



Licensing Committee

Date: WEDNESDAY, 26 OCTOBER 2016

Time: 1.45 pm

Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Members:

Peter Dunphy (Chairman)	Christopher Hayward
Marianne Fredericks (Deputy Chairman)	Michael Hudson
Alex Bain-Stewart	Deputy Jamie Ingham Clark
Deputy John Barker	Graham Packham
Keith Bottomley	Judith Pleasance
Emma Edhem	Chris Punter
Deputy Kevin Everett	James Tumbridge
Sophie Anne Fernandes	

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Lunch will be served for Members 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

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 11 July 2016.

For Decision
(Pages 1 - 10)
4. **MINUTES OF LICENSING HEARINGS (SUB)**
 - a) **Strada Trading Limited**
To receive the public minutes and decision notice of the meeting regarding 'Strada Trading Limited, 4 St Paul's Churchyard, EC4M 8AY held 15 July 2016.

For Information
(Pages 11 - 20)
 - b) **Greene King Retailing Limited**
To receive the public minutes and decision notice of the meeting regarding 'Greene King Retailing Limited, 14 Widegate Street, E1 7HP held on 9 August 2016.

For Information
(Pages 21 - 32)
5. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**
The Comptroller and City Solicitor to be heard.

For Information
6. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**
Report of the Director of Markets and Consumer Protection.
N.B. This Item is to be read in conjunction with the appendix at Item No. 14.

For Information
(Pages 33 - 50)
7. **LICENSING ACT 2003: REVIEW OF STATEMENT OF LICENSING POLICY**
Report of the Director of Markets and Consumer Protection.

For Decision
(Pages 51 - 206)

8. **INTERIM REPORT ON POLICE SPEND OF LATE NIGHT LEVY FUNDS**
Report of the Commissioner of Police.
- For Information**
(Pages 207 - 210)
9. **SAFETY THIRST UPDATE**
The Licensing Manager to be heard.
- For Information**
10. **TACKLING VIOLENT CRIME**
Presentation from the City of London Police.
- For Information**
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 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.
- For Decision**
14. **NON-PUBLIC MINUTES**
To agree the non-public minutes of the meeting held on 11 July 2016.
- For Decision**
(Pages 211 - 212)
15. **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.6.
- For Information**
(Pages 213 - 214)
16. **NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**
17. **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

Monday, 11 July 2016

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Monday, 11 July 2016 at 1.45 pm

Present

Members:

Peter Dunphy (Chairman)	Michael Hudson
Marianne Fredericks (Deputy Chairman)	Deputy Jamie Ingham Clark
Alex Bain-Stewart	Graham Packham
Deputy John Barker	Chris Punter
Emma Edhem	James Tumbridge
Sophie Anne Fernandes	

In Attendance

Officers:

Gemma Stokley	- Town Clerk's Department
Jenny Pitcairn	- Chamberlain's Department
Paul Chadha	- Comptroller and City Solicitor's Department
Peter Davenport	- Licensing Manager, Markets & Consumer Protection Department
Superintendent Paul Clements	- City of London Police
Inspector Simon Douglas	- City of London Police

1. APOLOGIES

Apologies for absence were received from Christopher Hayward and Judith Pleasance.

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

There were no declarations.

3. PUBLIC MINUTES

The public minutes of the meeting held on 27 April 2016 were considered and approved as a correct record.

4. MINUTES OF LICENSING HEARING (SUB)

The Committee received the minutes of the Licensing Hearing meeting for 'Disappearing Dining Club Limited' held on 2 June 2016.

The Chairman reported that this was an application for a new premises licence which had been refused - something which was relatively rare for the City Corporation. The Chairman went on to report that the deadline for appealing

this decision had now passed and that, to date, the Comptroller and City Solicitor had not been notified of any intention to appeal.

The Comptroller clarified that it was, however, possible that the applicant might have notified the Magistrates' Court of their proposal to appeal and that there might be some delay in the Magistrates' Court notifying the Comptroller of this.

RECEIVED.

5. REVENUE OUTTURN 2015/16

The Committee received a joint report of the Chamberlain and the Director of Markets and Consumer Protection comparing the revenue outturn for the services overseen by the Licensing Committee in 2015/16 with the final budget for the year.

RECEIVED.

6. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

The Comptroller and City Solicitor reported that there had been no appeals since the Committee's last meeting in April 2016.

7. 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 detailing the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 April 2016 to 19 June 2016.

In response to a question regarding the new licence application from Smiths of Smithfield, the Licensing Manager reported that this was a new application for a new licence in a new area as far as he was aware.

With regard to Enforcement Action carried out under the Licensing Act 2003, the Deputy Chairman requested that Members have sight of the warning letters issued in future. The Licensing Manager reported that he was happy to circulate copies of all warning letters issued to members of the Licensing Committee ahead of future Committee meetings.

A Member questioned the new licence issued for the proposed development site at 27-32 Poultry and why this application had been made so early in the process. The Licensing Manager responded by stating that it was becoming increasingly common for applications to be submitted many months before trading was due to commence. He clarified that, as no objections had been received, this licence was now valid. The Chairman clarified that this was the old Midland Bank site and would now be converted to hotel use. He highlighted that certain conditions had been applied to the licence granted and that these were set out in full within the report.

The City of London Police confirmed that they had met at length with the future operators of the premises who had agreed that no promoted events would be

held on the premises. They had also offered to work with the City of London Police at the earliest opportunity. The City of London Police were therefore not concerned by the granting of this licence.

RECEIVED.

8. LICENSING ACT 2003: REVIEW OF STATEMENT OF LICENSING POLICY

The Committee considered a report of the Director of Markets and Consumer Protection regarding a review of the Statement of Licensing Policy and a timescale for consultation and publication.

The Licensing Manager reported that although the document was not statutorily due for review until 2018, many legislative changes and changes in the Corporation's own policies and procedures had led to a complete re-write of the existing document. He added that the idea was that the revised document would be a useful working document for the public, members and potential applicants alike. Members were informed that new sections on licensing hours, the late night levy, cumulative impact and Temporary Event Notices had been added to the revised document.

The Licensing Manager went on to report that it was proposed that consultation on the revised document commence next week for a period of 8 weeks before bringing the amended version to the October Licensing Committee for approval and then to the Court of Common Council in December 2016 for final sign off.

With regard to the section of the document entitled 'Enforcement and other Legislation', sub-heading 'Planning', the Licensing Manager responded to a question by stating that officers felt that it was necessary to underline that Licensing and Planning are two separate regimes within the revised document. He added that if Licensing officers were aware that if an applicant did not yet have planning permission they would write to them to inform them that they would not be able to carry out any licensable activity without this. He clarified that Licensing and Planning applications could be made in any order.

A Member commended officers on the revision of the document. He went on to question if a glossary and a list of acronyms could also be attached to the new document which would hopefully lead to a better understanding of the regime as a whole. The Licensing Manager agreed that this would be a useful addition.

A Member questioned if Members could be provided with a Word document detailing all of the changes made to the previous version as well as copies of all of the other policies referred to within the new document. Another Member also requested that the Committee be provided with a list of the major legislative changes that had driven this early revision to the document.

The Deputy Chairman suggested that the City Corporation's policies on Tables and Chairs and Sexual Entertainment Venues should also be appended to the revised document for completeness and ease of reference.

The Chairman reported that he would be tasked with finalising the foreword for the revised document although he stated that he would welcome the wider Committee's input in this area. He stated that his intention was to use the foreword to set out what the City's Licensing regime were hoping to achieve as well as what they were looking to avoid and prevent. He wanted to set out a positive message as to why the City had a Licensing Policy.

The Deputy Chairman supported this positive slant and went on to suggest that the foreword should also be used to 'talk up' the City's night time economy and its importance to the area. It should also clearly set out what was expected of licenced premises within the City and celebrate the City's relationships with its partners such as the City of London Police, the London Fire Brigade and licence holders.

The Deputy Chairman stated that she would also like to see outside drinking, noise and dispersal mentioned within the revised document with licence holders also encouraged to clean up outside their premises. She was keen that this should be mentioned in the foreword and then be a common thread throughout.

The Chairman welcomed the Committee's initial thoughts on the revised document and suggested that any further comments Members might have during the consultation period be put directly to the Licensing Manager.

RESOLVED – That Members:

- Agree the draft Licensing Policy for consultation; and
- Agree the timetable and methodology to determine the final text and adoption of the Statement of Licensing Policy.

9. LATE NIGHT LEVY - INTERIM REPORT

The Committee considered a report of the Director of Markets and Consumer Protection detailing the income collected from the Late Night Levy to date, and forecast to be collected over the next nine months, covering a total period of thirty months. The report also considers areas for future expenditure.

The Chairman reminded Members that they had requested this level of detail on the Late Night Levy income and expenditure at the last meeting of the Licensing Committee. The Licensing Manager reported that it was forecast that a total of £292,000 would have been collected and apportioned to the City Corporation by March 2017. Of this, £177,000 (£84,000 in 2015/16 and £93,000 in 2016/17) had been spent or was programmed to be spent by the end of March 2017, leaving a total of £115,000 unspent. The Licensing Manager went on to remind Members that funds collected from the Late Night Levy could only be spent in specific areas and had to be shown to benefit those premises open after midnight.

The Committee were informed that final spend decisions would be taken by the Chairman and Deputy Chairman of the Licensing Committee alongside the Director of Markets and Consumer Protection. However, there were some suggestions for future expenditure within the report for discussion.

A Member expressed concern that questions he had posed on the Late Night Levy at previous meetings of the Licensing Committee had not been answered. He referred to the formula for Levy reduction featured within the legislation and guidance for the Levy. He added that he had expected to see this referred to within a written report alongside Officer's views on what the City Corporation could and could not do around this. Other Members questioned whether the formula was directory or mandatory. Another Member questioned whether those premises that were open beyond midnight for only five nights per week could be charged proportionately (e.g. 5/7 of the full Levy fee). The Licensing Manager reiterated that there was no flexibility around the amount charged under the Levy as this was nationally prescribed and based on the premises' rateable value. He added that, at present, the Levy had to apply across the whole of the Local Authority area although this was currently being looked into by the Home Office as was the number of premises who might be exempt from paying the Levy. The Licensing Manager went on to report that, as far as he was aware, any reduction in the Levy was only due to premises leaving or joining the scheme during the Levy year. The Licensing Manager stated that he was happy to clarify these points and provide Members with a fuller response on this matter. The Chairman added that, regardless of any discounts that may or may not be possible, the City's current underspend on Levy funds still stood. He clarified that any possible discounts would not be applied retrospectively.

The Deputy Chairman added that the only discount available on the Levy was a 30% reduction for those who met the criteria of the Safety Thirst Scheme. She added that this seemed to be a good approach and encouraged licence holders to talk to and co-operate with the Licensing Team.

With regard to possible future expenditure, Members stated that they were not convinced that there was a continuing need for taxi marshalling with the availability of services such as 'Uber' and the forthcoming introduction of the Late Night Tube. The suggestion of the City contributing Levy funds to part funding an Alcohol Recovery Centre was widely supported by the Committee. Members were of the view that Option 3 detailed in the report - funding 13 nights at £65,000 (Thursday and Friday every week in the month leading up to Christmas and New Year, except in the final week before Christmas where this would be available every weekday).

Members went on to discuss the possibility of funding some of the projects planned by 'Club Soda' following a presentation to the Licensing Committee at its last meeting. Some Members sought reassurance as to whether Levy funds could legitimately be spent on this project. Some Members felt that this was worth exploring. Other Members stated that they were not convinced that using Levy funds to promote Club Soda would be appropriate. Instead, it was suggested that Officers might consider how to promote and engage with the project in other ways and where funding for this might be drawn from.

A Member reported that, at recent City residents' meetings, many had voiced concerns about street cleansing in the aftermath of late night drinking. He

therefore questioned if additional funding could be given to cleansing to extend the scope of the existing scheme.

The Deputy Chairman supported this suggestion. She reported that, at present Levy funding was only used for street cleansing from Thursday-Sunday each week. There would be merit in looking to extend this and requesting proposals from the Cleansing Team as to what more could be done and at what cost. Members delegated authority to the Chairman and Deputy Chairman of the Licensing Committee alongside the Director of Markets and Consumer Protection to ascertain the details of any possible future expenditure in this area before committing to this.

The Deputy Chairman went on to suggest that funding for Club/Promoted Events training in an attempt to introduce a benchmark or suitable qualification might be considered.

A Member commented that, if the City Corporation were having difficulties spending their share of the Levy funds, consideration could be given to increasing the 70% of funds currently apportioned to the City of London Police as this was only the minimum recommended amount.

The Deputy Chairman went on to state that the Committee would welcome clarity from the City of London Police as to how their portion of the Levy funds were being spent and the governance process around this - how much influence did Licensing Police Officers have over where the money was spent for example? The Chairman requested a written report setting out this information to the next meeting of the Licensing Committee. The City of London Police agreed to produce this report. In light of such a report, the Committee might look to increase the portion of the Levy funds attributed to the City of London Police going forward.

The Licensing Manager reported that, if the percentage of Levy funds currently attributed to the City of London Police were to be increased, this would require a change to the current Policy and would also need to be the subject of public consultation.

In response to final questions, the Licensing Manager reported that no Levy funds were currently being spent on taxi marshalling and that no funds were being contributed to the running of the Safety Thirst Award Scheme at present.

The Chamberlain confirmed that the current surplus in levy funds had been accumulated over a two and a half year period. Assuming that the Committee agreed to continue to fund all that they were currently funding, the on-going surplus would amount to approximately £33,000.

RESOLVED: That Members:

1. State their preferences as to how they would like the Levy money to be spent as follows: Additional funding for street cleansing (subject to the Chairman and Deputy Chairman alongside the Director of Markets and Consumer Protection ascertaining the amount of additional funding

required for this) and funding for the 'Club Soda' project if this were deemed suitable for Levy funding;

2. State that they would like to support 'Option Three' for funding the Alcohol Recovery Centre (ARC) for 13 nights at £65,000 (Thursday and Friday every week in the month leading up to Christmas and New Year, except in the final week before Christmas where this would be available every weekday).
3. Agree to delegate authority to the Chairman and Deputy Chairman of the Licensing Committee and the Director of Markets and Consumer Protection in consultation with the Town Clerk to finalise decisions around any future Levy spending.

10. **SAFETY THIRST - VERBAL UPDATE**

The Licensing Manager reported that 57 applications had been received to date. It was not expected that more than 60 would be received in total.

The Committee were informed that 34 assessments had been completed to date. Of these, 32 had met the Safety Thirst Scheme criteria. One applicant had withdrawn from the process and there were still 22 outstanding assessments to be completed.

The Licensing Manager concluded by reporting that the number of applications received, that had met the Safety Thirst scheme criteria was up on those received in the previous two years.

Members were informed that the date of this year's Safety Thirst Awards ceremony would be Tuesday 18 October 2016 from 3.00pm.

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

Peanut Sellers on Bridges

The Deputy Chairman questioned action that could be taken against peanut sellers on the Thames bridges. She added that effectively deterring these sellers would require a co-ordinated effort from Environmental Health, the Police, the London Fire Brigade (given that the sellers were in possession of gas cylinders) and Licensing Officers. She added that numerous residents and businesses continued to raise this as a major issue and were getting increasingly frustrated at what they perceived to be a lack of action taken.

The Deputy Chairman added that, as Westminster cracked down on this issue, the sellers seemed to have an increasing presence in the City.

In response to questions around what action could be taken against the sellers, the Comptroller and City Solicitor reported that, as this was a Level 3 offence, it could carry a fine of up to £1,000, the carts could be destroyed and, if individuals persisted to offend, the authorities could seek an injunction.

The Deputy Chairman requested that a written report on illegal trading be produced for the next Licensing Committee meeting and that this feature regularly on the agenda in order to allow Members to monitor the situation.

The Licensing Manager clarified that street trading was the responsibility of the Port Health & Environmental Services Committee. Members commented that this Committee had previously seen updates on ice cream sellers and felt strongly that street trading matters should be reported to all relevant committees to ensure sufficient oversight of the matter.

The Chairman and Deputy Chairman undertook to discuss this matter further with the Director of Markets and Consumer Protection to ascertain what future reporting lines on 'street trading' might be.

The Licensing Manager reported that Licensing Officers had responsibility for enforcing Street Trading and that they had been working alongside the City of London Police to address this matter. The City of London Police confirmed this and reported that, at present, there was increased focus on unlicensed gamblers on the bridges. The City of London Police went on to report that seven arrests had taken place on the bridges only yesterday and therefore reassured the Committee that this matter was in hand.

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

There were no additional, urgent items of business for consideration.

13. **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 Part I of Schedule 12A of the Local Government Act.

<u>Item No.</u>	<u>Paragraph No(s).</u>
14	1, 3 & 5
15	1

14. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 27 April 2016 were considered and approved as a correct record.

15. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES - NON-PUBLIC APPENDIX**

The Committee received a non-public appendix to Item 7 on the agenda providing Members with details of those premises obtaining sufficient points on the Risk Scheme to reach red or amber for the period 1 November 2015 to 30 April 2016.

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

There were no questions raised in the non-public session.

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

There were no additional, urgent items of business for consideration in the non-public session.

The meeting ended at 3.12 pm

Chairman

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MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE
FRIDAY, 15TH JULY 2016

APPLICANT: STRADA TRADING LIMITED
PREMISES: 4 ST PAUL'S CHURCHYARD, EC4M 8AY

Sub Committee

Deputy Jamie Ingham Clark (Chairman)
Deputy John Barker
Michael Hudson

Mr Hudson declared an interest as the Old Deanery is in Castle Baynard Ward, the Ward he represents. Those attending were asked if they consented to Mr Hudson being a Member of the Sub-Committee and were informed Mr Hudson would, if there was an objection, withdraw. There was no objection.

City of London Officers

Ru Rahman - Comptroller & City Solicitor's Department
Julie Mayer - Town Clerk's Department
Peter Davenport - Department of Markets and Consumer Protection

The Applicant

Strada Trading Ltd
Thomas O'Maoileoin – Partner, Thomas and Thomas Partners

Parties with Representations

Mr C C Scott – Church Commissioners
Mrs Chartres – resident of The Old Deanery (closeby the premises)

Licensing Act 2003 (Hearings) Regulations 2005

A Hearing was held at 11:00am in Committee Room 1, Guildhall, London, EC2, to consider and determine an application for a variation to a premises licence for **4 St Paul's Churchyard EC4M 8AY**.

The Sub Committee had before them the following documents:-

Report of the Director of Markets and Consumer Protection:

Appendix 1 – Copy of Application

Appendix 2 – Current Licence

Appendix 3 – Existing Conditions

Appendix 4 – Representations from Other Persons:

- St Paul's Cathedral School
- Church Commissioners

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

Appendix 6 - Current Plans of Premises

- 1) The Hearing commenced at 11:00am.
- 2) The Chairman introduced the Sub-Committee Members and confirmed that the Sub-Committee, in advance of the Hearing, had considered all papers. The Chairman asked those present to introduce themselves and state in what capacity they were attending the Sub-Committee.
- 3) The Chairman opened the hearing by underlining that the Sub-Committee must be formed with a view to promoting one or more of the four licensing objectives.
- 4) The Chairman invited the applicant to clarify a proposed amendment to their original application and Mr O'Maoileoin, from Thomas and Thomas Partners, representing Strada Trading Ltd, explained that, following careful consideration of the submissions from those making representations, the applicant had amended their original application and was now seeking just a 30 minute extension to the existing Licence on Mondays to Saturdays and no change on Sundays.
- 5) The Chairman then invited those making representations to submit their case and Mr C C Scott, Church Commissioners, Church of England, expressed concerns about public (noise) nuisance in respect of the application. Given that the Old Deanery is a Grade 1 Listed Building and single glazed, there would be a greater risk of sound transmission from the adjoining premises. Mr Scott was also concerned about the possibility of anti-social behaviour as well as further noise nuisance on dispersal and from rubbish collections.
- 6) Mr Scott was concerned that the proposed variation might affect the sleep of nearby residents and reminded the Sub Committee of the City of London Corporation's Licensing Policy, which states that it is not unreasonable for residents' sleep to be undisturbed between 11pm and 7 am. Mr Scott was concerned that the current plans did not show how the noise would be mitigated, which was likely to increase with later sales of alcohol. Furthermore, one of the premises' windows opened onto the Deanery Court Yard.
- 7) Mr Scott, then called Mrs Chartres, the resident of the Old Deanery, who was concerned at the current saturation of licensed premises in the area and the potential impact on local residents. However, Mrs Chartres advised that she had enjoyed a cordial relationship with the Applicant and welcomed their spirit of compromise. Mrs Chartres also confirmed that she had not made any formal complaints against Strada.

- 8) The Chairman then invited the applicant to explain the nature of the business proposed. The Sub Committee noted that, whilst the 'Coppa Clubs' were a new concept in London, with this being the third, they were not nightclubs but late 'supper clubs', which were open to all. There would be no regulated entertainment, just incidental background music for diners, so there would be no requirement to include 'recorded music' as a licensable activity. There was no intention to increase the capacity or change the balance in food or alcohol sales and the Applicant's intention was to offer a style of continental dining, in response to customers' and tourists' expectations.
- 9) The Applicant advised that they would actively encourage dispersal away from the Deanery and towards St Paul's Courtyard. Staff on duty always offered to call cabs for patrons, however, this was often not necessary, given the rise in popularity of taxi apps.
- 10) In addition to the amendments to the original application, as set out above, the applicant proposed the following additional conditions:
 1. Substantial food and non-intoxicating beverages, including drinking water, shall be available during licensing hours in all parts of the premises, where alcohol is sold or supplied for consumption on the premises. (*This condition was the same as previously, with the word 'liquor' replaced by alcohol*)
 2. All windows to be closed after 9pm. (*In addition to this condition the applicant said that the windows to the rear of the premises would be double-glazed and sealed shut.*)
 3. All alcohol sales off the premises would be in sealed containers. (*The Sub Committee noted that the number of off-sales was very low at the premises.*)
 4. Notices would be placed at all exits, asking patrons to leave quietly.
 5. A direct line telephone number for the on duty manager would be provided to all residents in the vicinity.
 6. No promoted events will 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.

- 11) With regards to waste collections, the Applicant stated that they would make arrangements to ensure that waste was collected during the daytime.
- 12) There were no further cross examinations and each party was invited to sum up.
- 13) Those making representations summed up by stating that, whilst they had enjoyed cordial relationships with the Applicant and thanked them for reviewing their original application, they remained concerned that the extension might encourage others to follow and this could, in turn, increase the risk of public (noise) nuisance. The applicant summed up by stating that they too valued their cordial relationship and had therefore reviewed the original application, so that it represented just 30 additional minutes on the original licence from Monday to Saturday, with no change on Sundays. They were keen to promote the restaurant ambiance and did not expect to regularly stay open for the full licensing period.
- 14) The Chairman thanked all parties and explained that the Sub-Committee would now retire to deliberate on the application.
- 15) The Chairman explained that written confirmation of the decision would be circulated to all within five working days.
- 16) The Sub-Committee ended at 12.20pm.

Chairman

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



Strada Trading Limited
Coppa Club
4 St Paul's Churchyard
EC4M 8AY

Telephone 020 7332 1410
Fax 020 7796 2621
Email: Julie.mayer@cityoflondon.gov.uk

Our ref JM/LIC

Date 22 July 2016

Dear Sir/Madam

Applicant:	Strada Trading Ltd
Premises:	4 St Paul's Churchyard, EC4M 8AY
Date / time of Hearing:	Friday, 15th July 2016
Venue:	Committee Room 1, 2nd Floor, West Wing, Guildhall, London EC2P 2EJ

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the Hearing held on 15 July 2016 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Deputy Jamie Ingham Clark (Chairman), Deputy John Barker and Michael Hudson. Mr Hudson declared an interest as the Old Deanery is in Castle Baynard Ward, the Ward he represents. Those attending were asked if they consented to Mr Hudson being a Member of the Sub-Committee and were informed Mr Hudson would, if there was an objection, withdraw. There was no objection.

A partner from Thomas and Thomas Partners, Thomas O'Maoileoin the Solicitors representing the Applicant and a representative from Strada Trading (the Applicant) made submissions in support of the application.

Mr C C Scott, Senior Property Manager (Church Commissioners, the Church of England) spoke in opposition of the application and called Mrs Chartres (resident of The Old Deanery, next to the premises) to speak as a witness.

1. This decision relates to an application made by Strada Trading Ltd, for a variation to a premises licence in respect of the premises situated at 4 St Paul's Churchyard, EC4M 8AY.
2. On 19 April 2016, the applicant sought a Variation to the existing Licence, along with the removal of the following conditions:

- 1 and 1a – primarily restricting the permitted hours for the sale of alcohol to 23:00 - unless taking a table meal
- 2 - Restricting access to the premises of children under fourteen years of age
- 3 - Placing a restriction on payment of sales of alcohol at the time of supply, unless paid for with a meal.

3. At the meeting, the applicant proposed the following amendments to their application, in response to the concerns of those making representations. The application originally sought to extend the terminal hour for the sale of alcohol to 02:00 - Monday to Sunday. However, at the start of the hearing, the Applicant amended the original application, as set out below:

4.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sat 10:00 – 00:00 Sun 12:00 – 23:30	Mon-Sat 10:00 – 00:30 Sun 12:00 – 23:30
Recorded Music	No Restrictions	No Change
Late Night Refreshment	Mon-Sun 23:00 – 05:00	Mon-Sun - as above (for sale of alcohol)

5. 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.
6. 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.
7. 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.
8. 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 (noise)

nuisance. In determining whether a public nuisance would arise, the Sub-Committee relied upon the definition of “public nuisance” contained in Halsbury’s Laws of England which defines public nuisance as “one which inflicts damage, injury or inconvenience on all the Queen’s subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a “public nuisance.”

9. The Sub-Committee heard representations from Mr Scott, who expressed concerns about public (noise) nuisance in respect of the application. Given that the Old Deanery is a Grade 1 Listed Building and single glazed, there would be a greater risk of sound transmission to the premises. Mr Scott was also concerned about the possibility of anti-social behaviour, as well as further noise nuisance on dispersal and from rubbish collections.
10. Furthermore, the proposed variation might affect the sleep of nearby residents and Mr Scott reminded the Sub Committee of the City of London Corporation’s Licensing Policy, which states that it is not unreasonable for residents’ sleep to be undisturbed between 11pm and 7 am. Mr Scott was concerned that the current plans did not show how the noise levels would be mitigated, which was likely to increase with later sales of alcohol. Furthermore, one of the premises’ windows opened onto the Deanery Court Yard.
11. Mr Scott then called Mrs Chartres to speak as a witness, being the resident of the Old Deanery. Mrs Chartres was concerned at the current saturation of licensed premises in the area and the impact on local residents. However, Mrs Chartres advised that she had enjoyed a cordial relationship with the Applicant and welcomed their spirit of co-operation. Mrs Chartres also confirmed that she had not made any formal complaints against Strada Trading Ltd.
12. The Applicant put forward a number of proposals to address the concerns raised by those making representations, in addition to the amendment to the original application, as set out in the table above. The amended application sought just a 30 minute extension to the existing licence on Mondays to Saturdays and no change on Sundays.
13. The Applicant explained that whilst the ‘Coppa Clubs’ were a new concept in London, with this being the third to open, they were not nightclubs but late ‘supper clubs’ which were open to all. There would be no regulated entertainment, just incidental background music for diners, so there would be no requirement to include ‘recorded music’ as a licensable activity. There was no intention to increase the capacity or change the balance in food or alcohol sales and the Applicant’s intention was to offer a style of continental dining, in response to customers’/tourists’ expectations.

14. The Applicant had contacted the Police, prior to the Hearing, and agreed that the Licence would not make provision for promoted events.
15. The Applicant proposed that existing conditions 4 – 7 be removed and replaced with those set out in the appendix to the letter.
16. With regards to waste collections, the Applicant stated that the Company would make arrangements to ensure that waste was collected in accordance with the City's Time Banding Scheme but not between 11:00pm and 7:00am.
17. In reaching their decision, the Sub Committee was satisfied that the proposals put forward by the Applicant met the relevant licensing objective, which in this case was public (noise) nuisance.
 - 17.1 The Sub-Committee took into account the somewhat unique character of the nearby residential property and the fact that, currently, there were no other establishments in the area serving food and alcohol past 11 pm. The Sub Committee was also mindful of the concerns that any extension in hours might encourage other establishments to do likewise, but were satisfied in this case undue public nuisance was unlikely to occur.
 - 17.2 The Sub-Committee also considered the measures proposed by the Applicant to address the concerns raised. It found the Applicant to be genuine in their intentions, illustrated by the reduced hours of operation put forward at the start of the Hearing, the new conditions proposed and their plans for managing peaceful dispersal, towards St Paul's Cathedral and away from the Deanery.
18. The Sub-Committee decided to grant the revised application to vary the premises licence, so as to extend the permitted licensable activities as set out in paragraphs 3 and 4 above. The Sub-Committee also considered it necessary and appropriate in order to promote the relevant licensing objective (the prevention of public nuisance) to impose additional conditions on the premises licence. These conditions reflect those proposed in advance of the hearing and during the course of the hearing and can be found in the appendix to this letter. Furthermore, the Sub-Committee agreed to the removal of the existing conditions numbered 1, 1a, 3 and 3 in Annex 2 of the premises licence, on the basis that these conditions were not necessary to promote the licensing objectives. The Sub-Committee also noted the applicant's undertaking to ensure that waste collections do not take place between the hours of 23.00 – 07.00. Whilst the Sub-Committee did not consider it necessary or appropriate to

impose a condition to this effect, it fully expects the applicant to honour this commitment.

19. 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,

Julie Mayer
Clerk to the Licensing (Hearing) Sub Committee

Useful Numbers/Websites:

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

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

publicprotection@cityoflondon.gov.uk

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

Licensing Policy and Code of Good Practice for Licensed Premises:

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

CC: Mr C C Scott, Senior Property Manager (Church Commissioners, the Church of England)

Appendix

Conditions Proposed by the applicant

1. Substantial food and non-intoxicating beverages, including drinking water, shall be available during licensing hours in all parts of the premises, where alcohol is sold or supplied for consumption on the premises. (*This condition was the same as previously, with the word 'liquor' replaced by alcohol*)
2. All windows to be closed after 9pm. (*In addition to this condition the applicant said that the windows to the rear of the premises would be double-glazed and sealed shut.*)
3. All alcohol sales off the premises will be in sealed containers. (*The Sub Committee noted that the number of off-sales was very low at the premises.*)
4. Notices would be placed at all exits, asking patrons to leave quietly.
5. A direct line telephone number for the on duty manager would be provided to all residents in the vicinity.
6. No promoted events will 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.

MINUTES OF THE LICENSING REVIEW (HEARING) SUB COMMITTEE

HELD ON TUESDAY 9 AUGUST 2016

APPLICANT: GREENE KING RETAILING LIMITED
PREMISES: KINGS STORES, 14 WIDEGATE STREET, LONDON E1
7HP

PRESENT

Sub Committee:

Jamie Ingham Clark (Chairman)
Peter Dunphy
Michael Hudson

Applicant:

Mr Lucas Owen, Dedicated Premises Supervisor (DPS), Kings Stores
Mr Jim Archer, Senior Risk Manager for Greene King Retailing Limited

Responsible Authorities and Other Persons:

Mr Oscar Gomes, local resident

In Attendance:

Mr Steve Blake, Department of Markets and Consumer Protection
Mr Paul Chadha, Comptroller and City Solicitor's Department
Mrs Gemma Stokley, Town Clerk's Department

Licensing Act 2003 (Hearings) Regulations 2005

A Hearing was held at 10:00am in Committee Room 1, Guildhall, London, EC2, to consider and determine an application for a variation to a premises licence for **14 Widegate Street, E1 7HP**.

The Sub Committee had before them the following documents:-

- Hearing Procedure
- Report of the Director of Markets and Consumer Protection:
- Appendix 1 – Copy of Application
- Appendix 2 – Current Licence
- Appendix 3 – Representations from 'Other Persons':
Resident
- Appendix 4 – Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales

Appendix 5 - Current Plans

- 1) The Hearing commenced at 10:00am.
- 2) The Chairman introduced the Sub-Committee members and all Officers present. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Sub-Committee.
- 3) The Chairman opened the hearing by underlining that the Sub-Committee's decision must be made with a view to promoting one or more of the four licensing objectives and that these could only be promoted during licensed hours.
- 4) After establishing that Mr Gomes did not wish to make any oral representations, the Chairman invited the applicant to respond to the concerns around the extended opening hours raised within Mr Gomes' letter of objection.
- 5) Mr Owen stated that the premises were looking to extend their opening hours in order to capture breakfast trade, in particular those making their way into work, which was a clear growth area. The premises at Widegate Street had been chosen as one of the Greene King group's test sites for this venture. Mr Owen added that, in the two years that he had served as DPS for the premises, no issues had arisen regarding the management of the venue. He was therefore confident that the management of the premises during these extended hours, if granted, would be unproblematic.
- 6) Mr Owen went on to inform the hearing that he was familiar with Mr Gomes and spoke to him regularly. Mr Owen had provided Mr Gomes with a contact telephone number on which he could contact him directly regarding any concerns/complaints he had around the management of the premises.
- 7) In direct response to the objection from Mr Gomes, Mr Owen proposed the concession that no outside drinking would be permitted from 07:00 – 10:00.
- 8) In response to the other concerns raised by Mr Gomes regarding glass collections at the venue, Mr Owen stated that there was a very small window in which the premises could schedule these collections without going against the restrictions put in place by the City of London Corporation. He did, however, recognise that this was an issue and reported that the venue were currently in the process of reviewing this matter and would be looking to arrange collection later in the day between 08:00 – 12:00 going forward to directly address any on-going concerns from local residents.
- 9) In response to questions from the Panel, Mr Owen stated that it was anticipated that approximately 20 covers would be achieved between the hours of 07:00 – 11:00 each weekday (Monday – Friday) and that the premises would initially run incentives for local businesses to take advantage of the early opening hours. Initially, the premises only intended to open from 07:00 Monday – Friday

and from 10:00 Saturday – Sunday. Mr Owen added that the new hours, if granted, would be advertised via the applicant's social media pages and via email to those already registered on the applicant's database. In-house marketing would also promote the new offering.

- 10) In response to a further question from the Panel suggesting that the application might be amended to extend opening hours for Monday – Friday only given that the initial target market would be those on the way to work, Mr Archer stated that the applicant would prefer to have the flexibility to open from 07:00 at weekends too if the Monday-Friday offering proved to be successful. This would prevent the need for a future application to further extend the early opening hours in the near future.
- 11) Mr Gomes questioned if there would be staff on the door during the new early morning opening hours to monitor any noise from the premises. Mr Owen responded by stating that there would always be a manager and personal licence holder on site. He added that it was not anticipated that noise would be a particular issue in the earlier hours of the morning and underlined that the City's Licensing Team had always been satisfied with the management arrangements in place at the premises.
- 12) Mr Gomes summed up his objections to the application by stating that the current level of noise emitting from the premises was unacceptable. He added that this did not appear to be very well monitored and that late night was a particular issue.
- 13) The Chairman clarified that the Hearing could only consider the impact of the hours the applicant wanted to extend their opening by and not the current late night opening. He reassured Mr Gomes that the extended early morning opening hours appeared to be primarily food orientated.
- 14) The Chairman thanked all parties for their attendance and explained that the Sub-Committee would now retire to deliberate on the application. The Chairman explained that it was expected that the Sub-Committee would come to a decision that day and therefore invited all present to remain in the meeting room while the Sub-Committee considered its decision.
- 15) The Sub-Committee retired at 10.17am.
- 16) At 10.28am the Sub-Committee returned from their deliberations and explained that they had reached a decision. The Chairman thanked those who had remained to hear the decision of the Sub-Committee.
- 17) 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.
- 18) In reaching its decision the Sub Committee took into account the character of the area and the proposed business operations of the applicant. The Sub-

Committee noted that the premises was situated in an area of the City which attracted high early morning footfall, that the nature of the early hours business was intended to be food based and that the anticipated number of patrons taking advantage of the proposed early opening hours was relatively low. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application and it was satisfied that, with the imposition of suitable conditions, the variation sought would not contravene the duty to prevent public nuisance.

- 19) The Chairman reported that it was the Sub-Committee's decision to vary the premises licence as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Sun - Wed 11:00 – 23:00 Thu - Sat 11:00 – 00:00	Sun - Wed 07:00 – 23:00 Thu - Sat 07:00 – 00:00
Recorded Music, Live Music, similar to both	Mon–Sun 18:00 – 23:00	No Change
Late Night Refreshment	Thu - Sat 23:00 – 00:00	No Change

- 20) Mindful of the nature of the premises and the concerns expressed, the Chairman explained that the Sub-Committee considered the following conditions and amendments to the existing licence to be appropriate and necessary to promote the licensing objectives:

- a) *The removal of condition '4' from the existing licence - to be replaced with: "There shall be no sale of alcohol in unsealed containers for consumption off the premises between 23:00 and 10:00 the next day.*
- b) *The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising (MC19).*
- c) *The Sub-Committee also gave consideration to the existing conditions on the premises licence and concluded that a number of conditions were no longer necessary and appropriate insofar as they related to restrictions of the previous licensing regime. Accordingly, the Sub-Committee decided, with the consent of the premises licence holder that the following conditions should be removed from the premises licence:*
 - *condition '1' of the existing licence.*
 - *condition '2' of the existing licence.*
 - *condition '7' of the existing licence.*

- 21) The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would be circulated to all within five working days.

The meeting closed at 10.32am

Chairman

Contact Officer: Gemma Stokley

Tel. no. 020 7332 1407

E-mail: gemma.stokley@cityoflondon.gov.uk

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



Green King Retailing Ltd
Westgate Brewery
Westgate Street
Bury St Edmunds
IP33 1QT

Telephone 020 7332 1407
Fax 020 7796 2621
Email:
gemma.stokley@cityoflondon.gov.uk

Our ref GS/LIC

Date 11 August 2016

Dear Sir/Madam

Applicant:	Greene King Retailing Ltd
Premises:	Kings Stores, 14 Widegate Street, E1 7HP
Date / time of Hearing:	Tuesday, 9 August 2016 – 10.00am
Venue:	Committee Room 1, 2nd Floor, West Wing, Guildhall, London EC2P 2EJ

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 9 August 2016 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Deputy Jamie Ingham Clark (Chairman), Peter Dunphy and Michael Hudson.

Mr Lucas Owen, DPS for the Premises and Mr Jim Archer, Senior Risk Manager for Greene King Retailing Ltd, made submissions in support of the application.

Mr Oscar Gomes made submissions against the application.

1. This decision relates to an application made by Greene King Retailing Ltd, for a variation to a premises licence in respect of the premises situated at 14 Widegate Street, E1 7HP

The application sought to bring forward the commencement hour for alcohol sales to 07:00 Monday to Sunday. Every other aspect of the current licence to remain the same:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Sun - Wed 11:00 – 23:00	Sun - Wed 07:00 – 23:00
	Thu - Sat 11:00 – 00:00	Thu - Sat 07:00 – 00:00

Recorded Music, Live Music, similar to both	Mon–Sun 18:00 – 23:00	No Change
Late Night Refreshment	Thu - Sat 23:00 – 00:00	No Change

2. During the hearing, the applicant, in response to the objection from a local resident, proposed the concession that no outside drinking would be permitted from 07:00 – 10:00.
3. In response to questions from the Chairman, Mr Owen stated that the premises were looking to extend their opening hours in order to capture breakfast trade, in particular those making their way into work, which was a clear growth area. Initially, the premises only intended to open from 07:00 Monday – Friday and from 10:00 Saturday – Sunday. The premises at Widegate Street had been chosen as one of the Greene King group’s test sites for this venture. Mr Owen added that, in the two years that he had served as DPS for the premises, no issues had arisen regarding the management of the venue. He was therefore confident that the management of the premises during these extended hours, if granted, would be unproblematic.
4. Mr Owen went on to inform the hearing that he was familiar with Mr Gomes and spoke to him regularly. Mr Owen had provided Mr Gomes with a contact telephone number on which he could contact him directly regarding any concerns/complaints he had around the management of the premises.
5. In response to the concerns raised by Mr Gomes regarding glass collections at the venue, Mr Owen stated that there was a very small window in which the premises could schedule these collections without going against the restrictions put in place by the City of London Corporation. He recognised that this was an issue and reported that the venue were currently in the process of reviewing this matter and would be looking to arrange collection later in the day between 08:00 – 12:00 going forward to directly address any on-going concerns from local residents.
6. In response to questions from the Panel, Mr Owen stated that it was anticipated that approximately 20 covers would be achieved between the hours of 07:00 – 11:00 each weekday (Monday – Friday). He added that the new hours, if granted, would be advertised via the applicant’s social media pages and via email to those already registered on the applicant’s database. In-house marketing would also promote the new offering.
7. In response to a further question from the Panel suggesting that the application might be amended to extend opening hours for Monday – Friday only given that

the initial target market would be those on the way to work, Mr Archer stated that the applicant would prefer to have the flexibility to open from 07:00 at weekends too if the Monday-Friday offering proved to be successful. This would prevent the need for a future application to further extend the early opening hours in the near future.

8. Mr Gomes summed up his objections to the application by stating that the current level of noise emitting from the premises was unacceptable. He added that this did not appear to be monitored in any way and that late night was a particular issue.
9. The Chairman clarified that the Hearing could only consider the impact of the hours the applicant wanted to extend their opening by and not the current late night opening. He reassured Mr Gomes that the extended early morning opening hours appeared to be primarily food orientated.
10. 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.
11. 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.
12. 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.
13. 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.
14. In reaching its decision the Sub Committee took into account the character of the area and the proposed business operations of the applicant. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application.
15. It was the Sub-Committee's decision to grant the premises licence as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Sun - Wed 11:00 – 23:00	Sun - Wed 07:00 – 23:00

	Thu - Sat 11:00 – 00:00	Thu - Sat 07:00 – 00:00
Recorded Music, Live Music, similar to both	Mon–Sun 18:00 – 23:00	No Change
Late Night Refreshment	Thu - Sat 23:00 – 00:00	No Change

16. The Sub Committee then considered the issue of conditions and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.

17. Mindful of the nature of the premises and the concerns expressed, the Sub-Committee considered the following conditions and amendments to the existing licence to be appropriate and necessary to promote the licensing objectives:

- a) *The removal of condition ‘4’ from the existing licence - to be replaced with : “There shall be no sale of alcohol in unsealed containers for consumption off the premises between 23:00 and 10:00 the next day.*
- b) *The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising (MC19).*
- c) *The removal of condition ‘1’ from the existing licence.*
- d) *The removal of condition ‘2’ from the existing licence.*
- e) *The removal of condition ‘7’ from the existing licence.*

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

Yours faithfully,

Gemma Stokley
 Clerk to the Licensing (Hearing) Sub Committee

Useful Numbers/Websites:

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

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

publicprotection@cityoflondon.gov.uk

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

Licensing Policy and Code of Good Practice for Licensed Premises:

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

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Committee(s)	Dated:
Licensing	25 October 2016
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 Noting
Report author: Peter Davenport - Licensing	

Summary

This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 20 June 2016 to 30 September 2016. 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.

The report gives a summary of the enforcement action taken under the Licensing Act 2003 between 20 June 2016 and 30 September 2016. 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 February 2015 to 31 July 2016.

Recommendation(s)

Members are asked to:

Note the report

Main Report

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 20 June 2016 and 30 September 2016. Each of these appendices contain details of any conditions attached to the premises licences.
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. 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.
5. Appendix III provides data from 20 June 2016 to 30 September 2016.
6. 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.
7. 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.
8. 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.
9. This report details data produced from the 'traffic light' risk scheme for the period of 1 February 2016 to 31 July 2016. Two premises have a sufficient number of points to be classified as 'red' and one premises has a sufficient number of points to be classified as 'Amber'. Further details can be seen in Appendix IV.
10. 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.
11. 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.
12. 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 so, officers from this Department seek authorisation to take the appropriate enforcement action.

13. 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.
14. 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

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

Appendices

- Appendix 1 – New Licence Applications issued between 20 June 2016 to 30 September 2016
- Appendix 2 – Applications to vary a licence issued between 20 June 2016 to 30 September 2016
- Appendix 3 - Enforcement Action carried out between 20 June 2016 to 30 September 2016 (Including complaints received)
- Appendix 4(Non-Public) – Premises reaching red and amber on the risk scheme between 1 February 2016 and 31 July 2016.

Background Papers

None

Peter Davenport

Licensing Manager

T: 020 7332 3227

E: peter.davenport@cityoflondon.gov.uk

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Appendix I

New Licence Applications Issued by way of Delegated Authority (20 June – 30 September 2016)

Name	Address	Ward	Details
50 Bishopsgate	50 Bishopsgate	Lime Street	A 21:00
Sodexo	8-10 Moorgate	Broad Street	A 22:30
Hub by Premier Inn	15 St Swithin's Lane	Walbrook	A, L, (b) 00:00
Cheval	40 Lower Thames St	Tower	A 23:00
Leon	10 Mezzanine. Liv St	Bishopsgate	A, (f) 00:00
Coffee Life	62-63 Mark Lane	Tower	A 22:30
The Three Cranes	28 Garlick Hill	Vintry	A, L, (f) 00:00
Itsu	191-192 Fleet Street	Farringdon W/out	A 22:00
Nespresso	100 Cheapside	Cheap	A 23:00
Alchemy Cafes Ltd	8 Ludgate Broadway	Farringdon w/in	A 22:00
UBS Ltd	5 Broadgate	Bishopsgate	A, L 00:00
Ten Trinity Square	10 Trinity Sq (Club)	Tower	A,L,(e),(f),(g),(b),(c) 03:00
Four Season's Hotel	10 Trinity Sq (Hotel)	Tower	A,L,(e),(f),(g),(b),(c) 05:00
Barraka	7 Artillery Lane	Bishopsgate	A, L 23:30

Total Licences Issued = 14

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	3	Farringdon w/out	1
Broad Street	1	Lime Street	1
Cheap	1	Tower	4
Farringdon w/in	1	Vintry	1
		Walbrook	1

Conditions Applied to Licences Granted by way of Delegated Authority

50 Bishopsgate

1. A CCTV system shall be in operation at all times the premises are open to the public.
2. 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: Directors, Partners, Agents, Officers and employers of ING Barings and the licensee (and subsidiaries and affiliated companies thereof) and their bonafide guests. Persons attending by prior invitation to a private or organised function in the premises, a list of whom is to be kept at reception and made available for inspection by relevant authorities immediately upon receipt.

Hub by Premier Inn

1. Alcoholic drinks may not be removed from the premises in open containers, save for consumption in the hotel bedrooms.
2. The premises shall install and maintain a CCTV system. Recordings shall be kept available for a minimum of 31 days with date and time stamping.

Cheval

None

Leon

- 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 recordings of the preceding two days immediately when requested.

Coffee Life

1. The premises shall install and maintain a comprehensive CCTV system. All public areas of the licensed premises, including all public entry and exit points, will be covered.

The Three Cranes

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. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of customers
- (c) any incidents of disorder (disturbance caused either by one person or a group of people)
- (d) seizures of drugs or offensive weapons
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol during the hours the premises is licensed to sell it

3. All glasses in use at the premises shall be either toughened glass or polycarbonate material.

4. 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 21 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Itsu

None

Nespresso

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

Alchemy Cafes Ltd

1. The premises shall install and maintain a comprehensive CCTV system. All public areas of the licensed premises, including all public entry and exit points, will be covered.

UBS Ltd

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. Licensable activities will only be provided to employees of the premises licence holder, subsidiary companies, agents, servants and invited guests.

10 Trinity Square

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, subject to the requirements of the Data Protection Act 1998 (as may be amended) and any guidance on the use of CCTV that may be issued by the Information Commissioner in respect of CCTV from time to time, the police or the Licensing Authority recordings of the preceding two days as soon as reasonably practicable when requested.

2. Save for where prior written agreement is obtained from the Police Licensing team (such agreement not to be unreasonably withheld), no Promoted Events will 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 agents or contractors of the licensee (premises license holder) or the club’s operator and the event is (independent of the licensee or the club’s operator) promoted to the general public.

Four Season’s Hotel

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, subject to the requirements of the Data Protection Act 1998 (as may be amended) and any guidance on the use of CCTV that may be issued by the Information Commissioner in respect of CCTV from time to time, the police or the Licensing Authority recordings of the preceding two days as soon as reasonably practicable when requested.

2. Save for where prior written agreement is obtained from the Police Licensing team (such agreement not to be unreasonably withheld), no Promoted Events will 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 agents or contractors of the licensee (premises license holder) or the hotel’s operator and the event is (independent of the licensee or the hotel’s operator) promoted to the general public.

Barraka

1. The supply of alcohol at the premises shall only be to a person taking a meal there and for consumption by such a person as ancillary to their meal.

2. The premises shall install and maintain a comprehensive digital colour CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days.
3. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
4. The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.

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Appendix II

Licence Variations Issued by way of Delegated Authority (20 Jun 16 -30 Sep 16).

Name	Address	Ward	Variation
Astronomer	125-129 Middlesex St	Bishopsgate	<ul style="list-style-type: none"> Terminal hour increased from 00:00 Mon-Sun to 01:00 Mon-Thu, 02:00 Fri-Sat (No change Sun)
Clockjack Deliveries Ltd	3A Botolph Alley	Bridge and Bridge W/out	<ul style="list-style-type: none"> Terminal hour increased from 20:00 to 23:00 Mon-Sun.
Honest Burgers	13 Widegate St	Bishopsgate	<ul style="list-style-type: none"> Removal of condition preventing customers from leaving premises e.g. to smoke, with glass containers and drinks.
Wework	1 Fore Street	Coleman Street	<ul style="list-style-type: none"> Permit supply of alcohol in ground floor restaurant (14:00 – 20:00)
The Phoenix	26 Throgmorton St	Broad Street	<ul style="list-style-type: none"> Terminal hours and commencement hours altered: Sun-Wed 06:30-23:00 (from 08:00-23:00 Mon-Wed and 11-23:00 Sun) Thu-Sat 06:30-00:00 (from 08:00-00:00 Thu-Fri and 11-00:00 Sat)
Caffe Vergnano	70 Mark Lane	Tower	<ul style="list-style-type: none"> Removal of condition preventing the sale of alcohol in unsealed containers for consumption off the premises. (Condition retained limiting 'off sales' to 23:00)
Coppa Club	4 St Pauls Churchyard	Bread St	<ul style="list-style-type: none"> Commencement hour brought forward to 09:00 from 10:00 (Mon-Sat, 12:00 Sun)

KFC	180 Bishopsgate	Bishopsgate	<ul style="list-style-type: none"> • Change of floor plan • Extension of terminal hour from 00:00 (Sun-Fri) and 01:00 (Sat) to 04:00 (Sun-Sat)
Artigiano	70 St Pauls Churchyard	Bread Street	<ul style="list-style-type: none"> • Increased terminal hour from 23:00 to 00:00 and added Late Night Refreshment.

Total Number of Variations = 9

Number of Licences by Ward

WARD	No.		
Bishopsgate	3	Bridge/Bridge w/out	1
Bread Street	2	Coleman St	1
Broad Street	1	Tower	1

Conditions Applied to Licences Granted by way of Delegated Authority

Astronomer

1) The premises shall install and maintain a comprehensive digital colour CCTV system, with effective and extensive coverage of the public areas of the licensed premises, including all public entry and exit points, 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 or member of the security team or the building, 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 subjected to Data Protection Act requirements.

Clockjack

None

Honest Burgers

None

WeWork

None

The Phoenix

None

Caffe Vergnano

None

Coppa Club

None

KFC

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. Between 2300hrs and the closing time of the premises of 0400hrs, a minimum of two SIA registered door supervisors wearing high visibility jackets will be on duty at the premises. During this period of time at least one door supervisor will continually be present at the entrance to the premises to ensure people who are drunk and/or disorderly are refused access to the premises.

3. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of customers
- (c) any complaints received (not concerning food)
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any visit by a relevant authority or emergency service

4. There will be no provision of Late Night Refreshment for consumption on the premises after 00:00 (midnight) until 04:00 hours each day. The upper floors will be closed to the public during these times.

Artigiano

1. The premises shall install and maintain a comprehensive CCTV system. All public areas of the licensed premises, including all public entry and exit points, will be covered.

Personal Licences Issued by way of Delegated Authority

20 June 2016 – 30 September 2016

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**Enforcement Action Carried out Under the Licensing Act 2003
20 June 2016 – 30 September 2016**

Total Number of Inspections	45
Number of Warning Letters	3
Number of Premises advised	20
Number of simple cautions	1 (plus legal proceedings commenced against two traders)
Number of suspension notices	12
Licence lapsed*	2
‘Dead’ Suspensions**	3
‘Live’ Suspensions***	7
Under determination	1

*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 20 June 2016 and 30 September 2016

Outcome Code

No action possible - Complaint unjustified or unsubstantiated

Resolved Informally - 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.

Number of complaints received between

20/06/2016 and 30/09/2016

Total number of complaints: 23

Details	Date	Time	Outcome	Ward
Adriatico Restaurant, Mitre House, 12-14 Mitre Street, London, EC3A 5BU				
Noise from music breakout and patrons	22/07/2016	23:00	Resolved informally	Aldgate
Bengal Tiger, Retail Unit, 62-66 Carter Lane, London, EC4V 5EA				
Noisy extraction fan	07/09/2016	00:30	Resolved informally	Farringdon Within
Noisy extraction fan	18/07/2016	23:01	Resolved informally	Farringdon Within
Noisy extraction fan	07/09/2016	23:03	Notice served	Farringdon Within
Noisy extraction fan	03/09/2016	23:20	Resolved informally	Farringdon Within
Noisy extraction fan	03/09/2016	23:41	Resolved informally	Farringdon Within
Chamberlains, Retail Unit, 23-25 Leadenhall Market, London, EC3V 1LR				
Breakout noise from patrons	21/07/2016	23:25	Resolved informally	Langbourn
Cote Restaurant Limited, 57 Whitecross Street, London, EC1Y 8AA				
Noise breakout	26/07/2016	15:40	Ceased not likely to reoccur	Cripplegate
Dirty Martini Monument, 1 Lovat Lane, London, EC3R 8DT				
Noise breakout	12/07/2016	15:48	Resolved informally	Bridge and Bridge Without
Noise from patrons outside	16/07/2016	22:40	Case still in progress	Bridge and Bridge Without
Noise from patrons outside	15/07/2016	23:49	No action possible	Bridge and Bridge Without
Kings Stores Public House, Kings Stores Public House, 14 Widegate Street, London, E1 7HP				
Regarding the application for a variation of a premises licence to extend opening hours to the public daily from 7am and extend the sale of alcohol from 7am.	03/08/2016	11:57	No action possible	Bishopsgate
La Piazzetta, 5 White Kennett Street, London, E1 7BS				
Noise from restaurant on closing	22/09/2016	22:45	No action possible	Portsoken
Mumbai Square, 7 Middlesex Street, London, E1 7AA				
Noise breakout	29/06/2016	22:41	Ceased not likely to reoccur	Portsoken
New St Grill, 16A New Street, London, EC2M 4TR				
Noise from early morning deliveries	23/08/2016	11:01	Case still in progress	Bishopsgate

One New Change, 1 New Change, London, EC4M 9AF				
Music breakout	20/08/2016	00:01	No action possible	Bread Street
Patch, 58-62 Carter Lane, London, EC4V 5EA				
Noisy patrons	12/07/2016	19:47	Resolved informally	Farringdon Within
Slug and Lettuce, Ground Floor Retail Unit, 5-11 Fetter Lane, London, EC4A 1BR				
Music breakout	12/08/2016	21:46	Resolved informally	Castle Baynard
The Crown and Sugar Loaf, Crown And Sugarloaf Public House, 26 Bride Lane, London, EC4Y 8DT				
Music breakout	04/07/2016	09:46	Ceased not likely to reoccur	Tower
Music breakout	04/08/2016	12:31	Case still in progress	Tower
Noisy patrons	27/08/2016	23:10	Ceased not likely to reoccur	Tower
The St Barts Brewery, 66 West Smithfield, London, EC1A 9DY				
Music breakout from live band	17/09/2016	19:10	Resolved informally	Farringdon Within
Wood Street Bar and Restaurant, 53 Fore Street, London, EC2Y 5EJ				
Music breakout and issues from noisy patrons	25/08/2016	22:12	Ceased not likely to reoccur	Cripplegate

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Committee(s)	Dated:
Licensing	25 October 2016
Subject: Licensing Act 2003: Review of Statement of Licensing Policy	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

Summary

The City of London Corporation in its capacity as Licensing Authority published its first statutory Statement of Licensing Policy under the Licensing Act 2003 in January 2005. Subsequent reviews were published in January 2008 and again in January 2011 and January 2013.

Although not statutorily due for a further review until 2018 it was felt that due to changes in the Corporation's policies and procedures, improvements to the code of practice and major legislative changes to the Licensing Act 2003 there was a need to revise and update the Statement of Licensing Policy sooner.

The consultation period for the revised text of the Policy finished on Thursday 29 September 2016. Three responses to the consultation were received. Their concerns and comments have been taken into account in minor revisions to the Policy attached as an appendix to this report.

Recommendation(s)

Members are asked to:

- Consider the Licensing Policy 2017 in light of the consultation responses and agree the final text.
- Recommend the Policy document to Common Council for their approval.

Main Report

Background

1. As part of the implementation of the Licensing Act 2003 the City of London Corporation, in its capacity as Licensing Authority, published its first statement of licensing principles in January 2005. This document was agreed by your Committee in November 2004. Final approval by Common Council was granted the following month with the document being formally published on the statutory day of 7 January 2005.

2. The legislation stated that licensing authorities must review and republish the statement of licensing policy every three years. A subsequent review was undertaken and agreed by your Committee to reflect the new period that commenced in January 2008 and again in January 2011.
3. The Licensing Act 2003 was amended in April 2012 which extended the period between policy reviews from three to five years. The current City Corporation Policy was reviewed earlier than the statutory time limit in January 2013 to update it following changes in legislation and internal procedures.
4. However, since the current Statement of Licensing Policy was adopted in January 2013 there have again been significant changes to the Licensing Act 2003 and the policies and procedures operated by the licensing team including improvements to the safety thurst scheme and the introduction of the Late Night Levy. These should all be reflected in the text of the Policy.
5. The licensing policy provides transparency for everyone including local residents and businesses, who will be able to refer to the policy when making representations, and applicants for premises licenses when preparing their applications. The Government recommend that the policy should also describe how the licensing authority's approach to licensing will be integrated with local council planning, crime prevention, transport and cultural strategies and any action plan or strategy for the management of the evening economy. The statements should also avoid duplicating other requirements e.g. health and safety regulations which already place a range of general duties on employers and license holders.
6. The preparation of the new Policy has also taken into consideration a document produce by the Safe Sociable London Partnership entitled 'Called in for Review: London Statement of Licensing Policies. Lessons Learnt and Future Development'. The document compares Policies from the London Authorities, suggesting the areas that should be included within a Policy and highlighting examples of best practice.
7. The main changes to the policy were as follows:
 - Updated statutory references
 - Amended text to reflex legislative changes
 - References and new sections on the Late Night Levy, Temporary Event Notices and Cumulative impact.
 - Re-ordering the text to make the document more user friendly and easier for members of the public, applicants and current licence holders to find information relevant to their needs.
 - Expanded information on the four licensing objectives particularly, 'the prevention of public nuisance' and 'the protection of children from harm'.

- New sections on licensing hours and how to make an application.

Consultation

8. The consultation period ran from 25 July 2016 until 29 September 2016. During that period the licensing service received four comments. One was from a responsible authority, one was from a Member and two were from residents.
9. The comments received have been examined and a revised text of the Statement of Licensing Policy 2017 has been produced to take into account their concerns and general points where felt necessary. A copy of the revised text, and that proposed to be agreed to be put before Common Council, is attached as Appendix 1. Changes to the Policy since being put before your Committee on 11 July 2016 have been highlighted.
10. When revising its licensing policy it is a legal requirement for a licensing authority to consult the following:-
 - The Chief Officer of Police for the licensing authority's area,
 - The Fire and Rescue Authority for that area,
 - Each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority's area,
 - Each local authority whose public health functions are exercisable in respect of an area any part of which is in the licensing authority's area,
 - Such persons considered to be representative of holders of premises licences issued by the licensing authority,
 - Such persons considered to be representative of holders of club premises certificates issued by the licensing authority,
 - Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority,
 - Such other persons as the licensing authority considers to be representative of businesses and residents in its area

The City Corporation has fulfilled these statutory obligations as far as its area of jurisdiction is concerned.

11. In addition to the above the following persons, or group of persons were also consulted:
 - All Members of the Common Council
 - All members of the Licensing Liaison Partnership
 - A representative sample of businesses
 - A representative sample of licensing legal experts
 - A representative sample of those premises paying the Late Night Levy

Corporate & Strategic Implications

12. The proposals within this report will meet one of the objectives contained within the Licensing Business Plan for 2016/17, namely, 'Produce and publish a revised Statement of Licensing Policy under the Licensing Act 2003.'
13. The licensing policy is also in line with the City's Core Strategy in protecting amenities of the residential population.

Implications

14. There are no direct financial or risk implications for the Corporation's services associated with this report. Costs for the publication of the new policy can be met within current budget.

Appendices

- Appendix 1 – Statement of Licensing Policy 2017 (highlighted to reflex changes following consultation)

Background Papers

- Licensing Act 2003 Section 182 Guidance
- Previous Statement of Licensing Policy – January 2013
- Called in for Review – Safe Sociable London Partnership

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City of London Corporation

**STATEMENT OF
LICENSING
POLICY 2017**

Licensing Act 2003



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Apendices:

i	List of Exempt Activities
ii	List of persons consulted (to be added later)
iii	Responsible Authorities
iv	Code of Good Practice
v	Model Conditions
vi	Mandatory Conditions
vii	'Traffic Light' Risk Scheme
viii	Local Plan as it relates to licensed premises
ix	Tables and Chairs Policy
x	Sexual Entertainment Venues Policy

FOREWORD

To Be Added

SCOPE

1. The Licensing Act 2003 (the 'Act') relates to the sale of alcohol, the provision of certain entertainment and late night refreshment.
2. Activities that require a licence under the Licensing Act 2003 and covered by this Policy Statement include:
 - a) retail sale of alcohol
 - b) supply of hot food or drink from premises from 23.00 to 05.00 hours
 - c) supply of alcohol to club members
 - d) provision of entertainment listed below (known as regulated entertainment) to the public or club members or with a view to profit:
 - i. film exhibitions
 - ii. performance of a play
 - iii. indoor sporting events
 - iv. a boxing or wrestling entertainment
 - v. some live music performances
 - vi. playing of recorded music
 - vii. dance performances
 - viii. provision of facilities for making music
 - ix. provision of dancing facilities
3. The Live Music Act 2012, which came into effect on 1 October 2012, removes the licensing requirements for certain types of live music performances. The exemptions are set out in Appendix 1 of this document.
4. There are a number of other activities that are exempt from the licensing requirements, details of which are also set out in Appendix 1 of this document.
5. The Act prescribes:
 - a) personal licences which cover the licensing of individuals for the retail sale of alcohol
 - b) premises licences which cover the retail sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment
 - c) club premises certificates which are required to allow the supply of alcohol or the provision of regulated entertainment to certain clubs
 - d) temporary event notices which are required for certain licensable activities on a temporary basis
6. The scope of the Policy Statement covers new applications, transfers and variations of premises licences and club premises certificates, temporary event notices and renewals where applicable. It also includes the policy on the review of licences and certificates which could lead to revocation of the premises licence.

- 7 In general, a reference in the Policy Statement to a premises licence will include a club premises certificate. This policy Statement will cover the period January 2017 to January 2022 but may be amended if there are significant changes in City policy, legislation or case law.
- 8 In carrying out its licensing functions, the authority will promote the licensing objectives set out in the Act. These are:
 - a) the prevention of crime and disorder
 - b) public safety
 - c) the prevention of public nuisance
 - d) the protection of children from harm
- 9 To achieve these objectives, the authority will use its full range of powers and engage all relevant responsibilities including its planning controls, transport controls, crime and disorder policies and powers. The authority will enter into appropriate partnership arrangements, working closely with the Police, Planning Department, the Fire Authority, local businesses, community representatives and local people in meeting these objectives.

INTRODUCTION

10. The City of London is the world's leading international financial and related business services centre – a global powerhouse at the heart of the UK's financial services. It provides dedicated services to the City, from maintaining its infrastructure to top level economic development, as well as carrying out all the services expected of a local authority. It also provides services that affect people outside its geographical boundary – making a contribution to both regional and national prosperity.
11. Although the City is predominantly a business area, there are significant pockets of residential accommodation. In addition to the well-established, concentrated housing developments at the Barbican, Golden Lane, Mansell Street and Middlesex Street, there are smaller scale residential areas including Queenhithe, the Temples, Carter Lane and parts of Smithfield. Residential development has also occurred on a scattered basis in the rest of the City, often involving the redevelopment and conversion of former business premises.
12. The City of London is unlike the vast majority of other licensing authorities in that the ratio of residents to the number of persons coming into the City of London to work and socialise is quite small. It is however vital that their residential amenity is protected and this is emphasised in the City's Core Strategy which aims 'To protect existing housing and amenity and provide additional housing in the City, concentrated in or near existing residential communities...'.
.
13. The City Corporation fully supports the provision of recreational and cultural activities and sees these as being of great benefit to the community, especially people working in a high pressure business environment. To this end, the City Corporation is the third biggest sponsor of the arts in the country, after the Government and the BBC. The LDF Core Strategy contains two specifically relevant strategic policies encouraging, where appropriate, the provision of a wide range of public and private recreational, art, heritage and cultural facilities.
14. The City Corporation aims to reconcile all these facets of life in the City to minimise the potentially damaging tensions that could arise between the business, residential and leisure communities. This Policy Statement sets out the framework within which the City Corporation will consider, where it can, the grant of licences for activities controlled by the Licensing Act 2003.

Legal Background

15. The Licensing Act 2003 (the 'Act') repealed most of the previous legislation relating to liquor, entertainment and night café licensing and replaced it with a totally new licensing regime. In respect of liquor licensing, responsibility

was transferred from the Magistrates Court (Licensing Justices) to local authorities.

16. This gives the City Corporation authority to grant or reject applications for the sale of **alcohol** or the provision of entertainment or late night refreshment. Conditions designed to ensure the prevention of Crime and Disorder, public safety, the prevention of public nuisance and the protection of children from harm, can be attached to licences. For example, to prevent residents or businesses being disturbed, the City Corporation may restrict licensed hours where it can be shown to be appropriate. However, the ability of local authorities to take decisions is limited either by provisions in the Act, Regulations made under the Act or by guidance from the Home Office (see also paragraph 34).
17. The City Corporation is legally obliged to have regard to the Home Office guidance. The City Corporation may, however, if it is considered appropriate, deviate from the guidance but would need good reason to do so. This Policy Statement takes full account of the current Home Office guidance.
18. In addition, in formulating this Policy Statement, the City Corporation has had regard to the provisions of the European Convention on Human Rights that everyone has the right to respect for his home and private life and that every person is entitled to the peaceful enjoyment of his possessions. The Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a convention right. Consequently, an aim of this Policy Statement, particularly in relation to the decision-making process of the City Corporation, is to ensure that a licensing decision does not breach such a right.
19. The Equality Act 2010 and prior legislation requires the City to give due regard to the elimination of unlawful discrimination when exercising its public duties, to promote equality and good relations between people who share and do not share a particular protected characteristic.
20. The Equality Act 2010 defines a number of protected characteristics and generally provides that no one should be discriminated against or subject to less favourable treatment on the basis of these characteristics. The characteristics are age, disability, ethnicity & race, gender, gender reassignment, marriage or civil partnership status, pregnancy or maternity status (including nursing mothers), religious or philosophical belief or non-belief and sexual orientation. It also ensures rights of access to everyday facilities and services and, in the context of disability, may require service providers to consider making permanent physical adjustments to their premises.
21. The City Corporation will expect licensees to be familiar with the contents of any codes of practice issued by the government under the Equality Act 2010.
22. The City Corporation has taken account of the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely

effect of the exercise of their functions on crime and disorder in their area and to do all they can to prevent such crime and disorder.

23. The Policing and Crime Act 2009 introduced further powers for local authorities regarding the regulation of lap-dancing and other sexual entertainment venues. It also contains provisions on alcohol misuse and imposed new mandatory licensing conditions (see Appendix 6 for all the current mandatory conditions).
24. The City Corporation has taken account of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012, which both brought in legislative changes to the Licensing Act 2003. The changes have been reflected in this policy.
25. The Licensing Act requires that licensing authorities consult with other responsible authorities and representatives of licensees of all types, together with representatives of local residents and businesses. The City Corporation will have regard to the views of these persons in the determination of this policy and its periodic review. Those persons consulted prior to the introduction of this policy can be seen in Appendix 2 with a list of responsible authorities as Appendix 3.

Licensing hours

26. In the night time economy the terminal hour is often a significant factor in determining the nature of the venue.
27. The Licensing Authority has not set framework hours believing that it is best placed to make decisions about appropriate opening hours in the area based on its local knowledge, in consultation with the responsible authorities and other persons. However, residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00.
28. In preparing the operating schedule applicants who wish to provide licensable activities between these hours should have particular regard to:
 - a) The location of the premises, the proximity of residents or other sensitive receptors and the character of the area in which they are located
 - b) The proposed hours during which licensable activities will take place
 - c) The adequacy of the applicant's proposals to prevent crime and disorder and prevent public nuisance
 - d) How customers will arrive and leave the premises and the use of public transport, taxis etc.
 - e) Policies and proposals for the orderly dispersal of customers
29. Applications that give rise to particular concern are those that operate during the daytime and early evening as a restaurant style venue and then as the evening progresses become alcohol led, changing significantly in nature. For applications such as these that are subject to a hearing, the Licensing Authority will impose conditions appropriate to the style of operation and category of the business.
30. When the current licensing regime passed to local government in 2005, one of the aims was to prevent concentrations of patrons exiting the premises at 23:00 as happened under the inflexible licensing hours of the previous liquor licensing arrangements. The Government has abolishing fixed licensing hours in favour of hours suitable for individual premises.
31. In areas containing a number of licensed premises, the policy of the City Corporation will be to encourage licensees to vary their closing times so that patrons leave for natural reasons over a longer period. Notwithstanding that, each application will be determined on its merits. (See also section 12 'Cumulative Impact')
32. In relation to shops, supermarkets and stores the Licensing Authority will look to allow opening hours the same as the other retail part of the premises, for sales of alcohol for consumption off the premises.
33. However, limitations may have to be imposed in the case of premises known to be a focus of disorder, in particular following police representations about the premises. The control of hours for the sale of alcohol may have to be used in order to meet the licensing objectives.

MAKING AN APPLICATION

- 34 The City of London Licensing Authority only has discretion on whether to grant applications for new premises licences or variations to licences, or to impose conditions on granting or varying licences, if representations relevant to the licensing objectives are made by 'responsible authorities' or by 'other persons'. If no representations are received the Licensing Authority must grant all applications for premises licences.
- 35 Applicants for premises licences and club premises certificates are required to complete an operating schedule to accompany their application. In completing the operating schedule, applicants should set out in some detail how they intend to run the premises in order to promote the four licensing objectives. Applicants are expected to have regard to this statement of licensing policy when completing their operating schedules.

In all cases, the granting of a licence will depend on the impact of an activity, particularly on local residents or late night businesses. Consideration will be given to relevant matters including, but not limited to, the level of noise and vibration, litter, people coming and going, queuing and any potential for criminal activity or disorder.

- 36 The City Corporation takes note of the nuisance and potential danger to pedestrians and particularly to disabled people and those using access equipment or items such as pushchairs by the obstruction of the highway, which includes the footway, by customers of the licensed premises smoking, drinking and eating on the public highway.
- 37 The City Corporation will expect that all operating schedules indicate in detail the steps an applicant is taking to comply with the licensing objectives.
- 38 Any operating schedule submitted in respect of premises shall include proposed times of operating and details of how the applicant intends to comply with the licensing objectives and in particular, how the outside areas will be managed to prevent noise, smell, or obstruction nuisance to neighbours and the public
- 39 The City Corporation will expect:
- a) all applications to be accompanied by a covering statement explaining in some detail the nature of the proposed operation. If the application is for a licence variation, the statement must also set out the reasons for the variation and whether there are any proposals to change the nature of the operation at the premises
 - b) all applicants to address the licensing objectives in their operating schedule which they are required by the Act to prepare

- c) all applications to be accompanied by a plan scaled at 1:100 in electronic format together with a hardcopy on A3 size paper using colour where necessary
- d) the operating schedule to have regard to the nature of the area where the premises are situated, the proximity of residents or other sensitive receptors, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community
- e) the applicant to demonstrate in the operating schedule that they have taken appropriate measures to ensure that the premises will be 'good neighbours' and where appropriate demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their premises
- f) applicants will complete their own detailed risk assessments on their businesses using the Code of Good Practice for licensed premises as a guide
- g) any proposed changes to the operating schedule, including change of use, to be notified to the Licensing Authority and, depending on the nature of the changes proposed, the Licensing Authority may require a new premises licence application or the submission of an application to vary the existing licence

- 40 A failure to complete the operating schedule in sufficient detail could result in representations being made against the application.
- 41 The City Corporation has produced a Code of Good Practice for Licensed Premises to assist applicants in completing their operating schedules for the promotion of the four licensing objectives. The Code forms part of the City Corporation's statement of licensing policy and is attached as Appendix 4 to this document. The City Corporation will expect all applicants to have regard to the Code and to make a positive commitment to preventing problems from occurring at their premises.
- 42 In order to reduce the number of representations and the cost for all parties in having to attend a hearing, applicants are strongly urged to attend a pre-application meeting with officers of the City of London. This will give the applicant the opportunity to discuss any issues with the licensing officers and if necessary, the police and environmental health. Officers can discuss all aspects of the application and compliance with the City of London Licensing Policy to pre-empt any unnecessary representations and hearings.
- 43 The costs falling on all parties can be materially reduced if the applicant has early and detailed discussions with local residents in order to prevent representations from being made. Almost all representations made against the granting of a licence are made either by 'responsible authorities' or local residents.

Notification of new applications

44. It is the policy of the City Corporation that it will always endeavour to make all those affected by an application aware of applications and of the opportunity to make representations. In doing so, every application for a premises licence will be required to be advertised by both the licensing authority and the applicant which will bring the details of the application to the notice of residents and other persons.
45. In addition to statutory requirements, the licensing authority will advertise all new licence applications, applications to vary existing licences and Temporary Event Notices on the City of London web site. We will also notify any person by email the details of new licence and variation applications where a person so requests to be kept informed.
46. Representations must be relevant and not vexatious or frivolous. To be relevant the representation will be accepted if it relates to the likely effect of the grant of a licence on the promotion of at least one of the licensing objectives. In other words representations should relate to the impact of licensable activities carried on from premises on the objectives. Representations based on vague references to what may happen if the licence is granted will almost certainly be considered frivolous and therefore not relevant.
47. Representations that are founded in whole or in part on stereotypical comments that are based on nothing more than protected characteristics as defined by the Equalities Act 2010, will be treated as vexatious and not considered relevant representations.
48. The grant of a licence could have a significant impact on the lives or businesses of those living or working in the area around the premises for which a licence is sought. It is only right, therefore, that all those likely to be affected by an application are made aware of it and of the opportunity to make representations.

Personal Licence Applications

- 49 The City Corporation recognises it has little discretion regarding the granting of personal licences. In general provided an applicant has a qualification, accredited by the Secretary of State or a certified equivalent, and does not have certain serious criminal convictions, the application is required to be granted.
- 50 If an applicant has a relevant conviction the Police may oppose the application, in which case a hearing will be held.
- 51 Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the City Corporation under the Crime and Disorder Act 1998. A person holding a personal licence should be properly qualified and be able to assist the action against crime. Granting a licence to a known

criminal will in many cases undermine rather than promote the crime prevention objective.

- 52 At any hearing the licensing authority will consider the seriousness and relevance of the disclosed conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The City Corporation will refuse the application if it is satisfied that granting it would not promote the licensing objectives.

CRIME AND DISORDER

- 53 This section details criteria that the applicant should have in mind when drawing up an operating schedule in relation to 'The Prevention of Crime and Disorder' licensing objective. The criteria apply to all applications and will be a consideration when responsible authorities or 'other persons' are deciding whether to make representations or whether to call for a review.
- 54 The City of London Licensing Authority sees the Police as the main source of advice on crime and disorder. The Authority also work closely with the Safer City Partnership and co-operate with other bodies such as the Security Industry Authority (SIA).
- 55 The following are matters that the Licensing Authority will seek advice particularly from the Police:
- a) The levels of crime and disorder currently experienced in and around the premises.
 - b) Whether suitable use of CCTV is proposed both inside and outside the premises.
 - c) Any measures in place that promote sensible drinking and discourage excessive drinking and drunkenness.
 - d) The management competency of designated premises supervisors and licence holders in circumstances where poor management competency could give rise to issues of crime and disorder and/or public safety.
 - e) The use of SIA registered door supervisors where appropriate.
 - f) Search policies for the detection of drugs and weapons where appropriate.
- 56 Of particular relevance to the prevention of Crime and Disorder is the number of problems associated with premises operating promoted events. A promoted event is defined as, '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 premises licence holder and/or the event is (independent of the premises licence holder) promoted to the general public.'
- 57 Where it is considered that operating a promoted event could give rise to issues of crime and disorder it is expected that these matters are to be addressed in the operating schedule. If the premises are deemed not suitable to operate a promoted event a 'No Promoted Events' condition would expect to be found (see also section 13).
- 58 If it is the intention to run promoted events the Licensing Authority would expect to see in the operating schedule:
- a) a comprehensive risk assessment undertaken by the licence holder to ensure that crime and disorder and public safety matters are identified and addressed

- b) that the appropriate City of London Police Promoted Event Risk Assessment Form be used for each event and submitted to the Police at least 14 days before the event takes place
- c) that promoters have obtained BIIAB Level 2 for Music Promoters
- d) that the door supervisor per customer ratio should be a minimum of 1 : 50

- 59 Recent surveys indicate the use of illegal drugs is still prevalent within premises licensed to sell alcohol. This is particularly true of what are often referred to as 'recreational drugs' with the range of substances increasing. The misuse of such drugs holds grave danger and has led to fatalities.
- 60 Other factors may have contributed to these deaths, such as a lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.
- 61 Drugs alter the way people behave, so their distribution and possession is controlled by law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength which puts people taking such drugs in further danger.
- 62 The City Corporation recognises that drug use by young people in a club environment is not something that applies to all licensed premises. However, many entertainment venues, such as night clubs and dance venues, can be popular with both drug users and suppliers.
- 63 In particular, the City Corporation will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook. The BIIAB is a legal entity, and is the British Institute of Inn Keeping Awarding Body. The City Corporation will also expect licensees to be following the recommendations of the book 'Safer Clubbing' issued by the London Drug Policy Forum and endorsed by the Home Office.

The City Corporation will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse by way of management and design of the premises.

Failure to follow these recommendations, and those set out in the Code of Good Practice for Licensed Premises, on a voluntary basis could lead to the licence being reviewed with the possibility of revocation.

- 64 The City of London Corporation runs a Safety Thirst scheme whereby licence holders can show their premises are operating in a way that promotes the four licensing objectives. It is recognised by the Licensing Authority that premises which meet the safety thirst criteria are less likely to cause problems which will be looked at favourably if ever they were to come before a licensing hearing.

PUBLIC SAFETY

- 65 This section details criteria that the applicant should have in mind when drawing up an operating schedule in relation to the 'Public Safety' licensing objective. The criteria apply to all applications and will be a consideration when responsible authorities and 'other persons' are deciding whether to make representations or whether to call for a review.
- 66 Public safety is about protecting the safety and the lives of patrons. It is the wish of the City Corporation that anyone visiting a licensed venue in the City can do so in complete safety and premises may be inspected to ensure that they have been constructed with safety in mind and are well managed and maintained. The City of London Licensing Authority sees the London Fire Service as one of the main sources of advice on public safety.

The City Corporation will expect:

- i) the premises to be presented to the highest possible standards of safety
- ii) the applicant to have addressed the requirements of Health & Safety at Work and Fire Safety legislation and, where appropriate, the Technical Standards published by the District Surveyors Association. The plans of the premises which must be submitted will be expected to provide evidence of compliance with health and safety matters. Evidence of current safety certificates may be required
- iii) the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times

- 67 It is the policy of the City Corporation that there should be comprehensive facilities and access for people with disabilities wherever practicable. The City Corporation will, therefore, expect the needs of disabled people to be addressed in the operating schedule.
- 68 Wherever practicable, disabled people should not be treated in a less advantageous way than non-disabled people. In addition, there are responsibilities under the Equality Act 2010 and prior legislation that place statutory duties on licensees to ensure that such facilities cater for everyone's needs.
69. With regard to the licensing objective of public safety, the issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. However

there should be evidence that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

70. A safe capacity figure will however be expected in the following circumstances:
- a) In premises that could potentially become overcrowded, for example bars, pubs, clubs, and other places of public assembly, particularly when a promoted event is to take place
 - b) Where an engineered solution or BS 9999 has been used to increase capacity
 - c) Where capacity is risk critical, for example where the premises use has a higher occupancy factor than that which the building was designed for
 - d) Where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity
71. In order to promote the licensing objective of public safety, the issue of the use of candles should be addressed in the fire risk assessment of all premises where candles may be used. The City Corporation requires all measures identified and recommended by the London Fire Brigade during their audit/ inspection to be adopted and implemented at all times, so as to reduce or remove the risk of danger to public safety.

PUBLIC NUISANCE

- 72 This section details criteria that the applicant should have in mind when drawing up an operating schedule in relation to 'The Prevention of Public Nuisance' licensing objective. The criteria apply to all applications and will be a consideration when responsible authorities or 'other persons' are deciding whether to make representations or whether to call for a review.
- 73 Although largely commercial, much of the City is very sensitive to the impact of licensed activities because it is close to either residential areas or areas of late night financial and other businesses. The impact of traffic going to and from licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the numbers of people dispersing may be significant.
- 74 The view of the Government is that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance and ensuring that nuisance is minimised to local residents. The Government believes that shops and public houses should generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers should be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community.
- 75 The City Corporation understands the view of the Government, but considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 02.00 than at 23.00. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00.

It is therefore the policy of the City Corporation to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers. Notwithstanding that all applications will be determined on their individual merits

- 76 In particular, the City Corporation will expect the applicant to be proposing practical steps to prevent disturbance to local residents. The City Corporation will expect the applicant to supply an acoustic report in applicable circumstances confirming that there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the area around the licensed premises. Any doubts as to whether such a report is required can be discussed in the pre-application meeting. Any sound leakage must be addressed in practical ways such as:

- i) keeping doors and windows closed and providing adequate mechanical ventilation
 - ii) reducing sound levels and installing an approved sound limiting device to prevent sound exceeding the appropriate level, both the device and the level to be approved by a suitably qualified acoustic consultant
 - iii) providing double door entry to premises with a ventilated lobby, to reduce noise levels generally and during entry and exit of persons to the premises
 - iv) installing soundproofing measures to contain sound and vibration
 - v) mounting speakers in carefully considered locations using rubber mounts
77. The Licensing Authority expects that premises intended for the provision of noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises with amplified music adjoining, or in very close proximity to, residential properties may not be appropriate.
78. The aim of the Policy is, therefore, to achieve a holistic and balanced approach to these difficult issues although it must be realised that there may be circumstances where measures within the control of the applicant are likely to be insufficient to prevent one or more of the licensing objectives being undermined. In these circumstances it may not be appropriate for a premises licence to be granted.
79. The City Corporation acknowledges the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. However, it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses. Furthermore, it will also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the City.
80. In order to mitigate the noise from patrons leaving a premises, particularly where residents are close by and where it is late at night or early in the morning, the Licensing Authority will expect the applicant to operate a dispersal policy and to include in the operating schedule practical steps such as:
- a) Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors
 - b) At appropriate times making announcements to the same effect within the premises

- c) Instructing door staff to ask customers leaving the premises to leave the area quietly
 - d) Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down
 - e) In appropriate cases, having door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it
 - f) Banning from the premises people who regularly leave in a noisy fashion
 - g) Increasing outside lighting levels
 - h) Instituting a mini cab/taxi booking scheme
81. However, a situation can arise in relation to disturbance caused by the dispersal of customers where in some circumstances, large numbers of customers leaving a premises late at night or early in the morning is simply not appropriate.
- 82 The City Corporation will expect the operators of popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This may sometimes be achieved by simply ensuring that the direction of the queue is away from residential accommodation.
- 83 However, excessive noise and/or disorder will require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. Door supervisors will generally be expected to carry out this role, but they must be given clear instructions as to their duties and responsibilities which should cover other areas of crime and disorder, for example underage drinking and drugs.
- 84 Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. It may also be caused by the customers being noisy on departure or leaving litter. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.
- 85 Since a change in legislation in 2007 preventing people from smoking in premises, public nuisance is now a real possibility from customers smoking outside the premises.
86. Therefore, the proposals in the operating schedule should include an assessment of the potential for public nuisance arising from customers eating, drinking and smoking in outdoor areas and on the public highway outside the premises and how this is to be managed with particular reference being made to:
- a) restricting the number of customers permitted in certain outside areas and/or at certain times

- b) limiting the number of customers permitted on the premises at any one time
- c) not permitting customers who are smoking to take drinks outside with them
- d) the arrangements in place for the regular removal of used glasses, crockery and cutlery
- e) locating smoking areas away from residential premises
- f) using door supervisors and employees to monitor possible public nuisance issues with a ratio not less than 1 door supervisor for every 100 customers
- g) providing a form of demarcation and or physical barrier acceptable to the Highways Authority to be used to mark the boundary of the area outside the premises where customers are allowed to drink
- h) the steps they intend to take to educate their customers and prevent public nuisance arising from litter and prevent the use of alleyways, street corners, and open pavements in the area around their premises as urinals
- i) how they will work with other licensees in the area to combat nuisance caused by night time visitors creating noise and urinating in the alleyways, street corners and open pavements in the area around the premises

When considering whether any licensed activity should be permitted, the City Corporation will assess the likelihood of it causing unacceptable adverse impact, particularly on local residents and businesses, by considering the following factors amongst other relevant matters:

- i) the type of use
- ii) the proposed hours of operation
- iii) the means of access to and exit from the premises by patrons
- iv) the measures that are proposed to avoid nuisance being caused to residents and businesses in particular from outside smoking, drinking and eating in terms of noise, obstruction of the highway and anti-social behaviour
- v) any negative cumulative impact of licensed premises in an area and, in considering any application for review of premises already licensed, the City Corporation may take into account evidence of the following:
 - a) past demonstrable adverse impact from the activity especially on local residents and businesses
 - b) any appropriate measures which have been agreed and put into effect by the applicant to mitigate any adverse impact
 - c) adoption of the City Corporation's Code of Good Practice for Licensed Premises

PROTECTION OF CHILDEN FROM HARM

- 87 This section details criteria that the applicant should have in mind when drawing up an operating schedule in relation to 'The Protection of Children from Harm' licensing objective. The criteria apply to all applications and will be a consideration when responsible authorities or 'other persons' are deciding whether to make representations or whether to call for a review.
- 88 The protection of children from harm is an important licensing objective. Nevertheless, the City Corporation will not normally impose conditions requiring or prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder. However, it will, where appropriate, impose conditions designed to protect children.
89. The Licensing Authority will take strong measures to protect children from harm and introduce additional controls where appropriate. Examples of premises likely to receive additional controls are:
- a) where entertainment or services of an adult or sexual nature are commonly provided
 - b) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - c) where there is a known association with drug taking or dealing
 - d) where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)
 - e) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
90. The Government position is that everyone working in an environment where there may be children present should safeguard and promote the wellbeing of children. All such persons must follow Government guidance entitled, 'What To Do If You're Worried A Child Is Being Abused'.
91. A policy entitled, 'Safeguarding Children Policy for Licensed Premises' has been drawn up by the Pan-London Safeguarding Board. The licensee is responsible for ensuring that they and their staff are familiar with, and competent in following both the Safeguarding Policy and the Government guidance referred to within the document.
92. All owners/licence holders and their staff should have a basic awareness of child protection issues. This includes:
- a) Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences.

- b) Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances
 - c) Licensing Authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions
 - d) Knowing who in the organisation to raise your concerns with
 - e) Being competent in taking appropriate immediate or emergency action
 - f) Knowing how to make a referral to Local Authority Children's Social Care and/or the Police.
93. Where the exhibition of films is permitted, the authority will expect the age restrictions of the British Board of Film Classification (BBFC) or the City Corporation in respect of the films to be exhibited to be complied with.
94. In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC, the City Corporation will classify the films concerned. Adequate notice will need to be given by the Festival organiser if Corporation classification is required. To achieve consistency and the protection of children, the City Corporation will use the guidelines published by the BBFC.
95. In addition, the City Corporation will use its other statutory functions to ensure the protection of children from harm with particular emphasis on the sale of alcohol to underage persons.

While in some circumstances it may be appropriate to impose a complete prohibition, the City Corporation will in other situations consider imposing requirements such as:

- i) limitations on the hours when children may be present
- ii) limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place
- iii) limitations on the parts of premises to which children might be given access
- iv) age limitations (eg. no person under 18)
- v) requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
- vi) full exclusion of those people under 18 from the premises when any licensable activities are taking place

96. These policies are designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are suitable for children but to ensure they are adequately protected.

TEMPORARY EVENT NOTICES

- 97 Temporary Event Notices (TENs) allow licensable activities to take place without the need for a premises licence where the event shall have less than 500 attendees.
- 98 The TEN can only cover a period up to 168 hours (seven days). A maximum of fifteen TENs can be submitted within one calendar year with a maximum number of aggregate days that the TENs may cover within a calendar year being twenty-one.
- 99 If any of the above limits are exceeded the City of London will issue the premises with a counter notice, nullifying the TEN, and prohibiting licensable activities from taking place.
- 100 A TEN submitted to the Licensing Authority at least ten working days before the event is due to take place is known as a 'Standard TEN' and can only be objected to by the Police or Environmental Health within three working days from receipt of the notice. The Licensing Authority has no discretion whether to allow a TEN. Where objections take place the matter is subject to a hearing by elected Members unless an agreement can be made between the 'objector' and the premises user, in which case the objections are treated as withdrawn.
- 101 A TEN submitted to the Licensing Authority between five and nine working days before the event is due is known as a 'Late TEN'. If objections are made by either the Police or Environmental Health the event will not be permitted and a counter notice issued nullifying the TEN. Because of the short timescales the matter is not subject to a hearing and therefore the event will not be permitted to take place.
- 102 It should be noted that a temporary event does not absolve the premises user of any responsibilities under any other legislation e.g. a terminal hour of operation on its planning permission.
- 103 A TEN will however supersede any condition already on the premises licence. The Licensing Authority strongly recommends that those giving TENS for premises already holding a licence in order to extend the terminal hour for licensable activities, to carefully consider applying any conditions on their licence to the TEN. This is particularly relevant for conditions relating to noise control as areas are likely to become more noise sensitive with later hours.

LATE NIGHT LEVY

- 104 It is a requirement in the City of London that all licensed premises authorised to sell alcohol between 00:01 and 06:00 hours will have to pay an annual levy between £299 and £4,400 depending on their rateable value and whether the premises are primarily or exclusively used to sell alcohol for consumption on the premises.
- 105 It can be seen from local crime statistics that the majority of serious crimes, that have a connection with a licensed premises, are committed after midnight. The City of London therefore took the option to introduce the Levy in order to use the money raised to help reduce the incidence of crime and disorder and public nuisance. The Levy was introduced from 1 October 2014.
- 106 The Levy money is split between the City of London Police and the City Corporation.
- 107 The City Corporation is required to spend its allocation in specific areas namely:
- The reduction or prevention of crime and disorder
 - The promotion of public safety
 - The reduction or prevention of public nuisance
 - The cleaning of any highway maintainable at the public expense within the City of London (other than a trunk road) or any land to which the public are entitled or permitted to have access with or without payment and which is open to the air
- 108 A report detailing how the money raised is spent will be produced for the Licensing Committee annually. The effectiveness of the Levy, and whether it should be continued, will be reviewed on a three yearly basis with the first review due in 2017.

CUMULATIVE IMPACT

109. The Licensing Authority recognises that the cumulative impact of licensed premises can be experienced by residents in areas even where there is no current cumulative impact policy. Cumulative impact is not defined in the Licensing Act, but is addressed in national guidance which defines it as *“the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area”*.
110. The Licensing Authority will consider any representation that refers to the impact of a number of premises in an area. The absence of a special policy in an area will not prevent any responsible authority or other person from making representations on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives in the area in question.
111. Representations referencing cumulative impact need to be evidence based i.e. show how the present number of licensed premises are impacting on the objectives and demonstrate how a specific licensed premises in a particular area will add to those problems.

The Licensing Authority will then consider, amongst other things, the question of whether the grant of further premises licences, or club premises certificates, would further undermine one or more of the licensing objectives.

A decision will be made on the individual merits of each application and, if the application is likely to significantly add to the cumulative impact then the licence may not be granted. The converse is also true. If the application is unlikely to significantly add to the cumulative impact, then the licence may be granted.

112. If there are serious problems in a particular area which affect one or more of the licensing objectives, because of the number of licensed premises in the area, the Licensing Authority may implement a Cumulative Impact policy for that particular area. The Licensing Authority would first look to impose conditions on the individual premises in that area, where relevant representations are made.
113. The Licensing Authority will adopt the following procedures if a Cumulative Impact Policy (CIP) for a particular area is required:
- Identify the concerns from a responsible authority or ‘other person’.
 - Investigate the situation to identify the causes
 - Establish if one or more of the licensing objectives are being undermined by customers of a licensed premises

- d) Establish whether any issues can be alleviated using licensing functions currently open to them e.g. review of a particular licence
- e) Consult with those persons that appear appropriate
- f) Adopt and publicise a CIP

114. It is important to note that such a policy if adopted will not cause any existing licences to be changed. It can only apply to new applications and variations of existing licences. It is also not an absolute policy and it would be open to the applicant to show that what is being proposed will not add to problems related to the number of licensed premises in a particular area.

CONDITIONS

115. The Licensing Authority will only issue a licence with conditions that are both necessary and appropriate. Where an application is not subject to a representation any conditions placed on the licence will only be taken that are deemed consistent with the application's operating schedule.
116. Where the application is subject to a representation, or a current licence is subject to review, the Licensing Authority will only place sufficient conditions on the licence in order that the licensing objectives are not undermined.
117. Licence conditions will not be disproportionate to the type of activity to be licensed and will not be imposed where the Licensing Authority is satisfied that other regulatory regimes provide sufficient protection to the public eg. Health and Safety at work and fire safety legislation.
118. It is the policy of the Authority that, when considering and applying conditions, such conditions should be clear, appropriate and enforceable. Conditions will be focussed on matters that are within the control of the individual licence holder.
119. Suggested model conditions have been produced to assist applicants, responsible authorities and other persons when proposing and determining conditions for a premises licence, but all should ensure that the conditions apply specifically to the premises and meet the criteria of clarity, appropriateness and enforceability. (See Appendix 5)
120. Suggested model conditions are neither exclusive nor exhaustive. They do not restrict applicants, responsible authorities or other persons in proposing additional or alternative conditions. Nor do they restrict the Licensing Authority, when determining contested applications, from imposing any reasonable condition on a licence that it considers appropriate for the promotion of the licensing objectives.
121. A premises licence that contains conditions imposed by the City Corporation, or agreed by the applicant, shall also be subject to the statutory mandatory licensing conditions (these mandatory conditions applying to all premises licences). See Appendix 6 for the full list of mandatory conditions.

ENFORCEMENT AND OTHER LEGISLATION

122. Where necessary, enforcement action will be taken in accordance with the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, the Enforcement Concordat and the Regulators' Compliance Code, which promote consistency of enforcement throughout the country. Action taken will meet the requirements of the City of London's Department of Markets and Consumer Protection's Policy Statement on Enforcement.
123. In particular, enforcement action will have regard to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:
- i) risk assessment – i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled
 - ii) consistency – i.e. similar approaches in similar circumstances to achieve similar ends
 - iii) transparency – i.e. helping licensees to understand what is expected and distinguishing between statutory requirements and guidance
 - iv) proportionality – i.e. action taken should be proportional to the risk presented
124. The authority will establish protocols with the local Police and the Fire Authority on enforcement issues to avoid duplication and to provide for the most efficient deployment of City Corporation, Police and Fire Authority officers in respect of inspection of licensed premises and the enforcement of licensing law.
125. The Licensing Authority operate a 'Traffic Light' risk scheme providing a simple but effective monitoring tool which brings together the findings of the licensing authority and responsible authorities in a way that flags up problematic premises at an early stage. It takes a holistic partnership approach to dealing with problem premises under all four licensing objectives and also recognises good practice.
126. Advice and support will be offered to problematic premises with a view to improving standards at their premises and to prevent or minimise subsequent problems. The aim is to avoid the need for enforcement action such as prosecution or licence review but will not replace action where it is necessary for the promotion of the licensing objectives.
127. The scheme does not override the right of any person or authority to review a premises licence or club premises certificate at any stage where problems occur at that premises that are relevant to the promotion of one or more of the licensing objectives. A copy of the scheme can be seen as Appendix 7.

128. The policy of the City Corporation will always be a light touch inspection regime for well-managed and maintained premises, with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.

Planning

129. Licensing and Planning are two separate regimes. As a matter of law the Licensing Authority cannot refuse an application because of the absence of appropriate planning consent.
130. However, It will be the policy of the City Corporation that applicants for premises licences will be reminded of the need to secure the necessary planning consent, if not already obtained, before carrying on their licensable activities. Applicants' attention will be drawn to relevant planning policies in order to assist their application process e.g. policies concerning managing night time entertainment. An application for any variation of a licence would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.
131. Also, the Planning Department is a statutory consultee and has the opportunity to identify premises where the planning permissions and premises licence(s) are not aligned.
132. Coordination of these functions will be facilitated by the Licensing Committee and the Planning & Transportation Committee, each committee being kept informed of the actions taken. In this way unnecessary duplication can be avoided with licensing applications not being a re-run of the planning process and not cut across decision made by the local planning authority.
133. Planning 'policy' is laid down in the Local Plan. A copy of the plan relevant to licensed premises can be seen as Appendix 8.

Tables and Chairs

134. The provision of tables and chairs outside premises, either on the highway or on private land, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to noise problems. This is because they can encourage patrons and passers-by to loiter rather than disperse.
135. The placing of tables and chairs on the public highway requires the consent of the City Corporation's Planning & Transportation Committee. On private land, such consent is not required albeit this may constitute a 'material change of use' that requires planning permission. Applicants should also be mindful of current conditions attached to existing planning permissions and

that the placing of tables and chairs outside their premises do not contravene any planning requirements.

136. The Licensing Authority may determine hours of operation, for example by setting additional conditions where appropriate to meet the licensing objectives, taking into consideration crime and disorder, noise safety and local residents' amenities and would wish to see details of the proposed operation in the operating schedule.
137. The City of London Corporation has produced a Tables and Chairs Policy which all applicants must adhere to. The policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent problems concerning safety and nuisance. A copy of the Tables and Chairs Policy can be seen as Appendix 9.

Sexual Entertainment

138. The City Corporation has a separate policy for applications for Sexual Entertainment Venues (SEV's) in the City and applicants should familiarise themselves to its contents. A copy of the SEV Policy can be seen as Appendix 10.
139. Applicants wishing to offer adult entertainment are expected to complete Box N of the operating schedule and give details of the entertainment to be provided.
140. Limited entertainment can be provided without the need of an SEV licence however, venues wishing to provide this kind of entertainment will generally be expected to offer the following conditions:
 - a) No person under the age of 18 shall be admitted to the premises at any time
 - b) No person under the age of 18 shall be admitted to the premises when adult entertainment is taking place
 - c) The premises shall be so arranged that adult entertainment is not visible from the street.
 - d) There shall be no external advertisement at the premises for adult entertainment (including leafleting)
 - e) Nudity shall only be permitted by performers and not customers.
 - f) A minimum of one metre distance shall be maintained between dancers and customers during adult entertainment
 - g) A written code of conduct for staff participating in the provision of striptease or nudity shall be in place, and shall be kept on the premises for inspection by Police or a duly authorised officer of the Licensing Authority.

- h) A written code of conduct for dancers participating in the provision of striptease or nudity shall be in place, and shall be kept on the premises for inspection by Police or a duly authorised officer of the Licensing Authority.

ADMINISTRATION AND DELEGATION OF FUNCTIONS

140. The Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its Licensing Committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). The Licensing Committee may delegate these functions to sub-committees or, in appropriate cases, to officials supporting the licensing authority. Where licensing functions are not automatically transferred to licensing committees, the functions must be carried out by the licensing authority as a whole and not by its executive.
141. The discharge of functions are as follows:

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim authorities	If a Police objection	All other cases
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases

Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police or environmental health objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If Police objection	All other cases
Decision whether to consult other responsible authorities on a minor variation		All cases
Determination of a minor variation application		All cases

- 142 This statement of licensing policy will cover the period January 2017 to January 2022. It has to be replaced at least every five years with the next one due therefore in January 2022.
- 143 The City of London licensing authority will however review the policy at more frequent intervals and make any necessary and appropriate changes.

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Activities Exempt from the Licensing Requirement

- (1) Film exhibitions for the purposes of advertisement, information, education etc.
- (2) Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery.
- (3) Music whether live or recorded, which is incidental to other activities which do not require a licence.
- (4) Live music as follows:
 - i. amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
 - ii. amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
 - iii. unamplified live music between 8am and 11pm in all venues
- (5) Use of television or radio receivers for the simultaneous reception and playing of a programme.
- (6) Any entertainment or entertainment facilities at a place of public religious worship.
- (7) Entertainment at garden fetes or similar functions unless there is an element of private gain.
- (8) Morris dancing or any dancing of a similar nature or a performance of un-amplified live music as a part of such a performance.
- (9) Entertainment on road vehicles in motion.

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List of Consultees

Statutory

- The Chief Officer of Police for the licensing authority's area,
- The Fire and Rescue Authority for that area,
- Each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority's area,
- Each local authority whose public health functions are exercisable in respect of an area any part of which is in the licensing authority's area,
- Such persons considered to be representative of holders of premises licences issued by the licensing authority,
- Such persons considered to be representative of holders of club premises certificates issued by the licensing authority,
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority,
- Such other persons as the licensing authority considers to be representative of businesses and residents in its area.

Representative

- A representative sample of businesses, particularly those supplying alcohol after midnight,
- A representative sample of licensing legal experts,
- A representative sample of businesses and organisations involved in the licensed trade.

Other

- All Members of the Common Council
- All members of the Licensing Liaison Panel (this includes Police, Transport Police, Planning, Environmental Health, Parking, Highways, Street Enforcement, Fire Service).

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Responsible Authorities

- ❖ **Licensing Authority**
Markets and Consumer Protection
PO Box 270, Guildhall
London EC2P 2EJ
- ❖ **Police**
City of London Police, Licensing Office,
78 - 83 Upper Thames Street
London EC3R 3TD
- ❖ **Fire and Rescue**
London Fire & Emergency Planning Authority,
Fire Safety Regulation: North East Area 2
London Fire Brigade
169 Union Street
London SE1 0LL
- ❖ **Primary Care Trust / Health Board**
Hackney Public Health Team
1 Hillman Street
London E8 1DY
- ❖ **Environmental Health**
Department of Markets and Consumer Protection (Pollution)
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ
- ❖ **Planning**
Department of the Built Environment
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ
- ❖ **Child Protection**
Department of Community & Children's Services
City of London Corporation
PO Box 270, Guildhall,
London EC2P 2EJ
- ❖ **Trading Standards**
Department of Markets and Consumer Protection (Trading Standards)
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ

❖ **Public Safety**

Department of Markets and Consumer Protection (Food),**
City of London Corporation
PO Box 270, Guildhall,
London EC2P 2EJ

** In respect of City of London Corporation owned premises, the Responsible Authority for public safety as listed above will be substituted for the HSE address below:

Health and Safety Executive,
Rose Court, 2 Southwark Bridge,
London SE1 9HS

❖ Adjoining Local Authorities where premises cross over a boundary

Additional notifications will be required if the “premises” is a moving vessel (e.g. pleasure boat on the Thames). These are listed below:-

❖ **Maritime & Coastguard Agency**

Orpington Marine Office
Central Court
1B Knoll Rise
Orpington
Kent
BR6 0JA

❖ **Port of London Authority**

Harbour Master (Upper District)
Bakers' Hall
7 Harp Lane
London
EC3R 6LB

❖ **Metropolitan Police**

Thames Division
98 Wapping High Street
London
E1 9NE

Licensing Code of Good Practice

Introduction

The Licensing Act 2003 (the Act) focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken. The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Aim of the code

The aim of this code is to provide applicants and licensees with guidance on good practice for the promotion of the four licensing objectives which are paramount considerations at all times. The code is consistent with the Home Office guidance issued under section 182 of the Act and with the City of London's statement of licensing policy.

It outlines what the City of London licensing authority and its responsible authority partners expect in practical terms from applicants when completing their operating schedules and from licensees when operating their premises under the terms of a premises licence.

Applicants and licensees are expected to make a proactive commitment to preventing problems occurring at licensed premises through the adoption of this code.

Risks associated with licensed premises

Risks associated with licensed premises can vary dependent on the premises type and characteristics, the design, layout and general environment, the location, the policies in place and the events being held there.

This code identifies many of the possible risks associated with the sale of alcohol and the provision of entertainment or late night refreshment and sets out good practice measures to mitigate those risks. It provides a key mechanism for the promotion of the licensing objectives, for well-run premises and a responsible approach to alcohol, entertainment and late night refreshment in the City of London.

It is recognised that not every risk will be relevant to every premises and it is unlikely that any one premises will need to address all of the measures. Indeed some premises may only need to introduce one or two measures.

The code cannot anticipate every possible risk, problem or circumstance that may arise from licensed premises. Neither does the code restrict an applicant or licence holder from promoting the licensing objectives through alternative means.

How will the code be used?

Applicants and licensees

A proactive and preventative approach is a key aspect of good management at licensed premises. The City of London licensing authority therefore expects applicants to have regard to this code when completing their operating schedule.

If problems occur at licensed premises after a licence has been granted and a reactive approach is needed, licensees should put additional operational measures in place to manage and prevent those problems from recurring. The City of London licensing authority expects licensees to have regard to this code when considering additional operational measures.

The licensing authority and responsible authorities

The code is not a statutory document but it will be taken into consideration and used by the licensing authority and responsible authorities as follows:

- When offering advice to applicants either at the design and planning stage or during pre-application discussions
- when responding to licence applications where the licensing objectives have not been adequately addressed in the operating schedule;
- as a first point of dealing with licensed premises encountering problems, to raise standards to promote the licensing objectives in those premises and avoid further problems; and
- for the review of licences where there is evidence that licensees have not promoted the licensing objectives.

Dealing with problem premises

The routine monitoring of licensed premises will be undertaken by the licensing authority and responsible authorities and findings under the four licensing objectives will be brought together.

Problems or concerns with licensed premises will be identified and flagged up at an early stage and advice will be offered to licensees with a view to improving standards at their premises and to prevent or minimise subsequent problems.

Where problems have been identified, the licensing authority and responsible authorities will agree appropriate measures from the code with the licence holder to be implemented at the premises. The aim of the code is to avoid the need for enforcement action such as prosecution or review but it will not replace enforcement action where it is necessary.

Acknowledging well managed premises

The code will also be used by the licensing authority and its licensing liaison partners to acknowledge and support well run premises through schemes such as Safety Thirst.

General – all four licensing objectives

This section provides guidance on good practice for the general promotion of all four licensing objectives at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the general promotion of the licensing objectives after a licence has been granted.

Licensees and their staff have responsibility for the effective and safe management of their premises and the promotion of the four licensing objectives. Training is the key to giving licence holders, premises managers and staff the knowledge and skills to deal with and manage risks associated with licensed premises. Training should be provided to all staff and should be about both preventing and managing problems occurring at premises. Training should be regularly updated.

Risk	Good practice measure
<p>Lack of knowledge or understanding of the Licensing Act 2003</p>	<p>G1 (a) Well trained staff will contribute to well run premises and a responsible approach to the sale of alcohol, provision of entertainment and late night refreshment. Formal qualifications for your staff, either to Personal Licence level or to another appropriate standard recognised by bodies such as the British Institute of Innkeepers (BII) would be preferred.</p> <p>(b) All staff should be advised of licensing law in writing before they are allowed to serve alcohol.</p> <p>(c) Training should also be provided on premises' specific policies relevant to the operation of the business.</p> <p>(d) A record should be kept of the date and name of person trained or advised and be made available for inspection by the police or licensing authority.</p>

Prevention of crime and disorder

This section provides guidance on good practice for the prevention of crime and disorder from licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of crime and disorder from their premises after a licence has been granted.

The main causes of crime and disorder in licensed premises arise from inadequate security provisions, poor design and layout, the type of event being promoted, overcrowding and customers being drunk or under the influence of drugs. This can result in theft, conflict, violence and anti-social behaviour. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing crime and disorder from their premises.

All applications for new licences and variations should address the steps proposed to prevent crime and disorder and this is best achieved through a premises risk assessment. Alcohol can be a significant contributory factor to levels of crime and disorder in an area. Good management and good practice along with adequate physical controls can make an important difference to the level of alcohol related crime at premises. Such measures should be reflected in the operating schedule.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the planning and design stage. Consideration should be given to the design and layout of the premises to minimise the potential for crime and disorder. Useful information can be found in documents such as 'Secured by Design'.

Licence holders should have clear documented policies and procedures in place which identify all crime and disorder risks associated with their premises and the measures implemented to prevent, manage and respond to those risks.

Risk	Good practice measure
Security in and around the premises	<p>CD1 (a) An alarm or other security measure should be installed at the premises to protect it when closed or empty.</p> <p>(b) Emergency exits should be alarmed when the premises are open to the public so that staff are immediately notified of unauthorised opening or tampering.</p> <p>(c) Any staff or private areas and cellars should be kept locked and secured whilst the premises are open to the public.</p> <p>CD2 (a) CCTV should be installed inside and outside the premises. The cameras should cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system must be correct.</p>

Risk	Good practice measure
<p>Security in and around the premises</p>	<p>(b) The recordings should be in real time and on hard drive with the availability to copy disks for other agencies such as the police.</p> <p>(c) For analogue systems, tapes should be changed daily and used no more than 12 times.</p> <p>(d) Recordings should be kept for a minimum period of 31 days.</p> <p>(e) Staff should be trained in the maintenance and operation of such systems with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(f) A trained member of staff should be on duty to operate the system whenever the premises are open.</p> <p>CD3 External lighting provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.</p> <p>CD4 (a) Security systems should be integrated so that the alarm, CCTV and lighting work together in an effective manner.</p> <p>(b) The alarm should be linked to a system that will notify the police if it is activated.</p> <p>CD5 (a) Door staff and/or stewards should be employed at the venue to supervise admissions and customers inside the venue.</p> <p>(b) Any person performing the role of a door supervisor must be licensed with the Security Industry Authority (SIA) and SIA badges must be clearly displayed whilst working.</p> <p>(c) Door staff should be easily identifiable by wearing a uniform, high visibility jackets or arm bands.</p> <p>(d) Door staff should sign into a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and concluded.</p> <p>(e) Stewards and other staff at the premises should also be easily identifiable. Stewards must not be used for supervision of the door.</p>
<p>Security in and</p>	<p>CD6 (a) Effective security policies based on risk</p>

Risk	Good practice measure
<p>around the premises</p>	<p>assessments can protect your premises, staff and customers from threats, conflict or violence.</p> <p>(b) Security policies should be formulated in consultation with a police crime prevention officer.</p> <p>(c) All staff must be aware of a premises security policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(d) Premises should be searched inside and out for suspect packages before, during and after opening hours. Staff should be trained to remain vigilant during opening hours and report any suspicious activity to the Police.</p> <p>CD7 Security reviews should be held regularly and at least every three months with minutes kept.</p> <p>CD8 (a) Daily staff briefing and debriefing will enable licensees to improve working practices in their premises.</p> <p>(b) Briefings can be informal but any problems identified and remedial action taken should be recorded with records kept in the main office.</p>
<p>Crime including conflict, violence or aggression in and around the premises</p> <p>Crime including conflict, violence or</p>	<p>CD9 (a) Promoted events may attract larger than usual crowds and particular promotions may have violent or aggressive followers, rival gangs or other crime and disorder associated with them.</p> <p>(b) Such events must have a comprehensive risk assessment undertaken by the licence holder and submitted to the City of London Police licensing team and The Proactive Licensing Intelligence Unit at least 14 days in advance of the proposed event.</p> <p>(c) It is expected that promoters should have obtained the BIIAB level 2 for music promoters.</p> <p>(d) In the event that a problem should arise during a promoted event, this should be documented by the licence holder and it is expected that a debrief form will be provided to the City of London Police licensing team within 48 hours of the event.</p> <p>CD10 (a) Proper management of the door will depend on the size and type of venue. The number of door supervisors</p>

Risk	Good practice measure
<p>aggression in and around the premises</p>	<p>should be determined by a risk assessment taking into account the size of venue and the type of crowd the entertainment is likely to attract, but at the very least on a ratio of 1 door supervisor per 50 customers.</p> <p>(b) Consideration should be given to a sufficient provision of male and female door supervisors, but at least one female door supervisor should be used.</p> <p>CD11 A door admissions policy including any age restrictions, expected dress standards or the screening of hand bags should be widely publicised on any promotional material or website and clearly displayed at the entrance to the premises.</p> <p>CD12 (a) Ejecting or refusing entry to persons from the premises if they do not meet your admissions standards or they are known to be violent or aggressive.</p> <p>(b) In such cases, an entry should be made in an incident or log book</p> <p>CD13 (a) A policy to manage capacity should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.</p> <p>(b) For promoted events and large venues, the use of clickers is essential to record the number of patrons inside the premises.</p> <p>(c) For other events or smaller venues, ticket sales or head counts may be appropriate.</p> <p>(d) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons and avoid conflict, violence or aggression within the premises.</p> <p>(e) Where a premises holds a special event which is expected to attract a greater than usual number of patrons and in excess of 500 people, the premises licence holder is expected to notify the City of London Police licensing team at least 14 days in advance of the event.</p>
<p>Crime including conflict, violence or aggression in and</p>	<p>CD14 (a) Alternatives to glass drinking vessels should be considered to prevent glassware being used as an assault weapon, particularly during promoted events.</p>

Risk	Good practice measure
around the premises	<p>(b) Drinking vessels made from plastic or polycarbonate would be preferred particularly in outside areas.</p> <p>(c) Where alternatives are not used, there should be a robust glass collection policy in place. This should include regular collection of glassware by staff and prevention of glassware being removed from the premises.</p> <p>CD15 (a) Measures to preserve a crime scene until police arrival, following the outbreak of disorder or any other crime, should be clearly documented in a policy.</p> <p>(b) Such a policy should be formulated in consultation with a police crime prevention officer.</p> <p>(c) All staff must receive training on the policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p> <p>CD16 (a) Staff training in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises.</p> <p>(b) Training should also cover dealing with, logging and reporting incidents if they occur.</p> <p>(c) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>CD17 Sharing of information with others in the industry. Regular meetings, the use of local radio networks or membership of a local pub/club watch scheme will enable information to be passed on about trouble makers and common problems in the area.</p>
<p>Drugs and weapons being brought into the premises</p> <p>Drugs and weapons being brought into the premises</p>	<p>CD18 (a) A zero tolerance policy to the use of drugs and carrying of weapons in the premises should be adopted with a clear “no search no entry” message.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of zero tolerance policy.</p> <p>CD19 (a) Effective search policies will minimise the</p>

Risk	Good practice measure
<p>Drugs and weapons being brought into the premises</p>	<p>opportunity for drugs and weapons to be brought into licensed premises and lead to drug and weapon seizure if attempts are made.</p> <p>(b) The use of search arches and wands may be appropriate in some cases.</p> <p>(c) Search policies should be formulated in consultation with the City of London Police licensing team.</p> <p>(d) Search policies must be advertised widely on tickets, promotional leaflets and on websites and prominently in the premises entrance and queuing area.</p> <p>(e) Searches should always be carried out in public areas and covered by CCTV.</p> <p>(f) All staff must be trained on search policies with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>CD20 Calling the police if customers are suspected of being in possession of drugs or weapons. All staff must be made aware of this requirement.</p> <p>CD21 (a) Seizing, retaining and documenting any drugs or weapons found with a clear audit trail and a process for surrendering them to the Police.</p> <p>(b) A search policy should clearly set out procedures that must be followed by staff should they find drugs or weapons during a search, including the use of tamper proof bags and safe storage of seized items, details that need to be recorded and circumstances when the police should be called.</p> <p>CD22 (a) Supervising toilet areas can be effective in discouraging drug selling or use.</p> <p>(b) A toilet attendant may be appropriate for promoted events or on busy nights such as Friday and Saturday.</p> <p>(c) Regular toilet checks such as swabbing should be considered and where conducted, these should be documented with date, time and finding recorded.</p> <p>(d) Removal of flat surfaces in toilet areas can reduce</p>

Risk	Good practice measure
	<p>the likelihood of drug misuse</p> <p>CD23 Drug awareness training should be provided for all staff. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>
<p>Theft from premises or lost property</p>	<p>CD24 Bag hooks (Chelsea clips) should be provided to prevent bag snatching.</p> <p>CD25 Clear signage should be displayed throughout the premises about crime prevention and to warn customers of the potential for pickpockets and bag/laptop snatchers.</p> <p>CD26 Property patrols, managed cloakrooms and toilet attendants can be employed to prevent theft from patrons or the premises.</p> <p>CD27 Premises layout and lighting should be considered. Secluded or dimly lit parts of the premises should be avoided as they can encourage crime.</p> <p>CD28 Mirrors used throughout the premises can aid supervision and act as deterrents to thieves.</p> <p>CD29 A lost and found policy should be in place in relation to lost/found property at the premises. The policy should include procedures regarding the logging and disposal of property and in particular any valuable property. Passports and any other ID found should be handed in to any police station.</p> <p>CD30 (a) Carefully positioning alcohol in retail premises can reduce theft from the premises. Alcohol is a key target for shop thieves so it is best not to place alcoholic beverages within the first few metres near the door as this allows thieves to 'grab and run'.</p> <p>(b) It may be helpful for alcohol display areas to be covered by CCTV if possible.</p>
<p>Theft from premises or lost property</p>	<p>CD31 Security tagging any items considered a specific target for theft, particularly alcoholic drinks over a certain price level will deter thieves.</p>
<p>Disorder from</p>	<p>CD32 Reduce the potential for excessive queue lines with</p>

Risk	Good practice measure
<p>customers queuing to enter the premises or when leaving the premises</p>	<p>a well-managed and efficient door policy. Long queuing times can cause people to become agitated or aggressive. Searches should therefore be conducted as quickly and effectively as possible.</p> <p>CD33 (a) A customer dispersal policy can minimise the potential for disorder from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels.</p> <p>(b) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p> <p>CD34 (a) Staff training in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations.</p> <p>(b) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p>
<p>Customers getting drunk and dealing with drunken customers</p> <p>Customers getting drunk and dealing with drunken customers</p>	<p>CD35 (a) Drinks promotions should be socially responsible and not encourage excessive drinking.</p> <p>(b) A documented policy on responsible drinks promotions should be in place at the premises and should adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.</p> <p>(c) Any drinks promotion should market the availability of soft drinks</p> <p>CD36 (a) Staff training on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.</p> <p>(b) Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.</p> <p>(c) When staff are collecting glasses, they can interact</p>

Risk	Good practice measure
	<p>with customers and assess the levels of drunkenness. Any concerns should be reported back to a manager.</p> <p>(d) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>CD37 A duty of care policy regarding persons suffering adversely from the effects of drink should be in place at the premises. The policy should clearly express that every effort will be made by staff to prevent patrons from deteriorating to an uncontrolled intoxicated extent. All staff must be briefed on the policy.</p> <p>CD38 Drink-aware posters can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.</p>
<p>Consumption of alcohol on the street and street drinkers</p>	<p>CD39 Restrict the sale of strong beer and cider above 5.5% ABV and the sale of single cans or bottles of beer and cider. Such sales can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.</p>
<p>Sale of alcohol outside permitted hours</p>	<p>CD40 Lockable shutters can be fitted on display units for alcohol in retail premises, which can be closed and locked at the end of permitted hours.</p>

Public Safety

This section provides guidance on good practice for the promotion of public safety at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the promotion and management of public safety at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks to the safety of the public (including performers) attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing public safety at their premises.

All applications for new licences and variations should address the steps proposed to promote public safety and this is best achieved through a premises risk assessment.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the planning and design stage. Consideration should be given to the design and layout of the premises to achieve the highest possible standard of safety.

Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with their premises and measures implemented to prevent, manage and respond to those risks.

Risk	Good practice measure
<p>General safety of staff and customers</p>	<p>PS1 (a) A full risk assessment taking into account public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. Templates can be found on the Health and Safety Executive website and on the Communities and Local Government website. A risk assessment should be regularly reviewed at least every 12 months.</p> <p>(b) All staff should be made aware of the risk assessment and precautionary measures therein.</p> <p>(c) A copy of the risk assessment should be kept at the premises and made available for inspection.</p> <p>PS2 First aid boxes should be available at the premises and maintained with sufficient in date stock.</p> <p>PS3 (a) A recognised qualification in first aid should be held by at least one member of staff who should be on duty at all times the premises licence is in use.</p>

<p>General safety of staff and customers</p>	<p>(b) Other staff should be trained to a basic first aid standard with records kept of the date and name of person trained.</p> <p>PS4 A first aid room or quiet room should be made available to anyone requiring medical attention.</p> <p>PS5 Temperature levels and humidity in venues should be controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. Premises should be adequately heated and ventilated to avoid this. This can be achieved through use of air conditioning systems or natural ventilation in non-residential areas.</p>
<p>Overcrowding</p>	<p>PS6 A documented capacity should be set for the premises overall and for individual rooms within the premises. Capacity can be determined by a risk assessment in consultation with the fire safety authority. The risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time and available fire exits.</p> <p>PS7 (a) A policy to manage the capacity should be adopted to prevent overcrowding and localised overcrowding.</p> <p>(b) The use of electronic clocking systems, clickers, ticket sales or head counts may be appropriate.</p> <p>(c) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.</p>
<p>Accumulation and disposal of glasses / drinking vessels</p> <p>Accumulation and</p>	<p>PS8 (a) A glass collection policy should include provisions for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Glassware should not be allowed to accumulate or cause obstruction.</p> <p>(b) Perimeter checks should be made outside the premises for any glasses or bottles.</p> <p>(c) All staff must be made aware of the glass collection policy and their responsibility for the task.</p> <p>PS9 Spillages and broken glass should be cleaned up</p>

<p>disposal of glasses / drinking vessels</p>	<p>immediately to prevent floors from becoming slippery and unsafe.</p> <p>PS10 Bottle bins should be secure at all times and away from public areas.</p>
<p>Accident or other emergency incident on the premises</p> <p>Accident or other emergency incident</p>	<p>PS11 (a) A written policy to deal with all types of accidents & emergency incidents should be in place at the premises.</p> <p>(b) The policy should be based on risk assessments and include matters such as emergency management, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.</p> <p>(c) Evacuation responsibilities and roles should be clearly communicated to staff, routes and exits should be well defined and evacuation plans exercised regularly.</p> <p>(d) A copy of the fire risk assessment should be kept at the premises and made available for inspection by the fire authority and licensing authority.</p> <p>PS12 A fire detection system should be in place at the premises and should be fully functional at all times. The system should be tested regularly with records kept and made available for inspection.</p> <p>PS13 (a) Means of escape in case of any emergency must be clearly visible, unobstructed and well maintained including areas outside exits leading to a place of ultimate safety such as the street.</p> <p>(b) Checks should be carried out before opening each day to ensure that exits are unlocked and unobstructed.</p> <p>PS14 Equipment should be checked and maintained regularly with a record kept of the date and findings of the checks.</p> <p>PS15 (a) Staff training in fire safety and any premises safety policy should be provided for all staff to give them the knowledge and confidence to deal with emergency situations, including location of equipment, utilities, services and layout of premises. Training should include how to use fire extinguishers.</p> <p>(b) Records should be kept of the date and name of person trained and made available for inspection.</p>

<p>on the premises</p>	<p>PS16 An accident book should be kept in order to record all accidents or incidents and made available for inspection.</p>
<p>Drug use or drink spiking</p>	<p>PS17 (a) A zero tolerance policy to the use of drugs in the premises should be adopted.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of the zero tolerance policy.</p> <p>PS18 Refusing entry to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident log book.</p> <p>PS19 (a) A duty of care policy regarding persons suffering adversely from the effects of drugs should be in place at the premises. The policy should include drug awareness training for all staff so that they can recognise the effects of controlled drugs and provide medical attention where necessary.</p> <p>(b) All staff must be briefed on the policy. A record should be kept of the date and name of person trained.</p> <p>PS20 (a) Prevent the possibility of drink spiking by offering various anti drink spiking products to customers.</p> <p>(b) If a customer suspects that their drink has been spiked, you should report it to the police immediately. A process for this should be clearly set out in your duty of care policy.</p> <p>PS21 A ‘chill out’ area should be provided. This should be cooler and quieter than rest of venue.</p>
<p>Smoking on the premises</p>	<p>PS22 Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance.</p>
<p>Safety of customers when leaving the premises</p>	<p>PS23 Discourage drink driving by promoting schemes such as Designated Driver, with notices clearly displayed throughout the premises.</p>
<p>Safety of customers when leaving the premises</p>	<p>PS24 (a) Display information to customers with regards to safe options for travelling home such as Cabwise. Information should include access to licensed taxi cabs</p>

	<p>or licensed private hire vehicles, the location of taxi ranks and public transport facilities including night bus options.</p> <p>(b) Provide a free taxi phone service and a safe waiting area for customers inside the premises.</p> <p>PS25 (a) A 'chill out' period at the end of an evening can allow a slow dispersal from the premises allowing door staff to gain a handle on problem individuals, preventing arguing over taxis or congregation at takeaways and clashes with groups from other venues.</p> <p>(b) Provision of food and non-alcoholic drinks during a chill out period can be effective in allowing customers to sober up before leaving the premises.</p> <p>PS26 (a) Increased lighting inside the premises should be considered towards the end of an evening to affect the alertness of customers before they leave the premises.</p> <p>(b) Increased external lighting particularly in car parks under the direct control of the licence holder will provide added safety for customers as they leave the premises. Care should be taken so that lighting does not impact on neighbours, particularly in and close to established residential areas.</p>
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Prevention of public nuisance

This section provides guidance on good practice for the prevention and management of public nuisance from licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of noise and other public nuisance issues from their premises after a licence has been granted.

Excessive noise and nuisance from licensed premises is a major concern for persons living or working in the area. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing public nuisance from their premises.

All applications for new licences and variations should address the steps proposed to prevent public nuisance. Where entertainment or other potentially noisy activity is planned, a noise assessment should be carried out. For some premises, the assessment will need to be carried out by a suitably qualified consultant.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the planning and design stage. Consideration should be given to the structure and layout of the premises and equipment both internally and externally, to ensure that the premises are fit for purpose. Sound attenuation measures can include wall linings, acoustic curtains and acoustic treatment to mechanical ventilation or air conditioning systems. Consideration should also be given to historical noise problems at the premises with measures put in place to prevent them from recurring.

Licence holders should have clear documented policies and procedures in place which identify all public nuisance risks associated with their premises and measures implemented to prevent, manage and respond to those risks. Licence holders should also engage with local residents and businesses on a regular basis to ensure that they are being good neighbours and dealing with problems as they arise.

Risk	Good practice measure
Music, singing and speech noise breakout from the premises	PN1 (a) A noise management policy should be in place setting out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises. (b) The policy should be based on the findings of an acoustic consultant's assessment. (c) All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority.

<p>Music, singing and speech noise breakout from the premises</p>	<p>(d) DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance.</p> <p>(e) Use an approved list of DJs, event promoters / other entertainment providers who are signed up to the policy.</p> <p>PN2 (a) Windows and doors should be kept closed whilst the premises licence is in use to prevent noise breakout. Ventilation should be provided by mechanical means.</p> <p>(b) Windows should be sound insulated.</p> <p>(c) Emergency exits should be sealed acoustic doors.</p> <p>(d) A lobbied area should be provided at the entrance and exit to the premises.</p> <p>(e) Doors should be fitted with self-closing devices.</p> <p>PN3 (a) A sound limiting device should be installed, set and sealed at a level approved by an acoustic consultant.</p> <p>(b) The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events.</p> <p>(d) Only the premises licence holder or a nominated deputy and the designated premises supervisor should have access to the sound limiting device.</p> <p>PN4 (a) Locate entertainment facilities such as DJ booth, stage and loud speakers away from doors and windows.</p> <p>(b) Rubber speaker mounts can be used to minimise structure borne noise.</p> <p>PN5 (a) Methods for monitoring noise should be included in a noise policy. Methods could range from simple perimeter checks and listening tests by the licence holder/staff to a detailed measurement taken by a qualified consultant using sound measuring equipment.</p> <p>(b) Noise monitoring should actively be carried out on a regular basis and in particular when a new form of entertainment is introduced at the premises, when alterations are made to the premises or when a complaint is made directly to the venue.</p>
<p>Music, singing and</p>	<p>PN6 (a) A log book should be kept of any noise monitoring</p>

<p>arriving and leaving the premises</p>	<p>quietly and not to slam doors, rev engines, sound horns or play loud music.</p> <p>(c) Make announcements at the end of an evening, requesting patrons to leave the premises and area quickly and quietly.</p> <p>PN11 (a) Provide a free taxi phone service and an internal waiting area for customers to prevent noise disturbance to neighbours.</p> <p>(b) Steps should be taken to ensure that any taxi operators used and all their drivers are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.</p>
<p>Noise and nuisance from customers using external areas such as beer gardens or forecourts</p>	<p>PN12 Display prominent signs in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.</p> <p>PN13 Restrict the use of external areas after 10pm if premises are in a residential area.</p> <p>PN14 (a) Door supervisors or staff should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.</p> <p>(b) For private forecourts, a physical barrier such as a rope should be used to mark the boundary of the area outside the premises where customers are allowed.</p> <p>(c) Limit the number of smokers permitted outside at any one time after a certain time.</p> <p>(d) Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time.</p> <p>(e) Locate smoking areas away from residential premises.</p> <p>(f) Do not permit customers to congregate on and block the public highway to passers-by.</p>
<p>Noise from staff and entertainment providers leaving</p>	<p>PN15 Staff and performers who depart late at night or in the early hours of the morning when the business has ceased trading, should conduct themselves in such a</p>

the premises	manner as to avoid causing disturbance to nearby residents. This includes the loading and unloading of artists' equipment.
Noise and disturbance caused by deliveries, collections and waste disposal	PN16 Commercial deliveries, collections and storage/disposal of waste , including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted to normal working hours between 8am and 6pm Monday to Friday.
Litter and waste around the premises	<p>PN17 (a) Flyers should not be distributed outside the premises by the licence holder or any staff employed by the licence holder.</p> <p>(b) Licence holders should ensure that promoters of events at their premises do not distribute flyers outside the premises.</p> <p>PN18 (a) Procedures should be in place for the prompt collection of street litter generated by the premises for example flyers, cigarette butts or food wrappers.</p> <p>(b) Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.</p> <p>(c) Use wall or floor mounted cigarette bins in designated smoking areas for customers.</p>
Disturbance from external lighting	PN19 External lighting for the premises should be turned off after the premises are closed to the public.
Noise or odours from plant and machinery	PN20 Plant and machinery should not cause nuisance to local residents by way of noise, odours or vibration. Acoustic measures such as screening, enclosures, anti-vibration mounts, silencers or timing clocks should be used if necessary.

Protection of children from harm

This section provides guidance on good practice for the protection of children from harm at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the protection and management of children from harm at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks of harm to children attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing the wellbeing of children at their premises.

All applications for new licences and variations should address the steps proposed to protect children from harm and this is best achieved through a premises risk assessment.

Licence holders should have clear documented policies and procedures in place which identify all age restricted risks at their premises and measures implemented to prevent, manage and respond to those risks.

Risk	Good practice measure
<p>Children accessing licensed premises</p>	<p>CH1 (a) A documented policy setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premises including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises.</p> <p>(b) All staff including door staff and bar staff should be trained on the policy.</p> <p>CH2 (a) Restrict access to children depending on the nature of the business and / or circumstances.</p> <p>(b) The admission of children can be restricted up until a specified time in the evening.</p> <p>(c) The admittance of children can only be permitted if they are accompanied by an adult.</p>
<p>Underage sales of alcohol</p>	<p>CH3 (a) Operate a strict 'No ID – No Sale' policy. 'Challenge 21' scheme serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.</p>

<p>Underage sales of alcohol</p>	<p>(b) A 'Challenge 25' scheme gives staff additional support and encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.</p> <p>(c) Only accept photographic driving licences, passports or PASS (Proof of Age Standards Scheme) cards approved as means of ID. If you accept other forms of ID such as EU National ID cards, these must bear a photograph, date of birth and holographic mark.</p> <p>(d) Use till prompts to remind staff to ask for proof of age.</p> <p>(e) Prominently advertise the proof of age scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.</p> <p>CH4 Display posters at the premises stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales).</p> <p>CH5 Adverts or promotions for alcohol should not appeal to young persons.</p> <p>CH6 (a) Keep a refusals book (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.</p> <p>(b) The book should contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused.</p> <p>(c) The book should be made available to Police and authorised officers on request</p> <p>(d) The book should be reviewed on a regular basis to see if any patterns emerge.</p> <p>CH7 (a) Staff training in the age related sections of the Licensing Act 2003 should be provided to all door, bar and till staff. This includes the ability to competently check customers' identification where necessary.</p> <p>(b) A record should be kept of the date and name of person trained.</p>
<p>Access to age</p>	<p>CH8 (a) Provisions for restricting children from viewing</p>

<p>restricted films</p>	<p>age restricted films should be in place at the premises.</p> <p>(b) Staff should be trained to check age at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the British Board of Film Classifications (BBFC).</p>
<p>Access to age restricted gaming machines</p>	<p>CH9 Age restricted gaming or vending machines should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.</p>
<p>Access to entertainment of an adult nature</p>	<p>CH10 (a) Children under the age of 18 should be excluded from the premises or part of the premises when specified activities such as adult entertainment are taking place.</p> <p>CH11 Adverts for entertainment of an adult nature should not be displayed externally on the premises or in any part of the premises internally where they can be seen by young persons.</p>

Useful Contacts

City of London Licensing Authority

Markets and Consumer Protection
PO Box 270, Guildhall
London EC2P 2EJ

Telephone: 020 7332 3406

Email: licensing@cityoflondon.gov.uk

City of London Police licensing team

Walbrook Wharf
78-83 Upper Thames Street
London EC4R 3TD

Telephone: 020 7601 2736

Email: licensingoffice@cityoflondon.pnn.police.uk

Environmental Health

Department of Markets and Consumer Protection (Pollution)
City of London Corporation
PO Box 270, Guildhall
London EC2P 2EJ

Telephone: 020 7606 3030

Email: publicprotection@cityoflondon.gov.uk

Planning

Department of the Built Environment
PO Box 270, Guildhall
London EC2P 2EJ

Telephone: 020 7332 1710

Email: plans@cityoflondon.gov.uk

Health and Safety Executive

<http://www.hse.gov.uk>

Institute of Acoustics

<http://www.ioa.org.uk>

Secured by Design

www.securedbydesign.com

Information sources used in the preparation of this guide:

Association of Licensed Multiple Retailers (ALMR)
(incorporating BEDA – Bar Entertainment and Dance Association)
<http://www.almr.org.uk>

Best Bar None
<http://bbnuk.com>

British Beer and Pub Association (BBPA)
(Licensed Property: Noise Control, Managing Safety in Bars, Clubs and Pubs)
<http://www.beerandpub.com>

British Institute of Inn Keeping (BII)
<http://www.bii.org>

City of London Corporation licensing
(Statement of Licensing Policy 2011)
<http://www.cityoflondon.gov.uk>

City of London police licensing
<http://www.cityoflondon.police.uk>

Department for Communities and local government (DCLG)
<http://www.communities.gov.uk>

Drinkaware
<http://www.drinkaware.co.uk>

Health and Safety Executive
<http://www.hse.gov.uk>

Home Office (alcohol and drugs)
(Home Office guidance issued under S182 of the Licensing Act 2003, Home Office practical guidance for preventing and dealing with alcohol related problems, Alcohol Strategy 2012)
<http://www.homeoffice.gov.uk/drugs/>

Institute of Acoustics
<http://www.ioa.org.uk>

London Drug Policy Forum
(Safer Nightlife, Drugs at the Door)
<http://www.cityoflondon.gov.uk>

Metropolitan police licensing: Safe and Sound 2012 publication

National Counter Terrorism Security Office (NaCTSO)
(Security advice for bars, pubs and nightclubs)
<http://www.nactso.gov.uk>

The Portman Group
<http://www.portmangroup.org.uk>

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City of London - Licensing Act 2003

Pool of Model Conditions

When applying for a new premises licence or club premises certificate, or to vary an existing licence, the applicant must ensure that when licensable activities are taking place the four licensing objectives are promoted. **In order to assist with this process applicants are advised to contact the licensing service (telephone 020 7332 3406 or email licensing@cityoflondon.gov.uk) and/or the City of London Police Licensing Team and the Environmental Health Pollution Team prior to making the application in order to discuss any possible issues.**

Conditions attached to a licence or certificate are the steps or actions the holder of the premises licence or the club premises certificate will be required to take, or refrain from taking, at all times when licensable activities are taking place at the premises in question.

Conditions are required to be clear, appropriate and enforceable and must be expressed in terms that are unequivocal and unambiguous. Further, such conditions should be open, transparent and reasonable.

Conditions must not be applied universally and treated as standard conditions. Licensing conditions are to be tailored to the size, style, characteristics and activities taking place at the premises concerned.

Licence conditions are not required where other regulatory regimes provide sufficient protection to the public e.g. Fire Safety legislation.

The pool of model conditions is neither exclusive nor exhaustive. The model conditions relate to the four licensing objectives and can be used where appropriate to the particular circumstances of individual premises.

The pool of model conditions does not restrict any applicant, responsible authority, or other persons from proposing any alternative conditions nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives.

Further information relating to conditions can be found in the amended guidance issued under section 182 of the Licensing Act 2003 which can be found by clicking on the following link:

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing> .

Information can also be found within the City of London Corporation's 2011 Licensing Policy which can be found on the following page:

http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Business/Licences_and_street_trading/Licensing+Act+2003.htm .

The Prevention of Crime and Disorder.

CCTV

MC01 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.

[n.b. The above condition is an example of the wording that could be used for premises where the customers might commit serious crime. The CCTV requirements would be expected to be 'scaled down' accordingly for smaller premises or those premises which are unlikely to prove as troublesome.]

Promoted Events

MC02 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.

Incident Management

MC03 An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of customers
- (c) any incidents of disorder (disturbance caused either by one person or a group of people)
[There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]
- (d) seizures of drugs or offensive weapons
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol during the hours the premises is licensed to sell it

MC04 There must be at the premises a lockable 'Drugs Box' to which no member of staff, save the DPS and/or xx, shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the City of London Police for appropriate disposal.

Door Supervisors

MC05 On any occasion that regulated entertainment is provided, not less than ** SIA registered door supervisors shall be engaged to control entry.

- MC06 At least ** female door supervisor(s) shall be engaged at the premises at such times as door supervisors are required to be provided.
- MC07 When the premises is carrying on licensable activities after **:** hours, at least ** registered door supervisor(s) is(are) to be on duty at each door used for entry or exit.
- MC08 A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises.

Late night Provisions

- MC09 There shall be no admission or readmission of customers to the premises after **:** hours save for customers using the agreed smoking area at the premises.
- MC10 On occasions where licensable activities are carried on past **:** hours admission of customers will be restricted to *[enter restriction e.g. a particular entrance, a particular area of the licensed premises etc]*.

Public Safety

- MC11 All glasses in use at the premises shall be either toughened glass or polycarbonate material.
- MC12 No drinks of any sort are to be supplied to customers in glass bottles.

The Prevention of Public Nuisance

Noise (regulated entertainment)

- MC13 All doors and windows shall remain closed at all times after **:** hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.
- MC14 Loudspeakers shall not be located in the entrance lobby, *[specify another location if appropriate]* or outside the premises.

Noise (persons)

- MC15 A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
- MC16 Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
- MC17 Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them. .
- MC18 There shall be no sale of alcohol in unsealed containers for consumption off the premises.

MC19 The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.

The Protection of Children from Harm

MC20 A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under ** years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the City of London Corporation.

MC21 A 'Challenge **' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of ** shall provide documented proof that he/she is over ** years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

MC22 Children under the age of ** years shall not be allowed on the premises after **:** hours unless accompanied by an adult.

MC23 Children under the age of ** years shall not be allowed on the premises.

MC24 No single cans or bottles of beer or cider shall be sold at the premises.

General

MC25 Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear.

MC26 Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.

MC27 Alcohol shall be sold to customers by waiter/waitress service only.

MC28 There shall be no sales of alcohol for consumption off the premises.

MC29 There shall be no self service of spirits on the premises.

MC30 Sales of alcohol for consumption off the premises shall only be supplied with a meal.

MC31 There shall be no admission after xx:xx other than to
1) Residents of the hotel and their bona fide guests
2) Persons who have pre-booked to attend a function at the premises

MC32 No entertainment, performance, service, or exhibition involving nudity or sexual stimulation shall be permitted.

Mandatory Conditions

Alcohol

- (1) There shall be no sale or supply of alcohol when there is no Designated Premises Supervisor (DPS) in respect of this premises licence or at a time when the DPS does not hold a personal licence or when his/her licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (4) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - i) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - a) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol)
 - b) drink as much alcohol as possible (whether within a time limit or otherwise)
 - ii) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
 - iii) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
 - iv) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - a) the outcome of a race, competition or other event or process
 - b) the likelihood of anything occurring or not occurring
 - v) selling or supplying alcohol in association with promotional posters or flyers on, or in the area around the premises which can reasonably be

considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner

- (5) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- (6) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- (7) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (8) The policy must require individuals who appear to the responsible person to be under 18 (or such age specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- (9) The responsible person shall ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i) Beer or Cider: ½ pint
 - ii) Gin, Rum, Vodka or Whisky: 25ml or 35ml
 - iii) Still wine in a glass: 125ml

Customers must be made aware of the availability of the above measures.

Door Supervisors

- (10) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Relevant Authority.

Films

- (11) Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification body designated as the authority under s4 Video Recordings Act 1984.

Clubs

- (12) A Club Premises Certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:

- i) the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the certificate, to members of the club for consumption on the premises
- ii) the alcohol supplied for consumption off the premises must be in a sealed container
- iii) the supply of alcohol for consumption off the premises must be made to a member of the club

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City of London

Traffic Light Scheme
for Licensed Premises

January 2013



Introduction

The City of London Corporation has introduced a licensing traffic light scheme applicable to all premises in its area with the benefit of a premises licence or club premises certificate issued under the provisions of the Licensing Act 2003. The scheme operates in conjunction with the Corporation's Code of Good Practice for licensed premises.

Aim of the scheme

The City of London Corporation's traffic light scheme is led by the City of London Licensing Authority and provides a simple but effective monitoring tool which brings together the findings of the licensing authority and responsible authorities in a way that flags up problematic premises at an early stage. It takes a holistic partnership approach to dealing with problem premises under all four licensing objectives and also recognises good practice. Advice and support will be offered to problematic premises with a view to improving standards at their premises and to prevent or minimise subsequent problems. The aim is to avoid the need for enforcement action such as prosecution or licence review but will not replace action where it is necessary for the promotion of the licensing objectives.

The scheme does not override the right of any responsible authority to review a premises licence or club premises certificate at any stage where problems occur at that premises that are relevant to the promotion of one or more of the licensing objectives.

Information sources

Collating information from all the relevant responsible authorities and enforcement agencies under all four licensing objectives provides a comprehensive overview of problems occurring at licensed premises in the City of London. Information sources include the police and fire authorities and the City of London's trading standards, pollution, health and safety and waste management teams. Care will be taken not to duplicate information where it has been received from more than one source.

Allocation of points

The scheme is based on a points system where details of incidents at licensed premises are collected and analysed on a monthly basis and penalty points marked against premises for each relevant incident that occurs there. Relevant incidents under all four licensing objectives carry penalty points on a sliding scale depending on the severity of the incident. Incidents must be clearly linked to the operation of the premises and complaints about premises must be substantiated.

The scheme also recognises good practice and awards credit points for any good practice measures implemented by the licence/certificate holder to improve standards at their premises to prevent or minimise subsequent problems. Credit points will be removed if the good practice measure has been removed or is not being actively used.

The criteria for allocating points are attached as Appendix 1.

Trigger levels

Premises will fall into a green, amber or red zone based on their total penalty points at a given time. The trigger level for the zones is dependent on how the points have been accumulated as follows:

GREEN	0 - 10 penalty points across all four licensing objectives
AMBER	6 – 9 under any one licensing objective 11 - 19 penalty points across all four licensing objectives
RED	10+ points under any one single licensing objective 20+ penalty points across all four licensing objectives

Green zone

At the launch of the City of London Corporation's traffic light scheme, the green zone will be the base line for all premises. This includes premises that may already be experiencing problems and the relevant responsible authority has already engaged in discussions with the licence/certificate holder or the premises may already be the subject of a review application or prosecution. The launch of the scheme will not override any existing action being taken against premises.

Premises that promote the licensing objectives and operate without incident will remain in the green zone. Premises in the green zone are generally well run and pose no significant risks that will undermine the licensing objectives.

Amber zone

As problems are identified and premises accumulate penalty points, the total points for their premises at a given time may take them from green to amber zone. Premises in the amber zone require close monitoring and engagement to prevent an escalation of incidents and will be notified as soon as they move in to the amber zone.

The licence/certificate holder and/or the designated premises supervisor will be contacted by the licensing authority or relevant responsible authority to carry out a self assessment based on the problems they are experiencing. A self assessment form will be provided. The City of London Corporation's Code of Good Practice for Licensed Premises should be referred to when considering measures to implement. An action plan will then be agreed between with the licence/certificate holder and/or designated premises supervisor and the licensing authority and/or relevant

responsible authority. The aim of the action plan is to bring premises back into the green zone by improving standards and to prevent or minimise subsequent problems occurring. The premises will be monitored to ensure that the action plan has the desired effect and credit points will be awarded for effective measures implemented at the premises

Red zone

There will be a further notification to the licence/certificate holder and/or designated premises supervisor if points accumulate to move the premises from amber to red zone. Premises in the red zone are undermining the licensing objectives and require immediate action by the licence/certificate holder.

Each red zone case will be reviewed by the licensing authority and/or responsible authority and treated on its individual merits. The licensing authority and/or relevant responsible authority may take any of the following actions it considers appropriate:

- The licensing authority and/or relevant responsible authority may meet with the licence/certificate holder with the aim of bringing the premises back to amber and then green zone. They may decide to revise the action plan agreed at amber stage and set a time period for the premises to implement remedial measures;
- If the action plan agreed at amber stage has not been implemented and problems persist or problems have failed to be addressed by the action plan, the licensing authority in its role as responsible authority and/or the relevant responsible authority will consider whether a review of the premises licence/certificate is appropriate. If the majority of points are gained from areas of crime and disorder or public nuisance, the police or environmental health responsible authorities will be expected to take the lead role for any possible review.

Formal action

Formal action such as prosecution or review of a licence or certificate will not be dependent on premises moving in to the amber or red zone.

The licensing authority and/or relevant responsible authority may proceed with a prosecution at any stage irrespective of the traffic light zone the premises is in, if it is in the public interest to do so.

Similarly, the licensing authority and/or relevant responsible authority may review a premises licence or club premises certificate at any stage irrespective of the traffic light zone the premises is in, if a matter arises at the premises that undermines one or more of the licensing objectives.

How long will points stay on a premises record?

Penalty points imposed on premises will remain for a rolling 12 month period. Any points that are over 12 months old will be removed for the purposes of the traffic light scheme but may still be taken into consideration in any subsequent prosecution or

review if relevant. Credit points for good practice measures implemented will be removed if the good practice measure has been removed or is not being actively used.

If premises change ownership and management, any points in place prior to the transfer will cease to have effect and the total will be reset to zero. If there is any evidence to link the new owner/management with the outgoing owner/management (ie. an attempt to circumvent the traffic light scheme), the points will remain on the premises record.

City of London traffic light points system for licensed premises – Penalty Points

Penalty points for problems / incidents linked to premises (points are per incident unless otherwise indicated and incidents must directly link to the premises)
 (COL = City of London, COLP = City of London Police, LFB = London Fire Brigade)

Points	Crime and Disorder licensing objective	Public Safety licensing objective	Public Nuisance licensing objective	Protection of Children from Harm licensing objective
1	Theft of personal property* (COLP) Drunkenness and disorder (COLP) Race, homophobic, hate abuse (COLP) Criminal damage (COLP)	Unconscious drunk or ill person and no first aid facility at premises (COL) Notification of fire safety deficiency with no follow up visit required (LFB)	Substantiated complaints about litter (general or smoking related) (COL) Evidenced obstruction of the highway (COL)	
2	Common Assault (COLP) Public order offence (COLP) Possession of drugs (COLP)	Drink spiking (COLP) Notification of fire safety deficiency with follow up visit required (LFB)	Substantiated complaints about noise from customers entering/leaving premises or using an external area (COL) Substantiated complaints about noise from within premises (COL) Substantiated complaints about noise from plant associated with the premises (COL)	
3	ABH / minor wounding (COLP) Affray / violent disorder (COLP) Robbery (COLP)	Enforcement Notice other than Article 11, 13 or 14 (LFB)		
4	Supply or concerned in the supply of drugs on/at the premises (COLP) Possession of offensive weapon (COLP) Assault on emergency services officer (COLP)	Article 11 or Article 13 Enforcement Notice - fire safety arrangements / fire detection and warning (LFB)	Noise abatement notice served on the premises (COL)	Evidence of children being exposed to entertainment of an adult nature, age restricted film or age restricted gaming machine
5	GBH / serious wounding / GBH with intent (COLP) Possession of firearm (COLP) Sexual assault / Rape (COLP)	Article 14 Enforcement Notice - means of escape (LFB) Article 31 Notice - prohibit use of premises, restrict capacity (LFB)	Noise abatement notice not complied with	Evidence of an underage sale (COL / COLP)

* 1 penalty point if more than 5 thefts in a month and subject to a maximum of 5 points over a rolling 12 month period

An evidenced breach of licence condition or unlicensed activity will carry 2 penalty points per breach. Where the breach results in a prosecution it will carry 5 penalty points.

City of London traffic light points system for licensed premises – Credit Points

Credit points for good practice measures implemented at premises (points are per measure unless otherwise indicated and must remedy the problem/incident)
(COL = City of London, COLP = City of London Police, LFB = London Fire Brigade)

Points	Crime and Disorder licensing objective	Public Safety licensing objective	Public Nuisance licensing objective	Protection of Children from Harm licensing objective
1	Theft prevention measures implemented* Staff training on drunkenness / drink-aware posters displayed Evidence of a working refusals register Detention for the police of person(s) found with drugs on the premises CCTV recordings provided to Police	First aid provisions made available at premises Fire safety deficiencies rectified by follow up visit Anti-drink spiking products used Duty of care policy introduced	Implementing a customer dispersal policy Displaying notices where none exist Restricting the use of external areas after 10pm	Adopting a challenge 21 or challenge 25 scheme
2	Employment of additional door staff Detention for the police of person(s) responsible for violence inside the premises Detention for the police of person(s) found entering premises with drugs Implementing a door management policy where none exists	Plastic/polycarbonate drinking vessels introduced Implementing a policy to manage capacity Enforcement Notice complied with	Sound attenuation measures implemented Enforcement Notice complied with Implementing a door management policy where none exists	
3	Confiscation of weapons at the door Confiscation of drugs at the door Good crime scene preservation			
4				
5				

* 1 credit point per measure implemented subject to a maximum of 5 points over a rolling 12 month period

Where a licence holder rectifies a problem / incident identified at their premises, the licensing authority may add up to an additional 2 credit points. Credit points will not be gained for simply complying with statutory requirements.

Local Plan (As it relates to the Licensing Act 2003)

Policy DM 3.5 Night-time entertainment

1. Proposals for new night-time entertainment and related uses and the extension of existing premises will only be permitted where it can be demonstrated that, either individually or cumulatively, there is no unacceptable impact on:

- the amenity of residents and other noise-sensitive uses;
- environmental amenity, taking account of the potential for noise, disturbance and odours arising from the operation of the premises, customers arriving at and leaving the premises and the servicing of the premises.

2. Applicants will be required to submit Management Statements detailing how these issues will be addressed during the operation of the premises.

3.3.16 Night-time entertainment uses in the City include restaurants and cafes (A3), drinking establishments (A4), hot food takeaways (A5) and other related uses including, for example, a nightclub or a mix of such uses. They form part of the City's wider night-time economy, which includes 24 hour trading with other financial centres around the globe.

3.3.17 The control of night-time entertainment and licensed premises is undertaken through the operation of both planning and licensing regimes. In general, the planning regime controls the location, design and planning use of premises to protect the amenity of an area or local residents, whilst the licensing regime is used, having regard to licensing objectives, to control specific activities at premises to prevent, for example, noise and other public nuisance.

3.3.18 Planning and licensing regimes operate under separate legislative and regulatory frameworks. The City Corporation will ensure that, as far as is possible, a complementary approach is taken between planning and licensing within the legislative framework. The City Corporation publishes a Statement of Licensing Policy, which outlines the approach that it will take when considering applications for the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. This is supported by the City Corporation's Code of Good Practice for Licensed Premises. The City Corporation has also published a Noise Strategy which sets the strategic direction for noise policy within the City of London and outlines steps that the City will take, and is already taking, in dealing with noise issues, including those arising from night-time entertainment.

3.3.19 The character of many licensed premises has changed significantly in recent years. Existing and new premises often have longer operating hours, may have larger capacity and may provide live or recorded amplified music. Some of these premises are close to residential accommodation and this can result in complaints about disturbance and nuisance from excessive noise, particularly from people drinking and smoking outside, and arriving or leaving.

3.3.20 All planning applications for A3, A4, A5, and related, uses should include information stating the proposed hours of operation. Where this information is not provided, or hours of operation have not yet been confirmed, the City Corporation will impose conditions requiring the closure of the premises between the hours of 11pm and 7am unless further permission to vary these times is sought and granted. 52

3.3.21 Potential applicants seeking planning permission for a night-time entertainment use, between the hours of 11pm and 7am, are encouraged to engage at the earliest possible stage with the City Corporation as Licensing Authority, the City of London Police, local residents and other neighbouring occupiers that will be affected by the proposal. This will ensure that the local context and local sensitivities are fully understood and can be taken into account when designing premises for night-time entertainment uses and planning the operation of the proposed use to minimise adverse impact on amenity.

3.3.22 Planning applications for new and extended night-time entertainment uses or for variations of planning conditions must be accompanied by a Management Statement that addresses planning amenity issues, sets out how potential impacts on amenity will be addressed through the design of the premises and how they will operate without causing disturbance including:

- hours of closure to protect amenity;
- noise mitigation plans related to both internal and external noise, including measures to reduce sound transfer, such as sound-proofing, noise controls and double entry lobbies;
- arrangements for the storage, handling and disposal of waste;
- a timed programme for deliveries and collections and other servicing arrangements;
- measures to deal with the emission of odours; and
- location of ventilation ducts and plant.

3.3.23 Assessment of the Management Statement will have regard to the City Noise Strategy, the provisions of the City of London Statement of Licensing Policy and to any submitted licence application operating schedule.

3.3.24 To safeguard quiet times and amenity, particularly for residents and other noise-sensitive uses, the City Corporation will attach planning conditions or seek s106 planning obligations to ensure compliance with agreed Management Statements. The City Corporation will normally apply conditions to limit the hours of operation where there is potential for unacceptable disturbance to local residents and others. Each case will be considered in relation to its locality and the need to strike a balance between the benefits to the City of night-time entertainment and the risk of disturbance to local residents, workers and others

Who will deliver		
<p>How we will make it happen Crime, Terrorism & Safety Joint working with prospective developers and the City of London Architectural Liaison Officer to incorporate crime prevention and counter terrorism security into City developments.</p> <p>City of London Police Counter Terrorism Security Advisers (CTSAs) and Emergency Planning officers providing advice and guidance to business and residents on protective security and business continuity, through Project Griffin, Project Argus and other media.</p> <p>Encouraging co-operation in developing crime prevention measures between the City of London Corporation, the City of London Police and the business community.</p> <p>Providing sufficient emergency service resources to cope with large scale emergencies, the projected increase in workers, residents and visitors.</p> <p>Maintaining the Central Criminal Court within the City at the Old Bailey.</p> <p>Requiring design and access statements, delivering improved street lighting strategies, traffic and street management and CCTV networks.</p> <p>Implementing the licensing objectives of the Statement of Licensing Policy (SLP), the Gambling Act Statement of Licensing Principles and the City Corporation's Code of Good Practice for Licensed Premises.</p>	<p>Who City Corporation- Developers- Crime Prevention Association- City of London Police</p> <p>City Corporation- City of London Police Heads of security in major international businesses</p> <p>City of London Police</p> <p>Emergency services</p> <p>City Corporation- HM Court Service</p> <p>City Corporation- Developers</p> <p>City Corporation- City of London Police</p>	<p>When Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>SLP and Gambling Act SLP Adopted 2013</p>

<p>Considering the need for a Noise Supplementary Planning Document to provide further guidance on noise and noise-related impacts.</p>	City Corporation	To be confirmed
<p>Implementing the City of London Late Night Levy on the licensees of premises selling alcohol between 00:00 and 06:00.</p>	City Corporation	From 2014
<p>Managing parking associated with night-time entertainment, to prevent disturbance to residents and to address a potential security risk.</p>	City Corporation	Ongoing
<p>Implementing the recommendations of the Safer City Partnership thematic groups, covering:</p> <ul style="list-style-type: none"> • Night time entertainment • Anti-social behaviour • Counter terrorism • Vulnerable people • Rough sleepers • Domestic abuse • Community cohesion • Vehicle crime • Persistent offenders • Economic crime 	Safer City Partnership	Reviewed annually
<p>Requiring design and access statements incorporating managed access schemes.</p>	City Corporation- Developers- Building occupiers- City of London Police	Ongoing
<p>Implementation of collective security measures, especially in the Traffic and Environmental Zone.</p>	City Corporation	Ongoing
<p>Co-ordinating support in areas of emergency planning and resilience.</p>	Central London Resilience Forum	Ongoing
<p>Environmental enhancement initiatives, including restricted vehicular access gates (to control motor vehicle access whilst maintaining pedestrian and cycle permeability), timed management of service vehicles and local traffic management schemes.</p>	City Corporation	Review of environmental enhancement strategies every 5 years

<p>Transport Safety Ensuring public highways and other spaces are designed and managed to help reduce road casualties amongst pedestrians and vulnerable road users, reduce crime and disorder, and improve transport security.</p>	<p>City Corporation- Safer City Partnership</p>	<p>Ongoing</p>
<p>Implementing the objectives of the City of London Road Danger Reduction Plan 2013.</p>	<p>City Corporation</p>	<p>Ongoing</p>
<p>Partnership working with transport providers and others to maximise public transport safety, encouraging greater staff presence at platforms, stations and on public transport.</p>	<p>City Corporation- TFL- Network Rail- Train operating companies- Port of London Authority- British Transport Police- Neighbouring boroughs</p>	<p>Ongoing</p>
<p>Implementing traffic management measures, including traffic-free and traffic-calmed areas, and taking account of the increase in cycle use.</p>	<p>City Corporation- TFL</p>	<p>Ongoing</p>

RISK MANAGEMENT

3.3.25 The City continues to be at risk from terrorism. The terrorist threat is unpredictable and an attack could have significant consequences for the City. The City Corporation will seek to ensure, through partnership working, that the most effective counter-terrorism measures are maintained within the City and plans are put in place to ensure business continuity. These measures will be kept under continual review to ensure the safety of businesses, residents and visitors.

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City of London Corporation

POLICY and PROCEDURE

Licensing Tables and Chairs On the Highway



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1. Introduction

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

2. Definitions

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

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

3. Legislation

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

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

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

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

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

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

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

5. Terms and conditions of permissions

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

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

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

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

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

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

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

General

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

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

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

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

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

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

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

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

Consultation

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

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

8. Appeal and Arbitration Procedure

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

9. Sale of Ice Cream on the highway

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

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

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

10. Fees and charges

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

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

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

11. Contacts

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

Email: licensing@cityoflondon.gov.uk

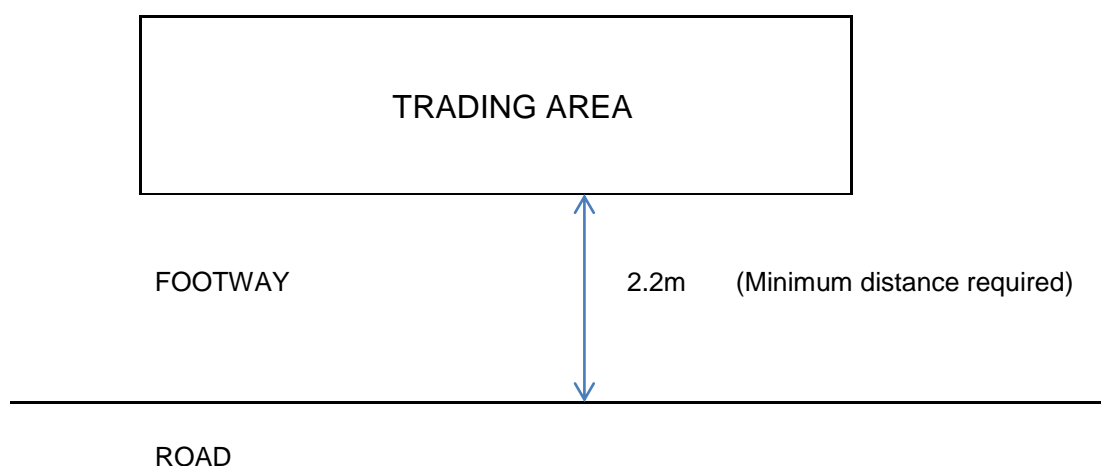
Telephone: 020 7332 3406

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

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

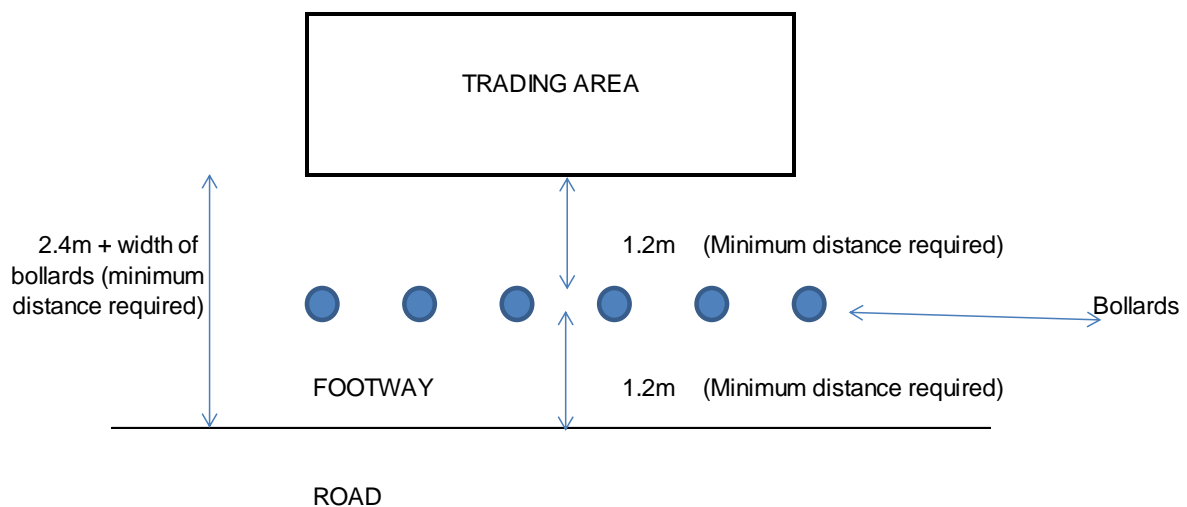
Measurement of Available Footpath

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



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

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



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

TABLES AND CHAIRS PERMISSION TERMS AND CONDITIONS

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

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

12. i) The permission holder shall be liable for and shall indemnify the City of London Corporation, their Servants and Agents against:-
 - a) any expense, liability, loss, claim or proceedings whatsoever arising under statute or at common law in respect of personal injury to or the death of any person whomsoever, and
 - b) any expense, liability, loss, claim or proceedings in respect of any injury, loss or damage whatsoever to any person whomsoever or to any property real or personal, arising from the use of the Public Footway for the permitted purpose.

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



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

PLEASE REFER TO GUIDANCE NOTES

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

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

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

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

12	CONDITION OF TRADING	
	ARE THERE ANY RESTRICTIONS ON TRADING FROM THE PREMISES? (ie. Planning Conditions or Licensing)	
13	PERIOD FOR WHICH THE LICENCE IS REQUIRED IF LESS THAN ONE YEAR NB Licenses limited to 12 months maximum	

NEW AND VARIED APPLICATION SHOULD BE ACCOMPANIED BY THE FOLLOWING:		TICK HERE
14	<ul style="list-style-type: none"> • 3 COPIES OF A LOCATION PLAN TO A SCALE OF 1.250 WHICH CLEARLY DEFINES THE PREMISES • 3 COPIES OF A SITE PLAN TO A SCALE OF 1.50 OR LARGER WHICH CLEARLY OUTLINES THE EXTENT OF THE PROPOSED LICENSED AREA. THE SITE PLAN MUST SHOW THE PRECISE POSITION AND SIZE OF THE PROPOSED AMENITIES IN RELATION TO THE BUILDING, ADJOINING PUBLIC HIGHWAY, ANY STREET FURNITURE OR TREES IN THE VICINITY AND ANY PRIVATE FORECOURT. • 3 COPIES OF A PHOTOGRAPH OR BROCHURE DETAILING THE PROPOSED FURNITURE, ACCESSORIES AND FITTINGS • APPLICATION FEE PAYABLE TO THE CITY OF LONDON CORPORATION (SEE FEES LIST) 	<input type="checkbox"/> <input type="checkbox"/>
15	RENEWAL APPLICATIONS	
	TICK BOX FOR RENEWAL ONLY (THERE SHOULD BE NO CHANGES FROM THE TERMS OF THE LAST LICENCE ISSUED. THE PREVIOUSLY SUPPLIED PLAN AND FURNITURE DETAILS WILL BE USED)	<input type="checkbox"/>
	APPLICATION FEE PAYABLE TO THE CITY OF LONDON CORPORATION (SEE FEES LIST)	<input type="checkbox"/>

HAVE YOU COMPLETED ALL THE SECTIONS? (your application may be returned if it is incomplete)

DECLARATION	
16	<p>I THE UNDERSIGNED, HEREBY APPLY TO THE CITY OF LONDON CORPORATION FOR A LICENCE TO PLACE AN AMENITY ON THE PUBLIC HIGHWAY AS DETAILED IN THE ABOVE APPLICATION AND ON THE ACCOMPANYING DOCUMENTATION</p> <p>SIGNED..... DATE.....</p> <p>Authorised by the individual, company or body to make this application</p> <p>ON BEHALF OF*THE OWNER/*LEASEHOLDER OF THE PREMISES Please print name</p> <p style="text-align: right;">* Delete as appropriate</p>

PLEASE SEND THIS APPLICATION TO:	
PORT HEALTH & PUBLIC PROTECTION - LICENSING DEPARTMENT OF MARKETS & CONSUMER PROTECTION WALBROOK WHARF licensing@cityoflondon.gov.uk 78-83 UPPER THAMES STREET LONDON EC4R 3TD	Tel:0207 332 3406 Email:

INFORMATION PROVIDED TO US IN MAKING YOUR APPLICATION UNDER THE HIGHWAYS ACT 1980 WILL BE AVAILABLE FOR PUBLIC INSPECTION (INCLUDING THE INTERNET). YOUR APPLICATION MAY BE ADVERTISED BY SITE NOTICE AND BE THE SUBJECT OF CONSULTATIONS WITH OUTSIDE BODIES. INFORMATION PROVIDED MAY ALSO BE USED FOR OTHER CITY OF LONDON CORPORATION PURPOSES. ANY PERSONAL DATA CONTAINED IN YOUR APPLICATION WILL BE PROCESSED IN ACCORDANCE WITH THE DATA PROTECTION ACT 1998.

TABLES AND CHAIRS INDEMNITY CERTIFICATE

<p>PROPOSED LICENCEE</p> <p>NAME:</p> <p>ADDRESS:</p>		<p>PREMISES</p> <p>NAME:</p> <p>ADDRESS:</p>
--	--	---

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

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

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

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

TO BE SIGNED BY THE APPLICANT

SIGNED	PRINT NAME	DATE
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City of London Corporation

POLICY & PROCEDURE

Street Trading

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

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1. Introduction

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

2. Definitions

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

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

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

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

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

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

3. Legislation

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Terms and conditions of licences

Middlesex Street Licences

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

Temporary Licences

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

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

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

6 Enforcement of street trading laws

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

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

7. Making an application for a street trading licence

General

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

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

Middlesex Street Licences

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

Temporary Licences

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

8 Appeal Procedure

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

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

9 Fees and charges

Middlesex Street Licences

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

Temporary Licences

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

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

10 Contacts

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

Email: licensing@cityoflondon.gov.uk

Telephone: 020 7332 3406

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

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

BYELAWS AS TO STREET TRADING

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

1. In these Bylaws:-

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

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

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

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

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

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

“article or thing” includes any living thing;

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

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

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

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

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

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

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

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

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

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

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

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

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

Examined.

(Signed) DESMOND HEAP,
Comptroller and City Solicitor

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

(Signed) E. H. NICHOLS.
Town Clerk

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

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

Whitehall
4th October 1967

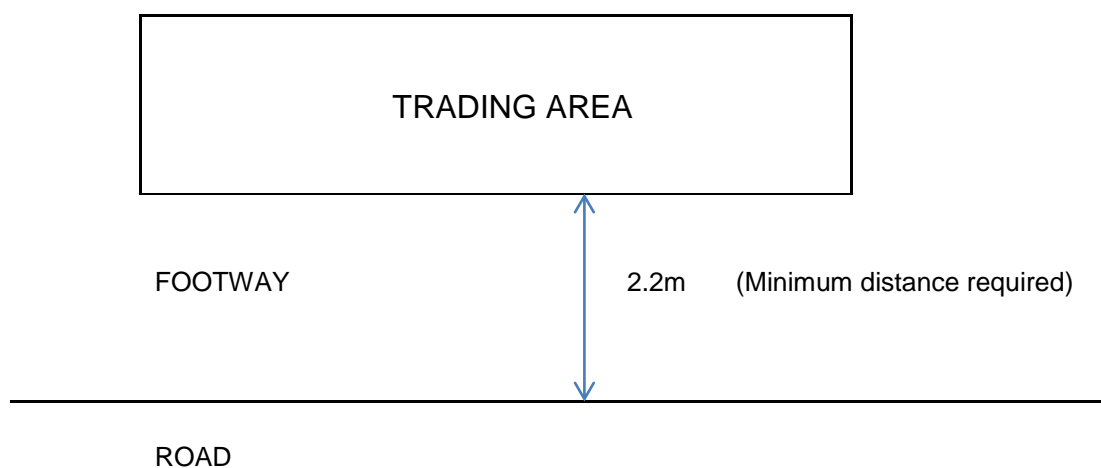
NOTE.

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

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

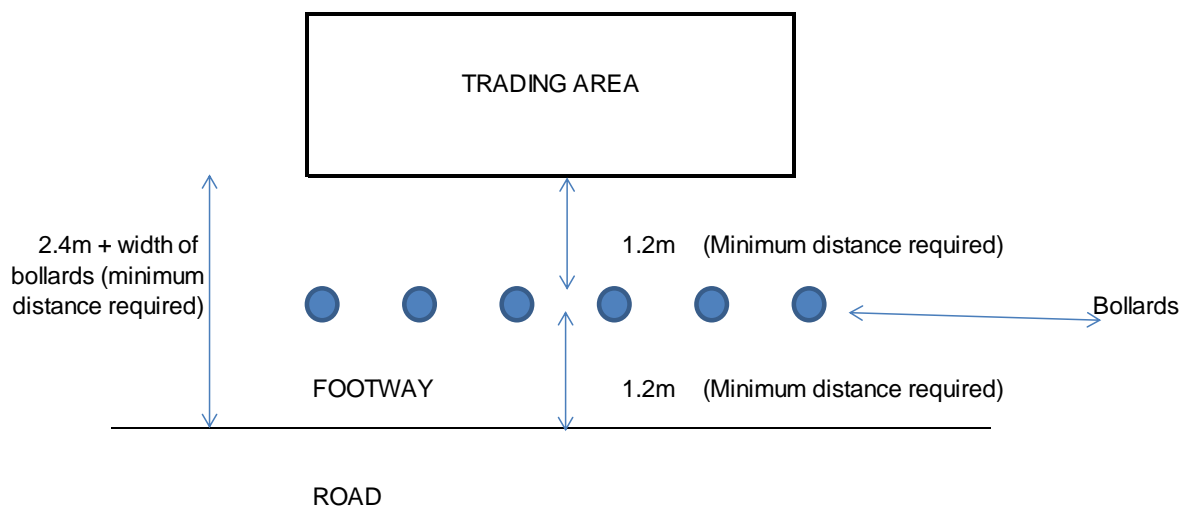
Measurement of Available Footpath

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



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

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



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

Standard Conditions for Middlesex Street Licences

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

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

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

Standard Conditions for Temporary Street Licences

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

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

Procedure Relating to Seized Items

Goods other than vehicles or perishable goods

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

Motor Vehicles:

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

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

Perishable Goods

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

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



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

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

Please answer all questions in BLOCK CAPITALS

1) FULL NAME AND ADDRESS OF APPLICANT

Name: _____

Address: _____

_____ Postcode: _____

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

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

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

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

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

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

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

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

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

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

Signed Date:
(Signature of Applicant)

Completed forms and their enclosures should be returned to:-
City of London Corporation
Department of Markets & Consumer Protection
Port Health & Public Protection - Licensing Office
P O Box 270
Guildhall
London, EC2P 2EJ.

Telephone: 020 7332 3406



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

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

Please answer all questions in BLOCK CAPITALS

1) FULL NAME AND ADDRESS OF APPLICANT

Name: _____

Address: _____

_____ Postcode: _____

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

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

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

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

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

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

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

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

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

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

Signed Date:
(Signature of Applicant)

Completed forms and their enclosures should be returned to:-
City of London Corporation
Department of Markets & Consumer Protection
Port Health & Public Protection - Licensing Office
P O Box 270
Guildhall
London, EC2P 2EJ.

Telephone: 020 7332 3406



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

APPLICATION FOR A TEMPORARY STREET TRADING LICENCE

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

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

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

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

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

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

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

Signed:

Date:

.....
(signature of applicant)

Notes

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

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

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

CONTINUATION FORM

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

Name of Applicant:

Proposed Trading Dates:

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

Details of Agreement:

FEES

To be agreed for 2017/18

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Committee(s):	Date:
Licensing Committee	26 th October 2016
Subject: Interim report on police spend of Late Night Levy funds	Public
Report of: Commissioner of Police	For Information
Report authors: Supt Helen Isaac	

Summary

Funding from the Late Night Levy (LNL) has dramatically changed the way the City of London Police resource policing of the Night Time Economy (NTE). In the last year £389,000 has been agreed by the Force Tasking meeting to enhance the resources deployed, in response to information and intelligence-led bids for LNL funding. A new forum, the Late Night Levy Planning Meeting, will meet on 17th October to plan spend for the next levy year, with quarterly meetings taking place thereafter to regularly plan and monitor spend against the available funds.

Background

At the Licensing Committee on 11th July 2016, the Committee asked for clarity from the City of London Police (CoLP) as to how their portion of the Late Night Levy funds is being spent, the governance process around this and whether Licensing Police Officers have any influence over where the money is spent. An interim written report addressing these questions was requested and is thereby produced for this meeting for information.

City of London Police LNL Governance

All requested spend using funds from the Late Night Levy is presented as a case to the CoLP Force Tasking meeting as information and intelligence-led activity. This meeting is chaired by either the Commander of Operations or Chief Superintendent of Intelligence and Information. Bids are normally made either by the CoLP Licensing Team Inspector or by the two Uniformed Policing Directorate Chief Inspectors with the Licensing Team's knowledge and support. A new forum, the Late Night Levy Planning Meeting, has been convened to meet quarterly to agree, plan and track Levy spend prior to bids being made, consisting of officers from the CoLP and Corporation Licensing Teams, the Chair of the Violent Crime problem solving group and Finance. The Chair will be the Communities and Partnerships Superintendent, with the first meeting due to take place on 17th October.

Agreed spend against the Levy from 1st October 2015

- **£55,000** is spent each year on an additional PC to be attached to the CoLP Licensing Team. This officer enhances intelligence development and

dissemination and carries out promoted event risk assessments and open source research work relevant to the NTE.

- **£95,000** was spent on Operation Tinsel, the Force's Christmas campaign in December 2015. This sum was spent on providing very significantly enhanced uniformed resources, specialist uniformed support and crime investigation expertise.
- **£2000** was spent on twenty four 'alcoholow' devices. These devices were delivered in time for Operation Tinsel. These provide the busiest premises with a device for use at the door to accurately inform staff judgement as to an individual's level of intoxication on entry.
- **£60,000** was agreed via tasking at the beginning of 2016 to fund monthly 'alcohol action' deployments. These deployments take place at least on a monthly basis, usually around the City payday. The deployments comprise an enhanced Licensing Team who patrol premises and conduct detailed premises visits, promoting good governance throughout the NTE. This unit of both uniformed police officers and specialist Licensing Officers also responds to incidents at premises, resulting in detailed scrutiny of what may have gone wrong. These deployments are supported by Project Servator officers, who are trained in advanced behaviour detection techniques. Project Servator's support to licensing deployments in the past twelve months has resulted in fifty arrests for possession with intent to supply cocaine, the seizure of twenty nine vehicles, £21,000 in cash and £33,000 of class A drugs (street value).
- **£21,000** was agreed in February 2016 for an operation relating to evidence gathering and policing/control measures, with a particular focus on gang related activity.
- **£9000** was spent on additional police resources, to cover the period of 'bankers' bonuses' announcements. This period had been identified by the Force Intelligence Bureau as producing a spike of activity and issues previously because of the celebrations and increased trade at late night venues.
- **£6,000** was agreed and spent on reassurance patrols and enhanced policing around the LBGT venues within the City following the Orlando nightclub attack in June.
- **£6000** was spent on two deployments of public order officers to provide additional police resources for the NTE over the two May bank holiday weekends.
- **£135, 000** has been agreed by Force Tasking to provide a very comprehensive policing plan, Operation Present, the Christmas Campaign for 2016. This plan commences late November and will see a variety of uniformed police resources and uniformed specialists deployed, (such as dog handlers and firearms officers) providing very significant enhanced policing of

the NTE. These officers will be supported by additional crime investigation, intelligence and custody assets to ensure a continued presence on the street.

Total agreed CoLP LNL spend: **£ 389,000**

A bid for a CCTV vehicle to both deter crime and anti-social behaviour stemming from the NTE and gather evidence following any incidents was also submitted for consideration by Force Tasking. A decision was postponed due to further information being requested by the Chair and the bid will be resubmitted in the 2016/17 Levy year. Therefore the estimated £40,000 cost of this vehicle will be carried over into this year. Spend on the additional custody provision for some Friday and Saturday nights incurred specifically as a result of policing the NTE is currently being calculated and this will be included in the annual report to this Committee in February 2017.

Conclusion

It is estimated that the force will receive around £290,000 from the LNL for 2015/16 once all funds are collected, slightly less than the previous year. In addition, £100,000 was carried over from 2014/15 as reported to this Committee in February 2016, providing an estimated £390,000 to spend on policing the NTE. Whilst the Christmas Campaign for 2016 falls within the next Levy year, funding was agreed by Force Tasking based on the funds currently available to commit. With planning due to start for this current year at the new Late Night Levy Planning Meeting on 17th October, the Force is confident that funds will continue to be used and monitored effectively in 2016/17.

Recommendations

Members are asked to note this report.

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