



## Licensing Committee

**Date:** WEDNESDAY, 16 OCTOBER 2019  
**Time:** 1.45 pm  
**Venue:** COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

**Members:**

Sophie Anne Fernandes (Chairman)	Marianne Fredericks
Peter Dunphy (Deputy Chairman)	Michael Hudson
Caroline Addy	Deputy Jamie Ingham Clark
Deputy Keith Bottomley	Shravan Joshi
Mary Durcan	Graham Packham
Karina Dostalova	Judith Pleasance
Deputy Kevin Everett	James Tumbridge
John Fletcher	

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

**John Barradell**  
Town Clerk and Chief Executive

## AGENDA

1. **APOLOGIES**

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

3. **PUBLIC MINUTES**

To agree the public minutes of the meeting held on 16 July 2019.

**For Decision**  
(Pages 1 - 8)

4. **BREXIT PLANNING UPDATE**

The Port Health & Public Protection Director to be heard.

**For Information**

5. **MINUTES OF LICENSING (HEARING SUB) COMMITTEES:**

**For Information**

a) **Gremio de London Ltd** (Pages 9 - 16)

To receive the public minutes of the Hearing in respect of the application for Gremio de Fenchurch, 26A Savage Gardens, London, EC3N 2AR on 5 July 2019.

b) **Global Grange Limited - CANCELLED**

c) **WeWork - WW Moor Place Ltd** (Pages 17 - 24)

To receive the public minutes of the Hearing in respect of the application for Wework, 1 Fore Street, London, EC2Y 5EJ on 6 August 2019.

d) **Stem & Glory - Herbivore Restaurants Ltd** (Pages 25 - 28)

To receive the public minutes of the Hearing in respect of the application for Stem & Glory, 60 Bartholomew Close, London, EC1A 7BF on 6 August 2019.

e) **Daisy Green Food Ltd** (Pages 29 - 40)

To receive the public minutes of the Hearing in respect of the application for Daisy Green, 2 London Wall Place, EC2Y 5DH on 13 August 2019.

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

The Comptroller and City Solicitor to be heard.

**For Information**

7. **CLUB SODA PRESENTATION: EVALUATION AND NEXT STEPS**  
The co-founder of Club Soda to be heard.  

**For Information**  
(Pages 41 - 46)
8. **SEEKING A PUBLIC SPACE PROTECTION ORDER - LONDON MARATHON RELATED DISORDER**  
Report of the Assistant Town Clerk.  

**For Information**  
(Pages 47 - 56)
9. **TRAFFIC LIGHT SCHEME AMENDMENTS TO INCLUDE IMMIGRATION OFFENCES AND CLEANSING OFFENCES IN CONNECTION WITH LICENSABLE ACTIVITIES**  
Director of Markets and Consumer Protection.  

**For Information**  
(Pages 57 - 64)
10. **MAPPING AND ASSESSING THE CITY'S NIGHT TIME ECONOMY - THE WAY FORWARD**  
Report of the Director of Markets and Consumer Protection.  

**For Decision**  
(Pages 65 - 70)
11. **CRIMES AT LICENSED PREMISES**  
Report of the Chief Superintendent, City of London Police.  

**For Information**  
(Pages 71 - 74)
12. **LATE NIGHT LEVY FINANCE REPORT**  
Report of the Chief Superintendent, City of London Police.  

**For Information**  
(Pages 75 - 80)
13. **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. – To be read in conjunction with the non-public appendix at Item 18).*  

**For Information**  
(Pages 81 - 98)

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

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

16. **EXCLUSION OF THE PUBLIC**

**MOTION** - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

**For Decision**

17. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 16 July 2019.

**For Decision**  
(Pages 99 - 100)

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

*To be read in conjunction with Item 13.*

**For Information**  
(Pages 101 - 102)

19. **NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

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

## LICENSING COMMITTEE

Tuesday, 16 July 2019

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Tuesday, 16 July 2019 at 1.45 pm

### Present

#### Members:

Sophie Anne Fernandes (Chairman)  
Peter Dunphy (Deputy Chairman)  
Mary Durcan  
Karina Dostalova  
Marianne Fredericks

Michael Hudson  
Deputy Jamie Ingham Clark  
Graham Packham  
Judith Pleasance

### In Attendance

#### Officers:

Jon Averbs	-	Director of Markets & Consumer Protection
Rachel Pye	-	Markets & Consumer Protection
Peter Davenport	-	Markets & Consumer Protection
Jenny Pitcairn	-	Chamberlain's Department
Paul Chadha	-	Comptroller and City Solicitor's
Dr Andy Liggins	-	Interim Consultant in Public Health
Leanne Murphy	-	Town Clerk's Department
Andrew Buckingham	-	Media Team, Town Clerk's Department
Superintendent Helen Isaac	-	City of London Police
Paul Holmes	-	City of London Police

#### 1. APOLOGIES

Apologies were received from Caroline Addy, Deputy Keith Bottomley, Deputy Kevin Everett, James Tumbridge and Shravan Joshi.

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

There were no declarations.

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

The Order of the Court of Common Council dated 25 April 2019 appointing the Committee for the ensuing year was received.

#### 4. ELECTION OF CHAIRMAN

An election of Chairman was conducted in line with Standing Order 29. Sophie Fernandes, being the only Member indicating a willingness to serve, was elected Chairman for the ensuing year.

#### 5. ELECTION OF DEPUTY CHAIRMAN

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

The Town Clerk reported that, in accordance with Standing Order No. 30. (3) (a), the immediate past Chairman had chosen to exercise her right to serve as Deputy Chairman for the ensuing year. Peter Dunphy was therefore duly appointed as Deputy Chairman for the ensuing year.

### **VOTE OF THANKS TO THE PAST CHAIRMAN**

Michael Hudson paid tribute to Peter Dunphy, the past Chairman.

### **RESOLVED UNANIMOUSLY:**

That the Members of this Committee take great pleasure in expressing to:

### **PETER GERARD DUNPHY**

their sincere gratitude and appreciation for the dedication he has shown in all aspects of work of this Committee, and the exemplary manner in which he has presided over proceedings during the last three years as Chairman of the Licensing Committee.

HE has been very active in the work of the Committee and has shown great leadership in steering the Committee through a period of change including the Night Time Economy Review, the research of which will set the groundwork for the future of licensing in the City. He has also overseen the development of the framework for Late Night Levy spending following its introduction in October 2014. This has included the formation of a Late Night Levy Board to ensure all spending is accountable and thoughtfully managed, all of which is ring-fenced for future investment in the policing of the City's night-time economy. The Late Night Levy now generates in excess of £450,000 per annum.

UNDER Peter's chairmanship, a revised Statement of Licensing Policy and a new Statement of Licensing Principles in line with the Gambling Act 2005 were put forward by the Committee and were approved by the Court of Common Council in January 2017 and December 2018 respectively.

THE numbers of licensed premises in the City have increased year on year during Peter's tenure and there are currently 960 licensed premises which is an all-time high. Despite this increase, the City has remained one of the safest places to socialise in London.

HE has also recognised the need for a flourishing night-time economy in the City and across London through his support of key initiatives including the work of the Night Czar, contributing to the work of the Borough Champions Network established by the Chair of the Night-Time Commission, Club Soda and the Safety Thirst scheme.

DURING his tenure, forty licensing hearings took place including two reviews, and he paid particular attention to ensuring Hearings were conducted in a fair, clear and open manner. There were also no successful appeals against the decisions of the Licensing Sub-Committees under Mr Dunphy's chairmanship.

THROUGHOUT his term of office, Peter has managed the Committee's deliberations with a fair and firm hand to ensure that the Committee executed its duties in a competent manner.

FINALLY, in congratulating their former Chairman upon a most successful term of office, his colleagues wish to thank him for his enthusiasm and commitment and to express the hope that with continued good health and happiness he can continue to serve the City Corporation for many years to come.

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

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

The following five Members declared a willingness to serve on the Reference Sub Committee and to serve as Sub Committee Chairmen: Deputy Jamie Ingham Clark, Michael Hudson, Deputy Keith Bottomley, Graham Packham and James Tumbridge. The Committee agreed to increase the number of Members from four to five and a ballot was therefore not required.

**RESOLVED** – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2019/20 comprise of the following Members:

- Peter Dunphy (Chairman)
- Sophie Fernandes (Deputy Chairman)
- Kevin Everett (Past Grand Committee Chairman)
- Marianne Fredericks (Past Grand Committee Chairman)
- Michael Hudson
- Deputy Jamie Ingham Clark
- Deputy Keith Bottomley
- James Tumbridge
- Graham Packham

7. **PUBLIC MINUTES**

The public minutes of the meeting held on 10 April 2019 were approved as a correct record.

In response to a query regarding the Licensing Inspector role, Members were advised that an applicant was being interviewed the following day and, if successful, would begin in post at the beginning of August.

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

8.1 **Rocket Leisure Limited**

Members noted the public minutes of the Rocket Leisure Limited hearing on 18 April 2019 and 10 May 2019.

**8.2 Barts Square Active One Ltd - Unit 7**

Members noted the public minutes of the Barts Square Active One Ltd - Unit 7 hearing on 10 June 2019.

**8.3 Barts Square Active One Ltd - Unit 2**

Members noted the public minutes of the Barts Square Active One Ltd - Unit 2 hearing on 10 June 2019.

**8.4 Gremio de London Ltd**

Members noted the public minutes of the Gremio de London Ltd hearing on 29 May 2019 and received a verbal update from the Chairman regarding the following Hearing on 5 July 2019. A Member that objected to the application advised Members that local residents were pleased with the outcome of the Hearing.

Members were advised that the minutes would be circulated to Committee when they were signed off by the Sub Committee.

**8.5 Global Grange Limited**

Members were advised that following publication of the agenda, Environmental Health came to an agreement with the Applicant and subsequently withdrew their objection against the application. The Global Grange Limited hearing was therefore cancelled.

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

The Comptroller & City Solicitor advised the Committee that there were currently no appeals.

**10. FINAL DEPARTMENTAL HIGH-LEVEL BUSINESS PLAN 2019/20**

The Committee considered a report of the Interim Director of Consumer Protection and Market Operations presenting the final high-level Business Plan for the Department of Markets and Consumer Protection for 2019/20.

Members were advised that Appendix 1 sets out the work of the Department of Markets and Consumer Protection and the highlighted wording was the work relevant to the Licensing Team. It was noted that the Plan had already been approved by all other relevant Committees.

In response to a query regarding the implications of the new Transport Strategy on the Plan, Members were advised that only the relevant polices would be reviewed and refreshed.

**RESOLVED** – That Members approve the Department of Markets and Consumer Protection’s final high-level business plan for 2019/20 and provide feedback.

**11. LICENSING SERVICE BUSINESS PLAN 2018-19: PROGRESS REPORT**

The Committee considered a report of the Interim Director of Consumer Protection and Market Operations providing an update on progress made



during 2018-19 against the operational performance indicators (PIs) and improvement objectives outlined in the Business Plan of the Licensing Service.

Members were advised that all objectives had been met except the objective to receive more than 70 applications for the annual Safety Thirst Award Scheme from licensed premises which only received 54 applications for 2017/18. It was noted that 2018/19 was on track with 64 applications and should achieve the target by the deadline.

RECEIVED.

**12. DRAFT ALCOHOL STRATEGY 2019-23**

The Committee considered a report of the Director of Community and Children's Services presenting the City of London Corporation's draft Alcohol Strategy 2019–23.

Members were advised that the main aim of the Strategy was to reduce alcohol related harm in the City and provide an effective framework for future work. It was noted that the Corporation was working to promote healthy living including a reasonable and balance approach to alcohol including that people are informed of misuse, that they are safe and feel safe in the City and to provide them with the support to access services if needed.

Members were advised that the Strategy had been approved by the Health & Wellbeing Committee and been reviewed by a number of other relevant Committees. An action/delivery plan would be developed by a Working Group which would come back to all Committees for information and/or approval.

A Member noted that the high level outcome measures for the Strategy were very qualitative, and it could therefore be difficult to track progress. It was confirmed that the measures would come to the Committee for input.

**RESOLVED** – That Members:-

- Note the Draft Alcohol Strategy 2019–23 set out in Appendix 1;
- Note the plan for consultation.

**13. VIOLENT CRIME FROM LICENSED PREMISES**

The Committee considered a report of the Chief Superintendent regarding violent crime from licensed premises during the period April to June 2019.

Members were advised that this period had reflected a slightly decreased trend for crime offences in and outside licensed premises.

A Member requested that the Committee be provided with a full year of the data which would be helpful for identifying trends. Members advised that this would be possible for the next meeting.

RECEIVED.

14. **LATE NIGHT LEVY FINANCE REPORT**

The Committee considered a report of the Chief Superintendent providing Members with a breakdown of the spending of the Late Night Levy from the City of London Police.

Members were advised that the costs for the new Licensing Inspector role were included.

RECEIVED.

15. **MAPPING AND ASSESSING THE CITY'S NIGHT TIME ECONOMY**

The Committee considered a report of the Interim Director of Consumer Protection and Market Operations providing Members with an update on the mapping and analysis of the City's Night Time Economy (NTE).

Members were advised that the Markets and Consumer Protection Department as commissioned the services of Safer Sociable London Partnership (SSLP) to carry out a mapping and analysis of the Night-time Economy (NTE) in the City to provide an evidence base for the development of policy, strategy, interventions and the targeting of resources.

It was noted that the report not only provided insight of the City's existing framework, initiatives/schemes and partnerships, but reinforced current understanding providing key statistics that the City was and remains a safe place.

Members were advised that an action plan would be developed pulling together all of the issues within the report which would be brought to the Committee for comment.

A Member voiced concern regarding the high level of intoxication reported at some premises and saw Bishopsgate in particular as a hot spot for this activity. He suggested that there was a good argument for a cumulative impact report be carried out as the area had potential to get worse due to the Cross Rail development.

A Member impressed to see evidence that the Night Time Economy had improved over the last 11 years which could be used as a monitoring tool to refocus energy.

In response to a query regarding extra resources promised by Transport for London (TfL) to support the COL Police, Officers agreed to follow up with TfL.

Members agreed this data would be beneficial for the future.

**RESOLVED** – That Members:-

- Note the contents of this report;

- Note that a further report will be submitted to the next Licensing Committee, following further consideration and consultation with all relevant stakeholders and suggestions from Members, with details of what interventions are already in place and an action plan as to the way forward.

16. **REVENUE OUTTURN 2018/19**

The Committee considered a joint report of the Chamberlain and Interim Director of Consumer Protection and Market Operations comparing the revenue outturn for the services overseen by the Committee in 2018/19 with the final budget for the year.

Members were advised that the gambling act fees had exceeded the statutory maximum costs and the Corporation was therefore operating at a deficit for the first time. This deficit would be incorporated into the following year's costs.

It was queried whether the government could be lobbied to increase the statutory maximum through the Remembrancer and Members agreed this pressure might have an impact. Members were advised that the fees were set to prevent Local Authorities from making a profit from them. A Member suggested exploring with other Local Authorities whether the legislation allowed them to cover their own costs as this would strengthen the case for a increase if variances were not covered.

**RESOLVED** – That Members note the report and the proposed carry forward of underspendings to 2019/20.

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

The Committee noted a report of the Director of Markets and Consumer Protection regarding the delegated decisions of the Interim Director of Consumer Protection and Market Operations pertaining to premises licences.

RECEIVED.

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

There were no questions.

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

Members were advised that Jon Averbs had become the new Director of Markets & Consumer Protection and Gavin Stedman was the new Port Health & Public Protection Director. Members congratulated the Director of Markets & Consumer Protection on his new role.

20. **EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Local Government Act.

21. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 10 April 2019 were approved as a correct record.

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

The Committee received a non-public appendix report to the report under agenda item 18 pertaining to premises licenses which included the names of each premises.

23. **NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

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

There was one item.

**The meeting ended at 2.29 pm**

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Chairman

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## MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON FRIDAY 5 JULY AT 2.00 PM

**APPLICANT:** Gremio de London Ltd  
**PREMISES:** Gremio de Fenchurch, 26A Savage Gardens, London, EC3N 2AR

**Sub-Committee:**

Sophie Fernandes (Chairman)  
Shravan Joshi  
Michael Hudson

**Officers:**

Town Clerk – Leanne Murphy  
Comptroller and City Solicitor – Paul Chadha  
Markets & Consumer Protection - Peter Davenport  
Markets & Consumer Protection - Rachel Pye  
Markets & Consumer Protection - Andre Hewitt

Given Notice of Attendance:

**Applicant:**

Max Alderman\* (Director, Gremio)  
Mr Anthony Thomas

**Making representation:**

Leo Charalambides (from FTB Chambers representing 28 residents)  
Marianne Fredericks CC  
Siobhan Marshall (Environmental Health)  
Alan Martin

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### Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 1.00PM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a variation of a premises license in respect of Gremio de Fenchurch, 26A Savage Gardens, London, EC3N 2AR, the applicant being Gremio de London Ltd.

The Sub-Committee had before them the following documents:-

Hearing Procedure  
Report of the Director of Markets & Consumer Protection  
Appendix 1: Copy of Application  
Appendix 2: Current Licence  
Appendix 3: Applicant Amendment  
Appendix 4: Conditions consistent with the operating schedule

Appendix 5: Review Hearing Minutes

Appendix 6: Consent Order

Appendix 7: Representations from responsible authorities

i) Environmental Health

Appendix 8: Representations from Other Persons

i) Resident 1

ii) Resident 2

iii) Resident 3

iv) Resident 4

v) Resident 5

vi) Resident 6

vii) Resident 7

viii) Resident 8

ix) Resident 9

x) Resident 10

xi) Resident 11

xii) Resident 12

xiii) Resident 13

xiv) CC Fredericks

Appendix 9: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

Appendix 10: Plan of Premises

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1. The Hearing commenced at 2.00pm.
  2. At the commencement of the Hearing, the Chairman invited those making representations to set out their objections against the Applicant.
  3. Mr Charalambides advised that he was representing 28 local residents and highlighted the importance of public opinion. He was of the opinion that weight should be given to the views of the local community as they would be affected by the business.
  4. Mr Charalambides stated that the description of the nature of the proposed variation within the application did not clearly describe the changes to the application, the capacity of the premises and was missing a Risk Assessment. It was noted that whilst the Applicant acknowledged the capacity requirement of the Fire Authority, there were licensing concerns regarding public nuisance and dispersal issues that required proper consideration.
  5. Residents were concerned by references throughout the application to use of the outside terraces/areas despite two conditions prohibiting licensable activities or access by customers to the terraces at any time except in cases of emergency. It was requested that conditions 12 and 13 be amended to state "terraces, courtyard or other outside areas" to make these conditions explicitly clear.
  6. Residents welcomed the suggestion to move the exit to Crutched Friars with the Savage Gardens exit to be used only by staff, for deliveries or in cases of

emergency. Residents also accepted the proposal for a ground floor café bar provided that there was no consumption of alcohol outside or off-sales which would ensure that all licensable activity would remain within the licensed area of the premises.

7. Mr Charalambides noted that Environmental Health had inspected the outside area and found it to be unsuitable for drinking as it was a highly congested space. With regards to smokers using the space, residents questioned whether 15 people could fit into this area as the Environmental Health Officer had recommended two metres width must be left for a public highway to enable pedestrians to pass in a safe manner. It was suggested that five people was a more suitable maximum number of smokers.
8. Mr Charalambides summarised that whilst a number of local residents did not want the business to open, the majority were in favour of a reasonable compromise with the Applicant although felt the balance needed to be more in the favour of the local community rather than the Applicant or its customers.
9. Ms Fredericks CC informed the Hearing of a correction in the agenda pack on page 103 noting that the alcohol closing time and late night refreshment closing time for Gremio de Fenchurch should state 01:00 not 02:00. The Chairman stated that the application would be considered with this amendment.
10. Ms Fredericks was pleased the Ladbrokes premises had been purchased by the Applicant and requested that Savage Gardens to be used as an emergency exit only with patrons being encouraged to use only the Crutched Friars exit. She supported the recommendations put forward by Mr Charalambides and requested conditions be imposed to prohibit off sales and outside drinking. Ms Fredericks agreed that the number of patrons smoking should be capped to five people due to the very narrow pavement in comparison to "Bierschenke" adjacent to the premises and the further obstruction of bicycle racks outside the premises.
11. Mrs Crosby (Environmental Health) gave context to the supplementary information she had submitted since the adjourned Hearing advising that if the Applicant were to submit a request for a Tables & Chairs Licence, there was a requirement for a space of 2.2m to remain on the pavement for public use. She advised that the significant footfall, shape of the area and narrowness of the path meant that allowing a significant number of patrons to drink and smoke would be detrimental to the area and cause public nuisance and safety concerns.
12. The Chairman invited the Applicant to ask the Objectors questions regarding their statements.
13. Mr Thomas queried if nearby businesses Bierschenke and Cheshire Cheese had any restrictions on the number of customers that could smoke outside their premises. Mrs Crosby confirmed there were none. In response to a query regarding the suggestion of a maximum number of five customers smoking, Mr Charalambides advised that the Environmental Health Officer's recommendation came following an assessment of the area which was a strange sharp and had a particularly high footfall.

14. Mr Thomas disagreed that the premises should be subject to restrictions as nearby businesses had no restrictions and their customers could easily be mistaken as Gremio customers. He believed it would be unfair if the businesses were not on "level pegging". The Sub Committee noted that each premises was unique and considered on its own merits and therefore a premises could not seek to negotiate conditions based upon the arrangements of another licensed premises.
15. The Sub Committee queried whether putting a cap on the number of smokers outside was enforceable. Mr Charalambides stated that imposing a number could inform a condition as there was a need to promote good management against customers preventing the public from using the pathway.
16. Mr Thomas stated that they could not accept a condition preventing the public use of the Savage Gardens entrance as two separate leases had been acquired and entry was therefore required to both demises. Ms Fredericks disagreed stating that only use of the Crutched Friars exit would prevent public nuisance. She noted that open use of the Savage Gardens exit would also present a security concern for the residents as patrons would be able to see through to their properties.
17. The Chairman invited Mr Alderman and Mr Thomas to set out their case in support of the application.
18. Mr Thomas advised that they were responsible businessmen operating 50 premises across London with no complaints. He refuted claims that they were irresponsible and only interested in making profit and getting customers drunk. Mr Thomas argued that the premises served the local community and they took their responsibilities carefully to serve the wider community, hoping that local residents would become their customers.
19. Mr Thomas stated that they already had a licence and could be operating but had held off opening for 18 months at personal expense to acquire the Ladbrokes premises purely to resolve the concerns of the local residents regarding Savage Gardens. He confirmed that they now had two separate leases with Network Rail and Archway. The proposed café bar at the former Ladbrokes premises would be key to this offering and required off-sales for safety reasons so patrons would not need leave their drinks unattended.
20. In response to queries regarding capacity, Mr Thomas confirmed that they were led by the Fire Authority who would provide guidance on the numbers and building controls. He stated that they would not overfill the premises as this was a fire risk and also caused poorer service and customer satisfaction.
21. Mr Thomas and Mr Alderman concluded that they were disappointed that the premises had not yet opened but were committed to finding a solution that worked for everyone. They stated that there was no evidence that they had been unsafe in 20 years of operation and aimed to create a safe environment for customers. Mr Alderman said that Crutched Friars would be the main entrance, but they could not accept the preclusion of Savage Gardens to provide public access in case they lost the Ladbrokes unit. This exit was also required to provide disabled



access into the ground level as the Crutched Friars entrance had a couple of steps preventing access as well as an emergency exit.

22. The Chairman invited the Objectors to ask the Applicant and their counsel questions regarding their statements.
23. Ms Fredericks stated that two leases had no bearing on the conditions of the licence noting that the Ladbrokes unit had been sought purely to resolve issues of public nuisance caused by the door which would constantly hit the building and disturb residents. She recommended that a condition be placed on the licence regarding the exits which would be overcome by a small variation that would not be challenged if Ladbrokes was lost.
24. The Sub Committee confirmed that a single licence would cover both spaces and that a variation to the licence would need to be sought by the Applicant if the Ladbrokes unit no longer formed part of the licensed premises regardless of whether there was a condition on the exits or not.
25. The Chairman offered those in attendance the opportunity to speak.
26. Mr Alan Martin (resident) queried what would prevent non-smokers from bringing their drinks outside on a nice day and drinking on the street. Mr Alderman stated that the original application had intended to include a small area outside the front of the premises but that the Licensing Authority advised the Applicant to remove this from the application and request off-sales instead. Ms Fredericks noted that there was a condition preventing outside drinking and that the Applicant had not applied to remove this condition. Mr Charalambides stated that the Applicant showed a clear misunderstanding of the law through fundamental errors throughout the application.
27. Ms Jayne Evans (resident) stated that the Savage Gardens access was small and crowded and queried how this space would be managed safely for disability/mobility/pram use and as a fire exit in conjunction with Bierschenke. Mr Thomas stated that there was no evidence that they would not manage this safely. Mr Charalambides recommended that condition 3 be amended from two to four SSAs to manage the two exits and protect the safety of the local residents.
28. The Chairman offered all parties the opportunity to make a concluding statement.
29. Mr Charalambides concluded that, despite 20 years' experience managing 50 licensed premises, the Applicants showed a worrying lack of licensing knowledge and what was required by law. He maintained that the Applicant did not understand and could not promote that the four licensing objectives and the local community were more important than the needs of its customers. The chief concern of the residents was patrons drinking outside which was not suitable for the area.
30. Mr Charalambides stated that the Applicants had not adequately worked out the safety or capacity of the premises or provided any plan, maps, measurements or proper Risk Assessment to assess fire, building and licensing needs. He urged

the Applicant to adopt the requests of the residents including no off-sales, a commitment to the primary use of the Crutched Friars exit, to operate the café bar as advised, and to deal with the windows (e.g. frosting) to protect the privacy of the residents cheek to jowl with the premises.

31. Ms Fredericks summarised that since 2017 and the misunderstanding of 100 flats surrounding the premises, there were still huge concerns on the use of outside spaces which would directly affect residents and required an amendment to conditions 12 and 13. She stated that a review of a licensed premises before it had even opened was unprecedented and that the Applicant had failed to provide a coherent application that articulated how the premises would be managed. Ms Fredericks saw unfettered access to two exits to be the main concern and felt that the safety of the residents would be protected if patrons were limited to one entrance. She supported conditions against off-sales and drinking outside.
32. Mrs Crosby (Environmental Health) maintained that drinking and smoking in Savage Gardens was unsuitable and mirrored the conditions of Mr Charalambides. She stated that a clear management plan was crucial to mitigate the obstruction of the public highway.
33. Mr Thomas concluded that they had demonstrated that they were responsible Licence Holders that took the four licensing objectives seriously through the decision not to open and acquire the Ladbrokes premises to remedy concerns incurring huge delays and cost. He took umbrage with assertions that they were unsafe or incompetent when they had not opened and there was no evidence to support these claims. Mr Thomas reiterated that they already had a licence and could be operating and hoped that the new licence would be approved as requested providing “level-pegging” with the neighbouring businesses.
34. The Chairman thanked all attendees for their comments and explained that a written decision letter would be sent to all relevant parties within five working days. The Sub Committee retired at 3.40 PM.
35. 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. It was evident that the most relevant licensing objective that required the Sub Committee’s consideration was the prevention of public nuisance. In reaching its 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 2017.
36. In determining what constituted a public nuisance, the Sub Committee relied upon the definition of “public nuisance” contained in Halsbury’s Laws of England which defines public nuisance as “one which inflicts damage, injury or inconvenience on all the Queen’s subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a “public nuisance”.

37. The Sub Committee regarded noise to be the principal concern to residents, particularly in outside spaces. The Sub Committee, whilst conscious of the fact the premises was located in a residential pocket of the City, also noted that other licensed premises operated in the area. The Sub Committee accepted the residents' concerns as to the potential for noise disturbance but were reassured by the Applicant acquiring the Ladbrokes premises in an attempt to address concerns which would sufficiently reduce the risk of public nuisance. However, it took seriously the concerns identified by Environmental Health regarding drinking and smoking at the front of the premises as a congested space with a high footfall.
38. The Sub Committee concluded that, with the imposition of suitable conditions, it would be possible for the Applicant to operate the premises in accordance with the licensing objectives. The Sub Committee sought to strike a balance for residents and the business.
39. It was the Sub Committee's decision to grant the variation to the premises licence to incorporate 9a&b Crutched Friars. However, the Sub Committee was extremely concerned as to the risk to public safety and the potential for public nuisance were it to agree to vary the premises licence to include the sale of alcohol for consumption off the premises. Consequently, the Sub Committee decided not to vary the premises licence so as to include off sales. The Sub Committee considered that patrons would generally finish one drink before going outside to smoke and not taking drinks outside would reduce the time patrons spent outside, thus limiting the risk of the Crutched Friars pavement being obstructed.
40. 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.
  - a. The Applicant is to produce a clear Management Plan that identifies how outside smoking will be managed and that patrons will be encouraged to use the Crutched Friars entrance in liaison with Environmental Health before the commencement of licensable activities.
  - b. The Crutched Friars exit is to be used as the main access to the premises by customers.
  - c. Licensable activities shall not be permitted on the terraces, courtyard and other outside areas at any time.
  - d. Customers shall not be permitted to access the terraces, courtyard and other outside spaces at any time except in cases of emergency or to provide disabled access.
41. The Sub Committee noted there was no need to impose any condition regarding outside drinking as there were to be no off-sales.

**The meeting closed at 3.40 PM**

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Chairman

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## MINUTES OF THE LICENSING REVIEW (HEARING) SUB COMMITTEE

HELD ON TUESDAY 6 AUGUST 2019

**APPLICANT:** W W MOOR PLACE LIMITED  
**PREMISES:** WEWORK, 1 FORE STREET, LONDON EC2Y 5EJ

### PRESENT

#### Sub Committee:

Marianne Fredericks CC (Chairman)  
Peter Dunphy CC  
Michael Hudson CC

### Applicant:

Craig Baylis, Solicitor Bryan Cave Leighton Paisner - representing the Premises  
Georgina Taylor, Manager for WeWork Limited

### Other Persons:

Alderman David Graves, Ward of Cripplegate  
Liz Hurst, Willoughby House resident  
Ricky Broome, Willoughby House resident  
Fionnuala Hogan, Willoughby House resident  
Helen Kaye, Chair of the Barbican Association (BA) Licensing and Planning  
Committee and Willoughby House resident

### In Attendance:

Frank Marchione, Comptroller and City Solicitor's Department  
Peter Davenport, Department of Markets and Consumer Protection  
Julie Mayer, Town Clerk's Department

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### Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 1pm in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises '1 Fore Street, London EC2Y 5EJ.'

The Sub Committee had before them the following documents:-

Appendix 1 – Report of the Director of Markets and Consumer Protection:  
Copy of Application

Appendix 2 – Conditions Consistent with the Operating Schedule

Appendix 3 - Current Licence

Appendix 4 - Hearing Decision Letter

Appendix 5 - Representations from Other Persons – 36 Barbican residents objecting and 1 Barbican resident in support

Appendix 6 - Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

Appendix 7 - Plan of Premises

Appendix 8 - Statutory Blue Public Notices

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The Hearing commenced at 13.00 hours.

1. 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 those present to introduce themselves and state in what capacity they were attending the Sub-Committee.
2. The Chairman opened the hearing by underlining that the Sub-Committee's decision must be made with a view to promoting one or more of the four licensing objectives and that these could only be promoted during licensed hours.
3. At the start of the Hearing the applicant introduced an amendment to the application for a variation as follows; *'Consumption of alcohol may be permitted on the 7th floor terrace, in the area on the licence plan hatched green, which would be open between 3pm and 6pm (not 8pm) Monday to Friday. No consumption of alcohol shall be permitted in any other terrace area'*. Those present were reminded that this application was in respect of licensable activity on the 7th floor terrace only. The applicant made it clear that there would be no music and offered a further condition in that the bar and outside area would be managed during the licensed hours by a member of the Community Team (duty staff)
4. The Chairman informed the Hearing that a late submission of a photograph, showing the close proximity of a Willoughby House bedroom to the terrace, had been received before the start of the Hearing and a copy shared with the Applicant. Mr Bayliss advised that this showed an adjoining terrace, used by sub tenants, which was closed every day at 3pm. Residents challenged this, as they felt that the window shown in the photograph did overlook the 7th floor terrace.
5. The Chairman then invited Mr Bayliss to describe the nature of WeWork's operation at 1 Fore Street. The Sub Committee noted that the building consisted of a number of serviced offices with a mixture of users, both long and short term, with a capacity (at 1 Fore Street) for 3,000 desks. All seven floors had areas where users could help themselves to tea, coffee, soft drinks and beer/cider, via zip taps, that were controlled by Wework and switched on/off as necessary. The

Fore Street Office was first licensed in January 2016 and there were currently 16 Wework premises across the City of London.

6. Mr Bayliss further explained that, although this application was for licensable activity to the 7<sup>th</sup> Floor Terrace only, clients could purchase their own alcohol and drink it on the terraces. However, Wework had sought to be neighbourly and the terraces were locked daily at 3pm. The applicant offered to ensure the terrace doors were alarmed so that the space could not be accessed by the office tenants/occupiers after the agreed time, regardless of the Sub Committee's decision.
7. The Sub Committee noted that two Temporary Event Notices (TENs) had been granted in July this year, for food tasting events, using the balcony until 8pm. There had been no complaints on either occasion and the applicant hoped that this demonstrated the new responsible management at 1 Fore Street. The new General Manager, Ms Georgina Taylor, advised that the TENs had not been particularly busy, with a maximum of approximately 40 clients on the balcony. The Sub Committee noted that this number had subsequently been used for the application but had not been based on any detailed analysis of the space. The Sub Committee also noted that there would be no tables and chairs on the terrace, as scraping movements could cause disturbance. Furthermore, CCTV would be in operation and there would be a member of the Community Team (duty staff) in attendance, serving the wine (in 125 and 175 ml servings) and supervising. There would not be any 'Happy Hour' events on the 7th Floor.
8. The Sub Committee were advised that, during the recent TENs events, a member of the Community Team had been able to see the whole of the terrace from the dispensation points. The General Manager confirmed that all Members of the Community Team were required to undertake Licensing Training and complete an e-learning course.
9. The Chairman then invited those making representations to address the Sub Committee.

Alderman Graves spoke as the Alderman for Cripplegate, on behalf of his constituents. Although a Barbican resident, Alderman Graves explained that he lived too far away to be affected by this application. Whilst welcoming the applicant's reduction in the licensable hours, the Alderman remained concerned about the noise levels, as low numbers could still cause a disturbance and were likely to be amplified if individuals were consuming alcohol. The Alderman also suggested that there was clearly some anticipation of the original application (to 20.00 hrs) being opposed and would have welcomed an earlier offer to reduce the hours. Despite the reduction in numbers, the terrace would still be open for 3 hours a day and it was not clear, from the application, as to how management would ensure that no-one remained on the terrace after 18.00. In respect of the recent TENs, the Alderman also challenged whether they were a good example, given they had not been particularly busy events.

Liz Hurst, a Willoughby House Resident since before 2016 had concerns as to the risk of public nuisance, given the Terrace's close proximity to approximately 100 bedrooms in Willoughby House, and some of Andrewes House, and Wework's history of lax management. Ms Hurst also drew the Sub Committee's attention to the unique acoustics on the Barbican Estate; i.e. sound vibrates off of the concrete structure and the Estate's Listed Building Status restricted the installation of double glazing. Ms Hurst had submitted some photographs in support of her representations, which had been taken in June 2018, before 6pm in the evening, showing a number of people drinking on the terrace. She advised that it had been necessary to contact the Managing Agents to deal with the noise and bring the people in off the terrace area. She added that residents dealt directly with the Managing Agent when issues arose, rather than contacting the City Corporation, as they felt the Managing Agents should take responsibility for dealing directly with issues. Ms Hurst felt that Wework should have consulted with the residents ahead of making this application and should keep an open dialogue. Given that there are were many families in Willoughby and Andrewes Houses, there was a further potential risk of disturbing children trying to sleep or doing homework.

Helen Kay, Chairman of the Barbican Association's Planning and Licensing Committee, also a Willoughby House resident endorsed the previous comments and added that it had taken nearly two years for Wework to create a Management Plan. Ms Kay therefore felt that the trust had broken down. Ms Kay also suggested that Wework's clients were able to consume alcohol in other branches in the City, which did not overlook a residential area.

Ricky Broom, a resident of Willoughby House for 20 years endorsed previous comments and was particularly concerned about sleep disruption.

10. Craig Bayliss responded on behalf of the applicant and advised the Sub Committee that he had asked the Licensing Manager for the email addresses of those residents making objections, in order to arrange a meeting, but accepted this was after the application had been submitted. Mr Bayliss and Ms Taylor accepted that the emergency lock on the 7<sup>th</sup> floor terrace could be overridden, as it was a fire escape. The applicant therefore offered a condition whereby the door would be alarmed and the CCTV could identify whoever had attempted to override, it after the agreed time, regardless of the Sub Committee's decision on the variation. In response to a question about fire safety, Mr Bayliss confirmed that the Fire Authority had seen the plan and made no representations on the application. The Sub Committee noted that the Fire Brigade tended to carry out follow up inspections, once a Licence has been granted, and they could impose their own limits on capacity.
11. Ms Taylor also took the opportunity to apologise for the history of discontent between residents and Wework and welcomed the opportunity to open a dialogue, and to ensure that the Management Plan was shared and refreshed regularly. Ms Taylor advised that she had been holding regular meetings with the building managers and offered her number, in addition to a 24 hour contact number for Wework, and accepted that these details had not been updated when previous managers had left. The Sub Committee inquired as to the number of



staff on duty and were informed by Ms Taylor that there were 9 members of the Community Team (duty staff) were employed, with a minimum of 7 on duty at any one time.

12. Finally, the applicant advised that there would be no commercial benefit to the Wework operation from this application, simply the offer of an additional facility to some of Wework's occupier tenants. The Sub Committee were reminded that, of 3,000 desks in the building, only 40 would be allowed onto the terrace at any time and the Applicant had offered a further condition, that a member of the Community Team (duty staff) would manage the bar and terrace area during the Licensed hours.
13. The Chairman invited the Applicant and Representatives to sum up, respond to any outstanding queries and to clarify all the amendments to the application they wish the Sub Committee to consider.
14. In summarising, Mr Bayliss felt that the applicant had offered an amended and measured approach and the recent TENS had proved that the new management at 1 Fore Street was responsible and considerate. Furthermore, in the event of any breach, a Review Hearing could be called. Mr Bayliss also suggested a temporary Licence for 6 months, rather than repeated TENS applications. The objectors voiced concerns with this approach, particularly if complaints leading to a Review Hearing was their only recourse. The Sub Committee agreed that the application needed to deliver a clear decision on the application.
15. Those making representations agreed unanimously that their objections stood, despite the offer to reduce the licensable hour from 8pm to 6pm, regarding the use of the terrace. They did not have specific concerns at the addition of wine, in addition to beer and cider. They were also concerned as to the likelihood of the applicant making a further applications to raise the terminal hour.
16. The Chairman thanked all parties 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.
17. The Sub-Committee retired at 3pm.
18. In determining the application, the Sub-Committee had first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of public nuisance. The 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 2017.

19. 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.
20. In reaching its decision, the Sub Committee took into account the representations made both orally and in writing by those opposing the application. The Sub-Committee were conscious of the proximity of the terrace to the residents of Willoughby House and the potential for public nuisance to residents. The Sub Committee also considered the nature of the Barbican Estate's concrete construction in that noise from very low numbers could amplify, particularly as people tended to become louder after consuming alcohol.
21. The Sub Committee then considered the fact that there would be no commercial gain to Wework from opening the terrace for some 40 clients, given the building's capacity of 3,000. Therefore, a very low number would gain from this additional facility, when balanced against the risk of public nuisance.
22. The Sub Committee carefully considered Wework's changed management at 1 Fore Street, noted Ms Taylor's apology to residents for previous incidents and welcomed the Applicant's offer of reducing the terminal hour from 8pm to 6pm regarding use of the terrace, together with Ms Taylor's of an open dialogue and to share and refresh the Management Plan.
23. In taking all these factors into consideration, the Sub-Committee returned from their deliberations at 3.25pm and explained that they had reached a decision. The Chairman thanked those who had remained to hear the decision. It was the Sub-Committee's decision that, given the arguments presented above, and when balanced against the risk of public nuisance, that the external terraces would remain excluded from the licensed area. Therefore that condition would not be amended.
24. The Sub Committee did agreed to amend the following Conditions set out below, to permit the supply of wine in addition to beer and cider:
  - To permit the serving of wine in addition to the self-service of beer and cider.
  - At the terminal hour of licensable activities all zip taps/ kegerators to be locked in the off position and all wine to be stored securely and locked away and may only be unlocked at the commencement of the permitted licensable activities the next day.

25. The Sub Committee added an informative to the Applicant in respect of the pre-application process and advised them to consult with residents before any future application, and to work with officers in the City of London Corporation's Licensing and Environmental Health Teams; further details of which would be available at the bottom of the decision letter. The Sub-Committee also expected the Management Plan to be refreshed regularly; that an ongoing dialogue with residents should be part of the plan and that Wework should comply with all the conditions of their Licence.

**The meeting closed at 3.30 pm**

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Chairman

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## MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

**HELD ON TUESDAY 6 AUGUST AT 10.30 AM**

**APPLICANT:** Herbivore Restaurants Ltd t/a Stem & Glory  
**PREMISES:** Stem & Glory, 60 Bartholomew Close, EC1A 7BF

**Sub Committee:**

Marianne Fredericks CC (Chairman)  
 Michael Hudson CC  
 James Tumbridge CC

**Officers:**

Polly Dunn - Town Clerk's Department  
 Frank Marchione - Comptroller and City Solicitor  
 Robert Breese - Markets and Consumer Protection

Given Notice of Attendance:

**Applicant:**

Craig Baylis	Solicitor, Bryan Cave Leighton Paisner - Agent for the Applicant
Sandy Glassford	General Manager, Stem & Glory

**Making representations at the Hearing:**

Brendan Barns	Resident
Ann Holmes CC	Resident and Ward Member for Farringdon Within

**Licensing Act 2003 (Hearings) Regulations 2005**

A public Hearing was held at 10.30 AM in Committee Room 1, Guildhall, London, EC2, to consider the application submitted by Stem & Glory, 60 Bartholomew Close, EC1A 7BF, the applicant being Herbivore Restaurants Ltd t/a Stem & Glory, in respect of a license variation sought to replace condition 5 on the premises license following the granting of the Tables & Chairs Licence (No: LN/ 200507715) on 26 April 2019, to allow a maximum of 6 tables and 12 chairs to be placed on the highway outside the premises between the hours of 09.00 and 21.00, Monday to Sunday, with the following two conditions:

(1) There shall be no sale of alcohol in unsealed containers for consumption off the premises save that sales for consumption at tables which benefit from a licence granted to the applicant by the highway authority under S.115E Highway Act 1980 are permitted for a maximum of 12 patrons from 11.00 up to 21.00 hours on any day. Such alcohol is only permitted ancillary to a table meal and by waiter/waitress service only.

(2) Alcohol may be supplied for consumption off the premises in sealed containers only, at any time during the hours permitted for on sale.

The Sub Committee had before them the following documents:-

Hearing Procedure

Report of the Director of Markets & Consumer Protection

Appendix 1: Copy of Application

Appendix 2: Current Premises Licence

Appendix 3: Current Tables & Chairs Licence

Appendix 4: Conditions consistent with Operating Schedule

Appendix 5: Representations from Other Persons

i) Barns

ii) Curran

iii) Holmes

iv) Carrington

v) Bowen

Appendix 6: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

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Appendix 7: Plan of Premises

*NB: The decision letter of 11 October 2018 relating to the original licence for the supply of alcohol and late-night refreshment obtained by the applicant was circulated separately to all parties in advance of the Hearing.*

1. The Hearing commenced at 10.30 AM.
2. At the commencement of the Hearing, the Sub Committee, Applicant and Objectors introduced themselves. Mrs Ann Holmes CC, an objector, informed the Committee that she been granted a general dispensation to speak directly to the Hearing in her capacity as a resident
3. Mr Baylis advised the Hearing that the Applicant wished to amend the proposed terminal hour for the sale of alcohol to the outside table area from 21:00 to 20:30. This was due to the practicalities surrounding the time needed for employees to pack away the external tables and chairs by 21:00 as per the Applicant's Tables & Chairs Licence. Mr Baylis highlighted that the proposed new condition also required that the sale of alcohol for consumption at the outside tables would be ancillary to table meals only and would be served by waiting staff and subsequently be monitored at all times.
4. A query was raised by the Sub Committee with regards to the plan of the premises submitted at Appendix 7, which featured six tables and 24 chairs. The current Tables & Chairs Licence (No: LN/200507715) granted to the Applicant allowed for a maximum of six tables and 12 chairs (two per table). Mr Baylis confirmed that he would submit an updated plan to the City of London Licensing Department that afternoon.
5. Mr Baylis revised his earlier amendment confirming that the applicant would like to revise the proposed terminal hour for the sale of alcohol to the outside table area to 20:00 Therefore the last sale of alcohol to patrons sat at the outside tables

would be 20:00, they would be given until 20:30 to consume the alcohol, allowing 30 minutes for employees to pack away the tables and chairs by 21:00 to ensure compliance with their Tables & Chairs license

6. The Hearing heard the concerns identified by local residents Mr Barns and Mrs Holmes. The Objectors explained that, unlike other nearby premises, Stem & Glory was particularly close to Middlesex Passage and there was concern this would cause more noise nuisance to residents who lived directly above the outside area in question. The Objectors concurred that the offer by the Applicant to reduce the hours of sale of unsealed alcohol for consumption outside the premises was a move in the right direction.
7. Mrs Holmes voiced a specific concern over the prospect of groups of patrons exceeding two people pushing the outdoor tables together which would create greater noise nuisance. However, following reassurance from the Applicant, the Objectors felt that the restrictions of the Tables & Chairs Licence prevented this from occurring and safeguarded access to the nearby disabled space and ramp providing the outside area was managed appropriately. The Objectors acknowledged that the Applicant had been managing the outside area closely and there were currently only five tables not six outside the premises, which reduced their concerns of noise nuisance further. It was noted that the Tables & Chairs Licence had to be renewed on an annual basis.
8. There was some discussion on the right for members of the public to use the outdoor seating, during which time they would be able to consume their own food/drink. It was concluded that this was the case for all premises with tables and chairs on a public highway and that it was not grounds to decline an individual application.
9. The Sub Committee enquired as to what constituted as the “point of sale”. Mr Baylis used the definition under Section 190 of the 2003 Act which provides that the sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. Therefore, in this instance, it would be the point at which the waiting staff placed the patron’s order with the bartender.
10. The Sub Committee retired and considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing by those making representations and the Applicant. It was evident that the most relevant licensing objective that required the Sub Committee’s consideration was the prevention of public nuisance. In reaching its 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 2017.
11. In determining what constituted a public nuisance, the Sub Committee relied upon the definition of “public nuisance” contained in Halsbury’s Laws of England which defines public nuisance as “one which inflicts damage, injury or inconvenience on all the Queen’s subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant

to determination of the question of whether a particular activity constitutes a “public nuisance”.

12. The Sub Committee regarded potential noise from use of the outside space to be the principal concern to residents. The Sub Committee acknowledged the residents’ concerns but were reassured by the Applicant’s attempt to address these by lowering the terminal hour for the sale of drinks to the outside area to 20:00. In addition, alcohol consumption would be ancillary to a meal and with waiter/waitress service only. All of which the Sub Committee considered would sufficiently reduce the potential risk of public nuisance.
13. The Sub Committee’s decision was that the application for the variation should be granted. The Sub Committee sought to strike a balance for residents and the business and concluded that following the granting of the Tables & Chairs Licence it was necessary and appropriate that condition 5 be replaced with the following two conditions:
  - (i) There shall be no sale of alcohol in unsealed containers for consumption off the premises save that sales for consumption at tables which benefit from a licence granted to the applicant by the highway authority under S.115E Highway Act 1980 are permitted for a maximum of 12 patrons from 11.00 up to 20:00 hours on any day. Such alcohol is only permitted ancillary to a table meal and by waiter/waitress service only.
  - (ii) Alcohol may be supplied for consumption off the premises in sealed containers only, at any time during the hours permitted for on sale.
14. The Applicant was reminded by the Sub Committee to submit a corrected plan to attach to the licence showing the area and location as per the granted Tables & Chairs Licence (No: LN/200507715).
15. The Chairman thanked all parties for their attendance and for their pragmatic and conciliatory approach throughout the Hearing. The Chairman informed those present that the written confirmation of the decision would follow.

**The meeting closed at 11.00 am**

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Chairman

**Contact Officer: Polly Dunn**  
**Tel. no. 020 7332 3726**  
**E-mail: [polly.dunn@cityoflondon.gov.uk](mailto:polly.dunn@cityoflondon.gov.uk)**



## MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON TUESDAY 13 AUGUST AT 10.30AM

**APPLICANT:** Daisy Green Food Ltd  
**PREMISES:** Daisy Green, 2 London Wall Place, EC2Y 5DH

**Sub-Committee:**

Graham Packham (Chairman)  
Shravan Joshi  
Michael Hudson

**Officers:**

Town Clerk – Leanne Murphy  
Comptroller and City Solicitor – Paul Chadha  
Markets & Consumer Protection - Peter Davenport

Given Notice of Attendance:

**Applicant:**

Ms Prudence Freeman (Director, Daisy Green)  
Mr Alun Thomas of Thomas & Thomas Partners LLP (Applicant's solicitor)  
Mr Glenn LaFountain of Brookfield Properties (Landlord)  
Ms Holly McColgan (Associate Solicitor)

**Making representation:**

Mr Paul Holmes (COL Police)  
Mr Paul Forster (Environmental Health)  
Mr Ian Dixon (resident)  
Ms Mary Bonar (resident and Chair, Wallside House Group and Barbican Association Liaison Group)  
Mr Yash Rupal (representing residents Dimitri Varsamis and Ravi Rupal)  
Ms Hilary Sunman (Barbican Association and the Residents' Association of Willoughby House)  
Mr Adam Hogg (Chairman, Andrewes House Group)

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### Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 10.30am in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a premises license in respect of Daisy Green, 2 London Wall Place, EC2Y 5DH, the applicant being Daisy Green Food Ltd.

The Sub-Committee had before them the following documents:

Hearing Procedure  
Report of the Director of Markets & Consumer Protection  
Appendix 1: Copy of Application  
Appendix 2: Conditions consistent with the operating schedule

Appendix 3: Representations from responsible authorities

- i) City of London Police
- ii) Environmental Health

Appendix 4: Representations from Other Persons

- i) Resident 1
- ii) Resident 2
- iii) Resident 3
- iv) Resident 4
- v) Resident 5
- vi) Resident 6
- vii) Resident 7
- viii) Resident 8
- ix) Resident 9
- x) Resident 10
- xi) Resident 11
- xii) Resident 12
- xiii) Resident 13
- xiv) Resident 14
- xv) Resident 15
- xvi) Resident 16
- xvii) Resident 17
- xviii) Resident 18
- xix) Resident 19
- xx) Resident 20
- xxi) Resident 21
- xxii) Resident 22
- xxiii) Resident 23
- xxiv) Resident 24
- xxv) Resident 25
- xxvi) Resident 26
- xxvii) Resident 27
- xxviii) Resident 28
- xxix) Resident 29
- xxx) Resident 30
- xxxi) Resident 31
- xxxii) Resident 32
- xxxiii) Resident 33
- xxxiv) Resident 34
- xxxv) Resident 35
- xxxvi) Resident 36

Appendix 5: Representation in support of application

Appendix 6: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

Appendix 7: Plan of Premises

Appendix 8: Blue public notice

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1. The Hearing commenced at 10.30am.

2. At the commencement of the Hearing, the Chairman stated that all written representations had been read by the Sub Committee and requested that there was not a repetition of the submitted representations. The Chairman invited those making representations to first set out their objections against the Applicant.
3. Mr Rupal noted that the additional evidence submitted by the Applicant in support of their application was received at late notice and had not allowed time for Objectors to provide rebuttal evidence. He argued that this information should have been submitted with the original application to address the four licensing objectives. The Chairman reminded those present that the Sub Committee was required to consider all information submitted prior to the commencement of the Hearing. The Objectors were disappointed that there had been no engagement with residents as they felt this would have resolved most of the concerns.
4. Mr Rupal identified a number of concerns with the additional information submitted by the Applicant. Mr Rupal questioned the validity of the acoustics report which he felt to be based on unsound assumptions as it was conducted when the premises was closed. He felt that the placement of the receptors did not give an accurate portrayal of the noise, particularly at Roman House, as the receptor was placed behind a wall in the gardens which would not capture the noise travelling upwards.
5. The modelling also assumed that access to the terrace ended at 22:00 ignoring access by smokers after this time and was based on the noise levels of 25 people on the terrace despite the maximum proposed number being 50 people. There was also no mention of music throughout the application. Mr Rupal felt that the validity was therefore not tested, and the conclusions were a matter of conjecture.
6. Mr Rupal felt that the brochure and information about the Daisy Green concept purposely emphasized the food and coffee culture with no reference to alcohol in an attempt to downplay its significance. He noted that the menu offer at other Daisy Green premises were different and was therefore not clear what the premises was trying to be as it held bar, café, pub and restaurant qualities.
7. Mr Rupal felt the Applicant's dispersal plan should have been included as part of the application. He questioned who would be managing the calls if residents used the contact telephone number provided and how smokers/non-smokers would be managed on the terrace area after licensable activity ceased. He stated that there was no condition regarding off-sales which risked continued drinking in the area. It was also noted that regardless of the windows and doors being closed after 22:00, the front and left façade were made of glass panels which were not insulated.
8. Mr Rupal concluded that the requirements for noise had not been satisfied and that the needs of the local residents should be the priority. He noted that the flats at Roman House were not air conditioned which required windows to be left open, particularly in the summer months, and would be particularly affected by the noise from the terrace.
9. Ms Sunman advised that her primary concerns related to noise and the opening hours. She noted that there were a range of hours across the different Daisy

Green establishments and that the hours needed to be brought back in order to be considerate to the local residents.

10. Ms Sunman was also representing the concerns of the Barbican Association and the Residents' Association of Willoughby House who were very concerned regarding the offer of a bottomless brunch. The Hearing was advised that Willoughby House was above the Bad Egg who also provided this offer which had caused a number of negative impacts for the local community including noise and public urination by highly intoxicated patrons. It was felt that bottomless brunches in the terrace area would have a negative impact on the public gardens, particularly on Sundays when it is a peaceful haven.
11. Ms Sunman requested that the terrace area be closed at 21:00 as recommended by Environmental Health, that the premises remain closed on weekends and to keep the eastern façade closed to prevent noise nuisance by music. She stated that the site would be a nice location for a café/restaurant only.
12. Ms Bonar advised that she was representing the concerns of the Wallside House Group and Barbican Association Liaison Group which she chaired. With regards to the new material provided by the Applicant, she stated that the consultation referred only to planning and not licensing concerns. Ms Bonar noted that a Barbican Association Liaison Committee meeting took place at the time of the application and could have provided advice, yet they were never approached for consultation.
13. Ms Bonar questioned when a meeting of consultation with the nearest affected properties took place as she was not aware of such a meeting.
14. Ms Bonar felt the proposed conditions were well crafted. She requested that the opening hours be reduced especially on Sundays, that all doors and windows remain closed at all times, there be no admission of all patrons to the terraced area after 22:00 and for food and drink sales to cease at an earlier time to ensure patrons were not leaving the premises and making noise at an unsuitable hour.
15. Mr Dixon agreed with Ms Bonar that there had been no engagement with the local residents which was disappointing as key concerns could have been addressed.
16. Mr Dixon felt the proposed number of 50 people for the inside and outside areas of the premises was completely unsuitable as they were too small to manage these numbers. He stated that this would encourage vertical drinking and spillage into the public space risking the peaceful dynamic of the space. He argued that drinking with a meal only would ensure less noise nuisance.
17. Mr Dixon noted that other local businesses ensured all doors and windows were closed at 21:00 which significantly helped prevent noise nuisance.
18. Mr Dixon was concerned by the proposed end licensing hour of 23:00 seven days a week. He felt that allowing these hours on Sundays completely lacked merit and was problematic in general as patrons would have until 23:30 to finish their drinks and would therefore realistically be dispersing the area as late as midnight. He

requested a clear dispersal policy along with suitable conditions concerning the opening hours, dispersal of patrons, the numbers of people in the internal and external area, and the closure of doors and windows.

19. Mr Hogg advised the Hearing that he had significant experience in the drinks industry and had advised the government on licensing law for the 2003 Licensing Act.
20. Mr Hogg's primary concern was noise nuisance from the premises. He advised that Andrewes House had about 30 flats in direct view of the premises, and, like Roman House, they did not have air conditioning and would therefore have their windows open. He stated that the noise from the terrace would reverberate in the block below which would echo further down towards Gilbert House. Mr Hogg argued that it would be difficult to manage noise which would affect the neighbourhood and supported the advice of Environmental Health for drinking in the external terrace to be brought back to 21:00 and closure on Sunday. He also discouraged the sale of off-sales after 21:00.
21. Mr Holmes, representing the COL Police, stated that they had been in communications with the Applicant during the representation period who agreed to ensure all of the Police's concerns would be covered by the licence.
22. The Chairman invited the Applicant to ask the Objectors questions regarding their statements.
23. Mr Thomas queried how often Mr Rupal lived in his flat. Mr Rupal confirmed he lived in the flat once a fortnight but that his son permanently resided in the flat as did his daughter during term time.
24. The Sub Committee wanted to understand the area and the basis for some of the representations. The Sub Committee noted that it was difficult/unusual to travel through the Barbican Estate unless you lived there or knew the area well. Patrons would be expected to travel home using the simpler route at ground level along London Wall to the Barbican or Moorgate Stations.
25. The Sub Committee noted that Gilbert House was out of the sightline of the premises and questioned why these flats would be impacted by noise. Mr Dixon said people leaving local premises did travel through the Estate and therefore dispersal at night would affect the neighbourhood.
26. The Sub Committee noted that only two rows of flats at Andrewes House were in the sightline of the premises. Mr Hogg responded that approximately 30 flats out of 190 would be affected along with the gardens.
27. In response to a query, Ms Bonar confirmed her objection had not been noise but concerns regarding poor dispersal and the impact of off-sales making the area a target for drunk people. It was noted that other premises in the area did not have tables and chairs outside and were not open during weekends and she feared that granting this application would encourage others in the area to request longer

opening hours. The Sub Committee confirmed that this application must and would be judged on its own merits.

28. The Sub Committee asked the COL Police if the concerns for the area were fully addressed in the proposed recommendations. Mr Holmes stated that they were content as the premises would not have a bar in its external area.
29. The Chairman invited the Applicant and Mr Thomas to set out their case in support of the application.
30. The Applicant confirmed that Daisy Green had ten other sites each with a flexible coffee/brunch/restaurant offering to suit all customers. Each site was unique and evolved to suit the location. The Applicant felt that the location was ideal for the business model and would thrive in the mixed resident and worker area.
31. The Applicant wanted to explore evening trade in this new premises, in comparison to other Daisy Greens, and felt that flexibility was vital to the success of the business. She argued that the location and business offering would encourage a higher end clientele and the proportion of “dry to wet” sales would be 75% food and 25% alcohol/soft drinks/coffee.
32. Mr Thomas advised that having considered the concerns of the Objectors, the Applicant would reluctantly agree to amend the terminal hour for the sale of alcohol to the external area to 21:00 with all patrons leaving the premises by 22:00 on Sunday. The Applicant was not prepared to offer to amend the proposed hours for Saturday to allow operational flexibility. Mr Thomas noted that this did not mean that the premises would be open until 23:00 every day as it was not a late-night venue and would close earlier if not busy.
33. In response to concerns identified by Objectors, Mr Thomas stated that there would be no music played on the external terrace but music and occasionally a DJ would play music inside to improve the ambience of the atmosphere, e.g. Motown or jazz.
34. The Hearing was advised that bottomless brunches had been introduced in the last two years to some of the larger Daisy Green venues, e.g. Soho and Victoria. The bottomless brunches would represent a very small component of the overall offer (3-5%) unlike Bad Egg of which this was a business focus, and the clientele would be local residents and workers to which trade would be focused on based on the location of the premises.
35. Mr Thomas confirmed that terrace use would be restricted to smokers only after 22:00.
36. The Applicant agreed to cease the sale of off-sales to 22:00 to curtail concerns for continued drinking by patrons within the neighbourhood after the premises closed.
37. With regards to the acoustic report, Mr Thomas advised that RBA Acoustics specialised in mixed use premises and found nearby traffic to be the predominant noise factor at the location. He confirmed the assessors had relied upon

assumptions used within the industry and the WHO standard, finding that the premises was below or within the limit guidance. The effect of smokers on the terrace was assessed for up to 10 people. The Applicant confirmed that patrons that wished to smoke on the terrace after 22:00 would be monitored, drinks would not be allowed outside, and the number would be capped at ten people.

38. Mr Thomas stated that the majority of the objections had common themes based on misconceptions, e.g. bottomless brunches and the variances on timings each day, which were inconsistent with the requests within the application.
39. Mr Thomas addressed the Objectors stating that it was regrettable that the additional information was provided at late notice, but the high number of objections meant that it had taken time to address all of the concerns. The premises was not regarded as a late night venue; however, the longer opening times would allow the Applicant some flexibility in their offer. The Applicant confirmed that daytime trading would be the focus.
40. Mr Thomas noted that the reason the Wood Street Bar & Restaurant had no external drinking was because it was directly beneath the Barbican.
41. The Chairman invited the Objectors to ask the Applicant and their solicitor questions regarding their statements.
42. Mr Forster (Environmental Health) stated that the acoustic report did not include any measurements for a Saturday or Sunday or for the time 22:00 to 23:00 which was of most concern to residents. The measurement to determine ambient background noise levels was conducted on a Thursday evening whilst the premises was closed. Mr Thomas advised that the LAeq sound metric was used to measure customer and ambient noise peaks. Mr Thomas added that the noise nuisance legislation included within the Applicant's lease in conjunction with basic environmental health law would further protect local residents and ensure that the Applicant managed noise from the premises responsibly.
43. Mr Rupal queried exactly where the terrace was with regards to the premises. Mr Thomas advised that this was directly in front of the premises. Planters would be used to frame the space and staff would manage this area to ensure no drinking took place in the public area.
44. Mr Rupal enquired how smokers would be policed to ensure there were no more than ten people outside after 22:00. Mr Thomas advised that staff would stop patrons from entering the terrace area if numbers reached ten people. He confirmed non-smokers would be allowed in the area within reason.
45. Mr Dixon queried whether the proposal for 50 people in the internal and external areas was realistic and suggested a maximum of 40 people. Mr Thomas confirmed that the maximum proposed numbers for both the internal and external area was 50 people, which was compliant with fire safety regulations which put a maximum of 60 people. He added that use of the external area was seasonal.

46. The Sub Committee requested clarification regarding what consultation took place with local residents six months ago and how many people were involved. Mr Thomas confirmed that approximately three residents were involved in the consultation which took place for the site but prior to Daisy Green becoming a tenant. This included questions concerning the terrace area, seating and windows.
47. In response to a query concerning CCTV, Mr Thomas advised that there would be CCTV at the premises internally and externally. It was noted that the Landlord, Brookfield Properties, also had CCTV which covered the entire estate.
48. With regards to noise, the Sub Committee noted that music leakage could have an effect on the speaking level of patrons and questioned whether the Applicant would consider implementing limits on the sound system and/or a tracker. The Applicant confirmed that there would be regular tests of decibel reading and would consider implementing a tracker.
49. The Sub Committee queried how the Applicant would control bottomless brunches. The Applicant advised that brunches lasted for 90 minutes starting from when the entire party arrived. Each person would be allowed one glass of alcohol at a time and would be served food and drink to the table by waiter/waitress service and that the offer would be undertaken in such a manner so as not to infringe the mandatory condition relating to irresponsible drinks promotions. In response to a query regarding walk ins, the Hearing was advised that this was rare, but they would not be turned away.
50. The Sub Committee stated that controlling smokers was not a licensable activity making it difficult to manage at the premises. The Sub Committee could only impose conditions concerning licensable activities, e.g. to prevent containers outside.
51. The Sub Committee questioned whether allowing vertical drinking in the external terrace would produce higher noise levels. Mr Thomas confirmed that the terrace would allow for a mixture of patrons sitting at tables, vertical drinking or smoking but this would be carefully managed as the premises was not a pub.
52. The Chairman offered all parties the opportunity to make a concluding statement.
53. Mr Rupal stated that although a number of assurances had been given by the Applicant, he did not feel confident that the concerns of the residents had been resolved. The site was a peaceful area enjoyed by locals and workers alike and despite the good intentions of the Applicant, noise from the venue, particularly from the terrace area, would affect the neighbourhood and risk the dynamic of the area throughout the day and night.
54. Ms Sunman felt that the proposed maximum hours by the Applicant were too late and were not necessary for the business. She also felt that there was no strong commitment from the Applicant to manage the impact of bottomless brunches at the premises.



55. Mr Hogg highlighted noise as the biggest issue and felt that up to 50 people having a good time on the terrace area would be considerably louder than the acoustic report had suggested and requested that the terminal hour for the terrace be brought back to 21:00.
56. Mr Dixon did not feel the flexibility requested by the Applicant concerning opening times and the sale of alcohol was reasonable for the local community and requested that the terminal hour for the terrace be brought back to 21:00. He also felt that the maximum number of people internally and externally were too high for the modest size of the premises.
57. The Objectors requested the following conditions: 1) the hours for drinking in the external terrace be brought back to 21:00 as recommended in the representation submitted by Environmental Health, 2) that all doors and windows at the premises remain closed after 21:00, 3) a clear dispersal policy with signage be put in place to ensure patrons exit via the London Wall side and 4) that the premises reduces its opening hours at the weekend.
58. Mr Thomas concluded that the Applicant was a good, successful operator and use of the terrace area until 22:00 was critical to the business plan. He noted that there was no evidence of inevitable noise nuisance or that patrons would disperse across the Barbican Estate. Mr Thomas stated that the venue was a café/bar with a focus driven by providing upmarket food and would be a nice addition to the area.
59. The Chairman thanked all attendees for their comments and explained that a written decision letter would be sent to all relevant parties within five working days.
60. The Sub Committee retired at 12:40 and considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing by those making representations and the Applicant. It was evident that the most relevant licensing objective that required the Sub Committee's consideration was the prevention of public nuisance. In reaching its 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 2017.
61. In determining what constituted a public nuisance, the Sub Committee relied upon the definition of "public nuisance" contained in Halsbury's Laws of England which defines public nuisance as "one which inflicts damage, injury or inconvenience on all the Queen's subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a "public nuisance".
62. The Sub Committee regarded noise to be the principal concern to residents. The Sub Committee noted that this was a new business and, whilst conscious of the fact that the premises was located in a residential pocket of the City, also noted that other licensed premises operated in the area. The Sub Committee accepted

the residents' concerns as to the potential for noise disturbance late at night but were partly reassured by the measures proposed by the Applicant in an attempt to address these concerns would sufficiently reduce the risk of public nuisance. The Sub Committee had regard to paragraph 27 of the Statement of Licensing Policy which provided that residents had a reasonable expectation that their sleep would not be unduly disturbed between the hours of 23:00 and 07:00, and given the close proximity of the premises to residential accommodation considered the closing time should be no later than 23:00 with the sale of alcohol 30 minutes earlier, so the premises would be closed and all patrons dispersed prior to 23:00.

63. The Sub Committee concluded that, with the imposition of suitable conditions, it would be possible for the Applicant to operate the premises in accordance with the licensing objectives. The Sub Committee sought to strike a balance for residents and the business.
64. It was the Sub Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Licencing Hours	
Sale of alcohol	N/A	Mon-Sun	11:00-22:30
Hours premises are open to the public	N/A	Mon-Sun	07:00–23:00

65. However, the Sub Committee had concerns relating to the potential for public nuisance resulting from patrons purchasing alcohol and subsequently consuming the alcohol in the vicinity of the premises. It therefore decided that the supply of alcohol would be restricted to on the premises.
66. 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.
- a) The premises will install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested (MC01).
  - b) 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 (independent of the licence holder) promoted to the general public (MC02).

- c) All door and windows shall remain closed after 21:00 save for entry or exit, or in the event of an emergency (MC13).
- d) Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly (MC16).
- e) Licensing activities in the external area of the premises shall cease at 21:00 and the external area shall, subject to Condition 7, be clear of patrons by 21:30.
- f) Customers are permitted to access the external area of the premises after 21:00 to smoke only but shall not be permitted to take drinks or glass containers with them (MC17).
- g) 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).
- h) The number of persons permitted in the external area of the premises at any one time (excluding staff) shall not exceed 50 persons.

**The meeting closed at 12.40 PM**

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Chairman

**Contact Officer: Leanne Murphy**  
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## The Club Soda Guide final report and evaluation

### BACKGROUND

In 2018, Club Soda received funding from the City of London to technically develop the Club Soda Guide ([www.club sodaguide.com](http://www.club sodaguide.com)) from the prototype website developed in 2016, and to get as many City of London venues as possible to list on the site. The Club Soda Guide is the UK's first and only listings site of low and no alcohol drinks, and the venues where to find them. The Guide works by rating venues out of 5, based on how good their low and no alcohol drinks offer is.

Following our initial round of development, we have used the data and insight we have gained to determine a further set of aims to take the Club Soda Guide to the next level. These included:

- Making it easier for venues to navigate around the website, being able to add their drinks on their profile, and generate an updated "Club Soda Score"
- Giving users more information about specific drink brands and where to find them
- Signing up more venues to the Guide
- Developing a business model for the long term development and financial viability of the Guide.

### TECHNICAL DEVELOPMENT

We began redeveloping the technical aspects of the Guide in January 2018.

We started by revisiting our user profiles and user experience design, to gain a detailed understanding of what drink brands, licensed venues, and general users needed to make the most of the Guide. We wanted to allow venues to be able to list the specific drink products they stocked, as well as giving them log-in functionality to allow them to maintain their listing pages. We also wanted to be able to list drinks as well as venues on the site, so that users would be able to discover new low and no alcohol drinks, and where to find them in both the on and off trades. Finally, we wanted users to be able to navigate easily through the website to discover great drinks and great venues.

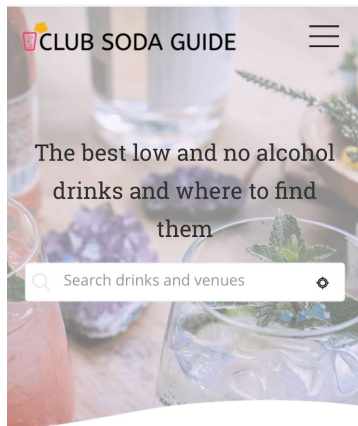
We are pleased to have managed to combine these different demands to create a brand new website with the functionality to allow:

- Users to search for venue by their location
- Venues to be able to log in and list the drinks they stock
- Over 850 low and no alcohol drinks are already listed
- Supermarkets and wholesalers can be linked into drink brand pages, so customers can find drinks to buy for home as well, and venue managers can easily find suppliers for them

- Mobile responsiveness (we think the site actually looks better on mobile than on a computer screen!)
- A redeveloped venue scoring system that applies equally to bars, pubs, hotels and restaurants (the old one favoured pubs and penalised cocktail bars).

The technical development of the Guide also allowed us to set up a **drink brand membership scheme**, which is helping to guarantee the Guide’s financial viability. We created additional features, such as enhanced brand pages and more prominent drinks listings to encourage brands to join Club Soda as members, and we are pleased to already have twenty brands sign up in the past two months.

Now that everything is up and running, we will continue to make technical tweaks in response to user feedback, including improving the search functionality, and making drinks recommendations more specific.



### Explore All Drinks



### Explore All Drinks



### Great Drinks For Mindful Drinkers



BrewDog Clerkenwell  
London  
EC1M 5RS  
Bar  
★★★★★



Exmouth Arms  
London  
EC1R 4QL  
Pub  
★★★★★



### VENUE RECRUITMENT

One of our key outputs within this round of funding was to increase the number of City of London venues signed up to the Guide. We have over **doubled the number** signed up with 235 City of London venues now listed (from 108 in the pilot project in 2016-2017).

Following the technical development, venues are scored automatically based on an algorithm in the website which calculated their result from the low and no alcohol drinks they say they offer (including the number of alcohol-free cocktails on their menu).

Score	5	4	3	2	1	0
% of venues	42%	12%	15%	12%	9%	6%

City of London venues have a higher mean score (3.48) than the national average (3.32), and a higher percentage of venues which score the maximum of 5 (42% as compared to 35% nationally).

As well as working with independent venues, we have engaged with a number of high profile pub and restaurant groups to increase sign-ups nationwide. We have already worked with Mitchells and Butlers, EI Group, Stonegate and Star, as well as several smaller chains such as BrewDog, Dishoom and Balans Soho Society among others.

Working with the national chains is allowing us to start collecting some illuminating data about the state of low and no alcohol drinks within venues across the country. This also demonstrates how the Club Soda Guide can operate as both an educational listings site and a research dataset.

We are continuing to reach out to venues in the City and nationally in order to continue to grow the number of venues listed on the Guide.

**ENGAGEMENT EVENTS**

We launched the rebooted version of the Club Soda Guide at our two-day Mindful Drinking Festival at Brick Lane’s Old Truman Brewery, on the fringes of the City in January 2019, with Peter Dunphy, City of London Chair of Licensing, Jo Dring from Heineken UK, Adrian Chiles, and Paul Mathew of the City bar The Arbitrager. The Festival included experts from the beer industry (Jane Peyton, Emma Inch, Pete Brown), wine industry (John Downes), as well as panel discussions and over 60 drink brands.



The January launch was followed up with two industry launches at Pub19 (Olympia, London) and ScotHot (SEC Centre, Glasgow) trade exhibitions, where we presented the Guide and the importance of low and no alcohol drinks to large numbers of venue managers and other stakeholders.



Since then, we have continued to promote the Guide in the media and at events. It will again be a highlighted feature of our next Mindful Drinking Festival, on 20th July at Spitalfields Market, east London, where we have engaged a number of nearby venues in the City and Hackney to offer special alcohol-free drink offers to the 10,000 expected festival attendees.

Thanks to **funding from the Brewer's Research and Education Fund**, we have this year also been able to conduct a research project on increasing the sales of low and no alcohol beers.



This research has allowed us to:

- Host our first low and no alcohol beer summit with a dozen breweries, beer writer Jane Peyton, and the Morning Advertiser editor Ed Bedington; the summit was opened by Adrian Chiles who issued a challenge to the brewers to get their beers to be served on draught in every pub.
- Undertake experiments in venues on different ways of selling alcohol-free beer
- Carry out desk research on sales and promotion of low/no alcohol beer in other countries
- Create training videos for venues on how to sell low/no alcohol beer.

This research will be published in the near future.

Club Soda hosted the first low and no alcohol beer tasting with the **All Party Parliamentary Beer Group**, which was attended by almost 30 beer brands and 15 MPs/Lords.

We will also be bringing two low and no alcohol beer brands to the **City of London Beer Festival** in July, having been invited to do so by the Worshipful Company of Brewers. This will be the first time that low and no alcohol beers will feature at this event.

### **THE FUTURE OF THE GUIDE**

With the rebuilt Club Soda Guide now fully functional, there are a number of avenues we intend to pursue in order to improve it for users and to use it as a tool to enhance the world of mindful drinking.

We will continue to **recruit drink brand members** to ensure the financial longevity of the Guide. Heineken 0.0 sponsored the launch of the Guide, and we expect to find ongoing drink and other sponsorship for the Guide itself, and projects related to it.



We want to utilise the data that the Guide collects to do continued **research on the low and no alcohol drinks industry**. We have already started to do this through two research partnerships; one with Heineken 0.0 on drink driving, and one with Lyre's on the sales of alcohol-free spirits and cocktails in bars. Through our work with Heineken, we are focusing on the City of London as a research area, to look at how commuters who drive navigate after work drinks. The Guide is an unparalleled resource for information about the state of play within the industry, and we will be using it to help brands and venues make wholesale changes to their attitudes towards low and no alcohol drinks to the benefit of Club Soda members and the general public.

We believe that the Club Soda Guide can become an **industry standard for best practice**, as part of a criteria for local councils to be rated as good for Mindful Drinkers. We have carried out presentations about the Guide at a number of licensing events and received positive feedback about its potential utility for local authorities. We are now looking at an initial pilot scheme within a local area to demonstrate how licensed venues' presence and high scoring on the Guide can dovetail with Late Night Levys to create Mindful Drinking areas. We are also in discussions with Best Bar None to include presence on the Guide as one of the inputs to the BBN evaluation of licensed venues.

## **OUTPUTS**

Our key outputs from this funding from the City of London have been:

- A **fully functional redeveloped Club Soda Guide website**, listing low and no alcohol drinks as well as the licensed venues that stock them
- Almost **200 City of London venues** signed up the Guide with a **higher than national average rating**
- **Launch events** to the public and trade drawing attention to the utility of the Club Soda Guide.

## **NEXT STEPS**

We are really proud of the outputs from this piece of funding. As part of our next steps on the Club Soda Guide, we would like to:

- Talk to the City of London licensing team about how they can use the Guide
- Discuss the possibilities of designating the City of London as UKs first mindful drinking place
- Discuss some additional research and campaign ideas that have come from the Guide work in the City, including work with caterers, workplaces, and students and universities to encourage and promote more mindful drinking.

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# Agenda Item 8

<b>Committee(s):</b>	<b>Date(s):</b>
Licensing Committee	16 October 2019
<b>Subject:</b> Seeking a Public Space Protection Order – London Marathon Related Disorder	
<b>Report of:</b> Assistant Town Clerk	<b>Public</b>
<b>Report author:</b> Valeria Cadena-Wrigley, Community Safety Officer	<b>For Information</b>

## Summary

This report informs the Committee of the challenges faced in the City by visitors of the London Marathon and provides a solution through a Public Space Protection Order (PSPO) to help us deal with the recurring issues of violent disorder and anti-social behaviour (ASB) taking place during the event.

Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 gives local authorities the power to make Public Spaces Protection Orders. PSPOs are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which applies to everyone. They are intended to help ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

The Safer City Partnership (The Community Safety Partnership for the City of London) have decided to take forward the process of making a PSPO for the London Marathon route in the City to be active for one day only, during the day of the event.

This report outlines the nature of the incidents and previous activity to try and resolve the issues. The Safer City Partnerships seeks collaboration and guidance with relevant committees and the formal consultation process.

## Recommendation(s)

Members are asked to consider the report and support the Safer City Partnership in asking the Court of Common Council to approve a PSPO to deal with the issues associated with the London Marathon.

## Main Report

### Background

1. The London Marathon is a long-distance running event held in London, part of the World Marathon Majors. The event takes place in spring every year and part of the route is through the City of London. Problems with visitor during the day of the event have arisen over several years in the locality around Trinity Square EC3. The primary issue is related to large groups of young adults consuming alcohol and drugs, particularly nitrous oxide, while the London Marathon is taking place. This has contributed to considerable ASB and violent disorder.
2. Significant work has been undertaken with local venues to ensure they are not contributing to the problems. In addition, the City of London Police and Corporation of London staff have worked in partnership to tackle the problems. This has included the deployment of specialist public order assets, liaising with London Marathon organisers to move and change the music provision and the use of crowd control barriers. Despite these efforts, the last two years have still seen considerable public disorder.
3. The core issue are groups of young adults seeing the Marathon as an opportunity to congregate in large numbers to drink alcohol and use drugs, (notably nitrous oxide). As the day progresses, levels of intoxication, ASB and disorder increases. The area impacted is close to Fenchurch Street and Tower Hill Underground and British Rail stations, which are used by the majority of those involved to transit to the City.
4. Following issues experienced in previous years and working in conjunction with the London Marathon management team and City of London Corporation staff, significant changes were made in 2019 including:
  - Replacing the rock band at Byward Street EC3 with a brass band
  - Cancelling the DJ next to All Hallows Church
  - Increasing barrier plan outside the Liberty Bounds Public House
  - Deploying specially trained Public Order Officers to the area
  - Using the Section 35 Dispersal Order
  - Installing a Police CCTV van in the area
  - Deploying Police horses
  - Ensuring there is no street drinking in Trinity Gardens by using local authority Enforcement Officers from Tower Hamlets
  - Requesting local licensed premises have additional security on duty
5. Despite these mitigating actions, there was still high level ASB and disorder in the area of Great Tower Street EC3, with approximately 500 highly intoxicated young adults present (consuming alcohol and nitrous oxide). These individuals had no vested interest in the London Marathon and made the area, in the words of the City of London Police, “a ‘no-go’ area for members of the public” who wanted to watch and enjoy the London Marathon.
6. This year as the day progressed, the atmosphere became increasingly hostile and eventually resulted in arrests for violent disorder, grievous bodily harm

and possession of class A drugs. While assisting in an arrest one of the Police horses fell, trapping the mounted officer under the horse, and resulting in the officer receiving a broken ankle.

7. Seasoned Public Order Officers assigned to the event, who are used to dealing with high levels of disorder, were taken aback with the level of disorder and how quickly the situation escalated. Despite having 20 Public Order Officers available in the area, another 40 officers were required to deal with the problems. In total over 100 City of London Police Officers were deployed to this relatively small geographical area to contain the situation.

### **Neighbouring Boroughs**

8. As the legislation concerning Designated Public Place Orders (DPPO) became redundant with the introduction of the Anti-Social Behaviour Crime and Policing Act (2014), the London Boroughs of Tower Hamlets and Southwark DPPOs were converted into PSPOs, which specifically controls the consumption of alcohol in a public place.
9. The PSPOs in Tower Hamlets and Southwark grant the Police in these boroughs additional powers to confiscate alcohol and other substances associated with ASB. This power also extends to Tower Hamlets Enforcement Officers (as "*authorised persons*"), who patrol Trinity Gardens on the day of the London Marathon.

### **Public and Reputational Impact**

10. The large groups who congregate in Trinity Square and its vicinity, create a hostile environment and are often verbally abusive towards those competing in the London Marathon as well as other spectators. Given the nature of the London Marathon as a charitable and family friendly event, this behaviour is clearly unacceptable. The reputation of the event and the City of London Corporation is put at risk by this level of anti-social and threatening behaviour.

### **Legislation and local authorities' duty**

11. Section 59 of the Anti-social Behaviour, Crime and Policing Act (2014) gives power to a local authority to make a PSPO if satisfied on reasonable grounds that two conditions are met:
  - I. that "*activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect*"
  - II. that "*the effect, or likely effect, of the activities (a) is, or is likely to be, of a persistent or continuing nature, (b) is, or is likely to be, such as to make the activities unreasonable, and (c) justifies the restrictions imposed by the notice*".

12. It is for local authorities to identify behaviours which cause “*detrimental effect on quality of life*” in their particular area, and to decide who is “*in the locality*” for the purpose of protection from such activities. There is no basis upon which to artificially limit the words used in the statute to consideration of 'regular' or 'repeated' visitors. Instead, local authorities are restricted in making their PSPOs by reference to the second condition imposed: they must show that the effect of the activities on visitors 'is, or is likely to be, of a persistent and continuing nature' before a PSPO will be justified.

### **Proposals**

13. The City of London Police have requested that the City of London Corporation seek to obtain a PSPO to help address this recurring problem. This would allow them additional powers to prevent public drinking and intoxication in specific areas, by refusing entry to designated areas to those carrying alcohol or nitrous oxide, or by confiscation of these by those within the area. Precise wording to be agreed with our colleagues in the Comptroller & City Solicitor's Department.
14. The PSPO would allow the Police to confiscate alcohol and nitrous oxide from individuals. However, the decision to do so would be based on the judgement of Police Officers and taking into consideration individual circumstances.

### **Process and Next Steps**

15. The Safer City Partnership have decided to take the PSPO process forward and we need support of relevant committees before taking the issue to Policy and Resources Committee and Court of Common Council. There is also a requirement to consult with relevant stakeholders, which will necessitate a significant amount of staff resources and support from across the City of London Corporation and SCP colleagues to deliver.
16. There is a need to consult with those who live and work in the area and to carefully consider the exact form of restrictions the PSPO would put in place. The intention is for the PSPO to apply only on the day of the Marathon and in the geographic area most impacted by the race.

### **Conclusion**

17. A PSPO in place along the London Marathon route for just one day a year should help reduce the ASB, crime and disorder repeatedly experienced in the Trinity Square locality. It would demonstrate that we are taking steps to safeguard the public from ASB, protect this important global event and make the most effective use of Police resources.

## **Appendices**

- Appendix 1 – Briefing Provided to Chairman of Relevant Committees (17 July)
- Appendix 2 – Map of the London Marathon route

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**Briefing to Support the Case for A Public Space Protection Order linked to the London Marathon**

**Proposal**

That the City of London Corporation begins the process to put in place a Public Space Protection Order (PSPO) to help reduce crime and disorder associated with intoxication in specific locations during the London marathon.

**What is a PSPO?**

The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by councils and their partners to address anti-social behaviour (ASB) in their local areas. PSPOs are one of these. Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location. The legislation provides for restrictions to be placed on behaviour that apply to everyone in that locality (with the possible use of exemptions). Breach of a PSPO without a reasonable excuse is an offence.

A PSPO can only last for three years before it needs to be renewed.

**Background**

For several years the area adjacent to Trinity Square has experienced significant issues associated with large groups getting intoxicated while the London Marathon is taking place. Work has been undertaken with local venues and they have taken steps to ensure they are not contributing to the problems. In addition, the City of London Police and Corporation of London staff have worked to tackle the problems. This has included the deployment of specialist public order assets, liaison with Marathon organisers to move and change the music provision and the use of crowd control barriers. Despite these efforts the last two years have seen considerable public disorder.

The core issue is groups of young adults taking advantage of the Marathon as an opportunity to gather in numbers and get intoxicated through drink and drugs. During the day of the Marathon this escalates into serious anti-social behaviour and disorder.

The area is extremely close to Fenchurch Street and Tower Hill stations which are used by the majority of those involved in these disturbances to transit to the City.



## **The 2019 Marathon**

Following the issues experienced in previous years and working in conjunction with the London Marathon management team, significant changes were made including:

- 1) Replacing the rock band which had previously played at Byward Street with a brass band.
- 2) Cancelling the DJ next to All Hallows church.
- 3) Increased barrier plan outside the Liberty Bounds Public House.
- 4) Specially trained public order officers deployed to the area from the start
- 5) A S.35 Dispersal Order in place.
- 6) A Police CCTV van in the area.
- 7) Police horses were deployed from the start.
- 8) Local authority enforcement officers from Tower Hamlets ensured no drinking in Trinity Gardens.
- 9) Work with local licensed premises including additional security on duty.

Despite these mitigating actions there was still high level ASB and disorder in the area of Great Tower Street. Approximately 500 young adults were present, highly intoxicated (use of alcohol and nitrous oxide). This contingent had no real interest in the Marathon and made the area, in the words of the CoLP “a ‘no-go’ area for members of the public” who wanted to watch the Marathon.

As the day progressed the atmosphere became more hostile and eventually there was disorder resulting in arrests for violent disorder, grievous bodily harm and possession of class A drugs. During the arrest phase, one of the Police horses, whilst moving forward to protect officers who were carrying out an arrest of a violent individual, unfortunately fell over, trapping the mounted officer under the horse resulting in the officer receiving a broken ankle.

Seasoned public order officers assigned to the event who are used to dealing with high levels of disorder were taken aback with the level of disorder that they encountered and how quickly it escalated to become a very hostile and dangerous environment. Despite having twenty public order officers available in the area another forty officers were required to deal with the problems. In total over 100 City Police Officers were deployed in this small area to contain the situation.

## **Neighbouring Boroughs**

A Public Space Protection Order is in place in Tower Hamlets and Southwark. Both adjoining boroughs to the City route. This may contribute to ASB being pushed into the City. In Tower Hamlets, the Police have the power to deal robustly with any alcohol consumption or nitrous oxide being used due to the PSPO in this area. Tower Hamlets provide Enforcement Officers to cover Trinity Gardens, and as a result, although immediately next to the problem area, there is never any issue with this location as the Enforcement Officers have the power to seize any alcohol that is being consumed.

## **Public and Reputational Impact**

These large groups create a hostile environment and are often verbally abusive towards those competing in the Marathon as well as other spectators. Given the nature of the Marathon as charitable, family friendly event this is clearly intolerable. The reputation of the event and the City of London is put at risk by this level of intoxicated and threatening behaviour.

## **Next Steps**

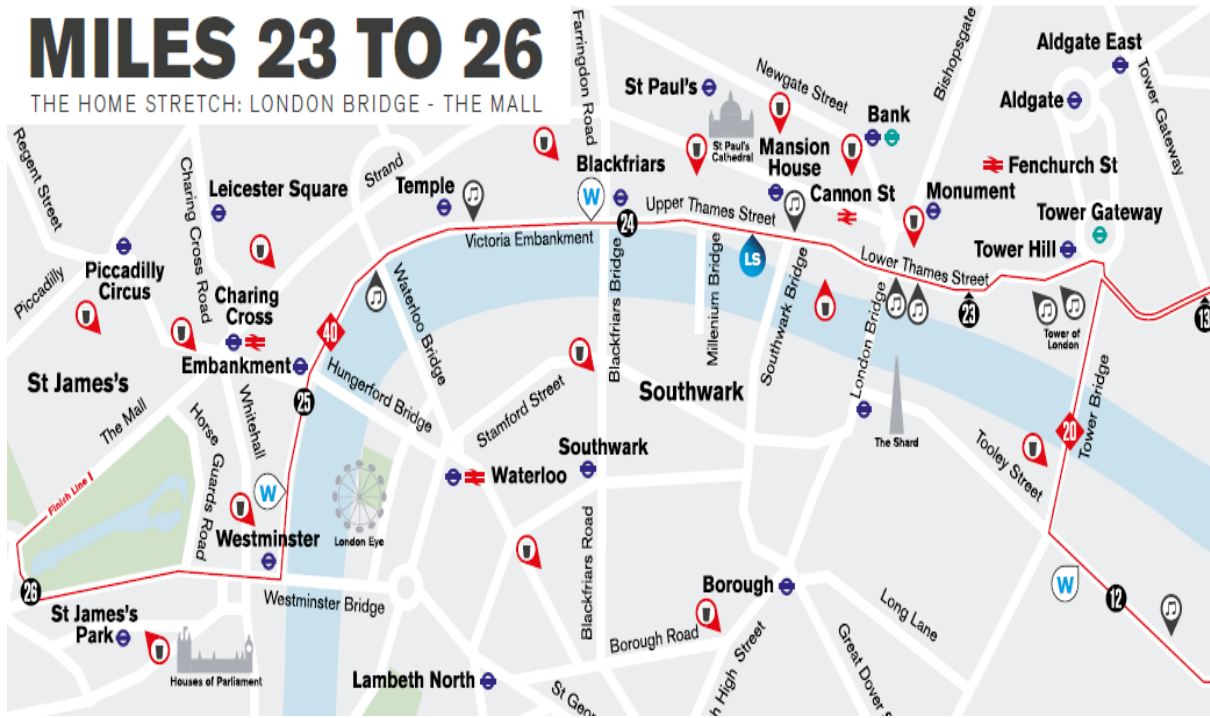
The City of London Police have requested the City of London Corporation seek to obtain a PSPO to help address this recurring problem. This would allow them additional powers to prevent public drinking in specific areas and to intervene before problems escalate. There is a need to consult with those who live and work in the area and to carefully consider the exact form of restrictions the PSPO would put in place. The intention is for the PSPO to apply only on the day of the Marathon and in the geographic area most impacted by the race.

This issue has been brought to the attention of the Safer City Partnership and the Police Authority Board. Officers have had preliminary meetings. However, before proceeding we wanted to provide you and colleagues on key committees with the background to the situation and provide the opportunity to raise any issues. Please do not hesitate to raise any concerns directly with me. David MacKintosh, Head of Community Safety, will be working with relevant colleagues to take this forward over the coming months. With the agreement of colleagues, we plan to take this to the Court of Common Council for approval early in 2020.

Appendix 2

# MILES 23 TO 26

THE HOME STRETCH: LONDON BRIDGE - THE MALL



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<b>Committee(s)</b>	<b>Dated:</b>
Licensing	<b>16 October 2019</b>
<b>Subject:</b> Traffic Light Scheme amendments to include Immigration offences and Cleansing offences in connection with licensable activities	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>
<b>Report author:</b> Aggie Minas – Licensing	

## Summary

The City of London Traffic Light Scheme (the Scheme) has been in operation since January 2013. It applies to all premises in The City licensed to sell alcohol and/or to provide regulated entertainment / late-night refreshment by virtue of the Licensing Act 2003. The Scheme brings together relevant data from the licensing authority and responsible authorities on incidents occurring at licensed premises and the data is analysed monthly at the Licensing Liaison Partnership meeting. The purpose of the Scheme is to identify problems at an early stage and to enable a partnership approach between the licensing authority and responsible authorities on appropriate interventions to support premises in improving standards at their premises and to prevent an escalation of problems. The aim is to avoid the need for enforcement action such as prosecution or licence review but will not replace action where it is necessary for the promotion of the licensing objectives.

The Scheme has been amended to include relevant immigration offences and relevant cleansing offences in connection with licensable activity.

## Recommendation(s)

Members are asked to:

- Note the amendments to the Scheme.

## Main Report

### Background

1. The Licensing Act 2003 (the 'Act') focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
2. The introduction of the City of London Traffic Light Scheme (the Scheme) in January 2013 was a proactive strategy aimed at promoting responsibly run premises, reducing problems within and around licensed premises and ensuring

that the night time economy does not interfere with the rights of local residents to enjoy their lives, particularly during the early hours of the morning.

3. Risks associated with licensed premises can vary dependent on the premises type and characteristics, the design, layout and general environment, the location, the policies in place and the events being held. The Scheme identifies the possible types of incidents that may occur at premises licensed for the sale of alcohol and/or the provision of entertainment or late-night refreshment.
4. The Scheme provides a simple but effective monitoring tool which brings together the findings of the licensing authority and the responsible authorities. Information is collected from all possible sources to provide a comprehensive overview of problems occurring at licensed premises in the City of London. Information is collected from the Police, Environmental Health, Fire and Licensing responsible authorities. All relevant incidents carry penalty points on a sliding scale depending on the severity of the incident.
5. When a premises reaches a certain number of points it will move from its starting point of being in a green zone through amber to red as the number of points accumulate. When a premises moves into the amber zone it is contacted by the licensing authority and/or a responsible authority to encourage a self-assessment and to draw up an action plan based on principles of good practice. The City of London has a Code of Good Practice for Licensed Premises (the Code) which identifies all the possible risks associated with the sale of alcohol and/or provision of entertainment and sets out remedial/good practice measures to mitigate these risks. Premises experiencing problems are always referred to the Code at an early stage.
6. If the premises continues to accumulate points and moves into the red zone it is likely that the licensing objectives are being undermined and immediate action is required from the licence holder. Further action will attempt to bring the number of points down and thus move the premises back into amber and eventually green zone. Failure to improve may open the premises licence to the risk of a review.
7. A monthly report summarising a rolling 6-month period of incidents is submitted to the Licensing Liaison Partnership Group. The report highlights the premises in amber and red zones and the group discusses and agrees the most appropriate action to be taken and who should take it. The group consists of senior officers from the Licensing Authority, the Environmental Health, Planning, Fire, Police and Home Office Responsible Authorities and other regulatory agencies including Street Environment Enforcement and Community Safety.

### **Current Position**

#### **Immigration Offences relating to Licensable Activity**

8. The Immigration Act 2016 amended the Licensing Act 2003 (the Act) with effect from April 2017 so that:
  - a. applications made to the licensing authority on or after that date can only be made by persons who are legally present and permitted to work in the UK. Premises and personal licences to supply alcohol or

provide late night refreshment cannot be issued to an individual who does not have permission to be in the UK (if they are living here), or is not entitled to undertake work relating to the carrying on of a licensable activity

- b. the Home Office becomes a responsible authority in respect of premises licensed to sell alcohol or late-night refreshment.
  - c. a right of entry is authorised to an Immigration officer to enter licensed premises with a view to seeing whether an offence under any of the Immigration Acts is being committed in connection with the carrying on of licensable activity.
9. The intention of these amendments is to prevent illegal working in premises licensed for the sale of alcohol and late-night refreshment.
  10. Any offences witnessed by Immigration officers may lead to administrative, civil or criminal proceedings being instigated by them under the Immigration Acts. Offences under the Immigration Acts associated with licensable activity include the employment of persons who are not legally present and who are not permitted to work in the UK. Such offences become 'relevant offences' as defined by the Licensing Act 2003 for personal licence holders.
  11. When the Home Office (Immigration Enforcement) exercises its powers as a responsible authority, for example if it seeks a review of a licence, it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly. The Home Office may, in its capacity as a responsible authority seek a review of the premises licence if there are concerns relating to immigration crime and preventing illegal working in licensed premises.
  12. Immigration officers have recently carried out operations in the City of London in conjunction with City of London Police officers and immigration offences have been witnessed. It is therefore prudent for The City of London to include details of such offences within its Traffic Light Scheme.
  13. Due to the severity of the offence of employing illegal workers, the maximum number of 5 penalty points will be imposed on the traffic light scheme. In line with the aims of the Scheme, points will be allocated upon witnessing the offence.

#### **Cleansing Offences relating to Licensable Activity**

14. During a recent Licensing Liaison Partnership meeting, it came to light that some licensed premises are causing a public nuisance through littering whilst their premises licence is in use. Offences of littering are dealt with under the Environmental Protection Act 1990 and the Anti-Social, Crime and Policing Act 2014. However, littering is defined as a public nuisance under the Licensing Act 2003 if associated with licensable activity and can be considered where relevant representations are made.
15. The current Scheme already contains a provision for issuing points to premises where there are 'substantiated complaints about litter (general or smoking

related)'. However, this is a very generic provision and does not consider the severity of an incident.

16. The Scheme has therefore been amended to detail cleansing offences according to severity as follows:
  - a) Fly Tipping – the most serious littering offence will carry 5 points
  - b) Breach of a Community Protection Order (CPN) will carry 2 points
  - c) Failure to comply with a waste receptacle notice or leaving litter will carry 1 point each

### **Corporate & Strategic Implications**

17. The Traffic Light Scheme is in line with the City's Core Strategy in protecting amenities of the residential population.

#### **Implications**

18. There are no implications.

### **Appendices**

- Appendix 1 – City of London Traffic Light Scheme 2019

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# City of London

## Traffic Light Scheme for Licensed Premises

### October 2019

#### **Introduction**

The City of London Corporation operates a traffic light scheme ('the scheme') applicable to all premises in its area licensed to sell alcohol and/or to provide regulated entertainment.

#### **Aim of the scheme**

The scheme provides a simple but effective monitoring tool which brings together data from the licensing and responsible authorities, taking a holistic partnership approach to dealing with problem premises under all four licensing objectives.

Monthly analysis of data means that problematic premises are quickly identified enabling early interventions by the responsible authorities. Advice and support will be offered to problematic premises with a view to improving standards at their premises and to prevent or minimise subsequent problems. The aim is to avoid the need for enforcement action such as prosecution or licence review but will not replace action where it is necessary for the promotion of the licensing objectives.

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

#### **Data sources**

The scheme takes account of data from the police and fire authorities and the City of London's licensing, trading standards, pollution, health and safety and waste management teams. Care will be taken not to duplicate information where it has been received from more than one source.

#### **Allocation of points**

The scheme is based on a points system where details of incidents at licensed premises are collected and analysed on a monthly basis and penalty points marked against premises for each relevant incident that occurs there. Relevant incidents under all four licensing objectives carry penalty points on a sliding scale depending on the severity of the incident. Crimes must be clearly linked to the operation of the premises and complaints about premises must be substantiated. Where there has been more than one crime or complaint related to the same incident, penalty points will be given for the main crime or complaint.

The criteria for allocating points are attached as Appendix 1.

## Trigger levels

Premises will fall into a green, amber or red zone based on their total penalty points at a given time, considering data from the previous six months. The trigger levels for each zone are set out in the table below.

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

Table 1 Table of penalty points and trigger levels

### Green zone

Premises that operate without incident or very few incidents will remain in the green zone. Premises in the green zone usually require no action.

### Amber zone

As problems are identified and premises accumulate penalty points, the total points for their premises may take them into the amber zone. Premises in the amber zone require close monitoring and engagement to prevent an escalation of incidents and will be notified as soon as they move into the amber zone, unless already in discussion with the City of London Police or other Responsible Authority.

The licence/certificate holder and/or the designated premises supervisor will be contacted by the licensing authority or relevant responsible authority to carry out a self-assessment based on the problems they are experiencing. The self-assessment should identify any measures to implement with a view to preventing the problem(s) recurring. A self-assessment form will be provided. The City of London's Code of Good Practice for Licensed Premises should be referred to when considering measures to implement.

### Red zone

There will be a further notification to the licence/certificate holder and/or designated premises supervisor if points accumulate to move the premises into the red zone (unless already in discussion with the City of London Police or other Responsible Authority). Premises in the red zone are at significant risk of undermining the licensing objectives and require immediate action by the licence/certificate holder. It will be expected that an action plan is put into place to improve the premises immediately.

Each red zone premises will be carefully monitored by the licensing authority and/or responsible authority and treated on its individual merits. Lack of demonstrable improvement may lead to a review of the premises licence/certificate. If most points are gained from areas of crime and disorder or public nuisance, the police or

environmental health responsible authorities will be expected to take the lead role for any possible review.

## **Formal action**

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

The licensing authority and/or relevant responsible authority may proceed with a prosecution at any stage irrespective of the traffic light zone the premises is in, if it is in the public interest to do so. Similarly, the licensing authority and/or relevant responsible authority may review a premises licence or club premises certificate at any stage irrespective of the traffic light zone the premises is in, if a matter arises at the premises that undermines one or more of the licensing objectives.

## **How long will points stay on a premises record?**

Penalty points imposed on premises will remain for a rolling 6-month period. Any points that are over 6 months old will be removed for the purposes of the traffic light scheme but may still be taken into consideration in any subsequent prosecution or review if relevant.

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

## **Analysis of the data**

The City of London's Licensing Liaison Partnership receives a monthly update on the Traffic light scheme and the premises in each zone. Focus is given to those premises in the red zone and the action being taken by them. The Partnership consists of the Licensing Authority and Responsible Authorities of the Licensing Act 2003.

Appendix 1

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

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

Table 2 Table of relevant incidents and penalty points

\* 1 penalty point if more than 3 thefts in a month and subject to a maximum of 5 points over a rolling 6-month period

**An evidenced breach of licence condition or evidenced unlicensed activity will carry 2 penalty points per breach.**

<b>Committee(s)</b>	<b>Dated:</b>
Licensing Safer City Partnership	16 <sup>th</sup> October 2019 27 <sup>rd</sup> November 2019
<b>Subject:</b> Mapping and Assessing the City's Night Time Economy – The Way Forward	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Peter Davenport - Licensing	

## Summary

The Markets and Consumer Protection Department commissioned the services of Safer Sociable London Partnership (SSLP) to carry out a mapping and analysis of the Night-time Economy (NTE) in the City of London to provide an evidence base for the development of policy, strategy, interventions and the targeting of resources.

The insight provided, when considered alongside the existing framework of the City's partnerships, Traffic Light Scheme and Safety Thirst initiative will ensure that the City's NTE remains well managed but also that the City's NTE is a place that workers, residents and visitors want to spend time in a safe environment with minimal disruption to residents.

This committee report outlines the proposed actions to be taken by the Licensing team in order to address the recommendations of the NTE report. The actions centre around the areas of cumulative impact, the advent of Crossrail, city of London drinking culture and the collection of data for analysis.

## Recommendation(s)

Members are asked to:

1. Agree the actions to be taken by the Licensing Team outlined in paragraphs 8,9,10,14,18 and 19 of this report.
2. Note that a further report will be submitted to the next Licensing Committee with an update of the progress made against the proposed actions.

## **Main Report**

### **Background**

1. In July 2018 the City engaged SSLP who are an independent social purpose consultancy focused on preventing health harms through public health approaches. SSLP focus mostly on alcohol related harm and how it can be prevented through strategic approaches. SSLP were asked to use their expertise and carry out an analysis and mapping of the Nighttime Economy (NTE) within the City of London.
2. The final report was received in May 2019 and consists of an analysis of data taken from a variety of sources including observational data taken from SSLP's observations of 30 premises. These were selected utilising existing intelligence from partners in the City and the City of London Police.
3. A copy of this report was presented to this Committee for information on 16 July 2019.
4. The report made four recommendations namely:
  - Consider conducting a Cumulative Impact Assessment (CIA) for the Liverpool Street area or the Bishopsgate ward.
  - Consider preparations for increased passenger flows at the Liverpool Street/Farringdon Stations as a result of Crossrail.
  - Working to address the drinking culture within the NTE.
  - Consider joint approaches to collecting, analysing and utilising data between teams in the City of London and City of London Police (CoLP).
5. The Licensing Service has now had the opportunity to analyse the report and suggests a number of actions to address the findings of the NTE report.

### **Proposed Actions**

#### Cumulative Impact Assessment (CIA)

6. Cumulative Impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
7. A licensing authority can publish a CIA to help limit the number or types of licence applications granted where there is evidence showing that the number or density of premises in an area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
8. There must be an evidential basis for a Licensing Authority to publish a CIA. Much of that information can be found in the NTE report but the Licensing Service will supplement this evidence by:

- An analysis of premises to be able to exclude those premises that are not seen as problematical e.g. offices, premises with a terminal hour prior to mid-night etc. This will assist in exploring the correlation between crime and disorder and certain types of venues.
  - Establishing trends in licence applications/variations over the past three years.
  - Examining trends in changes to the terminal hour of premises.
  - An analysis of the capacities of premises and expected concentration of drinkers at various hours throughout the night.
  - Ascertain the correlation, if possible, between the number of door staff present at each venue and the number of crime and disorder incidents.
  - The production a series of heat maps showing a combination of licensed premises and incidents for each ward and the City as a whole
9. Following discussions with the CoLP information obtained by them during the following exercises will also be taken into consideration:
- Proposed CCTV data from their mobile vehicle unit which will be collect data in and around the Liverpool Street/Bishopsgate area on a Thursday, Friday and Saturday night.
  - Exercise to establish the extent of cocaine use and its link with anti-social behaviour.
10. In addition to the above we will look at other tools available and those used to design out crime i.e.
- The use of improved lighting in high incident areas and examine the effect this has on those incidents occurring.
  - Increased Safety Thirst membership in high incident areas as indicative data shows a potential correlation between membership and low number of crime or public nuisance.
  - Following the consideration of a Public Spaces Protection Order (PSPO) for use during large public events and the possibility of using this tool in high incident areas.
11. If the above actions suggest a need for a CIA a survey will need to be carried out. The survey will be conducted on those persons who are normally consulted on the production of a Licensing Policy (these are broadly in line with responsible authorities), and anyone else that is felt necessary.
12. The current Licensing Policy has a section on cumulative impact (Chapter 12). This does not amount to a CIA but states that the cumulative impact of granting a licence can be taken into consideration whether or not a CIA is in existence.

#### Preparations for Increased Passenger Flows

13. The advent of Crossrail is likely to increase the number of persons in the Liverpool Street/Bishopsgate area. The improved transport hub is likely to increase the number of persons visiting licensed premises and potentially adding to the issues identified in the NTE report.

14. In order to prepare for increased passenger flows this service will:
- Wherever possible establish current, and forecast future, passenger footfall for specific identified points around Liverpool Street Station.
  - Discuss with stakeholders the expected effect this will have on the NTE
  - Look into establishing a 'Stress Area' as opposed to a CIA.
15. A stress area is, essentially, an informal CIA and has no legal standing. The presumption is always to grant a licence unlike an application in a CIA where the presumption is to refuse. However, action plans can be developed to closely monitor a stress area with extra resources if necessary being used.
16. Criteria can be set as to the steps a premises must take if applying within a stress area and failure to take these steps would lend a licensing authority to take the view that the application if granted, would undermine one or more of the licensing objectives. In these circumstances the licensing authority would make a representation objecting to the granting of a licence and the matter would go to a hearing.
17. The setting of a stress area, or indeed a CIA, would result in a revision to the licensing policy and the subsequent consultation and authorisation.

#### Addressing the drinking culture

18. In order to address the perceived or otherwise drinking culture the Licensing Team will:
- Present the NTE report to a wide range of stakeholders in order to further analyse the ways in which the drinking culture can be addressed if necessary.
  - Establish working relationships with the Public Health Team and the Business Healthy Group.
  - Look at ways in which the traffic light scheme can be amended to assist if possible.

#### Collection of data

19. In order to streamline the way, and format, in which data is collected this service will:
- Establish a working relationship with SafeStats and use information gained to feed into our decision-making process.
  - Examine ways in which data is recorded by CoLP and other stakeholders and establish a uniform data collection protocol.
  - With data being received from a number of stakeholders the use of a standard protocol may not be possible. In these circumstances steps will be taken to record all data in a format that can be readily available.
  - Use further software tools wherever possible, such as PowerBI, to produce a dashboard summarising the available data which is regularly maintained.



## **Corporate & Strategic Implications**

20. Supporting the City of London Corporate Plan 2018 to 2023 by contributing to all three key aims of a flourishing society, supporting a thriving economy and shaping outstanding environments.

## **Conclusion**

21. The City now has a collated evidence base on which to build. The further actions will allow for greater opportunity for development of policy, strategy, interventions and the targeting of resources. It has increased the understanding of the issues and challenges a vibrant NTE brings and in doing so will inform for better management of the NTE.

## **Appendices**

None

## **Background Papers**

Safe Sociable London Partnership – City of London Night-time Economy Review 2019.

## **Peter Davenport**

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## CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY

<b>Committee(s):</b> Licensing Committee – For Information	<b>Date(s):</b> 16/10/2019
<b>Subject:</b> Police Licensing Report – Crimes at Licences Premises	<b>Public</b>
<b>Report of:</b> Chief Superintendent Maleary	<b>For Information</b>
<b>Report author:</b> T/Chief Inspector J Wynne	

### Summary

This is a report from the City of London Police for the Licensing Committee to update on crimes committed linked to Licensed Premises from July – September 2019.

### Recommendation(s)

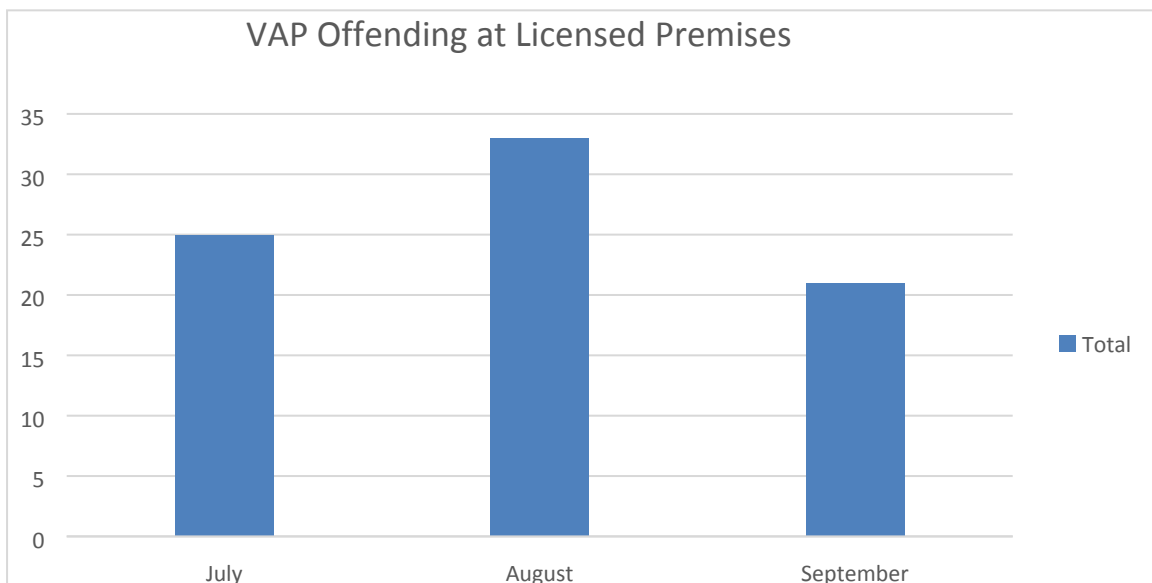
- Note the report.

### Main Report

#### Current Position

##### Violence against Persons

Violence against Persons (VAP) offences linked to Licensed Premises between July 2019 and September 2019 have been examined – there have been 80 offences in or outside Licensed Premises. 26 offences in July, 33 in August and 21 in September – indicating potentially decreasing levels of incidents at Licensed Premises from the previous quarter.



## CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY

The number of offences does not include those where individuals involved in VAP crime (victim or offender) have been drinking at City Licensed Premises prior to an offence at a different location, this is despite alcohol consumption at these venues undoubtedly playing a role in these offences. It should also be noted that on some occasions, disputes that had started inside of Licensed Premises has escalated into incidents of violence away from the venue following both parties ejection which have been included.

In all months, the majority of VAP offences at Licensed Premises are Common Assaults (43). The increase in VAP reporting in August can be attributed to better weather conditions and daylight hours.

VAP offending in Licensed Premises is typically during NTE hours (1800-0600) –, **Friday, Saturday and Sunday nights** account for 62 offences of VAP at Licensed Premises. With the peak hours of **1800-2000 (12)**, **2100-0000 (36)** and **0100-0400 (27)**. 43 VAP offences reported South area of the city.

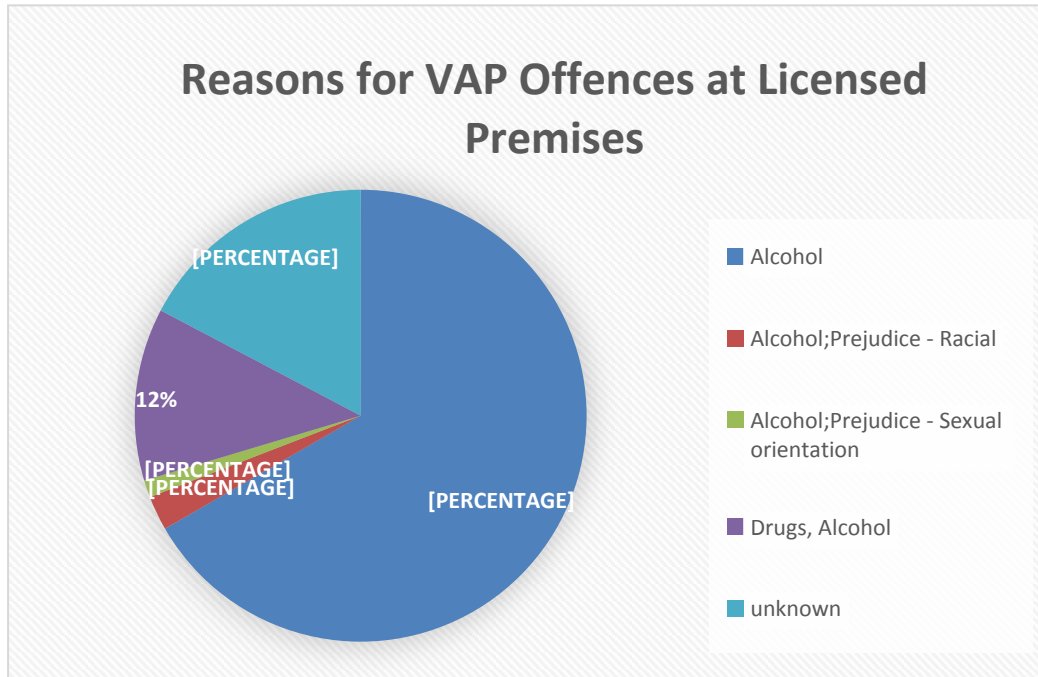
Stats Class Description	July	August	Sept
Assault - S18 - GBH grievous bodily harm with intent	0	0	0
Assault - S20 - GBH Grievous bodily harm without intent	0	0	1
Assault - S39 - Common assault	18	13	12
Assault - S47 - AOABH assault occasioning actual bodily harm	6	6	5
Assault with intent to resist arrest	0	1	0
Cause administer poison with intent to injure / aggrieve / annoy	0	2	1
Cause taking / receiving of dangerous / noxious thing	0	0	0
Racially / religiously aggravated assault occasioning ABH	0	1	0
Racially / religiously aggravated common assault	0	0	1
Robbery - Business	0	0	
Robbery - Personal	0	0	0
Sex - Rape a woman 16 years of age or over - SOA 2003		0	0
Sex - Sexual assault on a female - SOA 2003	1	6	2
Voyeurism additional offences (upskirting)	0	0	0

MO Sexual Assaults & Rape Offences: 9 offences over the period in question - no rape offences within licenses premises have been reported during this period. 2 offences of the sexual assaults involved female members of staff (bars, restaurants) as victims – 1 in which the offender was a customer and 1 in which the offender was a colleague. Sexual Assaults MO consisted primarily of touching (groping, slapping) over clothes in buttocks/inner thigh/genitals area.

Common Assault: 44 offences (including 1 racially aggravated). 28 offences involved staff (either as suspects or victim) and 6 offences involved domestic partners. The majority of the remaining offences involved victims and offenders who were unknown to one another. Alcohol did appear to again be a contributing factor in the majority of offences. MO is predominantly pushing or punching, however lower levels of slapping, pulling hair, grabbing face/throat, spitting and throwing items all reported.

ABH: 18 offences (including 1 racially aggravated). 3 offences involved staff (either as suspects or victim) – 12 offences reported of both parties, victim and offender being unknown to each other, with 1 reported Assault on police officer. Alcohol was the main contributing denominator in majority of reported offences.

Administering a Substance: 3 offences – all victims attending licensed premises had been consuming alcohol and believed their drink to have been spiked. All of the victims female. 1 victim attended hospital – 2 victims had LAS attend.



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<b>Committee(s):</b> Licensing Committee – For Information	<b>Date(s):</b> 16072019
<b>Subject:</b> Late Night Levy Finance Report	<b>Public</b>
<b>Report of:</b> Chief Superintendent G Maleary	<b>For Information</b>
<b>Report author:</b> T/CI J Wynne	

## Summary

The appendix shows a breakdown of the spending of the Late Night Levy from the City of London Police.

## Recommendation(s)

- Note the report.

## Main Report

### Background

The appendix to this report is the finance update for the police spending of the Late Night Levy.

### Current Position

Please see attached appendix.

### Appendices

- Appendix 1 – Late Night Levy Police Accounts – 2014 – 2019

**T/CI J Wynne**

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**CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY**

	Levy Year	1
	Oct 14 - Sep 15	
	£'000	
<b>FUNDING</b>		
Balance brought forward		
Levy income		294
<b>Total Funds Available</b>		<u>294</u>
<b>EXPENDITURE</b>		
<b>Actual</b>		
Additional officer		51
Christmas		76
New Year's Eve		9
Licensing operations (Various)		45
Alcoblow devices		
Evidence gathering		
Increased trade resources		
Reassurance patrols		
Covert investigations		
Street Pastor scheme		
SOS Bus		
Smithfield Market Xmas safety marshalls - 50%		
Xmas Advertising campaign		
Various Commitments;		
CCTV Van		
CCTV Van		
CCTV Van Maintenance approx £6k per annum		
Community Drugs Safer Nightlife (70%*25000)		
Licensing Inspector - 19/20 cost of £90,000 pa. Assumes July/Aug start c		
<b>Total Expenditure</b>		<u>181</u>
Unspent balance		113
of which carried forward		0

NB No arrangements were made to carry forward unspent balances in pri  
unspent balances up to March 2018 inclusive were absorbed as part of ov

**CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY**

<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Oct 15 - Sep 16</b>	<b>Oct 16 - Sep 17</b>	<b>Oct 17 - Sep 18</b>	<b>Oct 18 - Sept 19</b>
<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
0	0	9	188
317	307	296	324
<b>317</b>	<b>307</b>	<b>305</b>	<b>512</b>
55	56	61	63
95	135	14	10
60	60	36	59
2			
21			
9			
6			
	5		
	5	6	
			29
			6
			14
			43
			3
			18
date (8 months)			30
<b>248</b>	<b>261</b>	<b>117</b>	<b>275</b>
69	46	188	237
0	9	188	186

for years and as Police Levy funds are not ringfenced the majority of overall Police outturn position for the relevant financial years

**CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY**

	Levy Year	1	1	2
	Financial Year	2014/15	2015/16	2015/16
Period		Oct 14 -	Apr 15 -	Oct 15 -
		Mar 15	Sep 15	Mar 16
<b>FUNDING</b>		£	£	£
Brought forward from previous period			(42,984)	113,061
Levy income (estimated)		90,016	204,045	95,049
<b>Total Funds</b>		<b>90,016</b>	<b>161,061</b>	<b>208,110</b>

**EXPENDITURE**

Date Agreed	Actual			
	PCO Police Staff (D Belcher)	25,500	25,500	27,500
	Christmas (special PXMA to 2018)	76,000		95,000
	New Year's Eve	9,000		
	Licensing operations (Various Expenditure)	22,500	22,500	30,000
	Alcoblow devices			1,000
	Evidence gathering			11,000
	Increased trade resources			4,000
	Reassurance patrols			6,000
	Covert investigations			
	Street Pastor scheme (special PCPS)			
	SOS Bus			
	Smithfield Market Xmas safety marshalls - 50%			
	Xmas Advertising campaign			
	Support general policing spend			33,610
	<b>Committed</b>			
	CCTV Van			
	CCTV Van Maintenance approx £6k per annum			
10.12.18	Community Drugs Safer Nightlife (70%*25000)			
	Licensing Inspector - 19/20 cost of £90,000 pa. Assumes July/Aug start date (8 months)			

**Bids Agreed at Previous Meeting**

Aug-19 **Bids Agreed at Tasking for Op Sparta**

<b>Total Expenditure</b>	<b>133,000</b>	<b>48,000</b>	<b>208,110</b>
Carried forward	(42,984)	113,061	0
<b>Balance Available</b>	<b>0</b>	<b>0</b>	<b>0</b>

**BIDS TO BE DETERMINED**

**Revised Balance Available**

**CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY**

2	3	3	4	4	5	5	6
2016/17	2016/17	2017/18	2017/18	2018/19	2018/19	2019/20	2019/20
Apr 16 - Sep 16	Oct 16 - Mar 17	Apr 17 - Sep 17	Oct 17 - Mar 18	Apr 18 - Sep 18	Oct 18 - Mar 19	Apr 19 - Sep 19	Oct 19 - Mar 20
£	£	£	£	£	£	£	£
0	148,703	0	175,787	40,029	188,121	186,717	0
222,203	73,350	233,787	85,086	211,256	109,523	215,000	85,000
<b>222,203</b>	<b>222,053</b>	<b>233,787</b>	<b>260,873</b>	<b>251,285</b>	<b>297,644</b>	<b>401,717</b>	<b>85,000</b>
27,500	28,000	28,000	30,057	30,752	28,984	34,000	34,000
	135,000		14,460		10,381		
30,000	30,000	30,000	3,223	32,412	22,643	36,300	84,700
1,000							
10,000							
5,000							
	5,000						
	5,000		5,755				
					28,648		
					5,870		
					14,400		
	19,053		167,349				
						43,000	
						3,000	3,000
						17,500	
						30,000	30,000
							5,000
<b>73,500</b>	<b>222,053</b>	<b>58,000</b>	<b>220,844</b>	<b>63,164</b>	<b>110,926</b>	<b>163,800</b>	<b>156,700</b>
148,703	0	175,787	40,029	188,121	186,717		
0	0	0	0	0	0	237,917	(71,700)
					0	237,917	(71,700)

<b>Committee(s)</b>	<b>Dated:</b>
Licensing	<b>16 October 2019</b>
<b>Subject:</b> Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>
<b>Report author:</b> Robert Breese/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 **01 July 2019 to 30 September 2019**. 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 also gives a summary of the enforcement action taken under the Licensing Act 2003 between **01 July 2019 to 30 September 2019**. 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 March 2019 – 31 August 2019**.

## Recommendation(s)

Members are asked to:

Note the report

## Main Report

1. Pursuant to the instructions from your committee, I attach for your information lists detailing ‘premises licence’ applications (Appendix I) and variations (Appendix II) granted by the Licensing Service between 01 July 2019 to 30 September 2019. 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 email to the Licensing Team at [licensing@cityoflondon.gov.uk](mailto: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 01 July 2019 to 30 September 2019.
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 March 2019 – 31 August 2019. **Two premises have a sufficient number of points to be classified as 'red' and six premises have sufficient 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 01 July 2019 to 30 September 2019.
- Appendix 2 – Applications to vary a licence issued between 01 July 2019 to 30 September 2019.
- Appendix 3 - Enforcement Action carried out between 01 July 2019 to 30 September 2019 (including complaints received).
- Appendix 4 (Non-Public) – Premises reaching red and amber on the risk scheme between 1 March 2019 – 31 August 2019.

### **Background Papers**

None

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## Appendix I

### New Licence Applications Issued by way of Delegated Authority (01 July 2019 to 30 September 2019)

Name	Address	Ward	Details	
Comptoir Libanais	Unit T4 Broadgate Circle	Bishopsgate	A, L, (f)	01:00
Franco Manca	119-121 Middlesex Street	Bishopsgate	A, L, (f)	00:00
Goldman Sachs	Plumtree Court, Shoe Lane	Farringdon Within	A, L	00:00
Bar Douro	Unit 3, 1 Finsbury Avenue	Bishopsgate	A, L, (b)	01:00
ETC	50-52 Chancery Lane	Farringdon Without	A, L, (e), (f), (g)	00:00
Wework	12 <sup>th</sup> and 13 <sup>th</sup> Floors, 10 Fenchurch Avenue	Langbourn	A	23:00
Itsu	Unit 2, 51 Lime Street	Aldgate	A	21:00
GBA Restaurant	Unit 4, 1 Finsbury Avenue	Bishopsgate	A, L, (b), (f)	01:00
Epic Pies	53-55 Carter Lane	Castle Baynard	A	22:30
Patty & Bun	22-24 Liverpool Street	Bishopsgate	A, L	00:00
London Grace	27 Martin Lane	Candlewick	A	22:30
Gino D'Acampo Pasta Bar	201 Bishopsgate	Bishopsgate	A	22:00
Gino D'Acampo Pasta Bar	40-43 Fleet Street	Farringdon Without	A	22:00
Farmer J	Unit 11, 1 Finsbury Avenue	Bishopsgate	A, L, (b), (f)	01:00
Co-Op	17 Moorgate	Coleman Street	A	23:00
Franco Manca	119-121 Middlesex Street	Bishopsgate	A, L, (f)	00:00
Tavern	1 The Avenue, Devonshire Square	Bishopsgate	A, L	02:00
Mayer Brown	201 Bishopsgate	Bishopsgate	A, L, (e), (f)	02:00
Wine Lodge	145 Fenchurch Street	Langbourn	A	00:00
Wework Community Lounge	Western courtyard space in Devonshire Square	Bishopsgate	A, (f)	19:00
Supercity Aparthotels	4 Norwich Street	Farringdon Without	A	00:00

### Total Licences Issued = 21

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.		
<b>Aldgate</b>	<b>1</b>	<b>Bishopsgate</b>	<b>11</b>
<b>Candlewick</b>	<b>1</b>	<b>Castle Baynard</b>	<b>1</b>
<b>Coleman Street</b>	<b>1</b>	<b>Farringdon Within</b>	<b>1</b>
<b>Farringdon Without</b>	<b>3</b>	<b>Langbourn</b>	<b>2</b>

**Conditions Applied to Licences Granted by way of Delegated Authority**

**Comptoir Libanais**

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.

**Franco Manca**

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.

### **Goldman Sachs**

1. The general public shall not be admitted to the premises; access to licensable activities will only be provided for employees of the Goldman Sachs, associated companies, clients, agents, servants and invited guests.
2. There shall be no sale of alcohol in unsealed containers for consumption off the premises, save for that for consumption inside Plumtree Court.
3. No licensable activities shall take place on the roof garden between the hours of 22:00 and 08:00 on any day.

### **Bar Douro**

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
2. Promoted events will not be held at the premises. A promoted event is an event involving music and 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.

### **ETC**

1. Licensable activities shall be restricted to persons attending bona fide pre-booked events and access to the building is controlled by manned reception/security.

### **Wework (Fenchurch Avenue)**

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.
3. No drinks or glassware shall be taken outside the premises.

### **Itsu**

None

### **GBA Restaurant**

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

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

### **Epic Pies**

1. The premises shall install and maintain a comprehensive digital colour CCTV system, covering all public areas of the premises including the entrance door. 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 will only be served in accompaniment with a table meal, and for take-away with a food order.

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

### **Patty & Bun**

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

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

### **London Grace**

1. Alcohol shall only be sold or supplied to customers who are receiving nail or other cosmetic beauty treatments and to no more than one other person accompanying each such customer.
2. 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.

### **Gino d'Acampo (Bishopsgate)**

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, 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. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
3. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

### **Gino D'Acampo (Fleet)**

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, 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. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
3. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

### **Farmer J**

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

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

### **Co-Op**

1. The premises shall install and maintain a comprehensive CCTV system which covers all entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 28 days with date and time stamping. Recordings shall be made available upon the receipt of a request by an authorised officer of the Police or the local authority.

### **Franco Manca**

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.

### **Tavern**

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, 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. The premises will not hold promoted events, a promoted event being defined as follows: "A promoted event is an event 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 (independent of the premises licence holder) promoted to the general public"

### **Mayer Brown**

1. Licensable activities shall only be provided for employees of the premises licence holder, subsidiary companies, its agents, servants and invited guests.

2. The sale of alcohol for consumption on the premises will only be permitted for pre-booked staff or client events.

3. The premises shall install and maintain a comprehensive CCTV system. Recordings shall be kept available for a minimum of 30 days with date and time stamping. Such images will be made available to Police Officers or the Licensing Authority on receipt of written request.

### **Wine Lodge**

None

### **Wework Community Lounge (Devonshire Sq)**

1. The supply of alcohol shall only be to members of WeWork or their bona fide guests.

2. Alcohol shall only be consumed in the seating area delineated on the plan submitted with this licence application and hatched in green.

### **Supercity Aparthotels**

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

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## Appendix II

### Licence Variations Issued by way of Delegated Authority (01 July 2019 to 30 September 2019)

Name	Address	Ward	Variation
Oyster Shed	1 Angel Lane	Dowgate	<ul style="list-style-type: none"><li>• Variation of layout (plans) – to include a small external bar servery within the external licensed area – use limited to 12:00 – 22:00 hours.</li></ul>
The Alice	133-137 Houndsditch	Aldgate	<ul style="list-style-type: none"><li>• Variation of layout (plans) – refurbishment. To extend the start time for opening hours from 7am for breakfast.</li></ul>

#### **Total Number of Variations Issued = 2**

#### Number of Licences by Ward

WARD	No.
Aldgate	1
Dowgate	1

#### **Conditions Added to Licences Granted by way of Delegated Authority**

##### **Oyster Shed**

1) The sale of alcohol from the external servery (marked on plan 2898.19.02) is only permitted between the hours of 12.00 midday and 22:00 each day.

##### **The Alice**

None

#### **Personal Licences Issued by way of Delegated Authority**

01 July 2019 to 30 September 2019

2

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**Enforcement Action Carried out Under the Licensing Act 2003  
01 July 2019 – 30 September 2019**

Total Number of Inspections	51
Number of Warning Letters	3
Number of Premises advised	24
Number of simple cautions	1
Number of suspension notices	22
Licence lapsed*	0
'Dead' Suspensions**	3
'Live' Suspensions***	19
Under determination	01

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

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

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

## Number of complaints received between 01 July 2019 – 30 September 2019

### Outcome Code

**No action possible** - Complaint 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.

Total number of complaints: 17

Details	Time	Date	Outcome	Ward
Crowne Plaza London, Blackfriars House, 19 New Bridge Street, London, EC4V 6DB				
Hotel resident called to complain about band in street	22:25	12/07/2019	No action possible	Castle Baynard
Jamie's Wine Bar and Restaurant, 36 Tudor Street, London, EC4Y 0BH				
Music noise from venue	02:02	14/07/2019	Case still in progress	Castle Baynard
Lino, 90 Bartholomew Close, London, EC1A 7BN				
Please see report	23:50	03/08/2019	Resolved informally	Farringdon Within
London Cocktail Club, Basement Retail Unit, 206-210 Bishopsgate, London, EC2M 4NR				
Music from London Cocktail Club	21:05	18/09/2019	Resolved informally	Bishopsgate
Northbank Restaurant, 1 Paul's Walk, London, EC4V 3QH				
Noise coming from the restaurant has been a recurring issue since I started living in the flat in 2011. I have once made a formal complaint to City of London Public Protection back in 2016 about noise of a similar nature.	15:00	27/08/2019	Resolved informally	Queenhithe
Patch, 58-62 Carter Lane, London, EC4V 5EA				
Noise from patrons outside	00:41	06/07/2019	Resolved informally	Farringdon Within
Premier Inn, Offices, Dewhurst House, 24-30 West Smithfield, London, EC1A 9HB				
late night use of court yard	15:22	30/07/2019	Resolved informally	Farringdon Without
Revolution, Retail Unit, 1 America Square, London, EC3N 2LS				
Noise from cars leaving location.	04:11	27/08/2019	No action possible	Tower
Schroder Investment Management Ltd, 1 London Wall Place, London, EC2Y 5AU				
Maintenance work in Schrodgers	14:10	14/09/2019	Case still in progress	Bassishaw
Shaws Booksellers, Shaws Booksellers Public House, 31-34 St Andrew's Hill, London, EC4V 5DE				
music from Shaws pub disturbing resident	23:13	28/09/2019	Case still in progress	Castle Baynard
The Butcher's Hook and Cleaver, The Butcher's Hook And Cleaver Public House, 61 West Smithfield, London, EC1A 9DY				
Noise disturbance from loud, live music	21:59	27/07/2019	No action possible	Farringdon Within
The Cockpit, The Cockpit Public House, 7 St Andrew's Hill, London, EC4V 5BY				

Reported The Cockpit makes delivery noises at 6.am and also Rudds, Queen Victoria St does the deliveries at 7am also on St Andrew's Hill.	16:02	06/08/2019	Resolved informally	Farringdon Within
The Lamb and Trotter, 6 Little Britain, London, EC1A 7BX				
Caller has been woken due to late night deliveries taking place at the Lamb and Trotter. He has advised since they opened this year, they have deliveries at 3am - 6am on a regular bases. During this time, they are rolling kegs on the floor and slamming a metal gate.	09:41	24/09/2019	Resolved informally	Aldersgate
The Ned, The Ned Hotel, 27 Poultry, London, EC2R 8AJ				
Loud music/bass from rooftop pool party	00:00	03/08/2019	Resolved informally	Walbrook
Loud music/bass from rooftop pool party	19:00	03/08/2019	Resolved informally	Walbrook
The Rack & Tenter, Rack And Tenter Public House, Tenter House, 45 Moorfields, London, EC2Y 9AE				
Rack and Tenter beer garden.	22:44	01/08/2019	Resolved informally	Coleman Street
The Shakespeare, The Shakespeare Public House, 2 Goswell Road, London, EC1M 7AA				
Noise from outside Shakespere pub on corner of Fann st and Aldersgate st	11:17	17/07/2019	Resolved informally	Cripplegate
Large group of customers chanting and singing inside and outside of Shakespeare Pub.	22:02	13/09/2019	Case still in progress	Cripplegate

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