anti-social Behaviour, Crime and Policing Act 2014, it will be necessary to amend the City's Scheme of Delegation and also require close and coordinated working with partner organisations.

The long-standing position under the City Corporation's Constitution and Terms of Reference is that the promotion of byelaws is authorised by the Court of Common Council. Given that Public Space Protection Orders (PSPO's) are intended to be of a similar nature, and may concern issues which fall under the remit of several committees and therefore, it is not currently proposed that Court of Common Council delegate authority to make PSPO's. However, this can be kept under review.

Members are asked to note the contents of this report and approve amendments to the Scheme of Delegation to enable authorised Officers, as detailed in recommendations and the amended Scheme, appendices 2

and 3, to fulfil the requirements of the Anti-social Behaviour, Crime and Policing Act 2014. Members are advised that the responsibilities pertaining to the Open Spaces have been addressed in a separate report.

Recommendations: That -

(i) the Court of Common Council delegate authority, for the certain areas of responsibility relating to the Anti-social Behaviour, Crime and Policing Act 2014, to the

1. Port Health and Environmental Services Committee and the Community and Children Services Committee, with responsibility for Housing Services, and that the Scheme of Delegation be amended accordingly.

(ii) That the Port Health and Environmental Services Committee and Community and Children Services Committee, for their respective areas of responsibility, delegate authority as follows:

1. the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services or their authorised Deputy be granted delegated authority to seek an Injunction to Prevent Nuisance and Annoyance in accordance with Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014.
2. the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services, or their authorised Deputy, be granted delegated authority to apply for Closure Orders and to authorise their officers to issue Closure Notices and in accordance with Part 3 of the Anti-social Behaviour, Crime and Policing Act 2014.
3. the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services be granted delegated authority to authorise Officers to serve Community Protection Notices, and Fixed Penalty Notices in the event of a breach, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.
4. that approval be granted to enable the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services to be able to designate Registered Social Landlords to issue Community Protection Notices , in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014; and
5. that approval also be granted to the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services to be able to authorise Police Community Support Officers and other Police staff to serve Community Protection Notices and Fixed Penalty Notices, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.
6. that the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children

Services or their authorised Deputy be granted delegated authority to seek Criminal Behaviour Orders, in accordance with Part 2 of the Anti Social Behaviour, Crime and Policing Act 2014.

It is also recommended that:

7. That the Community Safety Team, within the Town Clerks Department be the 'Single Point of contact for the Community Trigger as required under the Act and the Safer City Partnership oversee/scrutinise any community triggers and appeals.
8. That the Police Committee, in partnership with the City Of London Police, be responsible for the production of a Community Remedies document.

Main Report

Background

1. The Anti Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13 March 2014 and came into effect on the 20th October 2014 (some parts being delayed until January 2015). The Act proposed a number of reforms to existing legislation and to put the victim at the heart of the response to anti social behaviour by providing professionals and organisations with greater flexibility to deal with any given situation. The implications of the Act, as they impact upon the remit of the Policy & Resources, Police, Housing Management and Almshouses, and the various Open Spaces Committees and Sub-committees have already been reported to those bodies.
2. The reforms set out in Parts 1-6 of the Act are intended to ensure that professionals have effective powers that are quick, practical and easy to use to provide better protection to victims and communities and act as a deterrent to perpetrators. 19 existing powers are replaced with 6 simpler and more flexible ones.
3. In setting out the new powers, this City of London Corporation will always to seek restorative solutions to issues and only use these powers as a last resort. This will mean that appropriate Service Units across the City Corporation and partners working with the people and communities affected by these powers must be engaged and involved in the decision making.
4. Attached to this report at Appendix 1 is a schematic which shows the old ASB powers (19) which will be replaced by the new powers (6). The new powers are:

Civil Injunctions to Prevent Nuisance and Annoyance.

5. The Injunction to Prevent Nuisance and Annoyance (IPNA) is a civil power which can be applied for to deal with anti social behaviour. It replaces six orders formerly available to local authorities/ the City and Police. An injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

6. A number of agencies can apply for Civil Injunction. These include:
 - i. Local Authority/ The City Corporation
 - ii. Housing provider
 - iii. The Chief of Police for the local area
 - iv. The Chief Constable of the British Transport Police
 - v. Transport for London
 - vi. The Environment Agency
 - vii. NHS Protect
7. Anyone seeking to apply for an Injunction must have evidence (to the civil standard of proof – on the balance of probabilities) that the respondent is engaged in or threatened to engage in those activities set out below:
 - i. conduct that has caused, or is likely to cause harassment, alarm or distress to any person;
 - ii. conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
 - iii. conduct capable of causing housing related nuisance or annoyance to any person.

Note: (ii) only applies where the injunction is applied for by a housing provider, local authority or Chief Officer of Police (iii) only applies where the injunction is applied for by a housing provider or local authority.
8. Unlike other proposals in the Act this process is applied through the County Court for persons over 18 and in the Youth Court for under 18's. Evidence and statements from witnesses will be required to support the application but will also vary depending upon the type of conduct which it is sought to restrict such as harassment or causing annoyance to the occupation of premises. It is clear that the latter would be of use to the authorities and to social housing providers. The procedure is indicated to be swift but a good deal of preparation will be required before going before the Court as well as ensuring an urgent date can be obtained.
9. Where any action is to be taken against a person under 18 years old in a Youth Court then the Youth Offending Team should be part of the decision making process.

Recommendation:

10. That the Director of Built Environment, Director of Markets and Consumer Protection and Director of Community and Children Services or their authorised Deputy be given delegated authority to seek an Injunction to Prevent Nuisance and Annoyance in accordance with Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014.

Public Spaces Protection Order

11. Public Spaces Protection Orders (PSPO's) may be made in relation to activities carried on (or likely to be carried on) in a public place, which are reasonably considered to have a detrimental effect on the quality of life in the locality. This effect must be persistent or continuing in nature,

and must be such as to make the activity unreasonable. The PSPO may restrict the activity through prohibition or the imposition of requirements, although these restrictions may not go beyond what is reasonable and justified in relation to the detrimental effect sought to be tackled.

12. Consultation with the police and community representatives must be undertaken before a PSPO is made. A PSPO will have effect for periods of up to three years, but may be renewed indefinitely for so long as it is considered necessary.
13. Breaching a PSPO is a criminal offence punishable on conviction by a level 3 fine (currently £1000). Alternatively a fixed penalty notice of up to £100 may be issued by a Constable or by an authorised officer of the authority which made the Order. While the Order is in force any local byelaws which apply to the same activity cease to have effect.
14. The long-standing position under the City Corporation's Constitution and Terms of Reference is that the promotion of byelaws is authorised by the Court of Common Council. Given that PSPO's are intended to be of a similar nature, and may concern issues which fall under the remit of several committees it is not currently proposed that Court of Common Council delegate authority to make PSPO's. However, this can be kept under review.

Closure Power

15. The Closure Power allows the Police or the City of London Corporation to quickly close premises which are being used, or likely to be used to commit nuisance or disorder. A Closure Notice is issued out of Court in the first instance. Flowing from this the Closure Order can be applied for through the Magistrates Court.
16. Both the City Corporation and City of London Police can issue a Closure Notice (CN) and guidance requires that it must be approved at an Inspector or above level for the Police or a suitably qualified and experienced Officer within local authority for those issuing CN's of 24 hours. Following the issue of a CN the legislation requires that a series of notifications must be undertaken once a CN has been served particularly if the intention is to seek a Closure Order (CO). The Magistrates Court is required to hear the application within 48 hours and this will require close working with the Court Service
17. In addition before serving a CN or seeking a CO the City Corporation and/or police must ensure that they consult widely including with the victim, community representatives other organisations and users of the premises under investigation. Record keeping and evidential matters will be a key consideration and an agreed procedure will need to be established with partner bodies.
18. A notice can close premises for up to 48 hours but cannot stop the owner or those who live there accessing the premises. An order can close premises up to 6 months and can restrict all access. Both the Notice and the Order can cover any land or any other place, whether enclosed or not including residential, business and licensed premises.
19. Breaching a Closure Order will be a criminal offence. Breaching a Notice can carry a custodial sentence of up to 3 months and breaching an

Order can result in 6 months in prison. Both carry an unlimited fine for residential and non-residential premises.

20. Prior to seeking a Closure Order, it will be important that appropriate service units in the City Corporation (e.g. Community and Children's Services who are responsible for Housing, where this relates to residential premises) are consulted.

Recommendation:

21. That the Director of the Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services, or their authorised Deputy, be granted delegated authority to apply for Closure Orders and to authorise their officers to issue Closure Notices and in accordance with Part 3 of the Anti-social Behaviour, Crime and Policing Act 2014

Community Protection Notice

22. A Community Protection Notice (CPN) is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life by targeting those responsible. These include graffiti, rubbish and noise. A CPN does not discharge the City from its duty to issue an Abatement Notice where the behaviour constitutes a statutory nuisance for the purposes of Part 3 of the Environmental Protection Act 1990.
23. The test to be applied in issuing a Community Protection Notice is broad and focuses on the impact anti-social behaviour is having on victims and communities. A CPN can be issued by the Police, City of London Corporation authorised officers or Registered Social Landlords if they are satisfied on reasonable grounds that the conduct of the individual, business or organisation:
 - (i) is having a detrimental effect on the quality of life of those in the community;
 - (ii) is persistent or continuing in nature; and
 - (iii) is unreasonable.
24. Under the procedure outlined in the Guidance which accompanies the Act, a written warning has to be served followed by the CPN then at a later stage a Fixed Penalty Notice (FPN) may be issued for non-compliance. In addition, the CPN can be appealed within 21 days of service. All these processes need to be recorded and evidenced and the City and its partners will need to ensure that there is an effective monitoring arrangement in place because of the appeal process and potential for prosecution. Some form of 'gate keeping' arrangement may be required in order to avoid duplicate actions by partner organisations. Coordination may fall to the responsibility of the Community Safety Team within the Town Clerks department who have the remit of the Safer City Partnership.
25. Failure to comply with a CPN can result in one of the following sanctions:
 - i. Fixed Penalty Notice
 - ii. Remedial Action
 - iii. Remedial Orders

iv. Forfeiture Orders

v. Seizure

Recommendation:

26. That the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services be given delegated authority to authorise officers to serve Community Protection Notices and, Fixed Penalty Notices in the event of a breach, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

Recommendation:

27. That approval be granted to enable the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services to be able to designate Registered Social Landlords to issue Community Protection Notices, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014

Recommendation:

28. That approval also be granted to the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services to be able to authorise Police Community Support Officers and other Police staff to serve Community Protection Notices and Fixed Penalty Notices, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

Criminal Behaviour Orders

29. Criminal Behaviour Orders may be issued following a conviction by the Criminal Courts. They are intended to rehabilitate offenders by tackling the underlying cause of the anti-social behaviour, such as misuse of drugs, and alcohol etc. For example, offenders may be obliged to attend alcohol/anger management courses etc. These are normally sought by Crown Prosecution Service but a Local Authority can also apply for these in cases of serious and persistent anti social behaviour and may occasionally be a useful adjunct to prosecution for criminal offences (e.g. persistent noise nuisance).

Recommendation:

30. that the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services or their authorised Deputy be granted delegated authority to seek Criminal Behaviour Orders, in accordance with Part 2 of the Anti Social Behaviour, Crime and Policing Act 2014.

Dispersal Powers

31. Police Dispersal Powers require a person committing, or likely to commit antisocial behaviour or crime or disorder, to leave an area for up to 48 hours.

Community Trigger

32. Anti-social behaviour must be persistent, be harmful or potentially harmful to an individual or a community, and a victim, not satisfied with authorities' responses to complaints, may request a review of any action taken. If three complaints about anti-social behaviour are received within

a 6 month period, upon request, the City is obliged to formally review the actions taken/planned with relevant Partners (Police, Housing Associations etc.) and inform the victim of the outcome.

33. This part of the law could impact on many Departments across the City Corporation and any partners. For example, the response to noise complaints, irresponsible dog owners, planning enforcement, open spaces management and housing matters, could all come under scrutiny.
34. If a 'Trigger' request is made, a formal review would have to be held and the case scrutinised. A multi-agency panel would ultimately review the case and make recommendations for action, for the City, the Community Safety Team within the Town Clerks Department will act as the single point of contact for the Community Trigger where they will coordinate any processes with other departments.
35. The Safer City Partnership and the Police Committee will provide oversight/scrutiny of the City Corporation's arrangements and the outcomes. All Community Trigger cases will be reported to the Safer City Partnership and the Police Committee who will confirm that the responses from the relevant agencies are appropriate and may make recommendations.
36. If an Appeal is made, a review will be carried out on behalf of the the decision making bodies and a senior officer/manager will be appointed to undertake the review on their behalf. Information on how to access the Community Trigger is already available on the City's website.

<http://www.cityoflondon.gov.uk/services/community-and-living/Pages/community-trigger.aspx>

Recommendation:

37. That the Community Safety Team, within the Town Clerks Department be the 'Single Point of contact for the Community Trigger as required under the Act and the Safer City Partnership and the Police Committee oversee/scrutinise any community triggers and appeals.

Community Remedy

38. This new power allows the Police to choose an alternative punitive/rehabilitation action against offenders, other than proceeding through the courts. The victim and perpetrator of the crime would be involved in deciding the reparation action required.
39. The Chairman of Police Committee and Community Safety Partnership in partnership with the City Of London Police will produce a Community Remedies document. This will contain a list of:
 - Restorative actions – achieving restitution/reparation for the victim
 - Punitive actions – reflecting the effect on the victim or the community
 - Rehabilitative actions – addressing the causes of the behaviour
 - All or any part of the above in combination

40. These are considered appropriate for those who have engaged in ASB, but whose actions do not merit proceedings through the criminal justice systems. Examples of actions that may be included in the community remedy document are as follows:
- A requirement to make a formal apology (oral or written)
 - A requirement to make good criminal damage
 - A requirement to sign an Acceptable Behaviour Contract
 - A requirement to take part in structured activities that are either educational or restorative
 - To take part in unpaid work for the benefit of the community
41. Corporation partners, appropriate Agencies and the Public will be consulted about these proposed remedies before the document is published.
42. The use of the Community Remedy will be restricted to Police Officers, PCSO's (if authorised by the Police Commissioner) and Investigating Officers (who are persons employed by a police force or by the Office of the PCC) who are authorised to offer and give conditional cautions or youth conditional cautions.

Conclusion

43. The provisions of the 2014 Act will give the City of London Corporation and its partner organisations a more effective means of tackling anti-social behaviour in certain areas if/ where it is prevalent. However there will be a need for an effectively coordinated monitoring process to be established with partner bodies and the requirement for a single point of contact within the City Corporation. It will be essential that all officers involved in these new process are effectively trained and that the additional workload is monitored in the first year of operation.

Corporate & Strategic Implications

44. The proposed changes to the Scheme of Delegations are intended to support the effective governance of the City of London Corporation and ensure that decision making is effective and transparent. The proposed amendments are set out in Appendices 2 and 3.

H.R. Implications

45. There are no envisaged HR implications as officers already have similar powers and this updates their powers.

Legal Implication

46. The Comptrollers and City Solicitor Department have been consulted on this report.

Financial Implications

47. No direct financial impact is envisaged at this stage.

Background Papers

The Anti-social Behaviour, Crime and Policing Act 2014 and Statutory Guidance Notes

Reports of the Remembrancer:

Anti-social Behaviour, Crime and Policing Bill 2014. Police Committee, 5 July 2013

Anti-social Behaviour, Crime and Policing Bill 2014. Policy and Resources, 25 July 2013

Anti-social Behaviour, Crime and Policing Act 2014. Epping Forest and Commons, 12 May 2014. Hampstead Heath, Highgate Wood and Queen's Park, 19 May 2014, Open Spaces and City Gardens, 2 June 2014, West Ham Park, 2 June 2014.

Anti-social Behaviour, Crime and Policing Act 2014. Housing Management and Almshouses Sub Committee, 25 September 2014.

Appendices

1. Appendix 1 - Diagram showing old and new powers
2. Appendix 2 - Scheme of Delegations (Ammended November 2014) PHES
3. Appendix 3 - Scheme of Delegations (Ammended November 2014) CCS

Doug Wilkinson MBA CMgr MCM

Assistant Director

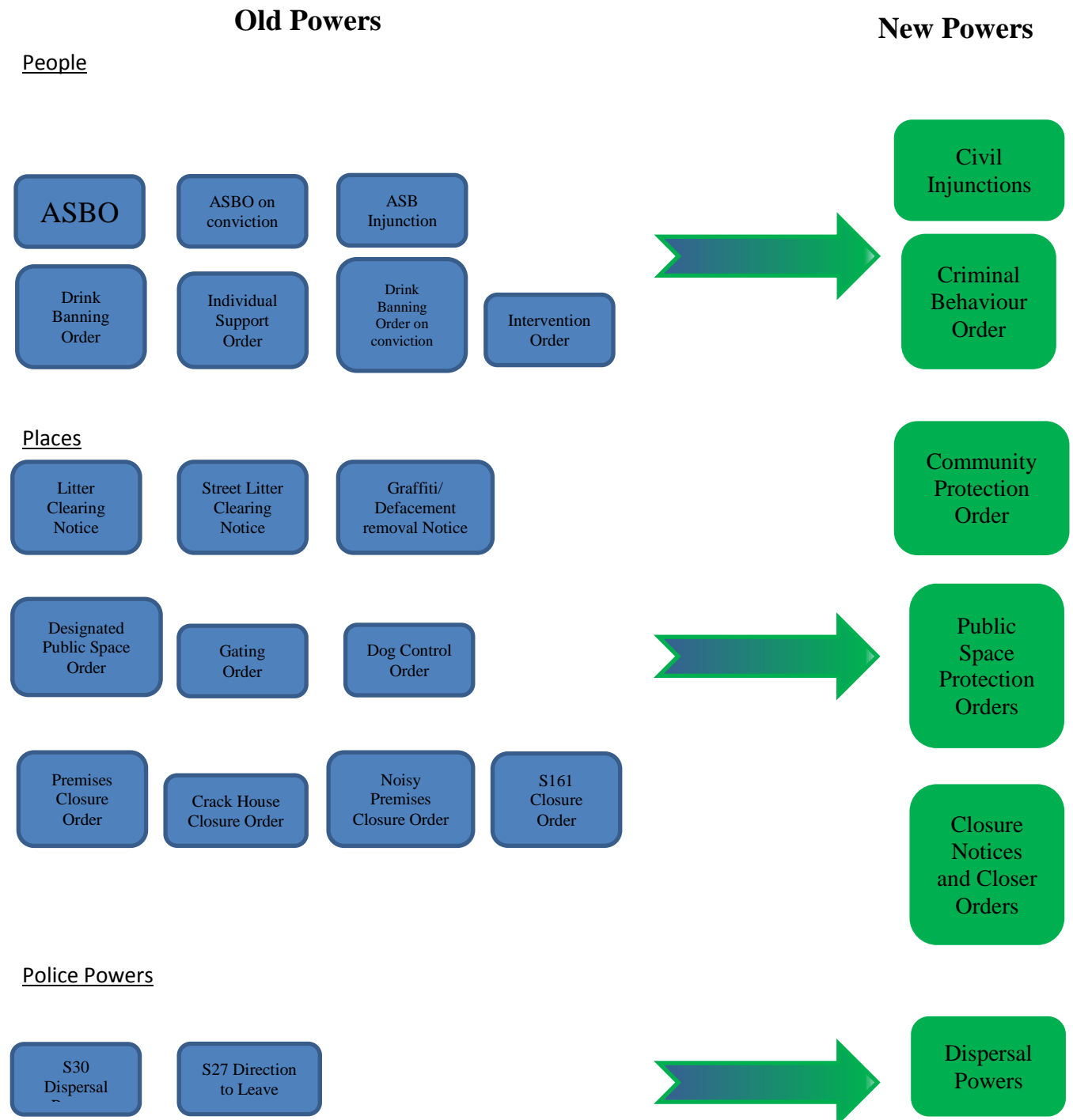
Street Scene, Strategy & Safer City Partnership

T: 020 7332 4998 / 07990567275

E: doug.wilkinson@cityoflondon.gov.uk

Anti-social Behaviour, Crime and Policing Act 2014

Changes in powers – 19 down to 6



This page is intentionally left blank



CITY OF LONDON CORPORATION

SCHEME OF DELEGATIONS TO OFFICERS

(Amended November 2014)

DIRECTOR OF THE BUILT ENVIRONMENT

The following general powers are delegated to the Director of the Built Environment.

Authorisations

1. To authorise duly appointed officers to act under any enactments, regulations or orders relating to the functions within the purview of the Committee and of Department.
2. To sign the necessary warrants of authorisation for the above officers.

Charges

3. Setting miscellaneous hourly-based charges subject to agreement with the Chamberlain.

Transportation & Public Realm

4. To implement, waive or vary charges relating to traffic management and /or the Public Highway and/or pipe subways such as parking dispensations, private apparatus in the highway, temporary road closures and traffic orders, scaffolding hoarding and fencing licenses, and charges for pipe subways (including under S.73 of the London Local Authorities Act 2007).
5. To grant permission or consent with or without conditions or refusing to grant permission or consent as the case may be with respect to applications made to the City of London Corporation:
 - a. under Part II of the Road Traffic Act 1991, relating to dispensations from, or, the temporary suspension of, waiting and loading regulations or parking places regulations made in accordance with the Road Traffic Regulation Act 1984;
 - b. under Section 7 of the City of London (Various Powers) Act 1973, relating to new buildings;
6. To sign appropriate notices indicating that consent or refusal has been given, as the case may be under (a) above.
7. To sign and serve notices or granting of consents under the Highways Act 1980, City of London Various Powers Act 1900 and the City of London Sewers Act 1848 relating to the management and maintenance of streets within the City.
8. To exercise powers under the Road Traffic Regulation Act 1984 in respect of temporary traffic orders
9. To issue notices and, as necessary discharge the City of London Corporation's obligations under Part III of the New Roads and Street Works Act 1991, relating to the co-ordination and execution of street works by public utility companies and other licensed operators.
10. To enter into agreement with companies and statutory companies to allow the placement of plant within the pipe subways inherited from the Greater London Council in accordance with the London County Council (General Powers) Act 1958 and to determine applications for consent to place electricity substations in the street pursuant to the Electricity Act 1989
11. To enter into agreements with other traffic authorities to jointly exercise the City's traffic order making functions or to delegate those functions to them in accordance with S.101 Local Government Act 1972

12. To enter into agreements with other highway authorities under section 8 of the Highways Act 1980

Water and Sewers

13. The requisition of sewers under Sections 98 to 101 inclusive of the Water Industry Act 1991 (relating to the powers to exercise and discharge the functions of the Undertaker within the City to adopt sewers).
14. The adoption of sewers under Sections 102 to 105 inclusive of the Water Industry Act 1991 (relating to the powers to exercise and discharge the functions of the Undertaken within the City to adopt sewers).
15. To authorise and/or approve works under Section 112 of the Water Industry Act 1991 (relating to the power to exercise and discharge the requirements of the Undertaker within the City).
16. The closure or restriction of sewers under Section 116 of the Water Industry Act 1991, relating to the powers to exercise and discharge the functions of the Undertaker within the City to close or restrict the use of a public sewer.
17. The alteration or removal of pipes or apparatus of the Undertaker under Section 185 of the Water Industry Act 1991, relating to the power to exercise and discharge the functions of the Undertaker within the City to alter or remove any relevant pipe or apparatus.

Highways and Transport

18. To make all Traffic Orders under sections 6, 9, 10, 23 and 45 of the Road Traffic Regulation Act 1984, and to make modifications to or to revoke any experimental Traffic Regulation Order (following consultation with the Commissioner of Police for the City of London) where deemed necessary in the interests of safety, convenience or the expeditious movement of traffic.
19. To exercise powers under Part V of the Highways Act 1980 dealing with highway improvements.
20. To make representation or lodge objection, as appropriate, to applications for a Public Service Vehicle Operator's Licence, under Section 14A of the Public Passenger Vehicles Act 1981 or for a London Local Service Licence, under section 186 of the Greater London Authority Act 1999 and authorising in writing the appropriate officers in his Department to put forward objection or recommendation on behalf of the City of London Corporation at any Inquiry or Appeal arising out of an application for either of the recited licences.
21. To agree details of railway works in the City of London under the Transport and Works Act 1992.
22. To issue projection licences on, over or under streets pursuant to schemes where planning permission has already been agreed or renewing existing licences.
23. To be responsible for all functions under the Traffic Management Act 2004 and Regulations made thereunder that relate to the City of London as a local highway and local traffic authority.
24. To agree consents for temporary highway activities pursuant to the Crossrail Act 2009

25. To exercise through Civil Enforcement amongst other things, parking management and parking enforcement functions, under the Road Traffic Regulations Act 1984, the Road Traffic Act 1991, the London Local Authorities Acts 1996 – 2008 (LLAA), and the Traffic Management Act 2004 (TMA)

City Walkway

26. 25. Power to licence the temporary hoarding or enclosure of City Walkway pursuant to Section 162 of the City of London Sewers Act 1848 and Section 21 and Schedule 2 Part II to the City of London (various Powers) Act 1967.

Cleansing

27. The institution of proceedings and other enforcement remedies in respect of offences under the Environmental Protection Act 1990, Part II, Part III and Part IV.
28. To institute proceedings and other enforcement remedies in respect of the Health Act 2006, section 6, 7, 8, 9 and 10.
29. To institute proceedings and other enforcement remedies in respect of offences under the Refuse Disposal (Amenity) Act. 1978.
30. To institute proceedings and other enforcement remedies in respect of offences under the City of London (Various Powers) Act 1987.
31. To institute proceedings and enforcement remedies in relation to part VI of the Anti-Social Behaviours Act 2003.
32. To institute proceedings in relation to Town and Country Planning Act 1990 section 224 and 225.
33. To institute proceedings in relation to Regulatory Investigator Powers Act 2000
34. To institute proceedings in relation to Control of Pollution Act 1974
35. To issue notices under section 6 London Local Authorities Act 2004 (abandoned vehicles).
36. To institute proceedings and enforcement remedies in relation to part 1 -6 of the Anti-Social Behaviour, Crime and Policing Act 2014 (Added November 2014)

Delegations to other Officers

The following authorities are also delegated to the specified Deputies or Assistants:

Transportation and Public Realm Director – Items 4-36

Assistant Director (Highways) –5 -17 and Items 23 – 26

DIRECTOR OF MARKETS & CONSUMER PROTECTION

The following matters are delegated to the Director of Markets & Consumer Protection.

Markets

1. To agree the assignment of tenancies where, in their opinion, there are no complications.
2. To grant tenancies at will to suitably qualified applicants in a standard form previously approved by the Comptroller & City Solicitor.
3. To authorise the Comptroller & City Solicitor to institute proceedings under the City of London Corporation's Byelaws.

Delegations to other Officers

4. The above matters are also delegated to the Superintendents of Billingsgate Market, Smithfield Market and Spitalfields Market to be exercised either at the direction of or in the absence of the Director of Markets & Consumer Protection.

Port Health and Public Protection Division

a) Administrative

5. To increase current charge rates for products of animal origin annually in line with inflation.
6. To enter into a Service Level Agreement with the Health Protection Agency and agree minor amendments from time to time if required.
7. Setting miscellaneous hourly-based charges subject to agreement with the Chamberlain.

b) Legislative

8. To authorise duly appointed officers to act under any enactments, regulations or orders relating to the functions within the purview of the Committee and Department.

The Director of Markets and Consumer Protection and any staff authorised by him are indemnified against all claims made against them including awards of damages and costs arising out of acts done by them in the bona fide discharge or purported discharge of such functions.

	Legislation	Delegated Function
1.	Accommodations Agencies Act 1953	Institution of Proceedings and other enforcement methods
2.	Administration of Justice Act 1970	Institution of Proceedings and other enforcement methods
3.	Agriculture Act 1970 (as amended)	(i) Institution of Proceedings and other enforcement methods (ii) Section 67 – to enforce this part of the Act within the respective area; and the

		health authority of the Port of London shall have the like duty as respects the district of the Port of London
4.	Agricultural Produce (Grading & Marking) Act 1928 Agricultural Produce (Grading & Marking) Amendment Act 1931	Institution of Proceedings and other enforcement methods
5.	Animal Boarding Establishment Act 1963	(i) Institution of Proceedings and other enforcement methods (ii) Authorising of Officers to carry out inspections (iii) Granting of Licences
6.	Animal Health Act 1981 including all Orders and Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 52(1) – Appointment of Inspectors and other Officers as required for the execution and enforcement of the Act
7.	Animal Health & Welfare Act 1984	Institution of Proceedings and other enforcement methods.
8.	Animal Welfare Act 2006	(i) Institution of Proceedings and other enforcement methods (ii) Section 51 – Appointment of Inspectors and other Officers as required (iii) Service of Notices under Section 10
9.	Anti-Social Behaviour Act 2003	(i) Institution of Proceedings and other enforcement methods (ii) Section 48 – Issue of Notices (iii) Section 43 – Issue of FPN's (iv) Authorisation of Officers
10.	Breeding of Dogs Acts 1973 (as amended) & 1991 Including any regulations made there under and Breeding and Sale of Dogs (Welfare) Act 1999 (amendment	(i) Institution of Proceedings and other enforcement methods (ii) Section 2 – Authorisation of officers

	to the 1973 Act)	(iii) the Granting of Licences iv) Setting of Fees
11.	Building Act 1984 including all Orders & Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 126 – Authorisation of Officers (iii) Part I and Schedule 3 - Granting all authorisations and consents and issuing of notices
12.	Cancer Act 1939	Institution of Proceedings and other enforcement methods
13.	Children & Young Persons Act 1933 (as amended by Protection of Children (Tobacco) Act 1986	Institution of Proceedings and other enforcement methods
14.	Children & Young Persons (Protection from Tobacco) Act 1991 Including all Orders and Regulations made thereunder	Institution of Proceedings and other enforcement methods
15.	Christmas Day (Trading) Act 2004	(i) Institution of Proceedings and other enforcement methods. (ii) Section 3(2) – Appointment of Inspectors. (iii) Section 2(1) – Granting of Consents.
16.	City of London Sewers Act 1848 (as amended in 1851 and 1897)	(i) Powers of Inspection under Sections 70 and 71 (ii) Issuing of notices Sections 61 and 75
17.	City of London (Various Powers) Act 1954 – Section 4	Institution of Proceedings and other enforcement methods
18.	City of London (Various Powers) Act 1971 – Section 3	Institution of Proceedings and other enforcement methods
19.	City of London (Various Powers) Act 1973	To exercise the power to dispense with or relax any requirement of a sanitation byelaw
20.	City of London (Various Powers) Act 1977	Authorisation of Officers under Section 22
21.	City of London (Various Powers) Act 1987 – Part III	(i) Grant and renewal of annual licences (ii) Institution of Proceedings and other enforcement methods

		(iii) Section 26 – Designation of areas
22.	Clean Air Act 1993 Including any Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Section 56 – Authorisation of Officers (iii) Sections 24, 36 & 58 – Serving of notices (iv) Section 15 – Granting of approvals (v) Section 35 – Powers of entry
23.	Clean Neighbourhoods and Environment Act 2005	(i) Power to make dog control orders (ii) Issue Fixed Penalty Notices (iii) Setting the level of fees (iv) Authorising Officers
24.	Companies Act 2006 Including any regulations made thereunder	Institution of Proceedings and other enforcement methods
25.	Consumer Credit Act 1974 Including any regulations made thereunder	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of officers under Sections 162 & 164
26.	Consumer Protection Act 1987 Including any regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers under Sections 28 & 29 (iii) Part II – Serving of notices
27.	Control of Pollution Act 1974	(i) Institution of Proceedings and other enforcement methods. (ii) Part III and Section 93 – serving of notices.
28.	Copyright Designs & Patents Act 1988	Institution of Proceedings and other enforcement methods
29.	Courts & Legal Services Act 1990	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of officers under Section 106(6)

30.	Criminal Justice Act 1988	Institution of Proceedings and other enforcement methods
31.	Criminal Justice & Public Order Act 1994	Institution of Proceedings and other enforcement methods
32.	Dangerous Wild Animals Act 1976	(i) Institution of Proceedings and other enforcement methods (ii) Section 3 – Authorisation to carry out inspections (iii) Section 1 – Granting of licences
33.	Education Reform Act 1988	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of officers under Section 215
34.	Enterprise Act 2002	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Serving of Notices (iv) Applying for Orders
35.	Environment Act 1995	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
36.	Environmental Protection Act 1990 (Part III)	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issuing Notices
37.	Estate Agents Act 1979	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issuing Notices
38.	European Communities Act 1972	Institution of legal proceedings, granting of authorisations/permissions, issuing of notices and authorisation of officers in respect of regulations made under the provisions of S.2(2) European

		Communities Act 1972 insofar as they apply to the Common Council of the City of London in its capacity as a local authority, weights and measures authority, food authority or port health authority.
39.	Explosives Act 1875 – Section 69	Discharge of duties
40.	Fair Trading Act 1973	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
41.	Farm & Garden Chemicals Act 1967	Institution of Proceedings and other enforcement methods
42.	Fireworks Act 2003	Institution of Proceedings and other enforcement methods
43.	Food and Environmental Protection Act 1985	Institution of Proceedings and other enforcement methods
44.	Food Safety Act 1990	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices (iv) Appointment of Public Analysts for the City of London Corporation acting as a Food Authority and/or a Port Health Authority
45.	Forgery & Counterfeiting Act 1981	Institution of Proceedings and other enforcement methods
46.	Fraud Act 2006	Institution of Proceedings and other enforcement methods
47.	Gambling Act 2005	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting applications, variations and transfers of premises licences (iv) Granting provisional statements (v) Endorsement of temporary use notices

		(vi) Issuing club gaming permits (vii) Issuing of club machine permits (viii) Granting and renewing family entertainment centre permits; Licensed Premises Gaming Machine permits; Prize Gaming permits
48.	Greater London Council (General Powers) Act 1967	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Certificates of Registration
49.	Greater London Council (General Powers) Act 1981	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
50.	Greater London Council (General Powers) Act 1984, Part VI	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting of refusing registration
51.	Hallmarking Act 1973	Institution of Proceedings and other enforcement methods
52.	Health Act 2006	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
53.	Health and Safety at Work Act 1974 Including any Regulations made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Appointment of inspectors (iii) Issue of notices
54.	House to House Collections Act 1939 (Regulations 1947)	(i) Institution of Proceedings and other enforcement methods (ii) Granting of Licences.
55.	Housing Act 1985	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices (iii) Granting of Licences

56.	Housing Act 2004	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices (iii) Authorisation of Officers (iv) Power to make Orders (v) Exercising the licensing functions
57.	Insolvency Act 1986	Institution of Proceedings and other enforcement methods
58.	Intoxicating Substances (Supply) Act 1985	Institution of Proceedings and other enforcement methods
59.	Knives Act 1997	Institution of Proceedings and other enforcement methods
60.	Legal Services Act 2007	Institution of Proceedings and other enforcement methods
61.	Licensing Act 2003 Various provisions relating to granting or refusal or enforcement.	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting premises licences, variations to premises licences and transferring premises licences (iv) Issuing provisional statements (v) Granting club premises certificates, and variations to club premises certificates (vi) Issue of Notices (vii) Renewal of personal licences (viii) Determining representations
62.	Local Government (Miscellaneous Provisions) Act 1976	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices
63.	Local Government (Miscellaneous Provisions) Act 1982	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting of registrations
64.	London County Council (General Powers) Act 1920 - Part IV	(i) Institution of Proceedings

		and other enforcement methods (ii) Authorisation of Officers
65.	London Local Authorities Act 1990	(i) Institution of Proceedings and other enforcement methods under Section 34 (ii) Granting, renewing, revoking or varying of licences under Part III
66.	London Local Authorities Act 2007	Institution of Proceedings and other enforcement methods under Section 75
67.	Malicious Communications Act 1988	Institution of Proceedings and other enforcement methods
68.	Medicines Act 1968 Including any Regulations and Orders made thereunder	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
69.	Motorcycle Noise Act 1987	Institution of Proceedings and other enforcement methods
70.	National Lottery ETC Act 1993	Institution of Proceedings and other enforcement methods
71.	Noise Act 1996	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
72.	Olympic Symbol etc. (Protection) Act 1995	Institution of Proceedings and other enforcement methods
73.	Performing Animals (Regulation) Act 1925	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers
74.	Pet Animal Act 1951	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers (iii) Granting of Licences
75.	Poisons Act 1972	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers

76.	Pollution Prevention & Control Act 1999 and the Environmental Permitting (England and Wales) Regulations 2010	(i) Institution of Proceedings and other enforcement methods. (ii) Undertaking of functions relating to permits (iii) Carrying out of Enforcement Actions (iv) Authorisation of Officers under Regulation 32 of the 2010 Regulations.
77.	Prevention of Damage by Pests Act 1949	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices
78.	Prices Acts 1974	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
79.	Property Misdescriptions Act 1991	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of Officers
80.	Protection against Cruel Tethering Act 1988	Institution of Proceedings and other enforcement methods
81.	Protection from Harassment Act 1997	Institution of Proceedings and other enforcement methods.
82.	Public Health (Control of Disease) Act 1984	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Power to make Orders (iv) Applying to Courts for Closure Orders
83.	Public Health (Aircraft) Regulations 1979	Authorisation of Officers
84.	Public Health (Ships) Regulations 1979	Authorisation of Officers
85.	Public Health Act 1936	(i) Institution of Proceedings and other enforcement methods (ii) Issue of Notices
86.	Public Health Act 1961	Issue of Notices

87.	Riding Establishments Acts 1964 and 1970	(i) Institution of Proceedings and other enforcement methods (ii) Granting of Licences and provisional Licences
88.	Road Traffic Act 1988 Including any Regulations made thereunder	Institution of Proceedings and other enforcement methods
89.	Scrap Metal Dealers Act 1964	(i) Institution of Proceedings and other enforcement methods. (ii) Authorisation of suitable officers.
90.	Site Waste Management Plan Regulations 2008	i) Institution of Proceedings ii) Issue of Notices Authorisation of Officers
91.	Solicitors Act 1974	(i) Institution of Proceedings and other enforcement methods (ii) Powers of Entry
92.	Sunbeds (Regulation) Act 2010	i) Institution of Proceedings and other enforcement methods ii) Powers of Entry
93.	Sunday Trading Act 1994	(i) Institution of Proceedings and other enforcement methods (ii) Appointment of Inspectors (iii) Consents
94.	Tobacco Advertising & Promotion Act 2002	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
95.	Trade Descriptions Act 1968	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers
96.	Trade Marks Act 1994	Institution of Proceedings and other enforcement methods
97.	Unsolicited Goods & Services Act 1971	Institution of Proceedings and other enforcement methods
98.	Video Recordings Act 1984	Institution of Proceedings and other enforcement methods

99.	Water Industry Act 1991	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Issue of Notices and Notifications (iv) Granting of Consents
100.	Weights and Measures Act 1985	(i) Institution of Proceedings and other enforcement methods (ii) Power to appoint Inspectors
101.	Zoo Licensing Act 1981	(i) Institution of Proceedings and other enforcement methods (ii) Authorisation of Officers (iii) Granting, renewing, revoking, alteration and transferring of licenses (iv) Making zoo closure directions
102.	Anti-Social Behaviour, Crime and Policing Act 2014 (Added November 2014)	To institute proceedings and enforcement remedies in relation to parts 1 -6

Amended in line with the delegations approved by an Urgency report to PHES Committee on 13 May as follows:-

City of London (Various Powers) Act 1987 (as amended by the City of London (Various Powers) Act 2013))

1. To issue temporary street trading licences under the provisions of S.11A of the Act;
2. To authorise officers of the Department of Markets and Public Protection and the Department of the Built Environment to exercise the power of seizure under S.16A of the Act;
3. To authorise disposal order applications under the provisions of S.16G of the Act

Scrap Metal Dealers Act 2013

1. To authorise proceedings under S.1 of the Act;
2. To issue and renew licences under S.3 of the Act;
3. To issue notices and apply for closure orders under the provisions of S.9 and Schedule 2 of the Act;
4. To authorise officers to exercise the powers of entry and inspection contained in S.16 of the Act and to apply for warrants of entry where necessary;

DIRECTOR OF OPEN SPACES

The following matters are delegated to the Director of Open Spaces.

Strategic

1. To submit responses on behalf of the Open Spaces Committee to initiatives and consultative documents issued by the Government and its agencies.

Operational

Burnham Beeches and City Commons

2. To deal with the sale of agricultural and forestry produce by private treaty.
3. To issue all necessary licences, franchises and consents relating to the Beeches/Commons where a precedent has already been set and where the Epping Forest & Commons Committee have not indicated that they wish to consider any further applications.
4. To seek and obtain all requisite licences and consents required in connection with Beeches/Commons lands, activities or entertainments.
5. To take any action to protect or preserve the Beeches/Commons and to report to the Epping Forest & Commons Committee, as appropriate.
6. To enforce the Byelaws relating to the Beeches/Commons subject to any decision relating to the institution of legal proceedings being made in consultation with the Comptroller & City Solicitor and to the result of any such prosecution being reported to the Epping Forest & Commons Committee.
7. To authorise individual officers to enforce the Byelaws appertaining to the Beeches/Commons subject to any decision to institute proceedings being taken in accordance with paragraph (8) above.
8. To grant licences for:
 - a. sale of refreshments
 - b. filming and commercial photography
 - c. events and entertainments
 - d. driving and parking vehicles
9. To grant minor wayleaves and licences in consultation with the City Surveyor.

Epping Forest

10. To take any action to protect or preserve the Forest, and to report to the Epping Forest & Commons Committee, as appropriate.
11. To authorise individual officers to enforce the Byelaws relating to the Forest, subject to any decision to institute legal proceedings for any offence being made in consultation with the Comptroller & City Solicitor, if appropriate, and to the result of any such prosecution being reported to the Epping Forest & Commons Committee.
12. To institute proceedings in Magistrates' courts under the Epping Forest Act 1878 (as amended) Section 87 of the Environmental Protection Act 1990, Section 9 of the City of

London (Various Powers) Act 1971 and Section 7(6) of the City of London (Various Powers) Act 1977>

13. To close, re-open and vary designated ways pursuant to Section 9(4) of the City of London (Various Powers) Act 1961.
14. To deal with the sale of Forest produce by private treaty.
15. To grant licences for –
 - e. sale of refreshments;
 - f. filming and commercial photography;
 - g. circus and fairs;
 - h. flying model aircraft;
 - i. driving and parking vehicles;
 - j. camping;
 - k. events and entertainments.
16. To let out recreational facilities in accordance with the current approved scale of charges.
17. To grant minor way-leaves and licences.
18. To fix fees for the sale of Forest produce and to fix licence fees for ice cream vans and other small scale refreshment facilities in the Forest.

Hampstead Heath, Highgate Wood and Queen's Park

19. To liaise with English Heritage pursuant to the provision of any agreement in this regard between the City of London Corporation and English Heritage.
20. To issue all necessary licences, franchises and consents relating to Hampstead Heath, Highgate Wood and Queen's Park where a precedent has already been set and where the Hampstead Heath, Highgate Wood & Queen's Park have not indicated that they wish to consider any further applications.
21. To seek and obtain all requisite licences and consents required in connection with Hampstead Heath lands, Highgate Wood and Queen's Park, activities or entertainments.
22. To act to protect or preserve Hampstead Heath, Highgate Wood and Queen's Park and to report to the Hampstead Heath, Highgate Wood & Queen's Park Committee, as appropriate.
23. To enforce the Byelaws relating to Hampstead Heath, Highgate Wood and Queen's Park subject to any decision relating to the institution of legal proceedings being made in consultation with the Comptroller & City Solicitor and to the result of any such prosecution being reported to the Hampstead Heath, Highgate Wood & Queen's Park Committee.
24. To authorise individual officers to enforce the Byelaws appertaining to the Hampstead Heath Grounds, Highgate Wood and Queen's Park subject to any decision to institute proceedings being taken in accordance with paragraph 25 above.

25. To let out recreational facilities in accordance with the current approved scale of charges.

26. To grant licences for:

- l. sale of refreshments
- m. filming and commercial photography
- n. circus and fairs
- o. driving and parking vehicles
- p. events and entertainments
- q. minor wayleaves and licences

City Gardens and West Ham Park

27. To take any action to protect or preserve West Ham Park and the City Gardens, and to report to the Open Spaces, City Gardens & West Ham Park Committee, as appropriate.

28. To enforce the Byelaws relating to West Ham Park and the City Gardens subject to any decision relating to the institution of legal proceedings being made in consultation with the Comptroller & City Solicitor, and to the result of any such prosecution being reported to the Open Spaces, City Gardens & West Ham Park Committee, as appropriate.

29. To authorise individual officers to enforce the Byelaws appertaining to West Ham Park and the City Gardens, subject to any decision to institute proceedings being taken in accordance with paragraph 28 above.

30. To grant licences for:

- r. sale of refreshments
- s. filming and commercial photography
- t. events and entertainments
- u. driving and parking vehicles

31. To grant minor wayleaves and licences.

32. To seek and obtain all requisite licences and consents required in connection with West Ham Park and City Gardens lands, activities or entertainments.

33. To let out recreational facilities in accordance with the current approved scale of charges.

Cemetery and Crematorium

34. To re-purchase the Rights of Burial in unused graves.

35. To refund fees paid by City of London Corporation employees or their close relatives in respect of the purchase of the Rights of Burial in a grave or alternatively the crematorium fees.

36. Setting of contract conditions and burial and cremation fees, in conjunction with the Comptroller & City Solicitor.

Delegations to other Officers

37. The following authorities are also delegated to the Officers identified to be exercised either,

- v. at the direction of the Director of Open Spaces; or,
- w. in the absence of the Director of Open Spaces.

Superintendent of Burnham Beeches	-	Items 2 - 9
Superintendent of the City Commons	-	Items 2 - 9
Superintendent of Epping Forest	-	Items 10 – 18
Superintendent of Hampstead Heath, Highgate Wood and Queen's Park	-	Items 19 – 26
Superintendent of Parks & Gardens	-	Items 27 – 33
Cemetery & Crematorium Manager	-	Items 34 – 36



CITY OF LONDON CORPORATION

SCHEME OF DELEGATIONS TO OFFICERS

DIRECTOR OF COMMUNITY & CHILDREN'S SERVICES

The following matters are delegated to the Director of Community & Children's Services.

1. The Director of Community and Children's Services (DCCS) is appointed as the Statutory Director of Children's Services in accordance with s18 of the Children Act 2004. Within the City of London, this post also has the additional responsibilities of Housing, Homelessness and Adult Social Care. Due to the volume of legislation and statutory duties that exist in relation to these functions, the Scheme of Delegation for the Director of Community and Children's Services has been founded on the principle of delegation "by exception". That is to say that the delegating body delegates everything that can lawfully be delegated, with the exception of those issues falling under Part A of the Scheme of Delegation to Chief Officers that may require a submission to be made to the relevant Committee or Sub-Committee.
2. The Director of Community and Children's Services may only exercise the delegated powers in this Scheme in accordance with Part A of the Scheme of Delegation to Chief Officers.
3. The Scheme provides for the delegation of authority to the Director of Community and Children's Services and (s)he may arrange for such delegated authority to be exercised on their behalf by an officer of appropriate experience and seniority. The Director of Community and Children's Services shall remain personally responsible for any decision taken on their behalf pursuant to the delegation arrangements. All delegated functions shall be deemed to be exercised on behalf of and in the name of the City of London Corporation
4. Key functions delegated to the Director of Community and Children's Services include, but are not limited to:

Services for Children

5. To be the City of London Corporation's statutory Director of Children's Services under section 18 of the Children Act 2004
6. To carry out the functions of the Corporation as a Children's Services Authority including those functions referred to in Schedule 2 of the Children Act 1989, Section 18 of the Children Act 2004 and the Adoption and Children Act 2002(as amended from time to time), including:
 - a. education functions conferred on or exercisable by the authority including the functions of the Corporation relating to child employment and the youth service, and functions relating to adult learning and further education, set out in the Section 18(3) of the Children Act 2004 (as amended from time to time).;
 - b. functions conferred on or exercisable by the authority which are social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)), so far as those functions relate to children;
 - c. the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (After care arrangements etc.) (c. 41) (so far as not falling within paragraph (b));
 - d. the functions conferred on the authority under sections 10 to 12, 12C, 12D and 17A of the Children Act 2004.

- e. any functions exercisable by the authority under section 75 of the National Health Service Act 2006 on behalf of an NHS body (within the meaning of those sections), so far as those functions relate to children; and
 - f. the functions conferred on the authority under Part 1 of the Childcare Act 2006 in relation to Early Years
 - g. the functions conferred on the authority under any new or amended legislation in relation to education or children's social care.
7. To carry out the functions of the Council under section 31 of the Health Act 1999 (as amended from time to time) so far as those functions relate to children.
 8. To arrange the use of Sir John Cass School premises for adult education classes, youth work and other after-school activities.
 9. To submit responses on behalf of the Committee to consultative documents issued by Government and its agencies, subject to their being copied to the Chairman and Deputy Chairman (Education Committee 15.03.93).

Adult Services

10. To be the Council's Statutory Director of Adult Social Services under section 6(A1) of the Local Authority Social Services Act 1970 as amended by section 18(1) of the Children Act 2004.
11. To carry out the functions of the Council in relation to Adult Social Services and Social Care including all social services functions under the Local Authority Social Services Act 1970 and the National Health Service and Community Care Act 1990 (as amended from time to time) so far as they relate to adults.
12. To be the principal point of contact for the conduct of business with the health service sector and carry out the functions of the Council under the Health Act 1999 and any other health legislation (as amended from time to time) so far as these functions relate to adults.

Adult Skills and Learning

13. To manage and run the apprenticeship scheme
14. To prepare and submit funding bids to the Skills funding agency and other sources as appropriate.
15. To enter into partnerships with businesses and educational institutions on behalf of the apprenticeship scheme and skills and training.
16. To participate in regional and sub-regional programmes to enhance skills and learning.
17. To determine fees for adult education, youth and early years/out of school provision.

Housing

18. To act on behalf of the Corporation in its capacity as a local housing authority on all matters relating to the Corporation's functions under the provisions of housing legislation, which include but are not limited to:
 - a. determining the strategic management and direction for Housing operational services;
 - b. exercising the Corporation's functions as Housing Authority in accordance with the Housing Strategy and other relevant housing policies and plans;

- c. exercising the Corporation's functions in respect of the preparation and development of appropriate strategies and plans, including those relating to housing investment, homelessness, social tenancy, tenancy related matters, leaseholders and allocations;
- d. undertaking the periodic reviews of housing needs and conditions within the City;
- e. preparing and reviewing an Asset Management Strategy for consideration by Members;
- f. maintaining the Housing Revenue Account in accordance with proper practices;
- g. discharging of all functions and responsibilities Procurement in relation to the Corporation's housing stock;
- h. incurring housing repair and improvement expenditure within budget levels and the programmed maintenance of City dwellings, garages and estates;
- i. incurring expenditure on adaptations to dwellings for people with disabilities within the approved budgets;
- j. securing effective housing and neighborhood management including the management of the Corporation's housing properties, housing estates and ancillary amenities, including rent collection, recovery of arrears and debit control;
- k. undertaking statutory and general consultations on housing matters with tenants, leaseholders and others
- l. exercising the powers of the Corporation relating to securing possession of City dwellings, demotion orders, eviction of secure tenants, introductory tenants, non-secure tenants and licensees in accordance with City of London policy;
- m. assessing and preventing homelessness in accordance with legislation;
- n. attending the Barbican Residents' Association meetings and discharging functions as set out in the agreed terms of reference of that Committee.

19. To institute proceedings and enforcement remedies in relation to part 1 -6 of the Anti-Social Behaviour, Crime and Policing Act 2014

Barbican Estate

20. In relation to the Barbican Estate:-

- a. to approve lettings and sales between Committee meetings;
- b. to authorise sale prices above or below consultant values;
- c. to approve sales of residential property on the Estate;
- d. to approve assignments, sub-tenancies and tenancies at will to suitably qualified applicants between Committee meetings;
- e. to authorise signage on private areas of the Estate;
- f. to approve the occupation of accommodation by Estate Office staff in and around the Barbican;
- g. to approve the occupation of accommodation managed by the Barbican Estate to other City of London Corporation Departments.

21. To approve, where appropriate, filming and photography on the Estate.

22. To agree commercial rent levels in consultation with the City Surveyor, subject to reporting to the Barbican Residential Committee.

23. To approve valuations of flats submitted by consultant valuers.

24. To appoint consultants in accordance with Standing Orders.

Commercial Property

25. To approve all new lettings of commercial property at market value for a term of 15 years or less, with a minimum of five yearly upward only rent reviews. Such lettings to accord with the relevant approved commercial estate strategy.
26. To conclude all commercial property rent reviews, except where:-
- a. it is proposed that the rent is reduced;
 - b. the review is determined more than 12 months after the review date unless either (a) interest is payable on the reviewed sum, or (b) the matter has been referred for determination by a third party and has been so determined.
27. To approve all lease renewals of commercial property, where the lease is renewed by negotiation or where the lessee is entitled to renewal in accordance with Part II of the Landlord & Tenant Act 1954. Such renewal will be at market value for a term of 15 years or less, with a minimum of five yearly upwards only rent reviews.
28. To negotiate terms and accept surrenders of commercial leases where the level of income is maintained by the simultaneous grant of a new letting to either the existing or a new tenant.
29. To approve the grant of short term periodic tenancies, tenancies at will, licenses, easements, and wayleaves in respect of cables, cranes, scaffolding and hoardings and similar arrangements of a non-permanent and determinable nature, other than those involving capital payments totalling in excess of £10,000.
30. To deal with Rights of Light and Party Wall matters and other items of a similar nature, including those where, in the opinion of the Director capital payments are not considered appropriate or the quantum of such payments has been determined by external advice.
31. To authorise formal minor amendments to any lease, tenancy, licence or other agreement relating to property which does not in the opinion of the Director materially affect the duration of, or income from such agreements.

[NB. The definition of 'market value', as referred to above, is as stated in the RICS Appraisal & Valuation Standards (7th edition) – Practice Statement 33:-
'The estimated amount for which a property, or space within a property, should lease on the date of valuation between a willing lessor and a willing lessee on appropriate lease terms in an arms-length transaction, after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion. Whenever Market Rent is provided the 'appropriate lease terms' which it reflects should also be stated.']

Proper Officer

1. To act as the Proper Officer for the London City Registration District (Registration of Births, Deaths, Marriages, etc.) pursuant to Section 29 of the Local Government Act 1972.

2. To act as the Proper Officer for the Rent Act 1997 (as amended by the Housing Act 1980).

Public Health

3. To discharge the responsibilities for public health within The City of London in accordance with the requirements of the Health and Social Care Act 2012 and the NHS Act 2006.
4. To manage the Corporation's Public Health functions (where these are not specially delegated to other Chief Officers).
5. Exercising the Corporation's functions in planning for, and responding to, emergencies that present a risk to public health.
6. To cooperate with the police, the probation service and prison service to assess the risks posed by violent or sexual offenders.
7. To provide the Corporation's public health response as a 'responsible authority' under the Licensing Act.
8. To develop and maintain the Joint Strategic Needs Assessment for the City of London and to discharge the responsibilities for research in relation to public health and wellbeing.
9. To produce an annual public health report

Miscellaneous

10. To enter into Commissioning arrangements for the provision of any of the functions of the Director of Community and Adult Services in so far as this is compatible with Part A of the Scheme of Delegation
11. To consider representations from persons seeking access to their files under the Data Protection Act 1998, and to grant such access as appropriate.

Delegations to other Officers

12. The following authorities are also delegated to the Officers as appropriate to the relevant skills and experience of each to be exercised either,

- (a) at the direction of the Director of Community & Children's Services; or,
- (b) in the absence of the Director of Community & Children's Services

Assistant Director People	- Items 5-11
Assistant Director Partnerships	- Items 14-18
(and other items relating to commissioning of services)	
Assistant Director, Housing & Neighbourhoods	- Items 18-19, 25-31
Assistant Director, Barbican & Property Services	- Items 20-31
Director of Public Health	- Items 34-40

Committee(s):	Date(s):
Licensing	21 January 2015
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
Summary: <p>This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 October 2014 to 31 December 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 October 2014 and 31 December 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 May 2014 to 31 October 2014.</p> Recommendation:- <p>It is recommended that Members note the contents of this 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 October 2014 and 31 December 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 October 2014 to 31 December 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 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 May 2014 to 31 October 2014. 3 premises have accrued a sufficient number of points to be classified as 'Red' and 7 premises a sufficient number to be classified as 'Amber'. Members of this committee will note that this is the second report where 'traffic light' data is produced over a six month period and not the normal twelve month period. 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 (Oct-Dec 2014)

Name	Address	Ward	Details
Shoryu	Unit T3, 1 Broadgate	Bishopsgate	A, L, (f) 01:00
Nabarro LLP	125 London Wall	Bassishaw	A 23:00
The Botanist	Broadgate Circle	Bishopsgate	A, L, (e), (f) 02:00
Bea's of Bloomsbury	83 Watling Street	Bread Street	A, L 00:00
Aubaine (Broadgate) Ltd	Broadgate Circle	Bishopsgate	A, L, (f) 01:00
Unit UT and UT2	Broadgate Circle	Bishopsgate	A, L, (f) 01:00
Banh Mi Bay	33 Cannon Street	Cordwainer	A, (f) 23:00
Poncho	11 Queens Head Passage	Bread Street	A, 22:30
Poncho	5 Great New Street	Castle Baynard	A, 22:30
The Tasting Room	10 Exchange Square	Bishopsgate	A, L, (b), (e), (f) 00:30
Pilpel	1A Wine Office Court	Castle Baynard	A, 21:00
Motel One UK	24-26 Minories	Tower	A, L, (b), (f) 02:00
Waitrose	25 Walbrook	Walbrook	A, 23:00
Premier Inn	28 Great Tower Street	Tower	A, L, (b) 00:00
Gino D'Acampo	201 Bishopsgate	Bishopsgate	A 22:00

Total Licences Issued = 15

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.
Bassishaw	1
Bishopsgate	6
Bread Street	2
Castle Baynard	2
Cordwainer	1
Tower	2
Walbrook	1

Appendix II

Licence Variations Issued by way of Delegated Authority (Oct-Dec 2014).

Name	Address	Ward	Details
Burger & Lobster	52 Threadneedle Street	Cornhill	<ul style="list-style-type: none"> • Vary hours to bring outside Levy period. • Extend terminal hour on Sunday to 00:00 (from 22:30) • Vary layout of premises • Bring forward start time for alcohol sales to 08:00 (from 11:00) • Tidy up conditions
Bishopsgate Institute	230 Bishopsgate	Bishopsgate	<ul style="list-style-type: none"> • Extend terminal hours for alcohol sales from 23:30 to 02:00 • Extend terminal hours for other licensable activities from 23:30 to 03:00.
M&S Food to Go	Fenchurch St Railway	Tower	<ul style="list-style-type: none"> • Change of layout • Bring forward start time for alcohol sales to 06:00 (from 08:00)
Rhubarb	20 Fenchurch Street	Bridge and Bridge Without	<ul style="list-style-type: none"> • Extend hours for current licensable activities to 07:00–02:00 (from 08:00 – 00:00) • Add live music from 12:00 to 02:00

Total Variations = 4

Number of Licences by Ward

WARD	No.
Bishopsgate	1
Bridge/Bridge Without	1
Cornhill	1
Tower	1

Personal Licences Issued by way of Delegated Authority

01 Oct 2014 – 31 Dec 2014 2

Enforcement Action Carried out Under the Licensing Act 2003 1 October 2014 - 31 December 2014

Total Number of Inspections	47
Number of Warning Letters	7
Number of Premises advised	10
Number of simple cautions	3
Number of suspension notices	25
Paid prior to suspension	16
Licence lapsed*	1
‘Dead’ Suspensions**	4
‘Live’ Suspensions***	2
Still to be determined	2

*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 1 October 2014 and 31 December 2014

Outcome Code

No action required - Complaint unjustified.

Informally Resolved - Complaint justified but not statutorily actionable - informal action taken results in satisfactory outcome.

Resolved / Compliance - Complaint justified and statutorily actionable; formal or informal action taken results in satisfactory outcome.

Unresolved - Noise not reduced or controlled, nor have preventive measures to prevent recurrence been implemented.

Total number of complaints: 30

<u>Details</u>	<u>Date</u>	<u>Outcome</u>	<u>Ward</u>
Abbey, St Clare House, 30-33 Minories, London, EC3N 1DD			
Noise from Abbey Bar	23/12/2014	Case still in progress	Tower
Complaint about people standing outside the bars fire exit to smoke and making noise	25/11/2014	Case still in progress	Tower
Cote Restaurant Limited, 57 Whitecross Street, London, EC1Y 8AA			
Complaint of noise from the rear of the Cote Restaurant either refrigeration unit or air con unit	03/11/2014	Case still in progress	Cripplegate
Dirty Dicks Public House, Dirty Dicks Public House, 202 Bishopsgate, London, EC2M 4NR			
Loud rock music coming from Dirty Dicks public house at Bishopsgate	08/11/2014	Resolved informally	Bishopsgate
Dirty Martini Monument, 1 Lovat Lane, London, EC3R 8DT			
Noise from people outside smoking, loud talking/shouting/laughter.	22/11/2014	Case still in progress	Bridge and Bridge Without
Noise from licenced premises, Dirty Martinis	16/10/2014	Resolved informally	Bridge and Bridge Without
Jamie's, 155 Bishopsgate, London, EC2M 3TQ			
Complaint about excessive music noise from Jamie's Bar	05/12/2014	No action possible	Bishopsgate
Complaint about loud music from Jaimie's bar	11/12/2014	Case still in progress	Bishopsgate
Music noise from Jaimie's Bar, 155 Bishopsgate	12/12/2014	Case still in progress	Bishopsgate
Complaint about excessive noise from this venue	18/10/2014	Resolved informally	Bishopsgate

Motel One UK Ltd, 24-26 Minories, London, EC3N 1BQ

Email re possible problems from new Hotel use drinking outside and door access.	23/12/2014	Case still in progress	Tower
---	------------	------------------------	-------

Mumbai Square, 7 Middlesex Street, London, E1 7AA

Loud P.A system noise from Mumbai Square Indian Restaurant on Middlesex Street	09/12/2014	Resolved informally	Portsoken
--	------------	---------------------	-----------

Neo Pizzeria, 131 Aldersgate Street, London, EC1A 4JQ

Woken in the early hours, around 02-30 am on Saturday, 13 December by bags of bottles crashing to the pavement under our windows as NEO cleaned up after their late closing time. There were three black sacks full of empties.	14/12/2014	Case still in progress	Farringdon Within
---	------------	------------------------	-------------------

Complaint about music noise	06/12/2014	No action possible	Farringdon Within
-----------------------------	------------	--------------------	-------------------

Patch, 58-62 Carter Lane, London, EC4V 5EA

Complaint re noisy crowd outside after closing	07/12/2014	Resolved informally	Farringdon Within
--	------------	---------------------	-------------------

Complaint re: loud music and noise from patrons outside	21/12/2014	Resolved informally	Farringdon Within
---	------------	---------------------	-------------------

Revolution, Retail Unit, 1 America Square, London, EC3N 2LS

Noise from licenced premises in the area, coming from Revolution America Square	02/11/2014	Resolved informally	Tower
---	------------	---------------------	-------

Noise from Bar	30/11/2014	Case still in progress	Tower
----------------	------------	------------------------	-------

Sainsbury's Local, 60 Fetter Lane, London, EC4A 1AA

Noise from delivery outside Sainsbury's	21/10/2014	Resolved informally	Castle Baynard
---	------------	---------------------	----------------

Slug and Lettuce, 9 Stoney Lane, London, E1 7BH

Noise from bottles disposal	10/12/2014	Ceased not likely to recur	Aldgate
-----------------------------	------------	----------------------------	---------

The Alice, Five Acre Square, 133-137 Houndsditch, London, EC3A 7BX

Noise from bottle disposal	10/12/2014	Resolved informally	Aldgate
----------------------------	------------	---------------------	---------

The Anthologist, 58 Gresham Street, London, EC2V 7BB

Complaint about noise from revellers leaving the venue, the volume of the music and mini cabs blocking the street	19/10/2014	Resolved informally	Walbrook
---	------------	---------------------	----------

The Old Bengal Warehouse, 16A New Street, London, EC2M 4TR

Noise from bars in New Street	11/10/2014	No action possible	Bishopsgate
-------------------------------	------------	--------------------	-------------

The Pelt Trader, Arch 3, 23 Dowgate Hill, London, EC4R 2SU

Music noise from Pelt Trader	14/12/2014	Resolved informally	Dowgate
------------------------------	------------	---------------------	---------

The Shakespeare, The Shakespeare Public House, 2 Goswell Road, London, EC1M 7AA

Noise at Golden Lane Estate issue is with flat directly above Shakespeare which is used for staff working at the pub.	07/10/2014	Resolved informally	Cripplegate
---	------------	---------------------	-------------

Noise at weekends from the Shakespeare pub.	06/10/2014	Resolved informally	Cripplegate
---	------------	---------------------	-------------

The St Barts Brewery, 66 West Smithfield, London, EC1A 9DY

Misc noise from St Barts	12/12/2014	Case still in progress	Farringdon Within
--------------------------	------------	------------------------	-------------------

The Telegraph, The Telegraph Public House, 11 Telegraph Street, London, EC2R 7AR

Noise from 6.00 am beer delivery by Fullers in Tokenhouse Yard.	10/12/2014	Resolved informally	Coleman Street
---	------------	---------------------	----------------

Wood Street Bar and Restaurant, 53 Fore Street, London, EC2Y 5EJ

Complaint about customers making noise on leaving the Wood Street Bar	19/12/2014	Case still in progress	Cripplegate
---	------------	------------------------	-------------

Yager Bar, 2 Old Change Court, London, EC4M 8EN

Complaint of loud music coming from the Yager Bar	26/10/2014	Resolved informally	Bread Street
---	------------	---------------------	--------------

Conditions Applied to Licences Granted by way of Delegated Authority

NEW APPLICATIONS

Shorvu

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 enabling facial identification of every person entering in any light condition. 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.

Nabarro

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

2. 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.

The Botanist

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 enabling facial identification of every person entering in any light condition. 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. Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time between 2300 and 0700 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

Bea's of Bloomsbury

None

Aubaine

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 enabling facial identification of every person entering in any light condition. 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.

Unit UT & UT2

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 enabling facial identification of every person entering in any light condition. 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.

Banh Mi Bay

None

Poncho (Queens Head Passage)

None

Poncho (Great New Street)

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

2. The area marked 'outdoor seating' on the plan attached to the licence will not be used after 21:00 hours on any day the premises are open to trade.

Tasting Room

None

Pilpel

None

Motel One

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

Waitrose

None

Premier Inn

None

Gino D'Acampo

None

VARIATIONS

Burger & Lobster

- 1) All doors and windows shall remain closed after 23.00 hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.
- 2) There shall be no sales of alcohol for consumption off the premises before 11am.
- 3) Alcohol shall only be sold to a person sitting down eating a meal, and for consumption with that meal, before 11am.

Bishopsgate Institute

None

M&S Food to Go

None

Rhubarb

None

Appendix V

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

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

1 – Walbrook (Crime and Disorder – 14, Public Nuisance - 5)	19
2 – Lime Street (Crime and Disorder – 13)	13
3 – Billingsgate (Crime and Disorder – 11)	11

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

1 – Tower (Crime and Disorder – 9)	9
2 – Bishopsgate (Crime and Disorder – 8)	8
3 – Castle Baynard (Crime and Disorder – 8)	8
4 – Coleman Street (Crime and Disorder – 8)	8
5 – Bridge & Bridge Without (Crime and Disorder – 6, General - 2)	8
6 – Cordwainer (Crime and Disorder – 8)	8
7 – Coleman Street (Crime and Disorder – 8)	8

This page is intentionally left blank

Committee(s):	Date(s):
Licensing	21 January 2014
Subject: Gambling Act – Annual Review of Fees 2015/16	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 current 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 2015/16 as set out in Appendix 2 (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 2015/16

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 2015/16 have been calculated on the above basis for each of a number of different types of licence. The proposed fees, which in most cases

are a small increase from the current fees reflecting increases in cost since the current charges were set, can be seen as Appendix 2.

11. 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. For those fees where income was received by the City of London in 2013/14, the costs comprising each part can be seen in the tables below:

	Inspection Costs £	Administration Costs £	Total Costs £
New Betting Shop	241.60	617.73	859.33
Annual Fee (Renewal)	138.76	380.62	519.38
Gaming Machine Permit	0	50.00	50.00

12. Costs associated with the enforcement of unlicensed activity have not been taken into account in setting the proposed fee structure
13. 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 granted. (Figures for 2014/15 are estimated)

	2013/14		2014/15
	Forecast	Actual	Forecast
New Betting Shop	2	2	1
Annual fee (renewal)	40	43	39
Gaming machine permit	25	19	20

14. The forecast for 2015/16 is that a similar number of licenses will be issued as in 2013/14 and 2014/15.

Proposals/Options

15. If fees are set lower than those recommended the result will be a deficit for 2015/16 as costs of administering the licence will not be fully met from income received.
16. Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
17. 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 deficit for 2013/14 has been 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

18. Setting the recommended fees will result in Gambling licence estimated income for 2015/16 of £22,000, against a budgeted income of £22,000.
19. Setting fees above or below those recommended will have the implications as set out in paragraph 17 above.

Appendices

Appendix 1 – Table of Maximum Fees

Appendix 2 – Proposed fees

Background Papers:

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

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

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

This page is intentionally left blank

Proposed Fee Structure

APPENDIX 2

Application Type	Estimated number	Current fee	Proposed Fee	Increase	Income Forecast
New Betting Shop	1	£830.00	£860.00	£30.00	£860.00
New Casino (small) *	0	£2,810.00	£2,920.00	£110.00	£0.00
New Bingo	0	£830.00	£860.00	£30.00	£0.00
New AGC	0	£830.00	£860.00	£30.00	£0.00
New FEC	0	£830.00	£860.00	£30.00	£0.00
Annual fee Betting Shop	39	£500.00	£520.00	£20.00	£20,280.00
Annual fee Casino (small) *	0	£880.00	£930.00	£50.00	£0.00
Annual fee Bingo	0	£500.00	£520.00	£20.00	£0.00
Annual fee AGC	0	£500.00	£520.00	£20.00	£0.00
Annual fee FEC	0	£500.00	£520.00	£20.00	£0.00
Variation betting shop	0	£580.00	£600.00	£20.00	£0.00
Variation Casino (small) *	0	£2,570.00	£2,660.00	£90.00	£0.00
Variation Bingo	0	£580.00	£600.00	£20.00	£0.00
Variation AGC	0	£580.00	£600.00	£20.00	£0.00
Variation FEC	0	£580.00	£600.00	£20.00	£0.00
Transfer/reinstatement betting shop	0	£240.00	£250.00	£10.00	£0.00
Transfer/reinstatement Casino (small) *	0	£310.00	£320.00	£10.00	£0.00
Transfer/reinstatement Bingo	0	£240.00	£250.00	£10.00	£0.00
Transfer/reinstatement AGC	0	£240.00	£250.00	£10.00	£0.00
Transfer/reinstatement FEC	0	£240.00	£250.00	£10.00	£0.00
Provisional statement Betting Shop	0	£830.00	£860.00	£30.00	£0.00
Provisional statement Casino (small) *	0	£2,810.00	£2,920.00	£110.00	£0.00
Provisional statement Bingo	0	£830.00	£860.00	£30.00	£0.00
Provisional statement AGC	0	£830.00	£860.00	£30.00	£0.00
Provisional statement FEC	0	£830.00	£860.00	£30.00	£0.00
New app with prov statement Bet Shop	0	£590.00	£610.00	£20.00	£0.00
New app with prov statement Casino (sm)	0	£700.00	£730.00	£30.00	£0.00
New app with pro statement Bingo	0	£590.00	£610.00	£20.00	£0.00
new app with prov statement AGC	0	£590.00	£610.00	£20.00	£0.00
New app with prov statement FEC	0	£590.00	£610.00	£20.00	£0.00
Change of circumstances	0	£50.00	£50.00	£0.00	£0.00
Copy of licence	0	£25.00	£25.00	£0.00	£0.00
Temporary use notice (TUN)	0	£430.00	£450.00	£20.00	£0.00
Replacement TUN (copy)	0	£25.00	£25.00	£0.00	£0.00
Gaming machine permit (2 or less) (one off fee & no annual fee)	1	£50.00	£50.00	£0.00	£50.00
Gaming machine permit (3 or more)	0	£150.00	£150.00	£0.00	£0.00
Annual fee gaming machine permit (3 or more)	19	£50.00	£50.00	£0.00	£950.00
Variation to gaming machine permit (3 or more)	0	£100.00	£100.00	£0.00	£0.00
Transfer of gaming machine permit (3 or more)	0	£25.00	£25.00	£0.00	£0.00
Total					£22,140.00

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank