



Licensing Committee

Date: WEDNESDAY, 29 JULY 2015
Time: 1.45 pm
Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

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

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

John Barradell
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **PRESENTATION RE: TFL NIGHT TUBE**
Keith Foley to be heard.

For Information
4. **GIS**
Presentation on 'web mapping' and the GIS system.

For Information
5. **PUBLIC MINUTES**
To agree the public minutes of the meeting held on 6 May 2015.

For Decision
(Pages 1 - 6)
6. **REVENUE OUTTURN 2014/15**
Joint report of the Chamberlain and the Director of Markets & Consumer Protection.

For Information
(Pages 7 - 12)
7. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**
Report of the Director of Markets & Consumer Protection.

N.B. This Item is to be read in conjunction with the appendix at Item No. 14.

For Information
(Pages 13 - 26)
8. **LATE NIGHT LEVY UPDATE**
The Director of Markets & Consumer Protection to be heard.

For Information
9. **SAFETY THIRST UPDATE**
The Licensing Manager to be heard.

For Information

10. **LEGAL PROCEEDINGS AGAINST 'VIET CAFÉ'**
Report of the Director of Markets and Consumer Protection.

For Information
(Pages 27 - 30)

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

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

13. **EXCLUSION OF THE PUBLIC**

MOTION - That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

For Decision

Part 2 - Non-Public Agenda

14. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES - NON-PUBLIC APPENDIX**
Non-public appendix to be read in conjunction with Item No. 7.

For Information
(Pages 31 - 32)

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

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

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LICENSING COMMITTEE

Wednesday, 6 May 2015

Minutes of the meeting of the Licensing Committee held at Committee Room 3 - 2nd Floor West Wing, Guildhall on Wednesday, 6 May 2015 at 1.45 pm

Present

Members:

Marianne Fredericks (Chairman)	Michael Hudson
Peter Dunphy (Deputy Chairman)	Deputy Jamie Ingham Clark
Alex Bain-Stewart	Edward Lord
Deputy John Barker	Graham Packham
Sophie Fernandes	Judith Pleasance
Christopher Hayward	Chris Punter

Officers:

David Arnold	Town Clerk's Department
Paul Chadha	Comptroller & City Solicitor's Department
Jenny Pitcairn	Chamberlain's Department
Sam Cook	Remembrancer's Department
David Smith	Director of Markets & Consumer Protection
Jon Averbs	Markets & Consumer Protection Department
Steve Blake	Markets & Consumer Protection Department
Peter Davenport	Markets & Consumer Protection Department
Simon Douglas	City of London Police
Hector McKoy	City of London Police

1. **APOLOGIES**

Apologies for absence were received from Revd. Dr. Martin Dudley, Deputy Kevin Everett, and James Tumbridge.

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

There were no declarations.

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

RESOLVED – That the Order of the Court of Common Council, of 1 May 2014, appointing the Committee and approving its Terms of Reference, be noted.

4. **ELECTION OF CHAIRMAN**

The Committee proceeded to elect a Chairman in accordance with Standing Order No. 29.

The Town Clerk read out a list of Members eligible to stand as Chairman. Marianne Fredericks being the only Member indicating her willingness to stand as Chairman was duly elected for the ensuing year.

RESOLVED – That Marianne Fredericks be declared Chairman for the ensuing year.

5. **ELECTION OF DEPUTY CHAIRMAN**

The Committee proceeded to elect a Deputy Chairman in accordance with Standing Order No. 30.

The Town Clerk read out a list of Members eligible to serve as Deputy Chairman, and Peter Dunphy, being the only Member indicating his willingness to serve, was duly elected Deputy Chairman for the ensuing year.

RESOLVED – That Peter Dunphy be declared Deputy Chairman for the ensuing year.

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

The Committee proceeded to appoint three Licensing (Hearing) Sub Committee Chairmen for the ensuing year, in addition to the current Chairman and Deputy Chairman and Past Grand Committee Chairmen.

Seven Members indicated their willingness to serve as Licensing (Hearing) Sub Committee Chairmen so a ballot was required.

RESOLVED – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2015/16 comprise of the following Members:

Marianne Fredericks (Chairman)

Peter Dunphy (Deputy Chairman)

Sophie Fernandes

Christopher Hayward

Jamie Ingham Clark

Kevin Everett (Past Grand Committee Chairman)

Edward Lord (Past Grand Committee Chairman)

7. **PUBLIC MINUTES**

RESOLVED – That the public minutes of the meeting held on 21 January 2015 be approved as a correct record.

Matters Arising

Award for Personal Licence Holders

In response to a Member's question, the Assistant Director of Environmental Health and Public Protection advised that certificates for all Members who passed the Award for Personal Licence Holders would be circulated via post later this month.

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

RESOLVED – That the minutes of the Licensing (Hearing) Sub Committee held on 29 January 2015 be noted.

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

There were none.

10. **LOCAL GOVERNMENT (REVIEW OF DECISIONS) ACT 2014**

The Committee received a report of the Remembrancer regarding the provisions of the Local Government (Review of Decisions) Act 2015, which required local authorities to put in place a formal review procedure for any decisions which stop or restrict a proposed event on grounds of health or safety and enabled the introduction of a fast-track procedure for such decisions to be reviewed by the Local Government Ombudsman.

RESOLVED – That the provisions of the Local Government (Review of Decisions) Act 2015 be noted.

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

The Committee received a report of the Director of Markets and Consumer Protection that provided details of the premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 January 2015 to 31 March 2015.

In response to Members' requests, the Town Clerk and officers from the Markets and Consumer Protection Department agreed to provide Committee Members with the details of premises obtaining sufficient points on the Risk Scheme to reach Red or Amber in advance of the meeting as part of a Non-Public appendix in the main agenda.

The Licensing Manager advised that there was another premises in Lime Street who had reached Amber on the Risk Scheme with 11 penalty points. The list of premises obtaining sufficient points on the Risk Scheme would therefore be amended. He added that the full list of Green to Red premises on the Risk Scheme could be circulated to Member upon request.

RESOLVED – That the details of premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 January to 31 March 2015 be noted.

12. **DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2015-2018**

The Committee considered a report of the Director of Markets and Consumer Protection that sought approval to the 2015-18 Business Plan of the City of London Corporation's Licensing Service.

In response to a Members' questions regarding Operational Performance Indicators, the Director of Markets and Consumer Protection advised that the wording of PI 2 would be revised to be clear that it is a snapshot indicator. The

Chamberlain advised that the latest available figures showed that as at 31 March 2015, 97.6% of debts were less than 60 days old and 99.9% were less than 120 days old. The Director of Markets and Consumer Protection added the target to achieve an overall sickness absence level of no more than 6 days per person had been reduced from a target of 7 days in 2014/15, which had been met.

The Licensing Manager advised that the Statements of Licensing Policies under the Licensing Act 2003 and Gambling Act 2005 would be drawn up through public consultation in late 2015 and would be submitted for Committee approval in early 2016. The Chamberlain added that a statutory annual update report on the Late Night Levy would be considered in October 2015.

RESOLVED – That the Licensing Service Business Plan 2015-18 be approved.

13. SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES

The Committee considered a report of the Director of Markets and Consumer Protection that sought approval to the annual fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment.

The Comptroller and City Solicitor advised Members of the Supreme Court Decision in relation to Hemming vs. Westminster City Council. Members were advised that the Supreme Court concluded on 29 April 2015 that licensing schemes which required the applicant to pay a fee covering the administrative costs of the application at the time the application is made and, in the event that the application is granted, a further fee to cover the costs of enforcing the licensing scheme did not fall foul of the Provision of Services Regulations 2009.

Members were also advised that a decision regarding licensing schemes which required a fee that covered both the administrative costs and the costs of enforcing the scheme to be paid at the time the application was made, with the enforcement element being refunded should the application be rejected, was referred to the European Court of Justice for determination.

These findings from the Supreme Court case could be applied to the entire local authority licensing regime save for premises licensed under the Licensing Act 2003 and the Gambling Act 2005 where there were statutory fee structures in place.

RESOLVED – That the annual fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment, be approved.

14. LATE NIGHT LEVY UPDATE

The Committee received a report of the Director of Markets and Consumer Protection that provided a update of the Late Night Levy (LNL) since 1 October 2014.

Members were introduced to Simon Douglas, the new Licensing Inspector for the City of London Police, who was attending his first Committee meeting.

In response to a Member's question, the Licensing Manager advised that most premises removed the condition on their licence to allow the sale of alcohol after midnight on New Year's Eve only for free before the LNL was introduced in October 2015. This meant that they would no longer be liable to pay the LNL. The condition remained on some premises licences but these premises were able to remove it from their licence for a charge of £89.

RESOLVED – That the report be noted.

15. **SAFETY THIRST UPDATE**

Members received a verbal update from the Licensing Manager regarding the Safety Thirst scheme.

The Licensing Manager advised that letters had been sent to Safety Thirst members at the start of May 2015. This was later than originally intended as some amendments had been made to the scheme. Amendments included the introduction of different 'grades' to the award as well as an award for the Licensed Premises of the Year. In response to a Member's question, he confirmed that previous winners of the award would still have to re-apply this year. He added that the Award ceremony would take place on 12 October 2015 in the Livery Hall.

RESOLVED – That the Safety Thirst update be noted.

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

There were no questions.

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

The Chairman advised Members that there would be a presentation at the next Committee meeting regarding the expected impact of Transport for London's introduction 24 hour Tube services on Fridays and Saturdays with effect from 12 September 2015. It was noted that the City of London would be affected by 24 hour services on the Central Line.

The Chairman expressed thanks to the Remembrancer's Department for a successful Licensing Committee Dinner on 16 April 2015 and was particularly grateful to staff who secured an excellent new venue at short notice.

The meeting ended at 2.45 pm

Chairman

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Agenda Item 6

Committee(s)	Dated:
Licensing	29 July 2015
Subject: Revenue Outturn 2014/15	Public
Report of: The Chamberlain Director of Markets and Consumer Protection	For Information

Summary

This report compares the revenue outturn for the services overseen by your Committee in 2014/15 with the final budget for the year. Overall total net expenditure during the year was £96,000 whereas the total budget was £179,000 representing an underspending of (£83,000) as set out below:

Summary Comparison of 2014/15 Revenue Outturn with Final Budget			
	Final Budget £000	Revenue Outturn £000	Variations Increase / (Reduction) £000
Direct Net Expenditure			
Director of Markets and Consumer Protection	(25)	(58)	(33)
Capital and Support Services	204	154	(50)
Overall Totals	179	96	(83)

The underspend was largely due to a contingency for Late Night Levy related expenditure that was not required, and changes in the cost and attribution of central department recharges.

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

Recommendation(s)

Members are asked to:

- Note the report and the proposed carry forward of underspendings to 2015/16.

Main Report

Revenue Outturn for 2014/15

- Actual net expenditure for your Committee's services during 2014/15 totalled £96,000, an underspend of (£83,000) compared to the final budget of £179,000. A summary comparison with the final budget for the year is tabulated below. In this and subsequent tables, figures in brackets indicate income or in hand balances, increase in income or decreases in expenditure.

Summary Comparison of 2014/15 Revenue Outturn with Final Budget				
	Final Budget	Revenue Outturn	Variation Increase / (Reduction)	Variation Increase / (Reduction)
	£000	£000	£000	%
Local Risk				
Expenditure	513	471	(42)	(8)
Income	(538)	(529)	9	2
Total Director of Markets and Consumer Protection	(25)	(58)	(33)	(132)
Capital and Support Services	204	154	(50)	(25)
Overall Totals	179	96	(83)	(46)

- The most significant local risk variation was a (£28,000) contingency for Late Night Levy (LNL) related expenditure that was not required during 2014/15. Unapplied LNL income is treated as a receipt in advance and has been carried forward to be spent during 2015/16. A full financial report on the LNL will be brought to your Committee after the end of the Levy year to 30 September 2015. The balance of the underspend was made up of small variances across a number of budgets.
- The reduction in capital and support services is due to changes in the level and attribution of central costs, most significantly the Town Clerk's Department (£41,000).
- Appendix 1 shows the movement from the 2014/15 latest approved budget (as reported to your Committee in October 2014) to the final budget.

Local Risk Carry Forward to 2015/16

- The Director of Markets and Consumer Protection has a local risk underspending of (£33,000) on the activities overseen by your Committee. The Director also had local risk underspendings totalling (£735,000) on activities overseen by other Committees. The Director is proposing that his maximum permitted underspend

of £413,000 be carried forward, of which £5,000 relates to activities overseen by your Committee for the following purpose:

- Overtime for street trading enforcement out-of-hours (particularly in relation to ice-cream vans) and to facilitate reallocation of stalls at Middlesex Street due to structural alterations – £5,000

Appendices

- Appendix 1 – Movement from 2014/15 Latest Approved Budget to Final Budget

Jenny Pitcairn

Chamberlain's Department

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Licensing Committee - Analysis of Movements 2014/15 Latest Approved Budget to Final Budget

	Original Budget 2014/15 £'000	Latest Approved Budget* 2014/15 £'000	Final Budget 2014/15 £'000	Movement £'000	Notes
Local Risk					
Expenditure					
Employees	365	410	413	3	(i)
Premises	45	45	45	0	
Supplies and Services	11	27	27	0	
Contingencies	2	28	28	0	
Total Expenditure	423	510	513	3	
Income	(503)	(538)	(538)	0	
Total Local Risk	(80)	(28)	(25)	3	
Capital and Support Services					
Insurance	2	2	2	0	
Admin Buildings	0	35	29	(6)	
Support Services	50	118	114	(4)	
IS Recharge	8	9	8	(1)	
Capital Charges	0	2	2	0	
Tables and Chairs**	28	27	27	0	
Directorate Recharge	17	20	22	2	
Total Capital and Support Services	105	213	204	(9)	(ii)
Total	25	185	179	(6)	

* Latest Approved Budget as reported to your Committee in October 2014

** Recharge from Planning & Transportation Committee.

Notes

- (i) Transfer of contribution pay from the central 'pot', and adjustment in employee budgets due to the higher than anticipated 2014 pay award agreed in December 2014.
- (ii) The recharge budgets reported to your Committee in October 2014 were estimates based on the previous year's outturn, as the majority of recharges had not yet been finalised by central departments at that stage due to the overall timing of the budget setting process. The subsequent movements are therefore due to the finalisation of those recharge budgets.

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Committee(s):	Date(s):	Item no.
Licensing Committee	29 July 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
<p>Summary:</p> <p>This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 April 2015 to 30 June 2015. It does not include any premises where Members have been involved in the decision making process i.e. decisions made at licensing sub-committee hearings.</p> <p>The report gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 April 2015 and 30 June 2015. 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 December 2014 to 31 May 2015.</p>		

Main Report

Premises Licence Applications

1. Pursuant to the instructions from your committee, I attach for your information a list detailing ‘premises licence’ applications (Appendix I) and variations (Appendix II) granted by the Licensing Service between 1 April 2015 and 30 June 2015.
2. The report also contains information appertaining to the number of personal licences issued. This information is also contained in Appendix II.
3. Any questions of detail concerning premises licences can be obtained from the Corporation’s public register which can be found on <http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Search-the-public-register.aspx>. or by contacting Peter Davenport, Licensing Manager, on extension 3227 or by email to the Licensing Team at licensing@cityoflondon.gov.uk.

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

Routine Enforcement

5. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003 (Appendix III). The table in Appendix III shows the number of visits undertaken, number of complaints received and the number of enforcement actions taken. Enforcement actions include warning letters, notices, simple cautions, legal proceedings etc.
6. Appendix III provides data from 1 April 2015 to 30 June 2015.
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 December 2014 to 31 May 2015. For the first time since the scheme began in April 2013 there are no premises classified as 'Red'. 7 premises have a sufficient number of points to be classified as 'Amber'. Further details can be seen in Appendix V.
11. There is a very good working relationship between the Port Health & Public Protection (PH&PP) Licensing Team, The City of London Police

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

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

Response to complaints

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

Implications

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

Background Papers:

None

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Appendix I

New Licence Applications Issued by way of Delegated Authority (Apr-Jun 2015)

Name	Address	Ward	Details	
Japanese Canteen	61 Watling Street	Cordwainer	A	22:30
Farmers/Fletchers Hall	3 Cloth Street	Farringdon W/in	A, L, (e), (f)	23:59
Fox Fine Wine	118 London Wall	Coleman St	A, L, (f)	01:00
Canto Corvino	15-25 Artillery Lane	Bishopsgate	A, L, (f)	00:00
Sodexo	78 Cannon Street	Dowgate	A	23:00
Bolatti London	141-142 Fenchurch St	Langbourn	A	22:00
Chop'd Ltd	1-3 Leadenhall Mkt	Lime Street	A	21:00
Gatti's	1 Ropemaker Street	Coleman St	A, L, (e), (f)	00:00
Tesco	16-18 New Bridge St	Castle Baynard	A	00:00
Burger & Lobster	34 Old Bailey	Farringdon W/in	A, L, (f)	00:00
Caffe Vergnano	70 Mark Lane	Tower	A, L, (f)	02:00
Tesco	14 St Martins-le-Grand	Cheap	A	00:00
Restaurant Associates	122 Leadenhall Street	Lime Street	A	23:00
Street Kitchen	42 Broadgate Circle	Bishopsgate	A, L, (f)	01:00
Leadenhall Dev Co	122 Leadenhall Street	Lime Street	A, L, (f)	01:30
Basement Bar & Grill	5 Minories	Tower	A, L, (f)	04:00

Total Licences Issued = 16

Key to Details:

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

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

Number of Licences by Ward

WARD	No.		
Bishopsgate	2	Farringdon Within	2
Castle Baynard	1	Langbourn	1
Cheap	1	Lime Street	3
Coleman Street	2	Tower	2
Cordwainer	1		
Dowgate	1		

Appendix II

Licence Variations Issued by way of Delegated Authority (Apr-Jun 2015).

Name	Address	Ward	Details
JP Morgan Chase	60 Victoria Embankment	Castle Baynard	<ul style="list-style-type: none"> Expand licensed are to include some rooms on floor 6 (currently floors 1-3 licensed).
Gaucha Grill	5 Finsbury Avenue	Bishopsgate	<ul style="list-style-type: none"> All licensable activities increased by one and a half hours to 02:30.
Chilango	64 London Wall	Broad Street	<ul style="list-style-type: none"> New basement layout to include a new seating booth
Pause	80 Leadenhall Street	Aldgate	<ul style="list-style-type: none"> Terminal hour extended by 1 hour on Wed to 01:00 and by 2 hours on Thu-Sat to 02:00.
Burger & Lobster	52 Threadneedle Street	Cornhill	<ul style="list-style-type: none"> Commencement hour for licensable activities brought forward by 1 hour to 07:00.
Dirty Dicks	202 Bishopsgate	Bishopsgate	<ul style="list-style-type: none"> Terminal hour for alcohol sales and LNR increased to 03:00 on Th-Sat (From 01:00). All other Lic Activities increased until 02:30 (00:30).

Total Variations = 6

Number of Licences by Ward

WARD	No.		
Aldgate	1	Castle Baynard	1
Bishopsgate	2	Cornhill	1
Broad Street	1		

Personal Licences Issued by way of Delegated Authority

01 Apr 2015 – 30 Jun 2015 2

**Enforcement Action Carried out Under the Licensing Act 2003
1 April 2015 - 30 June 2015**

Total Number of Inspections	50
Number of Warning Letters	2
Number of Premises advised	26
Number of simple cautions	1
Number of suspension notices	16
Paid prior to suspension	10
Licence lapsed*	0
‘Dead’ Suspensions**	3
‘Live’ Suspensions***	3
Still to be determined	0

*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 January 2015 and 31 March 2015

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

Details	Date	Outcome	Ward
Bangalore Express, 1 Corbet Court, London, EC3V 0AT			
Complaint of possible noise nuisance regarding Bangalore bar, 1 Corbet Court as an incident occurred on the previous night regarding loud people noise as guests leaving.	24/05/2015	No action possible	Langbourn
Duke of Somerset, Duke Of Somerset Public House, 15 Little Somerset Street, London, E1 8AH			
Alleged loud music coming from Duke of Somerset Pub	15/04/2015	Resolved informally	Portsoken
Grand Union, Grand Union Public House, Rolls Passage, London, EC4A 1HL			
Noise from patrons talking & laughing outside premises	01/05/2015	Resolved informally	Farringdon Without
Noise from pub users in Rolls Passage.	22/05/2015	No action possible	Farringdon Without
Noise from drinkers.	22/05/2015	No action possible	Farringdon Without
Noise from patrons standing and talking outside pub	04/06/2015	Resolved informally	Farringdon Without
Complaint of music and people noise coming from the Grand Union Pub, Roll Passage.	04/06/2015	Resolved informally	Farringdon Without
Noise from patrons outside in Rolls passage	25/04/2015	Resolved informally	Farringdon Without
Kurumaya, 74-75 Long Lane, London, EC1A 9ET			
Noise and odour	25/06/2015	Case still in progress	Cordwainer
La Fenice Rossa, 19 Bevis Marks, London, EC3A 7JB			
Loud music	14/06/2015	No action possible	Aldgate
Le Paris Grill, 6 Little Britain, London, EC1A 7BX			
Alarm	15/06/2015	No action possible	Aldersgate
Mumbai Square, 7 Middlesex Street, London, E1 7AA			
Music Noise	11/04/2015	Ceased not likely to reoccur	Portsoken
Patch, 58-62 Carter Lane, London, EC4V 5EA			
Complaint of loud music and people noise from Patch Bar, Carter Lane	13/06/2015	Resolved informally	Farringdon Within

Pilpel, 1A Wine Office Court, London, EC4A 3BY			
Construction noise from business. Workmen had been installing ventilation ducting	15/05/2015	No action possible	Castle Baynard
Steam & Rye, 147 Leadenhall Street, London, EC3V 4QT			
Caller called in to complain about band playing loud music. Noise was happening at the time of call. 15.30	16/06/2015	Resolved informally	Lime Street
The Brewery on Chiswell Street, Conference Hall And Function Rooms, The Whitbread Brewery, 52 Chiswell Street, London, EC1Y 4SA			
Dismantling a marquee. Blocking traffic causing cars to horn. Guest making noise.	18/05/2015	No action possible	Coleman Street
The Old Bengal Warehouse, 16A New Street, London, EC2M 4TR			
Complaint of loud steel band music	11/06/2015	Resolved informally	Bishopsgate
Loud Music	11/06/2015	Resolved informally	Bishopsgate
There were cleaners there this morning around 4:30 am who have apparently cleaned the outside space with water and were so noisy, that we all woke up. This is not the first time this has happened.	18/05/2015	Resolved informally	Bishopsgate
Music	12/06/2015	Resolved informally	Bishopsgate
The Samuel Pepys, Samuel Pepys Public House, Stew Lane, London, EC4V 3PT			
Samuel Pepys pub is loading and unloading in the early morning at 5.45, 6.00 and 6.45 which is very loud, also they are slamming a gate to get to a side entrance	22/04/2015	Resolved informally	Queenhithe
The Shakespeare, The Shakespeare Public House, 2 Goswell Road, London, EC1M 7AA			
Noise from people standing outside public house at 7.30 pm	10/04/2015	No action possible	Cripplegate
Noise from patrons of the Shakespeare Pub	05/06/2015	Referred to other services	Cripplegate
The St Barts Brewery, 66 West Smithfield, London, EC1A 9DY			
Loud noise	08/04/2015	No action possible	Farringdon Within

Noise at St Barts Brewery, 66 West Smithfield, London, EC1A 9DY, The noise starts every Friday night at 9pm.	10/04/2015	No action possible	Farringdon Within
Loud Music	10/04/2015	Resolved informally	Farringdon Within
Complaint of loud live band music at St Barts Brewery, West Smithfield.	01/05/2015	Resolved informally	Farringdon Within
The Trading House, 91 Gresham Street, London, EC2V 7AA			
Customer calling to report that the noise from the building next doors ventilation system is very loud this morning & is disturbing the staff.	20/05/2015	Resolved informally	Cheap
Air conditioning unit makes a noise on Basinghall Street this has been reported already.	13/05/2015	Resolved informally	Cheap
Extractor noise	01/06/2015	Case still in progress	Cheap

Appendix IV

Conditions Applied to Licences Granted by way of Delegated Authority

NEW APPLICATIONS

Japanese Canteen

None.

Farmers/Fletchers Hall

None

Fox Fine Wine

None

Canto Corvino

1. The premises shall install and maintain a comprehensive CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping.

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

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

Sodexo

1) Alcohol shall not be sold or supplied otherwise than to:

- a) directors, partners, officers and employees of the Threadneedle Group of Companies (and subsidiaries thereof) and their bona fide guests;
- b) persons attending by prior invitation a private or organised function in the premises.

Bolatti London

None

Chop'd Ltd

None

Gatti's

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.

Tesco (New Bridge St)

None

Burger & Lobster

None

Caffe Vergnano

1. There shall be no sale of alcohol in unsealed containers for consumption off the premises.
2. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
3. All doors and windows shall remain closed at all times during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.
4. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
5. The premises shall install and maintain a CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 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.
6. 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 by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public.

Tesco (St Martins-le-Grand)

None

Restaurant Associates

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

Street Kitchen

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.

Leadenhall Dev Co

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. 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 by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public.

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

Basement Bar & Grill

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. 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 by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public.

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

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

VARIATIONS

J P Morgan Chase

None

Gaucho Grill

None

Chilango

None

Pause

1. 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 by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public.

2. The premises shall install and maintain a comprehensive CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

Burger & Lobster

None

Dirty Dicks

1. When the premises is carrying on licensable activities after 00.00 hours on Thursday and after 01.00 hours on Friday and Saturday, at least 1 registered door supervisor is to be on duty after 21.00 hours.

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Committee(s):	Date(s):	Item no.
Licensing	29 July 2015	
Subject: Legal Proceedings against 'Viet Café'	Public	
Report of: Director of Markets and Consumer Protection	For Information	
<p><u>Summary</u></p> <p>This report outlines the steps taken by the licensing team on discovering offences committed by a premises in Eastcheap.</p> <p>The offences concerned selling alcohol without the correct authorisation contrary to s.136 of the Licensing Act 2003. The premises licence had previously been suspended for non-payment of their licence fee and they were in breach of a mandatory condition in that they refused to supply tap water.</p> <p>The matter was taken to court and the licence holder (a limited company) and the Designated Premises Supervisor received between them fines and costs totalling £5,589.</p> <p>Recommendations</p> <p>Members are invited to note the contents of this report.</p>		

Main Report

Background

1. On 4 September 2013 two licensing officers visited the premises of Viet Café, 20 Eastcheap. The purpose of the visit was to ascertain if the premises were selling alcohol as their premises licence had been suspended on 26 June 2012 for non-payment of the annual fee.
2. The premises were suspected of selling alcohol as they were seen by one of the officers on a television programme that was looking at the problems associated with the 'Walkie-Talkie' building. The premises happened to appear in one of the screen shots and wine glasses could be clearly seen on the tables.
3. During the visit officers noticed bottles of beer available for self service in a refrigerator and purchased two. An offence had now been committed by the licence holder and the designated premises supervisor (DPS) by selling alcohol without the correct authorisation contrary to s.136 of the Licensing Act 2003. Officers cautioned the seller and left the premises with a view to continuing the matter under formal interview.
4. Following a number of attempts to arrange a formal interview the DPS finally attended an interview at Walbrook Wharf on 24 October. He was also representing the licence holder as a director of the company DCHH(UK) Ltd.

The premises licence was transferred to them on 13 August 2013. The interview was stopped early as the licensing officers were not convinced that the DPS could fully understand the questions. He was told that a further date would be arranged with an interpreter present.

5. The second interview was arranged for 4 December 2013 having secured the services of a Vietnamese interpreter.
6. In the meantime, on 14 November 2013 the Licensing Service received a complaint by a member of the public concerning the premises Viet Cafe at 20 Eastcheap. The complainant alleged that whilst ordering a meal he asked three times for some tap water. The premises refused to give him tap water and in fact laughed at him stating that, 'We do not serve tap water here'.
7. On the 28 November 2013 the Licensing Service carried out a test purchase which involved the purchase of a meal. After the food was ordered the officer asked for two glasses of tap water and was told by a member of Viet Café's staff that it was a policy of the restaurant not to serve tap water.
8. The premises' DPS was informed of the refusal to supply tap water and told the matter would also be discussed at interview on 4 December. Refusal to supply tap water is in itself a breach of a mandatory condition thus creating the offence of selling alcohol without the correct authorisation contrary to s.136 of the Licensing Act 2003.
9. The legislation creates a statutory defence for the licence holder and DPS of their actions being due to a mistake, reliance on information from another person, an act or omission by another person or some other cause beyond his control. In addition, it would have to be shown by the licence holder and DPS that they took all reasonable precautions and exercised all due diligence to avoid committing the offence.
10. Following the conclusion of the second interview licensing officers were satisfied that the statutory defence could not be relied upon and that the DPS, and thus the licence holder, were culpable of a number of offences. We were satisfied that the DPS had not told the truth during the interview and in fact had gone to great lengths to present a picture aimed at misleading the licensing officers.
11. As a result, it was decided to instigate legal proceedings and the matter was passed to legal services to take forward. Separate charges were taken against the licence holder and the DPS essentially for the sale of alcohol on 4 September 2013, the refusal to give tap water to the complainant and the refusal to give tap water on 28 November 2013.

Result

12. The first time the matter could be actually heard was 9 October 2014 however, following a number of adjournments, the matter was not finalised until 16 June 2015. On all charges the defendants, both the company and the DPS, pleaded not guilty.
13. Costs were sought to cover the time spent by counsel, corporation officers, the use of an interpreter at the interview and the cost of transcribing the interview tape.

14. In relation to the licence holder, he was found guilty on three charges and fined a total of £1,150 plus costs of £1,607 and a victim surcharge of £75 totalling £2,132.
15. In relation to the DPS, he was also found guilty on three charges and fined a total of £1,400 plus costs of £1,957 and a victim surcharge of £100 totalling £3,457.
16. The result was a total penalty of £5,589 justifying the work of the licensing team in their perseverance over a period of 21 months from the date the investigation commenced.

Background Papers:

None

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

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