



Licensing Committee

Date: WEDNESDAY, 1 FEBRUARY 2017

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	

Enquiries: Gemma Stokley
tel. no.: 020 7332 1407
gemma.stokley@cityoflondon.gov.uk

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 26 October 2016.

For Decision
(Pages 1 - 6)

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

a) **ENOTECA**

To receive the public minutes and decision notice of the meeting regarding 'Enoteca (St Pauls) Limited', 60 Fleet Street, EC4Y 1JU, held on 12 January 2017.

For Information
(Pages 7 - 14)

b) **SIMMONS BAR**

To receive the public minutes and decision notice of the meeting regarding 'Widgate Street Bar Limited', 20-21 Widgate Street, E1 7HP, held on 16 January 2017.

For Information
(Pages 15 - 26)

c) **MADISON**

To receive the public minutes and decision notice of the meeting regarding 'Madison', One New Change, London EC4M 9AF, held on 24 January 2017.

For Information
(TO FOLLOW)

5. **APPOINTMENT OF CHAIRMEN OF SUB-COMMITTEES**

Resolution of the Policy and Resources Committee.

For Information
(Pages 27 - 28)

6. **TERMS OF REFERENCE AND FREQUENCY OF MEETINGS**

Report of the Town Clerk.

For Decision
(Pages 29 - 30)

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

The Comptroller and City Solicitor to be heard.

For Information

8. **REVENUE BUDGETS 2017/18**

Joint report of the Chamberlain and the Director of Markets & Consumer Protection.

For Decision

(Pages 31 - 36)

9. **SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES 2017/18**

Report of the Director of Markets and Consumer Protection.

For Decision

(Pages 37 - 44)

10. **GAMBLING - REVIEW OF ANNUAL FEES FOR 2017/18**

Report of the Director of Markets and Consumer Protection.

For Decision

(Pages 45 - 52)

11. **LATE NIGHT LEVY - 12 MONTH REPORT (1 OCT 2015 - 30 SEP 2016)**

Report of the Director of Markets and Consumer Protection.

For Decision

(Pages 53 - 64)

12. **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 non-public appendix at Item No. 17.

For Information

(Pages 65 - 82)

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

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

15. **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.

16. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 26 October 2016.

For Decision
(Pages 83 - 84)

17. **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 Public agenda Item No. 12

For Information
(Pages 85 - 86)

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

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

LICENSING COMMITTEE

Wednesday, 26 October 2016

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 26 October 2016 at 1.45 pm

Present

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

In Attendance

Officers:

Fern Aldous	-	Town Clerk's Department
Jon Avern	-	Markets & Consumer Protection Department
Paul Chadha	-	Comptroller's and City Solicitors Department
David Smith	-	Director, Markets and Consumer Protection
Steve Blake	-	Markets & Consumer Protection Department
Peter Davenport	-	Markets & Consumer Protection Department
Superintendent Teresa Russell	-	City of London Police
Superintendent David Evans	-	City of London Police
Superintendent Simon Douglas	-	City of London Police

1. APOLOGIES

Apologies for absence were received from Sophie Fernandes and James Tumbridge.

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 11 July 2016 were approved as a correct record.

4. MINUTES OF LICENSING HEARINGS (SUB)

4.1 Strada Trading Limited

The Committee received the minutes of the Licensing Hearing meeting for Strada trading Limited held on 15 July 2016. A Member asked that the Paragraph 7 of the minutes read "*a resident*" in place of "*the resident*".

RECEIVED.

4.2 Greene King Retailing Limited

The Committee received the minutes of the Licensing Hearing meeting for Greene King Retailing limited held on 9 August 2016.

RECEIVED.

5. 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 July 2016.

6. 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 licenses, and variations to premises licenses granted under the Licensing Act 2003 by the Licensing Service from 20 June 2016 to 30 September 2016. Officers alerted Members to an error in table detailing the number of complaints received against various premises, with 26 Bride Lane being incorrectly labelled as being in the Tower Ward.

A Member queried the use of the heading "Conditions applied to licenses by way of delegated authority" and it was agreed to be amended to clarify these were no *additional* conditions.

In response to a query from a Member over the informal resolution of a recurring noise issue, Officers confirmed that these had been incidents served as temporary warnings before a formal notice could be served. Officers further confirmed that the denomination of "ceased not likely to reoccur" was a wide ranging label that relied on the professional opinion of licensing officers. It was felt that instead of including more description in the table, Members could ask Officers for specific details of any applications of concern.

RECEIVED.

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

The Committee received a report from the Director of Markets and Consumer Protection seeking approval for the revised Licensing Policy. The Chairman recommended Members focus on the main body of the report, as much of the content of the appendices, including the chairs and tables policy, fell outside the Committee's remit but they had been included with the Report to ensure that Members of the Committee had as full a picture as possible.

The Director informed the Committee that the policy was still draft, and was due to include three extra sections:

- A glossary of terms as requested in a previous meeting.
- A section on the live music act (to be included in exemptions).
- A section on unclassified films, and the remit of the Committee to determine the recommended age restriction

A document was tabled setting out representations from residents of the Barbican estate, alongside the response from the Comptroller. The Committee considered both documents and agreed with the recommendations of the Comptroller that legal restrictions prevented them from adopting most of the residents' proposals.

A Member queried whether receiving four responses to the Consultation was considered to be effective consultation. Officers confirmed that, although the response had been disappointing, it could be seen as a positive sign, indicating that the proposed policy and the relationship with the license holders was good.

The Deputy Chairman made the following points in relation to the policy:

- Key points, including the availability of a pre-application service, the expectation of the Corporation as laid out in paragraph 39 and the requirement for the covering letter to be full and detailed, should be highlighted. "Evidence based" should also be emboldened.
- Reinforce that outside drinking could be considered a nuisance and signpost readers to the appendix on the policy.
- Consideration be given to including a requirement for stickers showing a venue's capacity, to be placed at entrances.
- The planning department to give further advice on the installation of permanent barriers.
- It should be made clear on the website which Committees are responsible for which area of the Policy.

Members debated the best way to handle the appendices going forward. It was agreed that they should not be included in the agenda for the January meeting of the Court of Common Council (to which the Policy was intended to be presented), but should be readily available to Members who wished to view them. Similarly the Policy should be a stand-alone document on the website, but links to the most current versions of the policies in the appendices should be included.

The Committee wished to minute their thanks to Sylvia Moys, CC for proof reading the Policy.

RESOLVED – That the Committee recommend the policy document to the Court of Common Council for their approval.

8. INTERIM REPORT ON POLICE SPEND OF LATE NIGHT LEVY FUNDS

The Committee received a report of the Commissioner of the City of London Police setting out the Police spend on the Late Night Levy from October 2015 to September 2016. Officers updated Members on the key campaigns that had been funded by the levy, including the successful Christmas campaign for 2015, Operation Tinsel, and the upcoming Operation Present.

A Member queried whether the large carry forward in the budget from 2015 would create a problem for coming years. The Chamberlain confirmed that it

was predicted that the 2016 levy would produce a similar carry forward, and that reserving the money avoided having to pay for projects on credit.

A Member sought confirmation of the usefulness of the Levy to policing activities. The Commissioner confirmed that the levy was invaluable to their late night operation. There had been a significant fall in the number of incidents since the levy had been introduced, with the fund allowing the force to scrutinise venues' safety to a much higher degree. This had in turn helped forge strong working relationships with venues in the Square Mile.

In response to a query from a Member, the Commissioner confirmed that venues' response to sexual assault allegations would be discussed at a licensing forum due to be held in November.

The Deputy Chairman queried whether Police were still present at club closing times to assist with the safe and speedy dispersal of patrons. The Commissioner reported that this was now rare, and Police deployment relied on information on which nights were likely to be busy. The Deputy Chairman further queried the potential to deploy a CCTV vehicle at busy times, and it was reported that a bid for levy money to allow for this had yet to be accepted.

The Director of Markets and Consumer protection updated the Committee on non-police use of the levy (equivalent to 30%). It was felt that the percentage of funding going to the Corporation and the Police could be flexible in future to allow for projects with a longer term impact.

RECEIVED.

9. SAFETY THIRST UPDATE

The Committee received an update on the Safety Thirst Scheme from the Director of Markets and Consumer Protection. 46 premises were now part of the scheme (up from 32 in the previous year) of which 22 had been highly commended at a recent awards ceremony.

The Deputy Chairman requested Officers investigate reducing the complexity of the application forms for smaller businesses

RECEIVED.

10. TACKLING VIOLENT CRIME

This Item was taken after Item 7 to facilitate discussion on the Late Night Levy.

The Committee heard a presentation from the City of London Police on the methods employed and obstacles encountered in tackling violence in the City. Members watched a video depicting a variety of incidents involving violent crime.

The City of London Police reported that violent crime had until recently been on a downward trend (Members were reminded that the small numbers involved could have a large impact on the percentages.) The late night economy in the

City had changed drastically since the 1980's and the Police had been slow to channel the necessary resources in line with this increase in activity. This had now been resolved and the introduction of the Late Night Levy had allowed for a further increase in resources. However it was felt that more needed to be done. The following areas of discussion arose:

- The link between promoted events and violent crime. Members discussed if restricting promoted events would lead to a reduction in crime levels, or if extra conditions could be added to venues who wished to host promoted events as a subsidiary to their main business. A condition for a better quality if CCTV was given as an example. The Deputy Chairman commented that a blanket condition could be unfair to venues and that the Police should attend licensing hearings for venues seeking to hold promoted events to make the case for extra conditions.
- The possibility of increasing parking enforcement during the night to prevent weapons being easily accessible to those attending events. It was reported that an incentive to attend a promoted event was the opportunity to "show off" a new vehicle, and it was felt that reputational damage could be inflicted if those vehicles were subject to being towed. It was recognised that this posed a danger to parking officers who had experienced intimidation on similar controls. The Director of Port Health and Public Protection confirmed that the issue had been raised at a meeting of the Safer City Partnership, and that he was progressing an action to investigate with the Department of Built Environment. The Deputy Chairman commented that parking restrictions were rarely applicable after 7:00pm, so questioned the effectiveness of extra enforcement. It was also noted that weapons were often hidden in street furniture close to the venue.

It was asked that the City of London Police make the Committee aware of when violence had taken place within a venue at a promoted event.

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

Night Tube

Officers confirmed there had been no increase in incidents in relation to the introduction of night tube services to Liverpool Street Station.

Training

It was agreed that the newest Members of the Committee should receive their licensing practitioner's license if training courses were available. General licensing training would be arranged for after the March elections.

12. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Members asked that the next meeting include a further item on tackling violent crime, so a detailed discussion could be held on the issues raised at Item 10.

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
15	1

14. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on the 11 July 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 6 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 20 June 2016 to 30 September 2016.

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

There was no non-public questions.

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

There was no other business.

The meeting ended at 3:31pm

Chairman

Contact Officer: Gemma Stokley
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gemma.stokley@cityoflondon.gov.uk

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE
THURSDAY, 12 JANUARY 2017

APPLICANT: ENOTECA (ST PAULS) LIMITED
PREMISES: 60 FLEET STREET, EC4Y 1JU

Sub Committee

Marianne Fredericks (Chairman)
Christopher Hayward
James Tumbridge

City of London Officers

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

The Applicant

Roberto Dora, Director, Enoteca
Ellie Hickling, PA to Directors, Enoteca

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 10:00am in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises '60 Fleet Street, London EC4Y 1JU.'

The Sub Committee had before them the following documents:-

Hearing Procedure
Report of the Director of Markets and Consumer Protection

Appendix 1 – Copy of Application

Appendix 2 – Conditions Consistent with the Operating Schedule

Appendix 3 – Representations from Other Persons

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

Appendix 5 – Plan of Premises

1) The Hearing commenced at 10:00am.

- 2) The Chairman introduced the Sub-Committee members and confirmed that all papers had been considered by the Sub-Committee in advance of the hearing. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Sub-Committee.
- 3) The Chairman reported that one written representation had been received and that the hearing would proceed in the absence of the gentleman who had made this representation.
- 4) The Chairman invited the applicant to clarify the nature of the business proposed at the premises.
- 5) Mr Dora reported that the premises would serve small bites to eat in the form of Italian sharing platters and would specialise in fine wines. He added that the business had a refined clientele due to their middle-high end offerings. The premises would normally close between 10-11pm each evening with no late night offerings.
- 6) The Panel were informed that there were already five Enoteca bars in the City, one of which was situated opposite the Guildhall. Mr Dora reported that he had been running the business in the City for approximately six years now.
- 7) The Chairman enquired as to whether the desire to have 'off sales' was to allow customers to purchase bottles of wine to consume at home as opposed to them taking individual drinks outside to consume whilst smoking. The applicant confirmed that this was the case.
- 8) With this in mind, the Chairman suggested an additional condition to the licence prohibiting any drinks outside the premises unless these were in sealed containers. She felt that this might go some way to addressing the concerns raised by the written representation received concerning public nuisance and outside drinking. She added that, as Fleet Street was an extremely busy, narrow, thoroughfare this might also limit any potential public safety issues.
- 9) Mr Dora confirmed that he would be happy to accept this proposed condition should the Panel be minded to grant the licence.
- 10) 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.
- 11) The Sub-Committee retired at 10.05am.
- 12) 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.

- 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 nature of the business that the applicant proposed to operate – namely, a middle to high end establishment providing food and fine wine. 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 premises licence sought would not contravene the duty to prevent public nuisance.
- 15) The Chairman reported that it was the Sub-Committee's decision to grant the premises licence as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon - Sat 11:00 – 00:00
		Sun 12:00 – 22:00

- 16) Mindful of the nature of the premises and the concerns expressed, the Chairman explained that the Sub-Committee considered the following conditions to be appropriate and necessary to promote the licensing objectives:
- a) *A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly (MC16);*
 - b) *A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence or an industry approved proof of age identity card (MC21);*
 - c) *There shall be no sale of alcohol in unsealed containers for consumption off the premises (MC18)*
- 17) The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would be circulated to all within five working days.

Chairman

Contact Officer: Gemma Stokley
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Our ref GS/LIC

Date 16 January 2017

Dear Ms Weston,

Applicant:	Enoteca (St Pauls) Limited
Premises:	Enoteca, 60 Fleet Street, EC4Y 1JU
Date / time of Hearing:	Thursday, 12 January 2017 – 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 12 January 2017 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Marianne Fredericks (Chairman), Christopher Hayward and James Tumbridge.

Mr Roberto Dora – Director of Enoteca and Ms Ellie Hickling – Personal Assistant to the Directors of Enoteca, made submissions in support of the application.

One written representation was received from Mr George Westwood. Mr Westwood did not appear to oppose the application.

1. This decision relates to an application made by Enoteca (St Pauls) Limited, for a new premises licence in respect of the premises situated at 60 Fleet Street, EC4Y 1JU.

The application originally sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon - Sat 11:00 – 00:00
		Sun 12:00 – 22:00

The sale of alcohol is for consumption both 'on' and 'off' the premises.

2. The Sub Committee referred to the written representation received which expressed concerns around public nuisance. Given this and the nature of the surrounding area, the Sub Committee proposed an additional condition prohibiting any outside drinking and the sale of alcohol in unsealed containers for consumption off the premises.
3. Mr Dora, as applicant, stated that he would be happy to accept this additional condition.
4. 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.
5. 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.
6. 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.
7. 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.
8. In reaching its decision the Sub-Committee took into account the nature of the business that the applicant proposes to operate – namely, a middle to high end establishment providing food and fine wine.
9. The Sub Committee is satisfied that, subject to the imposition of suitable conditions, the premises can operate within the licensing objectives.
10. It was the Sub-Committee's decision to grant the premises licence as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon - Sat 11:00 – 00:00
		Sun 12:00 – 22:00

11. The Sub-Committee considered the following conditions to be appropriate and necessary to promote the licensing objectives:
 - a) *A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly (MC16);*

- b) A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence or an industry approved proof of age identity card (MC21);*
- c) There shall be no sale of alcohol in unsealed containers for consumption off the premises (MC18)*

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

Yours faithfully,

Gemma Stokley

Clerk to the Licensing (Hearing) Sub Committee

Useful Numbers/Websites:

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

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

publicprotection@cityoflondon.gov.uk

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

Licensing Policy and Code of Good Practice for Licensed Premises:

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

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MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE
MONDAY, 16 JANUARY 2017

APPLICANT: **WIDEGATE STREET BAR LIMITED**
PREMISES: **SIMMONS BAR, 20-21 WIDEGATE STREET, E1 7HP**

Sub Committee

Deputy Jamie Ingham Clark (Chairman)
Deputy John Barker
Sophie Fernandes

City of London Officers

Paul Chadha	-	Comptroller & City Solicitor's Department
Steve Blake	-	Department of Markets and Consumer Protection
Peter Davenport	-	Department of Markets and Consumer Protection
Rachel Sambells	-	Environmental Health Officer
Hazel Austin	-	Environmental Health Officer
Gemma Stokley	-	Town Clerk's Department
Julie Mayer	-	Town Clerk's Department

The Applicant

Nicholas Campbell, of Widegate Street Bar Limited (trading as Simmons)
Frank Perkins, of Widegate Street Bar Limited (trading as Simmons)
Gary Grant, Counsel representing the Applicant
James Daglish, partner of instructing solicitors
Ellie Bowker, assisting on behalf of instructing solicitors
Mr David Gair, witness for the applicant
Mr James Miller, witness for the applicant

Parties with Representations

Miranda Meek, resident

Also in Attendance

Keith Bottomley, member of the Licensing Committee

Licensing Act 2003 (Hearings) Regulations 2005

A Hearing was held at 10:30am in Committee Room 1, Guildhall, London, EC2, to consider and determine an application for a variation to a premises licence for Simmons Bar, 20-21 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 – Conditions Consistent with the Operating Schedule

Appendix 3 – Current Licence

Appendix 4 – Representations from Other Persons

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

Appendix 6 - Plan of Premises

Additional document from Applicant – ‘Licensing compliance visit & impact assessment’ (separately circulated)

Further additional documentation from Applicant – ‘Exhibit NC1’, ‘Witness Statement of Nicholas Campbell’ and ‘Witness Statement of James Miller’ (separately circulated)

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- 1) The Hearing commenced at 10:30am.
 - 2) The Chairman introduced the Sub-Committee members and those officers present. He confirmed that all papers had been considered by the Sub-Committee in advance of the hearing. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Hearing.
 - 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.
 - 4) The Chairman invited those making representations to address the Sub-Committee. He asked that they avoid any repetition in their address and highlight/summarise the most salient points of their submission.
 - 5) The Sub-Committee heard from Miranda Meek, a local resident. Ms Meek expressed concern at the late submission of the applicant’s additional documentation, she also expressed her disappointment at the fact that the applicant had taken the opportunity, within this additional submission, to publically scrutinise an extremely difficult and upsetting time in her and her children’s lives. She stated that she found it shameful that her private life had been exposed in this way and that comments were also passed on her state of mind.
 - 6) Ms Meek went on to clarify that it was her decision, as previous owner of the premises, to close the bar in 2014 – two years prior to the existing business being established. She therefore strongly refuted the claim that her objection was, in any way, vengeful or bitter.

- 7) Ms Meek informed the hearing that her family were severely affected by noise emanating from the bar. She also questioned the class use and capacity of the premises.
- 8) The Chairman reiterated that the Panel could only consider licensing matters and not planning issues. He acknowledged that this matter may need to be referred to the City's Planning Officers in due course.
- 9) Returning to the issue of noise disturbance, Ms Meek stated that the level of noise emanating from the bar with large gatherings/party bookings and live DJs taking place from Wednesday - Saturday each week was unimaginable. Ms Meek highlighted that she had taken recordings of the noise levels from each room of her residence. She added that noise was of particular concern around the main entrance to her residence which she often had to fight through crowds of people to gain access to. She drew the Panel's attention to the photographs included within her original submission to illustrate this point. Ms Meek also referred to the small, enclosed courtyard space situated towards the back of the premises and acknowledged that, whilst this was closed to customers after 9:30pm each evening, it continued to be used as a walkway by staff who often made noise and slammed doors into the early hours of the morning each day.
- 10) In response to a question from the Chairman, Ms Meek stated that she had reported these matters to the relevant responsible authorities on many occasions. This had resulted in discussions with management at the premises who had agreed to lower the noise levels.
- 11) The Chairman assured Ms Meek that all of the responsible authorities were notified of licensing hearings and reported that, on this occasion, none had chosen to submit representations.
- 12) Ms Meek concluded by stating that no part of her home was unaffected by the noise emanating from the bar. She stated that the granting of any extension to the terminal hour for the premises would have very real and serious consequences for her and her family and would, in her opinion, constitute a public nuisance. Ms Meek also stated that she believed that the premises were guilty of promoting irresponsible drinking through their advertising of 'unlimited drinks for £50', a promotional which she suggested appeared both on the window of the premises and on its public website. This, she argued, gave rise to concerns around crime and disorder, public nuisance and the protection of children from harm.
- 13) The Comptroller and City Solicitor confirmed that there was already a mandatory condition on all premises licences in the City regarding the promotion of irresponsible drinking.
- 14) The Chairman highlighted that a second written representation had been received from Mr Ghosh, also a local resident. Mr Ghosh was not in attendance today and had subsequently sought to conditionally withdraw his original representation. His conditions had not been accepted and the representation

would therefore continue to be taken into account by the Panel in their deliberations.

- 15) The Chairman offered the Applicant the opportunity to cross examine those making representations. The Applicant declined.
- 16) The Chairman invited the Applicant to make their presentation and to also respond to any outstanding queries. Mr Grant, on behalf of the applicant, and in response to the objections raised by local residents, proposed the concession that no outside drinking would be permitted after 10:00pm as opposed to 11:00pm as originally suggested. He added that, after 10.00pm, a total of up to 15 smokers only would be allowed outside of the bar at any one time.
- 17) Mr Grant went on to refer to the Liverpool Street area of the City in which the premises was situated, flagging this as being the centre of the City's vibrant, night time economy. Mr Grant highlighted the terminal hours of other establishments nearby, stating that an extension to the terminal hour of this premises would not put it out of kilter with what already existed in the surrounding area. He added that, at present, many customers left the premises at the terminal hour of 11:00pm and migrated to other nearby premises to continue drinking which often contributed to the noise experienced by local residents.
- 18) Mr Grant highlighted that his client was offering many conditions not currently on the existing licence and mostly drawn from the City of London's pool of model conditions, to ensure that the licence was fit for purpose and that they were responding positively to the concerns raised. The applicant's proposals included the following:
 - On Thursday-Saturday, 23.00 – 01.00, two SIA registered door supervisors would be employed with one specifically dedicated to managing the outside, courtyard area in order to minimise any public nuisance;
 - The introduction of a dispersal policy in consultation with the necessary, responsible authorities;
 - Residents would be offered a dedicated, manned contact telephone number to which to report any issues as they arose; and
 - There would be no readmission after midnight.
- 19) Mr Grant, acting on behalf of the applicant, concluded that the above offerings would put the management of the premises on a better footing going forward and would be an improvement on what was already in place. Mr Grant added that pre-application meetings had taken place between the applicant and the responsible authorities who were supportive of this approach, not least because it would help to better control the area immediately outside of the premises.
- 20) Mr Grant went on to refer to the written representation from Mr Ghosh stating that he was surprised to receive this given that Mr Ghosh had only been a local resident as of December 2016. He was concerned by the almost identical wording used in both written representations and the fact that Mr Ghosh

seemed to refer to matters that had taken place months before he had become a resident. He suggested that Mr Ghosh may have been pressured into making this submission by Ms Meek and therefore asked that the Panel give little or no weight to this. Mr Grant added that he also found it surprising that, for reasons of clarity, Ms Meek had failed to mention that it was she who obtained the original licence for the premises as its previous owner.

- 21) Mr Grant reported that none of the responsible authorities had accepted Ms Meek's complaints about the premises at face value and suggested that these were therefore unsubstantiated and often exaggerated.
- 22) With regard to the licensing objectives and, in particular, the issue of public nuisance, Mr Grant quoted from and drew on the conclusions of the Court of Appeal decision in Attorney-General v P. Y. A. Quarries Ltd. to ask the Panel to give careful consideration as to whether the 2-3 residents seemingly affected by noise from the premises was more likely to constitute a private as opposed to a public nuisance.
- 23) The Comptroller and City Solicitor clarified that the City of London had, for some time now, adopted the 'Halsbury's Laws of England' definition of public nuisance which, in most respects, reflected the conclusions drawn by Mr Grant in his submission regarding the definition of public nuisance.
- 24) In response to questions from the Panel concerning the control of smokers outside of the premises, the applicant proposed a further concession in that no more than 10 as opposed to the previously suggested 15 smokers would be permitted outside of the venue at any one time after 10:00pm
- 25) In response to further questions from the Panel, solicitors acting on behalf of the applicant clarified that the outside, courtyard, area would continue to be closed to all customers after 9:30pm each evening. Smokers would therefore be at the front of the premises, on Widegate Street only, after this time.
- 26) At the invitation of the Chairman, Ms Meeks summed up her objections to the application by stating that the current level of noise emitting from the premises was unacceptable. She added that the crowds often gathered in front of the premises also made access to her home very difficult and intimidating, the narrowness of the street also made the gathering of large crowds drinking outside of the premises (as shown in the pictures within Ms Meeks original submission) an issue that might affect passing traffic and lead to serious safety issues. The Chairman noted that the photographs submitted were neither dated nor timed.
- 27) Mr Grant responded by highlighting that this was not the only bar premises in the area that allowed outside drinking and added that just a handful of individuals in the pictures supplied by Ms Meek were holding drinks at the front of the premises.

- 28) The Chairman concluded by clarifying that the Hearing could only consider the impact of the extended opening hours requested by the applicant and not the current, licensed, opening hours.
- 29) The Chairman thanked all parties for their attendance and explained that the Sub-Committee would now retire to deliberate on the application.
- 30) The Chairman explained that written confirmation of the decision would be circulated to all interested parties within five working days.
- 31) The Sub-Committee retired at 11.20am.

Chairman

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

Town Clerk's Office

John Barradell
Town Clerk & Chief Executive



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London
N1 9DT

Telephone 020 7332 1407

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gemma.stokley@cityoflondon.gov.uk

Our ref GS/LIC

Date 19 January 2017

Dear Sir/Madam

Applicant:	Widegate Street Bar Limited
Premises:	Simmons Bar, 20-21 Widegate Street, E1 7HP
Date / time of Hearing:	Monday, 16 January 2017 – 10.30am
Venue:	Committee Room 1, 2nd Floor, West Wing, Guildhall, London EC2V 7HH

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 16 January 2017 in relation to the application to vary the premises licence. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Deputy Jamie Ingham Clark (Chairman), Deputy John Barker and Sophie Fernandes.

Mr Gary Grant, counsel, appeared on behalf of the applicant, Mr James Daglish, partner of instructing solicitors, Ellie Bowker, assisting on behalf of instructing solicitors, and Mr Nicholas Campbell and Mr Frank Perkins of Widegate Street Bar Limited (trading as Simmons) and Mr David Gair and Mr James Miller as witnesses were present to make submissions in support of the application.

Miranda Meeks made submissions against the application.

1. This decision relates to an application made by Widegate Street Bar Ltd, for a variation to a premises licence in respect of the premises situated at 20-21 Widegate Street, E1 7HP

The application sought to extend the terminal hour Thursday to Saturday for alcohol sales and recorded music. 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	Mon - Sun 10:00 – 23:00	Sun - Wed 10:00 – 23:00 Thu - Sat 10:00 – 01:00
Recorded Music	Mon - Sun 10:00 – 23:00	Sun - Wed 10:00 – 23:00 Thu - Sat 10:00 – 01:00
Performance of Plays, Live Music	Mon - Sun 12:00 – 21:30	No Change
Similar to Live Music and Recorded Music	Mon - Sun 12:00 – 22:00	No Change

2. At the Chairman's invitation Ms Meeks summarised her objections to the application by outlining the ways in which she and her family were currently severely affected by noise from the bar – something which would only worsen if extended opening hours were to be granted. She stated that the noise could be heard in every room of her residence and emanated from both the front of the bar premises and from the courtyard area at the back. She stated that the courtyard was often overcrowded and referred the panel to the photograph of this included within her original submission. Ms Meek, in response to questions, stated that she had reported the noise disturbance to the responsible authorities on many occasions.
3. The Chairman assured Ms Meek that all of the responsible authorities were notified of licensing hearings and reported that, on this occasion, none had chosen to submit representations.
4. In response to further comments made by Ms Meek, the Panel confirmed that there was a mandatory condition on all premises licences which did not permit the promotion of irresponsible drinking.
5. The Chairman referred to a second representation against the application from Mr Sam Ghosh which would also be taken into consideration in the Panel's deliberations. It was noted that Mr Ghosh had subsequently sought to conditionally withdraw his submission but that this condition was not accepted. Mr Ghosh was not in attendance.
6. During the hearing, the applicant, in response to the objections from local residents, proposed the concession that no outside drinking would be permitted after 10:00pm as opposed to 11:00pm as originally suggested. Solicitors acting on behalf of the applicant added that, after 10.00pm a total of up to 15 smokers only would be allowed outside of the bar at any one time.
7. Mr Grant went on to highlight the terminal hours of other establishments nearby stating that an extension to the terminal hour of this premises would not put it out

of kilter with what already existed in the surrounding area. He added that, at present, many customers left the premises at the terminal hour of 11:00pm and migrated to other nearby premises to continue drinking which often contributed to the noise issue in the area.

8. In response to the concerns raised, the applicant proposed the following:
 - On Thursday-Saturday, two SIA registered door supervisors would be employed with one specifically dedicated to managing the outside, courtyard area in order to minimise any public nuisance;
 - The introduction of a dispersal policy in consultation with the necessary, responsible authorities;
 - Residents would be offered a dedicated, manned contact telephone number to which to report any issues as they arose; and
 - There would be no readmission after midnight.
9. Solicitors acting on behalf of the applicant concluded that the above offerings would put the management of the premises on a better footing going forward and would be an improvement on what was already in place. Mr Grant added that pre application meetings had taken place between the applicant and the responsible authorities who were supportive of this approach.
10. With regard to the licensing objectives and, in particular, the issue of public nuisance, Mr Grant quoted from and drew on the conclusions of the Court of Appeal decision in *Attorney-General v P. Y. A. Quarries Ltd.* to ask the Panel to give careful consideration as to whether the 2-3 residents seemingly affected by noise from the premises was more likely to constitute a private as opposed to a public nuisance.
11. In response to questions from the Panel concerning the control of smokers outside of the premises, the applicant proposed a further concession in that no more than 10 as opposed to the previously suggested 15 smokers would be permitted outside of the venue at any one time after 10:00pm
12. In response to further questions from the Panel, solicitors acting on behalf of the applicant clarified that the outside, courtyard, area would continue to be closed to all after 9:30pm each evening. Smokers would therefore be at the front of the premises, on Widegate Street only, after this time.
13. Ms Meeks summed up her objections to the application by stating that the current level of noise emitting from the premises was unacceptable. She added that the crowds often gathered in front of the premises also made access to her home very difficult and intimidating.

14. 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 licensed, opening hours.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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	Mon - Sun 10:00 – 23:00	Sun - Wed 10:00 – 23:00 Thu - Sat 10:00 – 01:00
Recorded Music	Mon - Sun 10:00 – 23:00	Sun - Wed 10:00 – 23:00 Thu - Sat 10:00 – 01:00
Performance of Plays, Live Music	Mon - Sun 12:00 – 21:30	No Change
Similar to Live Music and Recorded Music	Mon - Sun 12:00 – 22:00	No Change

21. 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. The Sub-Committee noted that the provision of licensable activities in the rear courtyard after 9.30pm is prohibited by an existing condition.
22. 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) *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 (MC15).*
 - 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) *There shall be no sale of alcohol in unsealed containers for consumption off the premises after 22.00 hours (MC18).*
 - d) *On any occasion that regulated entertainment is provided, not less than 2 SIA registered door supervisors shall be engaged to control entry (MC05).*
23. If any party is dissatisfied with this decision, he or she is reminded of the right to appeal, within 21 days of the date of this letter, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

Yours faithfully,

Gemma Stokley

Clerk to the Licensing (Hearing) Sub Committee

Useful Numbers/Websites:

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

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

publicprotection@cityoflondon.gov.uk

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

Licensing Policy and Code of Good Practice for Licensed Premises:

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

CC - James Daglish, Goodman Derrick LLP, 10 St Bride Street, London, EC4A 4AD.

Agenda Item 5

TO: **LICENSING COMMITTEE**

Wednesday, 1 February 2017

FROM: **POLICY AND RESOURCES COMMITTEE**

Thursday, 15 December 2016

APPOINTMENT OF CHAIRMEN OF SUB-COMMITTEES

Members considered and approved a report of the Town Clerk and Comptroller and City Solicitor regarding the appointment of Sub-Committee Chairmen.

RESOLVED – that:-

- when a Chairman does not wish to exercise his/her right to be the Chairman of a Sub-Committee and wishes a specific Member to be appointed, Committees adopt a convention whereby the Chairman submits his/her nomination for Chairman and/or Deputy Chairman to the service committee for approval; and
- a resolution to this effect be circulated to all relevant Committees to endorse this convention.

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Committee: Licensing	Date: 1 February 2017
Subject: Terms of Reference of the Licensing Committee and Frequency of Meetings	Public
Report of: Town Clerk	For Decision
Report Author: Gemma Stokley, Town Clerk’s Department	
<p style="text-align: center;"><u>Summary</u></p> <ol style="list-style-type: none">1. As part of the post-implementation review of the changes made to the governance arrangements in 2011 it was agreed that all Committees should review their terms of reference. This will enable any proposed changes to be considered in time for the reappointment of Committees by the Court of Common Council.2. The terms of reference of the Licensing Committee are set out at Appendix A for your consideration. It is proposed that the approval of any further changes to the Committee’s terms of reference be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.3. The Committee is also required to review the frequency of its Committee meetings. At present, the Licensing Committee meet four times per year. <p><u>Recommendations</u></p> <ol style="list-style-type: none">a) That, subject to any comments, the terms of reference of the Committee be approved for submission to the Court, as set out at Appendix A, and that any further changes required in the lead up to the Court’s appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman; andb) Members agree on the frequency of meetings per annum.	

Contact:

Gemma Stokley

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LICENSING COMMITTEE

Terms of Reference

To be responsible for:-

- (a) the City of London Corporation's licensing functions under the following legislation:-
 - (i) Licensing Act 2003:-
 - (ii) Gambling Act 2005:-
 - (iii) Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009:-
 - (a) the licensing of sexual entertainment venues
 - (b) action to prohibit the consumption of alcohol in designated public places as detailed in sections 12-16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
 - (c) the implementation of those sections of any Acts of Parliament and/or European Legislation which direct that the local authority take action in respect of those duties listed at (a) above, including the functions contained in Sections 2(1) and 2(2) of the Hypnotism Act 1952
 - (d) determining which of its functions and responsibilities may be delegated to enable the Director of Markets and Consumer Protection to act on its behalf.
- (b) The appointment of the Director of Markets and Consumer Protection (in consultation with the Port Health and Environmental Services Committee and the Markets Committee);
- (c) Making recommendations to the Court of Common Council regarding:-
 - (i) the City Corporation's Statement of Licensing Policy; and
 - (ii) The Statement of Licensing Principles in respect of the Gambling Act 2005.

Committee(s)	Dated:
Licensing Committee	1 February 2017
Subject: Revenue Budgets – 2017/18	Public
Report of: The Chamberlain Director of Markets and Consumer Protection	For Decision
Report Author: Jenny Pitcairn	

Summary

This report is the annual submission of the revenue budgets overseen by your Committee. In particular it seeks approval to the latest revenue budget for 2016/17 and provisional revenue budget for 2017/18, for subsequent submission to the Finance Committee. The budgets have been prepared within the resources allocated to the Director.

Business priorities for the forthcoming year include the application of the income generated by the Late Night Levy, and completion of a revised Gambling Policy.

Table 1 Summary Revenue Budgets 2016/17 and 2017/18	Original Budget 2016/17 £'000	Latest Budget 2016/17 £'000	Original Budget 2017/18 £'000
Expenditure	609	700	625
Income	(689)	(761)	(687)
Support Services and Capital Charges	161	161	171
Total Net Expenditure	81	100	109

Overall, the 2016/17 latest budget is £100,000, an increase of £19,000 compared to the original budget. Main reasons for this increase are:

- An unspent balance of Late Night Levy income brought forward from 2015/16, (£78,000), offset by an increase in of £60,000 in planned expenditure and an increase of £18,000 in the contingency where the balance of Late Night Levy funding is held; and
- An increase of £19,000 for Environmental Health costs in relation to massage and special treatment licences.

Overall, the 2017/18 provisional budget is £109,000, an increase of £28,000 compared with the original budget for 2016/17. Main reasons for this increase are:

- An increase of £19,000 for Environmental Health costs in relation to massage and special treatment licences; and

- An increase in central support recharges reflecting the latest allocations and cost of central departments, £10,000.

Recommendation(s)

Members are asked to:

- Review the latest 2016/17 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to the Finance Committee;
- Review the provisional 2017/18 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to Finance Committee; and
- Authorise the Chamberlain, in consultation with the Chairman and Deputy Chairman, to revise these budgets for changes in respect of the Late Night Levy.

Main Report

Background

1. The Licensing Service is responsible for ensuring that all City businesses hold the appropriate licences and registrations and comply with the rules and conditions appertaining to those licences.
2. This report sets out the latest budget for 2016/17 and the proposed revenue budget for 2017/18. The revenue budget management arrangements are to:
 - Provide a clear distinction between local risk, central risk and recharge budgets
 - Place responsibility for budgetary control on departmental Chief Officers
 - Apply a cash limit policy to Chief Officers' budgets
3. The budget has been analysed by service expenditure and compared with the original budget for the 2016/17. The budget is further analysed between:
 - Local Risk budgets – these are budgets deemed to be largely within the Chief Officer's control.
 - Support Services and Capital Charges – these cover budgets for activities provided by one service to another. The control of these costs is exercised at the point where the expenditure or income first arises as local or central risk.
4. The report also compares the current year's budget with the forecast outturn.
5. In the various tables, income and favourable variances are presented in brackets. Only significant variances (generally those greater than £10,000) have been commented on.

Business Planning Priorities

6. Income from the Late Night Levy whereby a separate fee is charged to licensed premises selling after midnight has not yet been fully utilised, and continued work will be required to ensure that the income is used to achieve the greatest benefit in accordance with the specified purposes.
7. The Gambling Policy is due to be reviewed, and the completion of the respective consultations and incorporation into the final versions will take place during 2017/18.

Latest Revenue Budget for 2016/17

8. Overall there is an increase of £19,000 between the Committee's original and latest budget for 2016/17. Table 2 below summarises the movements between the original and latest budgets comprising this increase.

Table 2 Latest Revenue Budgets 2016/17	Original Budget 2016/17 £'000	Latest Budget 2016/17 £'000	Movement Increase/ (Decrease) £'000	Paragraph Reference
EXPENDITURE				
Employees	447	442	(3)	
Premises Related Expenses	45	45	0	
Supplies & Services	18	36	18	9
Third Party Payments	54	114	60	9
Committee Contingency	45	63	18	9
Total Expenditure	609	700	91	
INCOME				
Customer, Client Receipts	(689)	(761)	(72)	9
Total Income	(689)	(761)	(72)	
TOTAL LOCAL RISK EXPENDITURE/ (INCOME)	(80)	(61)	19	
SUPPORT SERVICES AND CAPITAL CHARGES				
Central Support Services and Capital Charges	113	114	1	
Recharges within Fund	27	27	0	
Recharges across Funds	21	20	(1)	
Total Support Services and Capital Charges	161	161	0	
TOTAL NET EXPENDITURE/ (INCOME)	81	100	19	

9. The movement between the original and latest budgets shown in Table 2 is primarily attributable to:
 - Additional income (£78,000) from the Late Night Levy due to an unspent balance brought forward from 2015/16. This income must be spent on specified purposes, and the corresponding expenditure budget is held as a contingency until allocated, so the contingency budget was increased by

£78,000 accordingly. Subsequently, additional allocations were agreed and transferred from the contingency for 2016/17 comprising:

- £30,000 for additional street cleansing resources to deal with night-time economy related anti-social soiling and litter
- £30,000 for work with Club Soda.

Proposed Revenue Budget for 2017/18

10. The provisional 2017/18 budgets being presented to your Committee, and under the control of the Director of Markets and Consumer Protection, have been prepared in accordance with the guidelines agreed by the Policy & Resources and Finance Committees. These include a 1% cash limit allowance for pay and price increases, as well as the proper control of transfers of non-staffing to staffing budgets. The budget has been prepared within the resources allocated to the Director.

11. Overall there is a increase of £28,000 between the Committee's 2016/17 and 2017/18 original budgets. Table 3 below summarises the movements comprising this increase.

Table 3 Provisional Revenue Budgets 2017/18	Original Budget 2016/17 £'000	Original Budget 2017/18 £'000	Movement Increase/ (Decrease) £'000	Paragraph Reference
EXPENDITURE				
Employees	447	449	2	12(i)
Premises Related Expenses	45	45	0	
Supplies & Services	18	37	19	
Third Party Payments	54	54	0	
Committee Contingency	45	40	(5)	
Total Expenditure	609	625	16	
INCOME				
Customer, Client Receipts	(689)	(687)	2	
Total Income	(689)	(687)	2	
TOTAL LOCAL RISK EXPENDITURE/ (INCOME)	(80)	(62)	18	
SUPPORT SERVICES AND CAPITAL CHARGES				
Central Support Services and Capital Charges	113	124	11	12(ii)
Recharges within Fund	27	27	0	
Recharges across Funds	21	20	(1)	
Total Support Services and Capital Charges	161	171	10	
TOTAL NET EXPENDITURE/ (INCOME)	81	109	28	

12. The movements between budgets shown in Table 3 are primarily attributable to:

- (i) An increase of £19,000 for Environmental Health costs in relation to massage and special treatment licences.
- (ii) The increase in central support services and capital charges reflects the latest attribution and cost of central departments.

13. A summary of the movement in staffing numbers and associated costs are shown in Table 4 below.

Table 4 – Staffing Statement	Original Budget 2016/17		Original Budget 2017/18	
	Staff Full-time Equivalent	Estimated Cost £'000	Staff Full-time Equivalent	Estimated Cost £'000
Total Licensing	7.7	447	7.7	449

Potential Further Budget Developments

14. The provisional nature of the 2017/18 revenue budget recognises that further revisions may be required, particularly in relation to:

- allocation of the unspent balance of the Late Night Levy.

Forecast Outturn 2016/17

15. The forecast outturn for the current year is £100,000, in line with the latest budget.

16. A detailed calculation will be carried out at the end of the year to determine whether a surplus or loss has been made on each licence application type for which the City sets its own fees. Any such surplus or shortfall must be carried forward and used to reduce or increase future fees accordingly.

Appendices

- None

Jenny Pitcairn

Chamberlain's Department

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Committee(s)	Dated:
Licensing	1 February 2017
Subject: Sex Establishments – Annual Review of Fees 2017/18	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

Summary

The City of London Corporation has to set annual fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment. The report outlines recent case law which has indicated that the process for setting the fees must be robust and that income received through the licensing process cannot exceed the cost of administering that process.

The matters considered by the licensing service in setting the proposed fees are discussed and include all aspects within the licensing process.

The proposed fees suggested are a slight increase from the current fees. This is due primarily to a small increase in staffing costs and minor changes in procedure. This will not affect budget income targets as we currently do not have any premises that have a Sex Establishment Licence.

.

Recommendation(s)

Members are asked to:

- Agree the proposed fees for 2017/18 as set out in Appendix 1

Main Report

Background

1. The Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, as amended by s.27 of The Policing and Crime Act 2009 sets out the statutory provisions for setting Sex Establishment fees.
2. A Sex Establishment is defined as a Sex Shop, Sex Cinema or Sexual Entertainment Venue (primarily lap dancing clubs). A premises is not a Sexual Entertainment Venue if any relevant entertainment is only provided on eleven or

less occasions during a twelve month period and, each of the occasions are at least one month apart.

3. The City of London Licensing Authority must determine the appropriate fees for the granting, renewal, transfer and variation of a licence. Any fee set must be 'reasonable'.
4. Licences are valid for 12 months from the date of grant unless surrendered or revoked. A process similar to the granting of a new licence is to be followed for each renewal including consultation.
5. A High Court case held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made. The decision was subsequently upheld by the Court of Appeal.
6. Mr Justice Keith stated in the case '... [*in relation to*] the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed. And when you talk about the cost of those procedures, you are talking about the administrative costs involved, and the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating their compliance with the terms of their licence (in the case of applications for the renewal of a licence). There is simply no room for the costs of the 'authorisation procedures' to include costs which are significantly in excess of those costs.'
7. The Supreme Court heard an appeal on 29 April 2015 and decided that licensing schemes which required the applicant to pay a fee covering the administrative costs of the application at the time the application is made and, in the event that the application is granted, a further fee to cover the costs of enforcing the licensing scheme did not fall foul of the Provision of Services Regulations 2009. Furthermore, the Supreme Court rejected Mr Justice Keith's view that enforcement costs cannot be recouped. In delivering the judgement of the Supreme Court, Lord Mance stated ... "there is no reason why it (*the fee*) should not be set at a level enabling the authority to recover from licensed operators the full cost of running and enforcing the licensing scheme, including the costs of enforcement and proceedings against those operating sex establishments without licences."
8. The decision of the Supreme Court was upheld by the European Court of Justice in November 2016

Calculation of Fees for 2017/18

9. In order to avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth

examination of the processes that would be undertaken in order to administer a licence application/renewal and the costs of investigating compliance with any licence conditions.

10. In determining the proposed fee structure for a Sexual Entertainment Venue the following factors have been taken into account (an example of the factors taken into account if we received a new application for a Sexual Entertainment Venue can be seen as Appendix 2):
 - Officer time spent on processing applications including site inspections and the issue of any licence
 - Officer time spent on the development and maintenance of processes and guidance notes
 - Training of staff as necessary
 - A proportion of the service costs such as accommodation, equipment and central recharges
 - Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence
11. The proposed fees for 2017/18 show a slight increase due primarily to minor changes in procedure and a small increase in staff costs and general overheads.

Proposals/Options

12. If fees are set lower than those recommended the result will be a deficit for 2017/18 if an application is received, as costs of administering the licence will not be fully met from income received. Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
13. Any such under or over recovery of costs from 2017/18 will be calculated after the end of that financial year and be carried forward to be taken into consideration in setting fees for 2019/20. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge. There was no under or over recovery to take into account in calculating the proposed fees for 2017/18, as no applications were received in 2015/16.

Corporate & Strategic Implications

14. The proposals within this report meet the statutory requirement to set fees for the licensing of Sex Establishments.

Implications

15. Setting the recommended sex establishment fees will not have a detrimental effect on the licensing budget as there are currently no sex establishments and thus no income.
16. Setting fees above or below those recommended will have the implications as set out in paragraph 13 above.

Conclusion

17. Setting the proposed fees will permit the Corporation to meet its statutory obligations and recover all costs if an application for a Sex Establishment is received during 2017/18.

Appendices

- Appendix 1 – Proposed Fees for 2017/18
- Appendix 2 – Example of factors taken into account when calculating a proposed fee

Background Papers

None

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Appendix 1

Proposed Sex Establishment Fees for 2017/18

Application Type	Estimated number	Current Fee	Proposed Fee	Income Forecast
New sex shop / sex cinema application	0	£4,550	£5,050	£0.00
Renewal of sex shop / sex cinema licence	0	£4,200	£4,640	£0.00
Variation of sex shop / sex cinema licence	0	£3,530	£3,960	£0.00
Transfer of sex shop / sex cinema licence	0	£480	£520	£0.00
New sexual entertainment venue application	0	£6,190	£6,780	£0.00
Renewal of sexual entertainment venue licence	0	£5,840	£6,370	£0.00
Variation of sexual entertainment venue licence	0	£3,530	£3,960	£0.00
Transfer of sexual entertainment venue licence	0	£2,330	£2,720	£0.00
Change of details	0	£50	£50	£0.00
Copy of licence	0	£30	£30	£0.00
Total				£0.00

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Example of the factors taken into account when calculating thefee for an application for a Sexual Entertainment Venue.Fee set for 2017/18 at £6780 (New Application).

<u>Pre Application Queries:</u>		£
Queries from applicant. Keeping forms etc. up to date	43.52	
<u>Receipt of Application:</u>	58.02	
Allocation of work, review of application, preliminary enquiries of applicant, processing of fee		
<u>Consultation:</u>	82.21	
Includes scanning of application and loading onto M3 database. Posting details on website. Consultation with both internal and external teams.		
<u>Consultation responses:</u>	604.48	
Interviewing applicant and site visit. Locality assessment. Check newspaper advertisement. Consider representations. Queries from responsible authorities. Update database.		
<u>Determination:</u>	2298.50	
Planning team and noise team logs/information. Pre- hearing admin. Hearing process (includes costs for legal and other council departments.		
<u>Post hearing and production of licence:</u>	133.85	
Work of committee officer producing minutes, decision letters, notifying applicant etc. Preparation of licence, checking, update database.		
<u>Policy costs:</u>	1727.00	
Policy development. Committee work. Consultation with final report to Court of Common Council. Legislative updates. Training.		
<u>Post Licence:</u>	738.03	
Member queries, FOI's, Website, Review of fees.		
<u>Compliance costs:</u>	1092.09	
Proactive compliance visits		
		<hr/>
		6777.70

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Committee(s)	Dated:
Licensing	1 February 2017
Subject: Gambling Act – Annual Review of Fees 2017/18	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

Summary

The City of London Corporation has to set annual fees for those premises requiring a licence under the Gambling Act 2005. The report outlines current case law which has indicated that the process for setting the fees must be robust and that income received through the licensing process cannot exceed the cost of obtaining that income.

The matters considered by the licensing service in setting the proposed fees are discussed and include all aspects within the licensing process.

The proposed fees will result in a similar income compared with previous years. Some fees have been increased due primarily to slight increases in staff costs.

Recommendation(s)

Members are asked to:

- Agree the proposed fees for 2017/18 as set out in Appendix 1 (column five).

Main Report

Background

1. The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (the 'Regulations') sets out the statutory provisions and limitations for setting gambling fees.
2. The City of London Licensing Authority must determine the appropriate fees subject to a maximum as set out in the schedule to the regulations. The fee structure allows for various types of applications associated with varying classes of premises licence, many of which do not currently apply within the City of

London e.g. Casinos, bingo Halls. The maximum fees can be seen in Appendix 1, column 4.

3. Licences are valid for life from the date of grant unless surrendered or revoked. An annual fee is due for payment within thirty days of the licence issue (effective date) and then annually thereafter.
4. Section 212 of the Gambling Act 2005 states that the licensing authority, ‘...shall aim to ensure that the income from fees of that kind [*determined by the licensing authority*] as nearly as possible equates to the costs of providing the service to which the fee relates...’.
5. A High Court case held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made. The decision was subsequently upheld by the Court of Appeal.
6. Mr Justice Keith stated in the case ‘... [*in relation to*] the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed. And when you talk about the cost of those procedures, you are talking about the administrative costs involved, and the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating their compliance with the terms of their licence (in the case of applications for the renewal of a licence). There is simply no room for the costs of the ‘authorisation procedures’ to include costs which are significantly in excess of those costs.’
7. The Supreme Court heard an appeal on 29 April 2015 and decided that licensing schemes which required the applicant to pay a fee covering the administrative costs of the application at the time the application is made and, in the event that the application is granted, a further fee to cover the costs of enforcing the licensing scheme did not fall foul of the Provision of Services Regulations 2009. Furthermore, the Supreme Court rejected Mr Justice Keith’s view that enforcement costs cannot be recouped. In delivering the judgement of the Supreme Court, Lord Mance stated ... “ there is no reason why it (*the fee*) should not be set at a level enabling the authority to recover from licensed operators the full cost of running and enforcing the licensing scheme, including the costs of enforcement and proceedings against those operating ... establishments without licences.”
8. The decision of the Supreme Court was upheld by the European Court of Justice in November 2016.

Calculation of Fees for 2017/18

9. In order to avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that are undertaken in order to administer the

licence application/renewal and the costs of investigating compliance with any licence conditions.

10. In determining the proposed fee structure for gambling premises licences the following factors have been taken into account:

- Officer time spent on processing applications including site inspections and the issue of any licence
- Officer time spent on the development and maintenance of processes and guidance notes
- Training of staff as necessary
- A proportion of the service costs such as accommodation, equipment and central recharges
- Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence

A further breakdown of those factors taken into account in the calculation of fees can be seen as Appendix 2.

11. Gambling fees for 2017/18 have been calculated on the above basis for each of a number of different types of licence. Proposed fees have either remained the same or increased slightly. The primary reason for the increase is changes to staffing costs. Proposed fees can be seen as Appendix 1, column 5.

12. The forecast number of applications for each type can be seen in the table below along with the number of licences/registrations that were actually granted in previous years.

	2015/16		2016/17		2017/18
	Forecast	Actual	Forecast	Actual	Forecast
New Betting Shop	1	0	1	1	1
Annual fee (renewal)	39	39	39	38	38
Variation Betting Shop	0	1	1	1	1
Transfer	0	0	0	0	2
Gaming machine permits	20	19	19	21	22

Proposals/Options

13. If fees are set lower than those recommended the result will be a deficit for 2017/18 as costs of administering the licence will not be fully met from income received.
14. Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
15. Any such under or over recovery of costs from 2017/18 will be calculated after the end of that financial year and will be carried forward to be taken into consideration in setting fees for 2019/20. The surplus or deficit on each fee type from 2015/16 has been taken into account when setting the fees for 2017/18. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge.

Corporate & Strategic Implications

16. The proposals within this report meet the statutory requirement to set fees for the licensing of activities within the Gambling Act 2005, as they apply to the City of London Corporation.

Implications

17. Setting the recommended fees will result in Gambling licence estimated income for 2017/18 of £25,420, against a budgeted income of £26,000.
18. Setting fees above or below those recommended will have the implications as set out in paragraph 15 above.

Appendices

- Appendix 1 – Proposed Fees for 2017/18 and list of maximum fees
- Appendix 2 – Factors taken into account when calculating Fees.

Background Papers

None

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Application Type	Estimated number	Current fee	Maximum permitted fee	Proposed Fee	Income Forecast
New Betting Shop	1	£680.00	£3,000.00	£680.00	£680.00
New Casino (small) *	0	£2,710.00	£8,000.00	£2,910.00	£0.00
New Bingo	0	£710.00	£3,500.00	£750.00	£0.00
New AGC	0	£710.00	£2,000.00	£750.00	£0.00
New FEC	0	£710.00	£2,000.00	£750.00	£0.00
Annual fee Betting Shop	38	£580.00	£600.00	£600.00	£22,800.00
Annual fee Casino (small) *	0	£1,050.00	£5,000.00	£1,120.00	£0.00
Annual fee Bingo	0	£570.00	£1,000.00	£600.00	£0.00
Annual fee AGC	0	£570.00	£1,000.00	£600.00	£0.00
Annual fee FEC	0	£570.00	£750.00	£600.00	£0.00
Variation betting shop	1	£300.00	£1,500.00	£300.00	£300.00
Variation Casino (small) *	0	£2,300.00	£4,000.00	£2,490.00	£0.00
Variation Bingo	0	£300.00	£1,750.00	£330.00	£0.00
Variation AGC	0	£300.00	£1,000.00	£330.00	£0.00
Variation FEC	0	£300.00	£1,000.00	£330.00	£0.00
Transfer/reinstatement betting shop	2	£200.00	£1,200.00	£220.00	£440.00
Transfer/reinstatement Casino (small)	0	£270.00	£1,800.00	£290.00	£0.00
Transfer/reinstatement Bingo	0	£200.00	£1,200.00	£220.00	£0.00
Transfer/reinstatement AGC	0	£200.00	£1,200.00	£220.00	£0.00
Transfer/reinstatement FEC	0	£200.00	£950.00	£220.00	£0.00
Provisional statement Betting Shop	0	£710.00	£3,000.00	£750.00	£0.00
Provisional statement Casino (small) *	0	£2,710.00	£8,000.00	£2,910.00	£0.00
Provisional statement Bingo	0	£710.00	£3,500.00	£750.00	£0.00
Provisional statement AGC	0	£710.00	£2,000.00	£750.00	£0.00
Provisional statement FEC	0	£710.00	£2,000.00	£750.00	£0.00
New app with prov statement Bet Shop	0	£710.00	£1,200.00	£750.00	£0.00
New app with prov statement Casino (sm)	0	£2,710.00	£3,000.00	£2,910.00	£0.00
New app with prov statement Bingo	0	£710.00	£1,200.00	£750.00	£0.00
new app with prov statement AGC	0	£710.00	£1,200.00	£750.00	£0.00
New app with prov statement FEC	0	£710.00	£950.00	£750.00	£0.00
Change of circumstances	0	£50.00	£50.00	£50.00	£0.00
Copy of licence	0	£25.00	£25.00	£25.00	£0.00
Temporary use notice (TUN)	0	£450.00	£500.00	£500.00	£0.00
Replacement TUN (copy)	0	£25.00	£25.00	£25.00	£0.00
Gaming machine permit (2 or less)	2	£50.00	£50.00	£50.00	£100.00
Gaming machine permit (3 or more)	1	£150.00	£150.00	£150.00	£150.00
Annual fee gaming machine permit (3 or more)	19	£50.00	£50.00	£50.00	£950.00
Variation to gaming machine permit (3 or more)	0	£100.00	£100.00	£100.00	£0.00
Transfer of gaming machine permit (3 or more)	0	£25.00	£25.00	£25.00	£0.00
Total					£25,420.00

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Appendix 2

Example of factors taken into account when calculating

fee for a renewal of a gambling (betting shop) licence.

2017/18 (Proposed fee is maximum fee permitted of £600)

<u>General queries:</u>	£
Includes time spent answering emails and telephone calls	19.34
 <u>Collection of Annual Payment:</u>	 14.51
Preparation of data for finance and update M3 database and public register	
 <u>Compliance Costs:</u>	 151.37
Includes inspections for checking compliance with licence conditions. Update information on database. Correspondence with licence holder	
 <u>Post renewal costs:</u>	 43.80
Member queries. Maintaining website. Quarterly return to Gambling Commission	
 <u>Policy:</u>	 375.31
Policy development. Committee work. Consultation with final report to Court of Common Council. Legislative updates. Training	
	<hr/> 604.33

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Committee(s)	Dated:
Licensing	01 February 2017
Subject: Late Night Levy – 12 Month Report (1 Oct 2015 – 30 Sep 2016)	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

Summary

A Late Night Levy has been operating within the City of London since 1 October 2014. This report looks at the second year of operation and details the number of premises that are paying the Levy, the income collected and how that money has been spent to date.

The evidence shows that almost as many premises at the beginning of the second Levy year were liable to pay the Levy due to their terminal hour for selling alcohol being after midnight, as at the beginning of the first Levy year.

The income collected has enabled the licensing service to continue with operating its unique risk scheme combined with Safety Thirst, a best practice scheme. The Police and cleansing service have been able to put additional resources into those areas that are affected by the night time economy directly affecting the levels of crime and disorder and public nuisance.

Although the Levy would need to operate for a minimum of a further year before the effects can be fully examined, the decrease in licensing hearings or reviews during the past twelve months is significant.

Recommendation(s)

Members are asked to:

1. Agree that expenditure of the Levy continue in the areas set out in paragraph 15 with continued exploration into areas where the night time economy, within the scope of paragraph 13, may benefit from use of Levy income.
2. Agree that the final allocation of the Levy, apportioned for use by the City Corporation, to be decided by the Chairman and Deputy Chairman of the Licensing Committee in consultation with the Director of Markets and Consumer Protection.
3. Require officers prepare an annual account of the operation and effect of the Levy which is to be reported to the Licensing Committee.

Main Report

Background

1. The Police Reform and Social Responsibility Act 2011 introduced the power for licensing authorities to impose a Late Night Levy on those premises selling alcohol after midnight. The aim of the Levy is to empower local areas to charge businesses that supply alcohol late into the night for the extra costs that the night-time economy generates for police and licensing authorities.
2. On the 28 April 2014 this Committee considered a report on the introduction of such a Levy within the City of London and recommended to the Court of Common Council on 12 June 2014 that the Levy be adopted. The Levy was adopted and introduced within the City from 1 October 2014.
3. The Levy is applied to all premises selling alcohol after midnight between the hours of 00:01 and 06:00. Premises selling alcohol after midnight due solely to a condition permitting them to sell on New Year's Eve would still be liable to pay the Levy.

Current Position

Premises liable

4. During the 1st levy year, 1 October 2014 to 30 September 2015, 308 premises paid the Levy. During the 2nd levy year, 1 October 2015 to 30 September 2016, 301 premises paid the levy. The slight decrease in numbers would appear to be those premises who have decided that there is no advantage to their business to stay open after midnight. Forecasts for 2016/17 would appear to be of a similar number to the 2nd levy year.

Generated Income

5. The amount of the Levy is prescribed nationally and is based on the premises rateable value. The annual charges for the Levy, and weekly equivalent, are:

Rateable Value (£)	Rateable Band	Amount of Levy (£)	
		Annual Levy	Weekly Equivalent
0 – 4,300	A	299	5.75
4,301 – 33,000	B	768	14.77
33,301 – 87,000	C	1,259	24.21
87,001 – 125,000	D	1,365 (2,730*)	26.25 (52.50*)
125,001 +	E	1,493 (4,440*)	28.71 (85.39*)

** Where a multiplier applies for premises used exclusively or primarily for the supply of alcohol for consumption on the premises (bands D & E only)*

6. During the 1st levy year the levy generated £445k. Of this, £25k was deducted for setting up/administering the scheme. 70% of the remaining money was given to the City of London Police (£294k) and 30% retained by the City Corporation (£126k).
7. During the 2nd levy year the scheme generated approximately £448k with a deduction for administration of £15k. 70% of the remaining money is to be given to the City of London Police (£303k) and 30% retained by the City Corporation (£130k).
8. Forecasts for the 3rd levy year, 1 October 2016 to 30 September 2017, would indicate a similar level of income to the previous two years i.e. in the region of £445k
9. The total amount collected and apportioned to the City Corporation, and to be collected over the next few months, is as follows:

Levy Year	Collected £'000	Status
Oct 14 – Sep 15	126	Actual
Oct 15 – Sep 16	130	Actual
Oct 16 – Mar 17 (part year)	40	Forecast
TOTAL	296	

Safety Thirst Scheme

10. Legislation permits a local authority to give a 30% discount off the Levy payment for those premises that participate in a best practice scheme. The scheme has to show why membership of it is likely to result in a reduction of alcohol-related crime and disorder, there is a requirement for active participation by scheme members and those members who do not participate appropriately can be removed from the scheme. The scheme currently used by the City Corporation is the Safety Thirst Scheme.
11. The Safety Thirst Scheme has been running for a number of years but was completely revamped in 2014 prior to the Levy being adopted. It lays down a set of criteria in a number of areas that premises either must meet or are expected to meet. Those premises meeting the 'must meet' criteria can join the scheme and receive a 30% discount in their Levy payments.
12. The number of premises achieving membership of the scheme during 2015 was 31 of which 26 sold alcohol after midnight. The number achieving membership in 2016 was 46 of which 40 sold alcohol after midnight. This number is expected to be increased further in 2017.

How has the Levy been spent?

13. The City Corporation are required to spend their allocation of levy money 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
14. The City of London Police have no such restrictions as to what they can spend their allocation of the Levy on. However, it was indicated that the money would be used to fund additional work related to policing of the Night Time Economy.
15. Of the levy money apportioned to the City Corporation the following amounts have so far been spent:

Financial Year	Area of expenditure	Amount (£ '000s)
2015/16	Out of Hours Team	20
2015/16	Funding of Licensing Posts	30
2015/16	Cleansing	34
2016/17	Out of Hours Team	20
2016/17	Funding of Licensing Posts	39
2016/17	Cleansing	64
2016/17	Club Soda	30
	TOTAL	237

- Out of Hours Team. The team operate between 00:00 and 06:00 and can provide a rapid response to complaints relating to public nuisance – usually in the form of noise. In addition, the team are able to identify areas where, although no complaint has been received, problems do, or may exist. This information is fed back to the Licensing Service who are able visit the premises concerned and discuss ways in which problems can be avoided.
- Part funding of new posts. In order to help prevent problems occurring the City Corporation introduced a Risk Assessment Scheme whereby issues relating to premises carry a score which is recorded and used to identify where problems may occur. The Licensing Service and City Police are then able to meet with the premises and discuss ways in which problems can be avoided. The scheme was operated by staff with no means of sustaining their funding. Although the risk scheme is for all premises over 90% of those premises obtaining points sell alcohol after midnight. The scheme, along with the work of the City Police and others, has resulted in the number of licensing hearings reduced from approximately 17 per year to currently only 3/4 per year.

- **Cleansing** – Department of Built Environment provide a cleansing service through their term contractor Amey that is funded from the Night Time Levy. This service covers all areas of the City and operates Thursday to Sunday (inclusive) during the hours that the Night Time Levy is applicable.

The Night Time Levy team visit locations throughout the City, they sweep, clear litter, wash, disinfect and deal with any Anti-Social Behaviour issues and staining identified around licensed premises. They also provide a service for one-off licensed events. Scheduled flushing and washing is carried out on streets around these locations, as well as removal of flyes and other related litter that is generated by the night time economy. Part of the enhanced service also covers the flushing and washing of transport hubs.

This service has a positive effect on the cleanliness and image of the City. The cleansing management team believe that this service addresses the additional challenges raised by the increasing night time economy. The service is monitored by the Street Environment Team (COL) and the Amey Environmental Managers to make sure the required standards are achieved.

During 2016/17 additional power washing will be carried out to clean areas particularly affected by the night time economy. The areas to be targeted are Cloth Fair (to include alleys beside public houses), East Cheap (to include Lovat Lane, Pudding Lane and Monument), Muscovy Street (to include Trinity Square, Minories and Aldgate), Bishopsgate Area and Leadenhall Street (to include Cornhill and Royal Exchange).

- **Club Soda** – Club Soda are an East London based startup helping people whether they want to drink more mindfully, or go alcohol-free. Club Soda offer online behaviour change tools, email programs, workshops and socials, and a supportive community.

Initial payments to the group have helped fund a guide for City Pubs where they can self-assess their performance in the provision of alternative drinking options. During the six month project, Club Soda will visit all venues in the City of London that sell alcohol after midnight. Certain aspects of the scheme will be dovetailed into the Corporation's Safety Thirst scheme.

16. A total of £237k has been spent or allocated to the end of March 2017. Regular discussions are in place between relevant parties in order to ascertain the best way in which the balance, and the ongoing income in future levy years, can be used. This will include consultation with the levy payers.

17. Details of the City of London police expenditure can be seen as Appendix 1.

Corporate & Strategic Implications

18. The proposals within this report will meet one of the overriding objectives contained within the service's business plan namely to 'Oversee the operation of a Late Night Levy'.

Implications

19. Any money retained by the City Corporation from the Levy income must be spent on the areas referred to in paragraph 13, although it does not have to be spent in the same Levy year in which the income was generated.
20. Any expenditure in excess of the income received would need to be met from existing local risk budgets.

Conclusion

21. The number of premises paying the Levy has not reduced significantly in year two.
22. Forecasts for the third Levy year (1 October 2016 to 30 September 2017) are not likely to be significantly less than in years one and two.
23. With Police achieving results which are likely to directly reduce the incidence of crime and disorder, and the number of hearings heard by the Licensing Committee being drastically reduced, it would appear that the Levy money is having a positive effect. However, it is still too early to fully review the scheme and a greater understanding of the success or otherwise should be available after a further year.

Appendices

- Appendix 1 – Police Expenditure

Background Papers

Report to Licensing Committee 11 July 2016: 'Late Night Levy – Interim Report.'

Home Office 'Amended Guidance on the Late Night Levy ' – 24 March 2015

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Appendix 1 - City of London Police - Late Night Levy spend 2015/16

1) Allocation of Funds and Governance

Between 1st October 2015 and 30th September 2016, the City of London Police (CoLP) received a total of £303,000 from the Late Night Levy. Use of this funding is considered at the monthly tasking meeting, chaired by the Commander of Operations or Chief Superintendent of Intelligence and Information, to ensure it meets the levy criteria and that funding is allocated appropriately against threat, harm and risk. 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.

A new forum, the Late Night Levy Planning Meeting (LNLPM), 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 is the Communities and Partnerships Superintendent and the inaugural meeting took place on 17th October with the second scheduled for January 2017.

2) Spend for 2015/16

a) Additional Licensing Officer

The levy has continued to fund an essential additional officer on attachment throughout the year for the police licensing team, at a cost of £55,000. This officer provides on-going resilience for the small team and is responsible for gathering and checking risk assessments for promoted events against intelligence systems, both in the City Police and the Metropolitan Police Service.

As a result, licensees are provided with the best information available for their events and can be warned about any particular issues identified in advance. Likewise, the force can ensure resources on duty are commensurate with any potential risks identified and are able to respond to issues connected with promoted events, where hundreds of people can be in attendance at one premise.

b) Christmas Campaign 2015

Experience and analysis show that December is the busiest period of the year for calls for police assistance to late night, alcohol related incidents. Licensees expect to experience a significant increase in footfall and trading during the lead up to Christmas and in support of this, the force ran a dedicated Christmas Campaign in December 2015, focused on preventing violent and acquisitive crime in and around licensed premises.

On Thursday, Friday and Saturday nights of the four weekends proceeding Christmas, additional resources from across the force were allocated at a cost of £95,000. This provided extra public order trained officers, licensing, investigative, response and patrol capacity, to cater for the expected increase in demand. The additional resources on duty ensured the force was able to respond to the increased demand and provide an increased preventative presence in and around licensed premises.

c) Licensing Operations

Dedicated licensing operations throughout the year have been funded by the levy, with scrutiny of each funding bid provided by the Force Tasking meeting. £60,000 has been spent on late night licensing operations, with deployments taking 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 specialist disruptive effects tactics. Project Servator's support to licensing deployments during this Levy period 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).

£2000 was spent on twenty four 'alcoblow' devices. These devices were delivered in time for the Christmas campaign 2015. 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.

£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 LGBT venues within the City following the Orlando nightclub attack in June. £6000 was also spent on two deployments of public order officers to provide additional police resources for the NTE over the two May bank holiday weekends.

d) Christmas Campaign 2016

£135,000 was agreed by Force Tasking in advance of the end of the 2015/16 levy year to provide a very comprehensive policing plan, Operation Present, the Christmas Campaign for 2016. This operation ran for four weekends from late November until the weekdays leading up to Christmas and saw 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 were supported by additional crime investigation, intelligence and custody assets to ensure a continued presence on the street.

Of particular note during the campaign was the success of the levy funded joint cycle patrols with an LAS paramedic throughout the night shifts. During recent Christmas campaigns we have found ambulance waiting times challenging and with increasing frequency found that police vehicles were either being tied up with taking people at risk to hospital themselves, or officers were waiting long periods of time with people on the street for an ambulance to arrive. This has had a considerable impact on availability of our resources, even when the Alcohol Recovery Centre was in place at Liverpool Street Station.

The LAS paramedic assigned to the City for these shifts assessed 90% of calls as alcohol related and together with the police officer medic from the City of London Police, they used experience and expertise to triage and use the most appropriate pathway for each patient. Outcomes ranged from friends and family coming to collect people from the scene, use of various cab services, St John's ambulances for some intoxicated and incapable patients and the few front line ambulances we had to use, were mostly for more severe injuries (not always connected with alcohol) or mental health patients. Total patients triaged during the campaign was 92, with 73 (79%) of the ambulances called for these being cancelled by the paramedic following triage.

Plan for future spend

The City of London Police has found funding from the levy a crucial factor in delivering these activities throughout the year and use of the fund for the next year was considered at the LNLPM in October 2016 and will be reviewed again in January 2017. Decisions from this meeting are shown below, although these will be subject to any changes in demand and approval by Force Tasking.

- Continuation of licensing operations and increased resources at peak times and in response to any late night issues arising
- Continued funding of an additional licensing officer
- Use of Project Servator officers to support late night licensing operations
- Delivery of a comprehensive Christmas Campaign in December 2016 (and planning ahead for the 2017 campaign)
- Joint paramedic and police patrols pilot during the Christmas campaign 2016
- Additional resources if required in the early hours of New Year's Day 2017
- Enhanced resources for May and Easter bank holidays to meet an expected increase in demand, due to promoted events held over these weekends
- Purchase and maintenance of CCTV vehicle/s to deter crime and anti-social behaviour stemming from the NTE and gather evidence following any incidents
- Implementation of Facewatch system

Table 1: City of London Police Actual and Allocated Spend Oct 2014 to March 2017

	Expenditure	Income
<u>Levy Year 1</u> (Oct 2014 - Sep 2015)	<u>£000's</u>	
Additional Officer	51	
Xmas 2014	76	
New Year's Eve 2014	9	
Licensing Operations (various)	45	
<u>Total</u>	181	294
<u>Levy Year 2</u> (Oct 2015 - Sep 2016)		
Additional Officer	55	
Xmas 2015	95	
Licensing Operations (Various)	60	
Alcoblow devices	2	
Evidence Gathering	21	
Increased trade resources	9	
Reassurance Patrols	6	
<u>Total</u>	248	303
<u>Levy Part Year</u> (Oct 2016 - Mar 2017)		
Xmas 2016 (Allocated)	135	
Additional Officer (Allocated)	27	
Licensing Operations (Various) (Allocated)	10	
<u>Total to date</u>	172	90 (forecast)
<u>Overall total to date</u>	601	687

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Committee(s)	Dated:
Licensing	1 February 2017
Subject: Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	Public
Report of: Director of Markets and Consumer Protection	For Information
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 1 October 2016 to 31 December 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 1 October 2016 to 31 December 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 June 2016 to 30 November 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 1 October 2016 to 31 December 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 1 October 2016 to 31 December 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 June 2016 to 30 November 2016. Four premises have a sufficient number of points to be classified as 'red' and four premises have 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 1 October 2016 to 31 December 2016
- Appendix 2 – Applications to vary a licence issued between 1 October 2016 to 31 December 2016
- Appendix 3 - Enforcement Action carried out between 1 October 2016 to 31 December 2016 (Including complaints received)
- Appendix 4(Non-Public) – Premises reaching red and amber on the risk scheme between 1 June 2016 and 30 November 2016.

Background Papers

None

Peter Davenport

Licensing Manager

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Appendix I

New Licence Applications Issued by way of Delegated Authority (1 Oct 2016 –31 December 2016)

Name	Address	Ward	Details
Temper	1 Angel Court	Broad Street	A 01:00
Broadgate Estates	1 Finsbury Avenue	Bishopsgate	A, L, (e), (f) 00:00
JP Morgan Chase	60 Victoria Embankment	Castle Baynard	A 23:00
Satyrio	49 Aldgate High Street	Portsoken	A, (f) 23:00
WeWork	33 Queen Street	Vintry	A 20:00
Proposed	1 Broadgate	Bishopsgate	A,L,(b),(c),(d),(e),(f),(g) 00:00
Notes Music & Coffee	1A Angel Court	Broad Street	A 23:00
Wallacespace	15-25 Artillery Lane	Bishopsgate	A, L 23:30
Proposed Premises	58 Victoria Embankment	Castle Baynard	A, L, (b), (f), (g) 00:00
Natural Kitchen	1A Angel Court	Broad Street	A, L 00:00
Simmons & Simmons	1 Ropemaker Street	Coleman Street	A 21:00
Club 10 (Grange St Pauls)	10 Godliman Street	Castle Baynard	A, L, (b), (e), (f) 03:00
Proposed Development	27-32 Poultry	Walbrook	A,L,(b),(c),(d),(e),(f),(g) 05:00
Le Pain Quotidien	42 Fish Street Hill	Bridge/Bridge Without	A, L 23:30
Black Sheep Coffee	35 Coleman Street	Coleman Street	A 22:00
Dashwood House	69 Old Broad Street	Bishopsgate	A,L,(f) 01:00
Coya	1B Angel Court	Broad Street	A,L,(b),(e),(f) 03:00
Flock	105A Minories	Tower	A, L 23:30

Total Licences Issued = 18

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	4	Coleman Street	2
Broad Street	4	Portsoken	1
Bridge & Bridge W/O	1	Tower	1
Castle Baynard	3	Vintry	1
		Walbrook	1

Conditions Applied to Licences Granted by way of Delegated Authority

Temper

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 alcohol shall be supplied only to persons seated at tables by waiter/waitress service only.

4. 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 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.

5. A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 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.

Broadgate Estates

None

JP Morgan Chase

None

Satyrrio

None

WeWork

1. The supply of alcohol shall only be to members of the WeWork group of companies or employees of member companies, or their bona fide guests.
2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

Proposed

None

Notes Music & Coffee

1. The premises shall install and maintain a comprehensive CCTV system. All public 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.

Wallacespace

1. The supply of alcohol shall only be to persons attending a pre-booked meeting or event.
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.

Proposed Premises

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. 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.

Natural Kitchen

1. The premises shall install and maintain a comprehensive CCTV system. All public entry and exit points will be covered enabling facial identification of every person entering the premises. 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 shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

2. Promoted events will not be held at the premises. A promoted event is an event involving music and 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 licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public.

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

Simmons & Simmons

None

Club 10

1. Alcohol Sales are permitted 24 hours a day for residents and guests.

2. Notices shall be prominently displayed at the exits of the premises requesting patrons to leave quietly;

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

4. The premises will maintain a comprehensive CCTV system that ensures all areas of the premises are monitored including all entry and exit points and the street environment and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer of the City of London or any other responsible authority or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours' notice;

5. A complaints book shall be kept by the duty manager to record the date, time and nature of all complaints. This complaints book must be available for inspection by an authorised officer of the City of London or any other responsible authority;

6. The licence holder will make available a dedicated telephone number for which all Members of the public can have access to register any complaints regarding the conduct and/or management of the premises.

7. Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public.

Proposed Development

1. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.

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

3. 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.

4. 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.

5. There shall be a minimum of 2 SIA licensed door supervisors engaged to control entry to the premises at all times (1 at each entrance at Poultry and Princes Street).

6. The external spaces on the 5th floor terraces, the roof garden and the roof terraces shall be closed to patrons between the hours of 23.00 and 07.00.

7. 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.

8. 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.

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

10. 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.

11. 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.

12. A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

13. There shall be no self-service of alcohol on the premises, except for in the guest bedrooms.

14. An additional hour may be added to all standard and non-standard times permitted by this licence for boxing/wrestling and indoor sports events on the day that British Summertime commences with the exception of sale of alcohol.

Le Pain Quotidien

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

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

Black Sheep Coffee

1. The premises shall install and maintain a CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 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. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

Dashwood House

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered 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. 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 licence holder) and the event is (independent of the licensee) promoted to the general public.

Coya

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any

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

2. Promoted events will not be held at the premises. A promoted event is an event organised by an external promoter not employed by the premises licence holder involving music and dancing where the music is provided at any time by an external disc jockey or disc jockeys and the event is promoted to the general public.

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

Flock

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 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. Alcohol shall only be served by way of table service to patrons seated in the premises.

3. Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time 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.

4. Prominent signage shall be displayed at the exit from the premises requesting that customers leave quietly.

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Appendix II

Licence Variations Issued by way of Delegated Authority (1 Oct 16 -31 Dec 16).

Name	Address	Ward	Variation
Open Space	Exchange Square	Bishopsgate	• Addition of alcohol sales from 11:00 to 23:00 for various events.
Artigiano	70 St. Pauls Churchyard	Bread Street	• Addition of Late Night Refreshment until 00:00. Increase in terminal hour for alcohol and recorded music from 23:00 to 00:00.

Total Number of Variations = 2

Number of Licences by Ward

WARD	No.
Bishopsgate	1
Bread Street	1

Conditions Applied to Licences Granted by way of Delegated Authority

Open Space

None

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

1 October 2016 – 31 December 2016 3

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Enforcement Action Carried out Under the Licensing Act 2003 1 October 2016 – 31 December 2016

Total Number of Inspections	47
Number of Warning Letters	2
Number of Premises advised	14
Number of simple cautions	1 (plus legal proceedings commenced against one other trader)
Number of suspension notices	17
Licence lapsed*	3
'Dead' Suspensions**	6
'Live' Suspensions***	8
Under determination	0

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

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

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

Number of Complaints received between 1 October 2016 and 31 December 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

01/10/2016 and 31/12/2016

Total number of complaints: 30

Details	Date	Time	Outcome	Ward
Balls Brothers Austin Friars, 10-11 Austin Friars, London, EC2N 2HG				
Party in progress at Balls Bros Austin Friars, music noise.	29/10/2016	23:39	Resolved informally	Broad Street
Be At One, 28 King William Street, London, EC4R 9AT				
Complaint of noise though from Bar at One not verified.	24/11/2016	23:50	Resolved informally	Candlewick
Dirty Martini Monument, 1 Lovat Lane, London, EC3R 8DT				
Complaint of loud people noise outside nearby club Dirty Martini.	08/12/2016	00:30	Resolved informally	Bridge and Bridge Without
Dirty Martini, 124-127 Minories, London, EC3N 1NT				
Complaint of loud people and music noise from Dirty Martini in Minories	13/10/2016	23:09	Resolved informally	Tower
Harry's Bar, 17-20 Ironmonger Lane, London, EC2V 8EP				
Complaint of loud people and music noise unsure where from, but possibly Harry's Bar & Private party at St Olaves House.	13/11/2016	01:25	Resolved informally	Cheap
Complaint of loud music	11/10/2016	23:54	Resolved informally	Cheap
Krua by Nathong, 56 Carter Lane, London, EC4V 5EA				
Called out by resident regarding loud music playing from "Patch" in Carter Lane. On arrival in the street I noted that the music was not coming from Patch but Krua Thai Restaurant 56 Carter Lane EC4.	05/11/2016	23:05	Resolved informally	Farringdon Within
Merchant House of Fleet Street, 8 Bride Court, London, EC4Y 8DU				
Complaint of loud thumping noise from Bride Court	20/10/2016	00:44	Resolved informally	Castle Baynard
Mumbai Square, 7 Middlesex Street, London, E1 7AA				
Complaint of loud music bass from Mumbai restaurant Middlesex St	15/12/2016	22:30	Case still in progress	Portsoken
Patch, 58-62 Carter Lane, London, EC4V 5EA				
2 x private parties one at Patch bar and the other at the Rising Sun pub both in Carter Lane	29/10/2016	20:45	Resolved informally	Farringdon Within
Patty and Bun, 22-23 Liverpool Street, London, EC2M 7PD				
Music noise coming from Patch & Bun. They play recorded music all day 9am - 6pm until office leaves, and it is thumping up through the floor.	07/11/2016	15:36	Resolved informally	Bishopsgate
Simmons Bar, 20 Widegate Street, London, E1 7HP				
Noise disturbance	02/12/2016	05:32	No action possible	Bishopsgate
Alleged loud music and people noise from Simmons Bar	02/12/2016	14:45	Resolved informally	Bishopsgate

Noise from patrons In courtyard at above premises.	18/11/2016	18:55	No action possible	Bishopsgate
Noise from crowd and music	28/10/2016	20:00	Resolved informally	Bishopsgate
Complaint of music noise from Simmons Bar	02/12/2016	21:00	Case still in progress	Bishopsgate
Complaint of music noise from Simmons Bar	25/11/2016	23:10	No action possible	Bishopsgate
Complaint of music and people noise from Simmons Bar	12/11/2016	23:50	No action possible	Bishopsgate
Slug and Lettuce, Ground Floor Retail Unit, 5-11 Fetter Lane, London, EC4A 1BR				
Playing music all night and now was causing a disturbance.	06/11/2016	00:25	Resolved informally	Castle Baynard
Complaint of music and people noise coming from Slug & Lettuce, Fetter Lane	11/11/2016	22:45	Resolved informally	Castle Baynard
Ten Trinity Square Private Club, 10 Trinity Square, London, EC3N 4AJ				
Music noise from private party at Trinity House	29/10/2016	22:57	Resolved informally	Tower
The Butcher's Hook and Cleaver, The Butcher's Hook And Cleaver Public House, 61 West Smithfield, London, EC1A 9DY				
Music breakout from premises	08/10/2016	23:09	Resolved informally	Farringdon Within
The Duke and Duchess, 2-3 Creed Lane, London, EC4V 5BR				
Amplified music noise	08/10/2016	22:30	Resolved informally	Farringdon Within
The Happenstance, 1A Ludgate Hill, London, EC4M 7AA				
Noise from loud music picked up by seo after music turned down at Duke and Duchess	08/10/2016	23:00	Resolved informally	Bread Street
The Pepys, Samuel Pepys Public House, Stew Lane, London, EC4V 3PT				
Noise Disturbance	07/11/2016	15:16	No Action Possible	Queenhithe
The Rising Sun, Rising Sun Public House, 61 Carter Lane, London, EC4V 5DY				
noise from 2 x locations in Carter lane Patch Bar and The Rising Sun both having private parties	29/10/2016	20:57	Resolved Informally	Farringdon within
We Work, 1 Fore Street Avenue, London, EC2Y 9DT				
The resident is complaining of loud music and people noise	28/10/2016	23:18	Resolved Informally	Coleman Street
Williamsons Tavern, Williamson's Tavern Public House, 1 Groveland Court, London, EC4M 9EH				
Follow up on delivery noise early Monday morning.	10/10/2016	11:35	No action possible	Cordwainer
Worshipful Company of Haberdashers, Livery Hall, Haberdashers Hall, 18 West Smithfield, London, EC1A 9HQ				
Complaint of loud whirring type noise.	14/11/2016	13:35	Ceased not likely to reoccur	Farringdon Without
Complaint of loud whirring type noise.	13/11/2016	20:20	Ceased not likely to reoccur	Farringdon Without

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

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