



Licensing Committee

Date: WEDNESDAY, 5 FEBRUARY 2020

Time: 1.45 pm

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

Members:

Sophie Fernandes (Chairman)	Marianne Fredericks
Peter Dunphy (Deputy Chairman)	Michael Hudson
Caroline Addy	Deputy Jamie Ingham Clark
Deputy Keith Bottomley	Shravan Joshi
Karina Dostalova	Graham Packham
Mary Durcan	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 October 2019.
For Decision
(Pages 1 - 8)
4. **ANNUAL REVIEW OF THE TERMS OF REFERENCE**
Report of the Town Clerk.
For Decision
(Pages 9 - 12)
5. **MINUTES OF LICENSING (HEARING SUB) COMMITTEES**
For Information
 - a) Simmons Bar - TEN - CANCELLED
6. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**
The Comptroller and City Solicitor to be heard.
For Information
7. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2020/21**
Report of the Director of Markets and Consumer Protection.
For Decision
(Pages 13 - 20)
8. **REVENUE BUDGETS AND HIGH-LEVEL SUMMARY BUSINESS PLANS 2020/21**
Joint report of the Chamberlain and the Director of Markets and Consumer Protection.
For Decision
(Pages 21 - 32)
9. **SEX ESTABLISHMENTS - CONSULTATION DOCUMENT**
Report of the Director of Markets and Consumer Protection.
For Decision
(Pages 33 - 42)
10. **SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES 2020/21**
Report of the Director of Markets and Consumer Protection.
For Decision
(Pages 43 - 50)
11. **CRIMES AT LICENCED PREMISES**
Report of the Chief Superintendent, City of London Police
For Information
(Pages 51 - 58)

12. **LATE NIGHT LEVY FINANCE REPORT**
Report of the Chief Superintendent, City of London Police.
For Information
(Pages 59 - 62)
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 63 - 76)
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 October 2019.
For Decision
(Pages 77 - 78)
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 79 - 96)
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**

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LICENSING COMMITTEE

Wednesday, 16 October 2019

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

Present

Members:

Sophie Anne Fernandes (Chairman)
Mary Durcan
Deputy Kevin Everett

Michael Hudson
Deputy Jamie Ingham Clark
Graham Packham

In Attendance

Jussi Tolvi

Officers:

Jon Averbs	- Director of Markets & Consumer Protection
Gavin Stedman	- Port Health and Public Protection Director
Rachel Pye	- Markets & Consumer Protection
Peter Davenport	- Markets & Consumer Protection Department
Leanne Murphy	- Town Clerk's Department
Andrew Buckingham	- Media Team, Town Clerk's Department
Frank Marchione	- Comptroller & City Solicitor's Department
Aggie Minas	- Markets & Consumer Protection
Inspector Jo Northmore	- City of London Police
Chief Inspector Jesse Wynne	- City of London Police

1. APOLOGIES

Apologies were received from Peter Dunphy, Caroline Addy, Deputy Keith Bottomley, Karina Dostalova, John Fletcher, Marianne Fredericks, Shravan Joshi and Judith Pleasance,

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

There were no declarations.

3. PUBLIC MINUTES

The public minutes of the meeting held on 16 July 2019 were approved as a correct record.

4. BREXIT PLANNING UPDATE

Members received a verbal update from the Port Health & Public Protection Director concerning Brexit planning.

Members were advised that the outcome of the 31 October 2019 deadline was still being awaited and the Department would report as appropriate concerning any impacts once the outcome was clear.

5. MINUTES OF LICENSING (HEARING SUB) COMMITTEES:

5.1 Gremio de London Ltd

Members noted the public minutes of the Gremio de London Ltd hearing on 5 July 2019.

5.2 Global Grange Limited

Members were advised that the Global Grange Limited Hearing was cancelled following an agreement reached between objector (Environmental Health) and the Applicant.

5.3 WeWork - WW Moor Place Ltd

Members noted the public minutes of the WeWork WW Moor Place Ltd hearing on 6 August 2019.

5.4 Stem & Glory - Herbivore Restaurants Ltd

Members noted the public minutes of the Stem & Glory hearing on 6 August 2019.

5.5 Daisy Green Food Ltd

Members noted the public minutes of the Daisy Green Food Ltd hearing on 13 August 2019.

A Member of the Sub Committee panel noted that the Applicant had submitted a noise assessment providing ambient noise data, etc, which was very useful.

The Member also noted that the circumstances concerning music entertainment had changed. Applicants were no longer required to obtain a licence to put on live music/play recorded music if it takes place between 8am and 11pm, takes place at an alcohol on-licensed premises and the audience is no more than 500 people. A licence was also not required for unamplified live music at any place between the same hours or amplified live music at a workplace between the same hours and provided the audience is no more than 500 people.

6. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

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

7. CLUB SODA PRESENTATION: EVALUATION AND NEXT STEPS

The Committee received a presentation by Club Soda providing an evaluation and next steps for the initiative since the City of London Corporation provided funding to develop the Club Soda Guide in 2018.

- The mission for Club Soda is to create a world where nobody has to feel out of place if they are not drinking.
- The number of City venues signed up have more than doubled with 235 since the pilot.

- City Corporation 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).
- Members were shown postcards, leaflets and guides which were distributed at venues, trade talks and workplaces advocating mindful drinking. The Chairman found these useful and requested that some be made available at the Safety Thirst Awards ceremony.
- An initiative, Rebel AF, was trialled at Bournemouth University advocating mindful drinking and it was hoped this would be brought to other UK universities.
- Next steps with the City Corporation included continuing to work with the City on how to use the Guide as part of the night time economy, the possibility of designating the City of London Corporation as the UK's first mindful drinking place, and additional research and campaign ideas that have come from the Guide work in the City including work with caterers, workplaces and universities to encourage and promote more mindful drinking.
- Members were advised that the seventh Club Soda Mindful Drinking Festival would take place on 18-19 January 2020 at the Old Truman Brewery.
- Club Soda would be publishing the book How to be a Mindful Drinker in time for Christmas.
- A Member noted that the location maps on the guide were not working on safari.
- The Chairman confirmed that the City Corporation was interested in becoming the first mindful Local Authority and asked what the criteria would be. Members were advised that the criteria and pilot for Local Authorities was in development and the Corporation would be invited to pilot the initiative first.
- The Director of Markets and Consumer Protection noted that the work of Club Soda complemented work being carried out by Committees across the Corporation and recommended linking in with the Health & Wellbeing Committee.
- It was noted that prices for non-alcoholic drinks ranged across premises. Members were advised that there was a lime and soda watch and the most expensive drink recorded was £5.60. The Director of Markets and Consumer Protection felt that some Trading Standards work was required to ensure value for money.

RECEIVED.

8. SEEKING A PUBLIC SPACE PROTECTION ORDER - LONDON MARATHON RELATED DISORDER

The Committee considered a report of the Assistant Town Clerk concerning 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 antisocial behaviour (ASB) taking place during the event.

Members were advised that this was the first PSPO requested by the City Corporation which it hoped would help manage issues of intoxication and ASB experienced in the City during the last London Marathon. It was noted that other Local Authorities had stronger powers to support Police in dealing with these issues.

In response to concerns that the PSPO could displace disorder to other areas in the City, Members were advised that the Order would cover the entire route of the marathon and adjacent areas within the City. Members were particularly keen that St Pauls and Paternoster Square be covered.

A Member noted that ASB was not covered as a licensable activity that the Committee had control over under its Terms of Reference. Members agreed for a recommendation to be made to the Court that the Committee's constitution in its Terms of Reference be updated to include ASB. The Town Clerk agreed to look into the legalities of this request and, if legal, update the Terms of Reference for Court in April 2020.

RESOLVED – That:-

- Members 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;
- The Terms of Reference of the Committee be updated to include ASB for submission to the Court in April 2020;
- Any further changes in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.

9. TRAFFIC LIGHT SCHEME AMENDMENTS TO INCLUDE IMMIGRATION OFFENCES AND CLEANSING OFFENCES IN CONNECTION WITH LICENSABLE ACTIVITIES

The Committee considered a report of the Director of Markets and Consumer Protection providing Members with an update on the Traffic Light Scheme amendments now including immigration offences and cleansing offences in connection with licensable activities.

Members were advised that minor amendments were made to the scheme based on monthly data capturing incidents for consideration concerning

cleansing/dumped rubbish and immigration issues. Members were supportive of the amendments and requested that traders be informed of the changes.

RESOLVED – That Members note the amendments to the Scheme.

10. MAPPING AND ASSESSING THE CITY'S NIGHT TIME ECONOMY - THE WAY FORWARD

The Committee considered a report of the Director of Markets and Consumer Protection outlining the proposed actions to be taken by the Licensing Team in order to address the recommendations of the City's Night Time Economy (NTE) report focussing around the areas of cumulative impact, the advent of Crossrail, City of London drinking culture and the collection of data for analysis.

Members were advised that this was a follow up report to the NTE exercise looking at the data and next steps. It was noted that a number of recommendations were already being progressed, e.g. the Licensing Team were developing maps and installation of a Police CCTV van in Bishopsgate had been approved. Members agreed with the recommendations proposed within the report.

RESOLVED – That Members:-

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

11. CRIMES AT LICENSED PREMISES

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

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

With regards to the request that the Committee be provided with a full year of the data which would be helpful for identifying trends, Members were advised that this had not been possible on this occasion as the data analyst was sick and the annual data would be provided at the next meeting.

Members were advised that the percentages breakdown for the Reasons for VAP Offences at Licensed Premises table were as follows: 67% alcohol, 17% drugs/alcohol, 12% unknown, 3% alcohol with racial prejudice and 1% alcohol with sexual orientation.

RECEIVED.

12. 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 Inspector Jo Northmore was now in place as the new Licensing Inspector and that £43k had been approved for a CCTV van which would be in place for the upcoming Christmas period.

Members struggled to interpret the data provided in two tables and asked for this to be simplified. Members were advised that the two schedules covered the Levy year start in October and the normal annual year start. It was agreed that a table presenting the Levy year was satisfactory providing data for the last two years with the most recent data in the left column. A Member also asked that blank pages be removed. Officers agreed to update how the data was presented as recommended.

RECEIVED.

13. 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 Director pertaining to premises licences.

Members were advised that there were two premises classified as 'red' and both should be downgraded by the next quarter.

A Member noted that Bishopsgate had more new applications than the other Wards put together which reinforced the need to look at the area and carry out a cumulative report of the area. The Town Clerk agreed to circulate information to Members concerning the offer to go out with the City of London Police one evening to experience the night time economy.

A Member was concerned that 19 premises were not paying the fee and had received a 'Live' Suspension. Members were advised that most premises paid as soon as they received the notice letter. It was noted that premises that were suspended could not operate and would be prosecuted if caught trading without paying the fee.

RECEIVED.

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

There were no questions.

15. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

The Chairman requested that the Town Clerk provide Members with an update regarding the following:

- The Safety Thirst Awards ceremony will take place on 5 November 2019 in the Livery Hall and Crypts at 3.15-5.15pm.

- The postcards/leaflets/guides shown during the Club Soda presentation can be requested from Club Soda or found on the website: <https://www.clubsodaguide.com/>.
- Members to inform the Town Clerk if they are interested in receiving BIIAB Certification licensing training.
- A training session regarding Equalities and Public Sector Equalities Duty in Licensing Decisions will take place at Guildhall on 25 October 2019 at 11am- 2pm.
- If Members wish to report anything at a licensed premises within the City, please contact: Guildhall number 24/7 (except Christmas Day) 020 7606 3030 or email licensing@cityoflondon.gov.uk.

16. 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.

17. NON-PUBLIC MINUTES

The non-public minutes of the meeting held on 16 July 2019 were approved as a correct record.

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

The Committee received a non-public appendix report to the report under agenda item 13 pertaining to premises licenses which included the names of each premises.

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

There was one question.

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

There was none.

The meeting ended at 2.41 pm

Chairman

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Committee: Licensing Committee	Dated: 5 February 2019
Subject: Terms of Reference	Public
Report of: Town Clerk	For Decision
Report author: Leanne Murphy – Town Clerk's Department	

Summary

As part of the post-implementation review of the changes made to the City Corporation's governance arrangements in 2011, it was agreed that all Committees/Boards should review their terms of reference annually. This is to enable any proposed changes to be considered in time for the annual reappointment of Committees by the Court of Common Council.

The terms of reference of the Licensing Committee are attached as an appendix to this report for Members' consideration.

Recommendations

It is recommended that:

- the terms of reference of the Licensing Committee, subject to any comments, be approved for submission to the Court of Common Council in April, and that any further changes required in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman;
- Members consider whether any change is required to the frequency of the Committee's meetings.

Appendices

- Appendix 1 – Terms of Reference

Leanne Murphy

Committee and Member Services Officer
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ESTLIN, Mayor	RESOLVED: That the Court of Common Council holden in the Guildhall of the City of London on Thursday 25th April 2019, doth hereby appoint the following Committee until the first meeting of the Court in April, 2020.
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LICENSING COMMITTEE

1. **Constitution**
A Non-Ward Committee consisting of 15 Members elected by the Court of Common Council, at least one of whom shall have fewer than five years' service on the Court at the time of their appointment.
2. **Quorum**
The quorum consists of any five Members.
3. **Membership 2019/20**
 - 2 (2) Karina Dostalova, *for two years*
 - 11 (4) Marianne Bernadette Fredericks
 - 2 (2) Shravan Jashvantrai Joshi, *for two years*
 - 4 (3) Keith David Forbes Bottomley, Deputy
 - 9 (3) Peter Gerard Dunphy
 - 3 (3) Mary Durcan
 - 7 (3) Jamie Ingham Clark, Deputy
 - 7 (2) Michael Hudson
 - 7 (2) Graham David Packham
 - 2 (2) Caroline Kordai Addy
 - 6 (2) Judith Lindsay Pleasance
 - 17 (1) Kevin Malcolm Everett, Deputy
 - 9 (1) Sophie Anne Fernandes
 - 9 (1) James Richard Tumbridge
 - Vacancy
4. **Terms of Reference**
To be responsible for:-
 - (a) the City of London Corporation's licensing functions under the following legislation:-
 - (i) Licensing Act 2003:-
 - (ii) Gambling Act 2005:-
 - (iii) Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009:-
 - (a) the licensing of sexual entertainment venues
 - (b) action to prohibit the consumption of alcohol in designated public places as detailed in sections 12-16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
 - (c) the implementation of those sections of any Acts of Parliament and/or European Legislation which direct that the local authority take action in respect of those duties listed at (a) above, including the functions contained in Sections 2(1) and 2(2) of the Hypnotism Act 1952
 - (d) determining which of its functions and responsibilities may be delegated to enable the Director of Markets and Consumer Protection to act on its behalf.
 - (b) The appointment of the Director of Markets and Consumer Protection (acting jointly with the Port Health and Environmental Services Committee and the Markets Committee);
 - (c) Making recommendations to the Court of Common Council regarding:-
 - (i) the City Corporation's Statement of Licensing Policy; and
 - (ii) The Statement of Licensing Principles in respect of the Gambling Act 2005.

- (d) charity collections, under the Police, Factories and Miscellaneous Provisions Act 1916 (or any subsequent re-enactment).

Committee: Licensing Committee	Dated: 5 February 2020
Subject: Gambling Act – Annual Review of Fees 2020/21	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

Summary

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

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

The proposed fees will result in slightly less income compared with previous years due primarily to a reduction in the forecast for the number of gambling premises in the City of London.

Recommendation(s)

Members are asked to:

- Agree the proposed fees for 2020/21 as set out in Appendix 1 (column 6, 'Proposed Fee').

Main Report

Background

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

London, e.g. Casinos, Bingo Halls. The maximum fees permissible can be seen in Appendix 1, (column 4, 'Maximum permitted fee')

3. Licences are valid for life from the date of grant unless surrendered or revoked. An annual fee is due for payment within thirty days of the licence issue (effective date) and then annually thereafter.
4. Section 212 of the Gambling Act 2005 states that the licensing authority, '...shall aim to ensure that the income from fees of that kind [*determined by the licensing authority*] as nearly as possible equates to the costs of providing the service to which the fee relates...'.
5. A High Court case held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.
6. Successive appeals/decisions in the Court of Appeal, The Supreme Court and the European Court of Justice decided that the fee can include administrative costs involved, the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating/enforcing the licensing scheme including costs involved in enforcement against those premises that are not licensed.

Calculation of Fees for 2020/21

7. In order to avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that are undertaken in order to administer the licence application/renewal and the costs of investigating compliance with any licence condition.
8. In determining the proposed fee structure for gambling premises licences the following factors have been taken into account:
 - Officer time spent on processing applications including site inspections and the issue of any licence
 - Officer time spent on the development and maintenance of processes and guidance notes
 - Training of staff as necessary
 - A proportion of the service costs such as accommodation, equipment and central recharges
 - Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence

- Time spent on the compilation of a new 'Statement of Licensing Principles'.

An example of those factors taken into account in the calculation of fees can be seen as Appendix 2.

- Gambling fees for 2020/21 have been calculated on the above basis for each of a number of different types of licence. Proposed fees have generally remained the same as costs exceed the maximum fee we are statutorily permitted to charge. Proposed fees can be seen as Appendix 1, column 6.
- The forecast number of applications for each main type can be seen in the table below along with the number of licences/registrations that were actually granted in previous years.

	2018/19		2019/20		2019/20
	Forecast	Actual	Forecast	Actual	Forecast
New Betting Shop	0	0	1	0	0
Annual fee (renewal)	36	32	32	32	24
Variation Betting Shop	1	0	0	0	0
Transfer	2	0	0	0	0
Temporary Use notice	0	2	2	1	1
Gaming machine permits	19	17	17	17	17
Small Society Lotteries (New)	-	-	-	-	5
Small Society Lotteries (Renewal)	-	-	-	-	20

Proposals/Options

- If fees are set lower than those recommended the result will be an increased deficit for 2020/21 as costs of administering the licence will not be fully met from income received.
- Fees set higher than those recommended, where permissible, will result in a surplus i.e. an income which exceeds the cost of providing the service.

13. Any such under or over recovery of costs from 2020/21 will be calculated after the end of that financial year and will be carried forward to be taken into consideration in setting fees for 2022/23, except in cases where costs are higher than the statutory maximum fee and there is therefore no prospect of offsetting the under recovery through future fee increases. The surplus or deficit on each fee type from 2018/19 has been taken into account when setting the fees for 2020/21, except where costs exceed the maximum fee as described above. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge.

Corporate & Strategic Implications

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

Implications

15. Setting the recommended fees will result in an estimated income from Gambling licence fees for 2020/21 of £16,350, against a budgeted income of £16,000.
16. Setting fees above or below those recommended will have the implications as set out in paragraphs 11- 13 above.

Appendices

- Appendix 1 – Proposed Fees for 2020/21
- Appendix 2 – Factors taken into account when calculating Fees.

Background Papers

None

Peter Davenport

Licensing Manager

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Proposed Fee Structure 2020 – 2021

Application Type	Estimated No	Current fee	Maximum permitted fee	Predicted cost of licence/ permit	Proposed Fee	Income Forecast
New Betting Shop	0	£900	£3,000	£1028	£900 ¹	£0
New Casino (small) *	0	£3,710	£8,000	£3,494	£3,710	£0
New Bingo	0	£980	£3,500	£1028	£1030	£0
New AGC	0	£980	£2,000	£1028	£1030	£0
New FEC	0	£980	£2,000	£1028	£1030	£0
Annual fee Betting Shop	24	£600	£600	£686	£600 ²	£14,400
Annual fee Casino (small) *	0	£1,370	£5,000	£1,538	£1,540	£0
Annual fee Bingo	0	£820	£1,000	£771	£820	£0
Annual fee AGC	0	£820	£1,000	£771	£820	£0
Annual fee FEC	0	£750	£750	£771	£750 ²	£0
Variation betting shop	0	£300	£1,500	£423	£300 ¹	£0
Variation Casino (small) *	0	£2,560	£4,000	£2,849	£2,850	£0
Variation Bingo	0	£320	£1,750	£423	£430	£0
Variation AGC	0	£320	£1,000	£423	£430	£0
Variation FEC	0	£320	£1,000	£423	£430	£0
Transfer/reinstatement betting shop	0	£200	£1,200	£301	£300	£0
Transfer/reinstatement Casino (Sm)	0	£300	£1,800	£398	£400	£0
Transfer/reinstatement Bingo	0	£230	£1,200	£301	£300	£0
Transfer/reinstatement AGC	0	£230	£1,200	£301	£300	£0
Transfer/reinstatement FEC	0	£230	£950	£301	£300	£0
Provisional statement Betting Shop	0	£900	£3,000	£1028	£1030	£0
Provisional statement Casino (Sm)	0	£3,710	£8,000	£3,494	£3,710	£0
Provisional statement Bingo	0	£980	£3,500	£1028	£1030	£0
Provisional statement AGC	0	£980	£2,000	£1028	£1030	£0
Provisional statement FEC	0	£980	£2,000	£1028	£1030	£0
New app with prov statement Bet Shop	0	£1000	£1,200	£1,015	£1020	£0
New app with prov statement Casino (sm)	0	£3,000	£3,000	£3,461	£3,000 ²	£0
New app with prov statement Bingo	0	£1000	£1,200	£1,015	£1020	£0
new app with prov statement AGC	0	£1000	£1,200	£1,015	£1020	£0
New app with prov statement FEC	0	£950	£950	£1,015	£950 ²	£0
Change of circumstances	0	£50	£50	£50	£50	£0
Copy of licence	0	£25	£25	£25	£25	£0
Temporary use notice (TUN)	1	£500	£500	£724.00	£500 ²	£500
Replacement TUN (copy)	0	£25	£25	£25	£25	£0
Prize Gaming Permit	0	£300	£300	£300	£300	£0
Gaming machine permit (2 or less)	0	£50	£50	£50	£50	£0
Gaming machine permit (3 or more)	0	£150	£150	£150	£150	£0
Annual gaming machine permit (3 or more)	17	£50	£50	£50	£50	£850
Variation to gaming machine permit (3 or more)	0	£100	£100	£100	£100	£0
Transfer of gaming machine permit (3 or more)	0	£25	£25	£25	£25	£0
Small society lotteries (new)	5	£40	£40	£40	£40	£200
Small society lotteries (renewal)	20	£20	£20	£20	£20	£400
Total						£16,350

¹ Including adjustment for prior year(s) under or over recovery of costs² Reduced fee as necessary where actual costs exceed statutory maximum

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Example of factors taken into account when calculating fee for a renewal of a gambling (betting shop) licence

2020/21 (Proposed fee is maximum fee permitted of £600)

Task	Predicted cost £
General queries <ul style="list-style-type: none"> • Time spent answering queries including emails and telephone calls 	13.58
Collection of annual payment <ul style="list-style-type: none"> • Preparation of data for finance • Update M3 database and public register 	13.58
Compliance <ul style="list-style-type: none"> • Inspections for compliance with licence conditions • Update information on database • Correspondence with licence holder 	68.95
Post-renewal <ul style="list-style-type: none"> • Member queries • Maintain website • Quarterly return to Gambling Commission 	92.99
Policy <ul style="list-style-type: none"> • Policy development • Committee work • Consultation with final report to Court of Common Council • Legislative updates • Training 	497.12
Total predicted cost	686.22

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Committee:	Date:
Licensing Committee	5 February 2020
Subject: Revenue Budgets and High-Level Summary Business Plans 2020/21	Public
Report of: The Chamberlain Director of Markets and Consumer Protection	For Decision
Report author: Jenny Pitcairn, Chamberlain's Department	

Summary

This report presents for approval the revenue budgets for the Licensing Committee and final high-level summary Business Plan for the Department of Markets and Consumer Protection for 2020/21.

Overall the proposed revenue budget for 2020/21 totals (£135k), an increase in net expenditure of (£10k) compared to the 2019/20 Original Budget.

Recommendation

Members are asked to:

- i) review and approve the proposed revenue budget for 2020/21 for submission to the Finance Committee;
- ii) authorise the Chamberlain, in consultation with the Director of Markets and Consumer Protection, to revise these budgets to allow for any further implications arising from Corporate Projects, other reviews and changes to the Cyclical Works Programme;
- iii) agree that minor amendments for 2019/20 and 2020/21 budgets arising during budget setting be delegated to the Chamberlain;
- iv) note the factors taken into consideration in compiling the Business Plan of the Department of Markets and Consumer Protection, including efficiency measures; and
- v) approve, subject to the incorporation of any changes sought by this Committee, the final high-level summary Business Plan for 2020/21.

Main Report

Background

1. As part of the new framework for corporate and business planning, departments were asked to produce standardised high-level, 2-side Business Plans for the first time in 2017 for the 2018/19 year. Members generally welcomed these high-level plans for being brief, concise, focused and consistent statements of the key ambitions and objectives for every department.

2. For 2020/21, the high-level summary Business Plan has been further evolved to make use of the information now available and give a better overview of how the department's work contributes to the Corporate Plan. It provides an overview of departmental activity and resources, mainly but not limited to the forthcoming 12 months, including capital and revenue projects. As a high-level summary, this document does not capture the granularity of departmental work but gives the overall picture of departmental activity, customer feedback, trends where applicable and direction of travel.
3. For the first time in 2020/21, high-level summary Business Plans are being brought forward alongside budget estimates, pending full integration of the processes for 2021/22, to inform medium-term financial planning and the development of spending priorities. This report therefore presents the budget and draft final high-level summary Business Plans together as appendices.

Proposed Revenue Budget for 2020/21

4. This report presents, at Table 1, the provisional 2020/21 budget for your Committee and under the control of the Director of Markets and Consumer Protection, analysed between:
 - **Local Risk Budgets** – these are budgets deemed to be largely within the Chief Officer's control.
 - **Support Services and Capital Charges** – these cover budgets for services provided by one activity to another. The control of these costs is exercised at the point where the expenditure or income first arises as local or central risk.
5. The budget has been prepared within the resources allocated to each Director.
6. Income, increases in income, and reductions in expenditure are shown as positive balances, whereas brackets will be used to denote expenditure, increases in expenditure, or reductions in income. Only significant variances (generally those greater than £10,000) have been commented on.

Table 1 Summary Revenue Budgets 2019/20 and 2020/21	Original Budget 2019/20 £'000	Latest Budget 2019/20 £'000	Original Budget 2020/21 £'000
Local Risk Expenditure	(734)	(751)	(783)
Local Risk Income	736	736	770
Total Local Risk	2	(15)	(13)
Support Services and Capital Charges	(127)	(114)	(122)
Total Net Expenditure	(125)	(129)	(135)

7. Appendix 1 provides details on budget movements between the 2019/20 original budget and 2019/20 latest budget. Overall, the 2019/20 latest budget is net expenditure of (£129k), an increase in net expenditure of (£4k) compared to the 2019/20 original budget.
8. Appendix 2 provides details on budget movements between the 2019/20 latest budget and the 2020/21 proposed budget. Overall, the proposed 2020/21 budget is net expenditure of (£135k), an increase of (£6k) in net expenditure compared to the 2019/20 latest budget.
9. Table 2 below provides a further analysis by licence type, illustrating the degree to which costs are anticipated to be recovered through fees. Where fees are locally set, the net cost will normally be zero except where income is limited by statutory maximum fees.

Table 2 Budgets by Licence Type	Original Budget 2019/20 £000	Latest Budget 2019/20 £000	Original Budget 2020/21 £000
Late Night Levy ¹			
Expenditure	(145)	(145)	(145)
Income	145	145	145
Total Late Night Levy	0	0	0
Gambling Act			
Expenditure	(34)	(34)	(19)
Income	26	26	16
Total Gambling Act	(8)	(8)	(8)
Tables & Chairs			
Expenditure	(115)	(115)	(115)
Income	115	115	115
Total Tables & Chairs	0	0	0
Massage & Special Treatment			
Expenditure	(39)	(39)	(59)
Income	39	39	59
Total Massage & Special Treatment	0	0	0
Premises, street trading and other ²			
Expenditure	(578)	(600)	(635)
Income	461	479	503
Total Premises, street trading & other	(117)	(109)	(132)
OVERALL TOTAL	(125)	(129)	(135)

¹ Including administration costs

² The costs relating to premises (excluding Late Night Levy) and street trading are not separately identified at present. This category also includes any non-recoverable costs, as well as fully funded enforcement on the City's Bridges.

Staffing Statement

10. Table 3 overleaf shows the movement in manpower and related staff costs.

Table 3 Staffing Statement	Original Budget 2019/20		Original Budget 2020/21	
	Manpower Full-time Equivalent	Estimated Cost £'000	Manpower Full-time Equivalent	Estimated Cost £'000
Total Licensing	9.5	(582)	9.8	(627)

Draft final high-level summary Business Plan for 2020/21

11. This report presents, at Appendix 3, the draft final high-level summary Business Plan for 2020/21 for the Department of Markets and Consumer Protection. A separate detailed Licensing Business Plan will be submitted to the April meeting of your Committee for approval.
12. This section outlines the following:
 - the factors taken into consideration in compiling the high-level Business Plan, and
 - initiatives, programmes and projects identified through the Fundamental Review to be developed and delivered along with the expected timescales for doing so.
13. The Department of Markets and Consumer Protection (M&CP) provides a comprehensive and effective Environmental Health, Trading Standards, and Licensing service for the City of London, ensuring that, through monitoring, regulation and enforcement, City residents and businesses can enjoy an environment and services which are, so far as possible, safe and without risks to their health or welfare. As London Port Health Authority, the Port Health Service provides imported food control and the Animal Health & Welfare Service provides the animal health service for London, including the Animal Reception Centre at Heathrow, and undertakes animal health work for local authorities in London and Berkshire.
14. The Licensing Service is responsible for ensuring that all City businesses hold the appropriate licences and registrations and comply with the rules and conditions appertaining to those licences.
15. The Priorities in the high-level Plan are focused on the need to continue to deliver these statutory regulatory services in an efficient and compliant manner, while looking to maximise opportunities to generate income.
16. As part of our Plan we will undertake a review of professional boundaries for specialist officers and the feasibility of introducing a Variable Grade Scheme to ensure that duties are undertaken by an appropriate officer at the right level. This would also enable officers to work across different teams and require a competency framework across the Department/City where skills can be brought together for specific tasks or projects.

17. Proposals identified under the Fundamental Review that will be implemented in 2020/21 include:
- a. Increased income generation at Heathrow Animal Reception Centre; arrangements for this are already in place.
 - b. Review of professional boundaries and Flexible Grade Scheme, referred to in paragraph 16, to be carried out during 2020/21 with a view to implementation in 2021/22.
 - c. To develop, and pilot for 12 months, a “Primary Authority Hub” for Port Health, Public Protection (Environmental Health and Trading Standards) and Animal Health utilising existing administrative support resources.

Corporate & Strategic Implications

18. M&CP has reviewed the alignment of its activities with the outcomes in the Corporate Plan. The Department’s activities contribute to nine of the twelve corporate outcomes with the majority supporting:
- 1. People are safe and feel safe.
 - 6. We have the world’s best legal and regulatory framework and access to global markets.
 - 9. We are digitally and physically well-connected and responsive.

Public sector equality duty

19. M&CP is committed to complying with the Equality Duty and considers all individuals when carrying out their day-to-day work in shaping policy, in delivering services and in relation to their own employees. We are carrying out the Equality, Diversity and Inclusion self-assessment that will identify gaps in our monitoring and an improvement plan to address those gaps will be developed which will be aligned to the Corporate Equality and Inclusion Plan.
20. M&CP managers will work with our HR Business Partner to look at increasing the diversity of our staff in higher grades, particularly focusing on women, race and disability that are significantly under-represented in Grade G and above posts within the department.

Conclusion

21. This report presents the proposed budgets for the Licensing Committee and final high-level summary Business Plan for 2020/21 for the Department of Markets and Consumer Protection, for Members to consider and approve.

Appendices

- Appendix 1 – 2019/20 Original Budget to 2019/20 Latest Budget
Appendix 2 – 2019/20 Latest Budget to 2020/21 Original Budget
Appendix 3 – Final high-level summary Business Plan 2020/21 – Department of Markets and Consumer Protection

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2019/20 Original Budget to 2019/20 Latest Budget

Latest Revenue Budgets 2019/20	Original Budget (OR) 2019/20 £'000	Latest Budget (LB) 2019/20 £'000	Movement OR to LB £'000	Para Ref
LOCAL RISK Expenditure				
Employees	(582)	(584)	(2)	1
Premises Related Expenses	(48)	(48)	0	
Supplies and Services	(20)	(35)	(15)	
Third Party Payments	(54)	(54)	0	
Contingencies	(30)	(30)	0	
TOTAL Expenditure	(734)	(751)	(17)	
Income				
Customer, Client Receipts	736	736	0	
TOTAL Income	736	736	0	
TOTAL LOCAL RISK	2	(15)	(17)	
RECHARGES				
Central Recharges	(129)	(133)	(4)	2
Recharges within Fund	(27)	(9)	18	
Recharges across Funds	29	28	(1)	
TOTAL RECHARGES	(127)	(114)	13	
TOTAL NET EXPENDITURE	(125)	(129)	(4)	

1. The increase in supplies and services costs is due to changes in the recharging of internal legal fees, which are now met by local risk budgets.
2. The decrease in recharges within fund expenditure reflects a transfer of the Police Licensing recharge income in relation to charity collections from the Port Health & Environmental Services Committee to this Committee.

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2019/20 Latest Budget to Proposed 2020/21 Original Budget

Provisional Revenue Budgets 2020/21	Latest Budget (LB) 2019/20 £'000	Original Budget (OR) 2020/21 £'000	Movement LB to OR £'000	Para Ref
LOCAL RISK				
Expenditure				
Employees	(584)	(627)	(43)	1
Premises Related Expenses	(48)	(48)	0	
Supplies and Services	(35)	(24)	9	
Third Party Payments	(54)	(84)	(30)	2
Contingencies	(30)	0	30	2
TOTAL Expenditure	(751)	(783)	(32)	
Income				
Customer, Client Receipts	736	770	34	3
TOTAL Income	736	770	34	
TOTAL LOCAL RISK	(15)	(13)	2	
RECHARGES				
Central Recharges	(133)	(141)	(8)	
Recharges within Fund	(9)	(9)	0	
Recharges across Funds	28	28	0	
TOTAL RECHARGES	(114)	(122)	(8)	
TOTAL NET EXPENDITURE	(129)	(135)	(6)	

1. The increase of £43k in employee costs mainly reflects increased staffing in relation to Massage & Special Treatment premises inspections, additional overtime, and provision for pay cost inflation.
2. The Late Night Levy income must be spent on specified purposes, and the corresponding expenditure budget is held as a contingency until allocated. In 2019/20, £30k of the anticipated income for that year remained unallocated, however in 2020/21 the full Levy income for the year has been allocated and the contingency balance has been transferred to the relevant expenditure budget within third party payments to meet the planned spend.
3. The increase in income of £34k comprises:
 - anticipated additional income of £20k in relation to Massage & Special Treatment licence fees, reflecting the increase in staff costs (para 1)
 - additional income of £24k from premises licence fees, reflecting current activity levels
 - a reduction in income of £10k from Gambling Act related fees, mainly due to a reduction in the number of premises.

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Our key aims

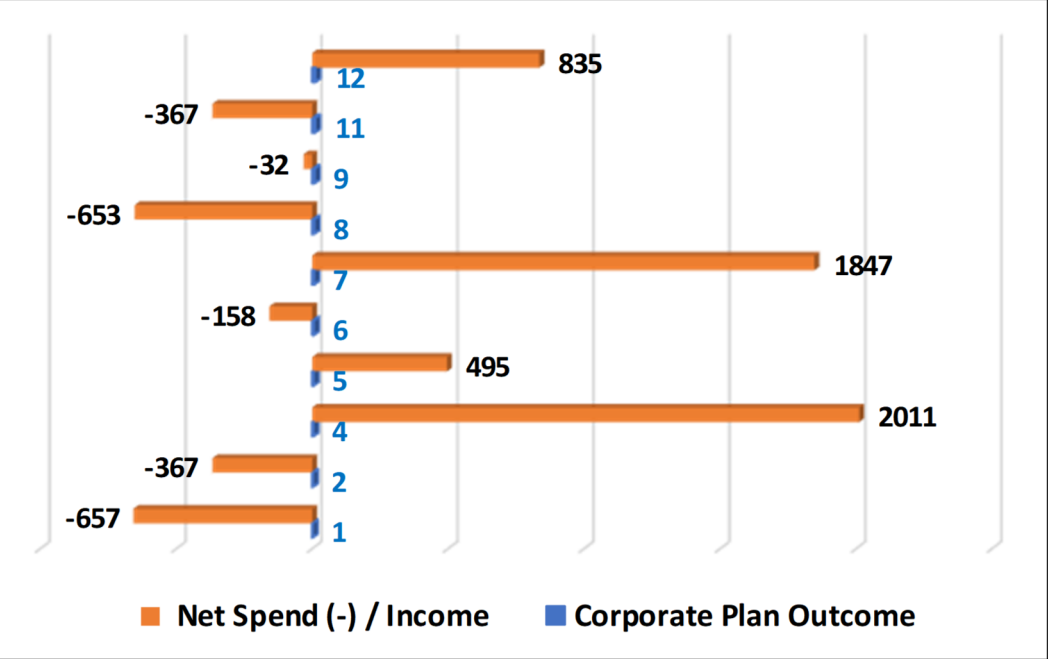
To protect consumers, public and animal health, and support legitimate business through advice and regulatory enforcement.

To provide a vital link in the food supply chain for London and the South by operating three thriving wholesale food markets.

Budget 2020-21

	Expenditure £'000	Income £'000	Net £'000	Outcome Supported
PHES Committee				
City Environmental Health	-2,522	319	-2,203	1,2,6,8,9,11
Animal Health Services	-2,994	4,493	1,499	5,6,9
Trading Standards	-365	0	-365	1,6,8
Port & Launches	-3,522	2,701	-821	1,6,7,8,9
Coroner	-290	0	-290	
Licensing Committee	-753	740	-13	1,5,6
Markets Committee				
Smithfield Market	-5,575	6,420	845	4,7,12
Billingsgate Market	-3,231	4,892	1,661	4,7,12
New Spitalfields Market	-6,122	8,473	2,351	4,7

Net Spend / Income Per Outcome (£ ,000)



Our main objectives		What we will measure	Link to Corporate Plan Outcomes
1	The Department will continue to monitor and evaluate the potential impacts of Brexit upon our services and put in place actions to mitigate them.	Robust contingency arrangements that minimise the possible impact.	6b, 7b
2	The Air Quality Team will deliver measurable improvements in nitrogen dioxide across the City by implementing the actions identified in the Air Quality Strategy 2019-2024.	Achievement of an average 5% reduction in annual average nitrogen dioxide concentrations, by 31/03/2021.	2b, 11a
3	The Licensing Team will continue to develop the Safety Thirst Award Scheme, which aims to promote responsible management and reduce crime and anti-social behaviour.	The number and quality of applications received for the Safety Thirst Award Scheme.	1b, 5c
4	The Licensing Team will undertake enforcement against illegal street traders, especially on and near City bridges.	Numbers of interventions and prosecutions taken against illegal street traders.	1b, 6a
5	The Trading Standards Team will maintain its focus on disrupting and preventing financial fraud particularly among vulnerable consumers.	The number of reported incidences of City residents experiencing financial fraud.	1b, 6c
6	The Commercial Environmental Health Team will focus on delivery of the food and health and safety interventions and projects in its annual Service Plan including the further development of Primary Authority and the implementation of a healthy eating strategy grounded in London's Healthier Catering Commitment Scheme.	The change in the overall Food Hygiene Ratings Scheme (FHRS) ratings profile for City food establishments.	1c, 6a
7	The Pollution Team will continue to implement the Action Plan of the Noise Strategy 2016-2026.	% of noise complaints satisfactorily resolved.	1c
8	The Pollution Team will implement the Monitoring Fee requirement of the Code of Practice for Deconstruction and Construction with developers and contractors.	Number and category type of construction sites contributing to the levy	1c, 11a
9	The Markets will work with the Project Team to ensure that the Markets Consolidation Programme receives adequate, timely input and that the requirements of Markets' stakeholders are taken into account as the programme progresses.	Markets' stakeholders are fully engaged in consultation about the programme and their requirements are reflected at each stage.	4b, 7c
10	The Port Health Service will strive to become the quickest processor in the UK for consignments of food and feed through the LPHA ports.	Products of Animal Origin (POAO): 85% processed within 5 days; Fish consignments: 85% processed within 5 days; High risk products of Non-Animal Origin (NAO): 85% processed within 5 days.	1c
11	Heathrow Animal Reception Centre (HARC) will explore income generation opportunities and contracts with partner organisations at the airport.	Level of income generated and consignment throughput against contract requirements.	5b, 9b
12	The Markets will ensure that the Wholesale Markets continue to be managed to deliver safe, compliant trading environments for our tenants.	No increase in accident statistics and engineering breakdowns/ failures.	4b

Our Departmental programmes and projects for 2020/21

1. PH&PP will move to a new cloud-based, hosted and browser-accessed line of business system in a joint project with DBE. **(9b)**
2. Review CCTV at Billingsgate and Smithfield Markets and prepare specifications for procurement based upon the review findings. **(12b)**
3. Work with Heathrow Airport Limited in a project to relocate the Animal Reception Centre to a 'Single Examination Area' on the airport boundary. **(9c)**
4. In liaison with the IT Department, continue to develop the use of technology and mobile working solutions. **(9b)**
5. Upgrade telephony system for HARC and Ports to improve call handling / answering for customers. **(9b)**
6. Develop shared back office / business units for HARC and Ports. **(9b)**
7. Develop a Primary Authority Partnership hub for Port Health, Public Protection (EH and TS) and Animal Health. **(6a)**
8. Prepare for a flexible grade scheme for Environmental Health, Port Health and Trading Standards. **(8d)**
9. Review of the "Head Office" function for the department. **(8c)**

Key Risks

Air Quality (CR21): Small particulate pollution has chronic health impacts from long term exposure at very low concentrations and is in evidence within the City and central London. There is also a health impact associated with long and short term exposure to nitrogen dioxide. Through implementation of a new Air Quality Strategy 2019—2025, we will raise awareness of the impact of poor air quality on health; take action to improve air quality; demonstrate leadership for London; and champion new powers to deal with non-road sources of air pollution.

Key Customer Feedback

Service users that had contact with either the Licensing or Pollution teams were 100% satisfied or very satisfied with the service they received.

Equalities & Inclusion

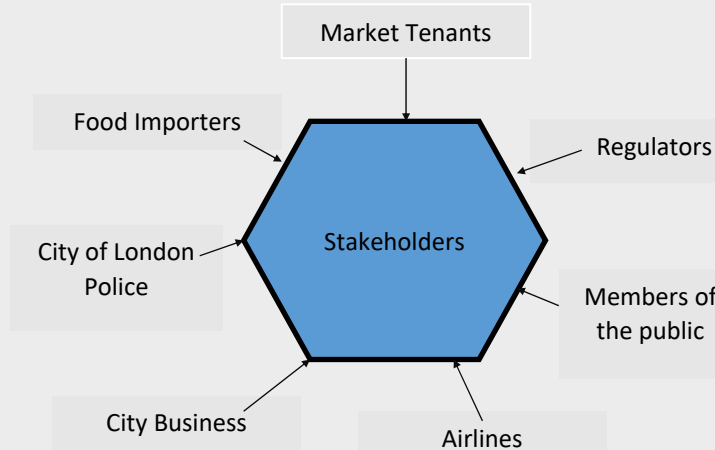
Our staff: 13 candidates from across the department, 85% of whom were female, completed a Talent Development Programme.



Our customers: Heathrow Animal Reception Centre offers a modified service for processing disability assistance animals which are imported under the Pet Travel Scheme.



Our delivery partners and key stakeholders

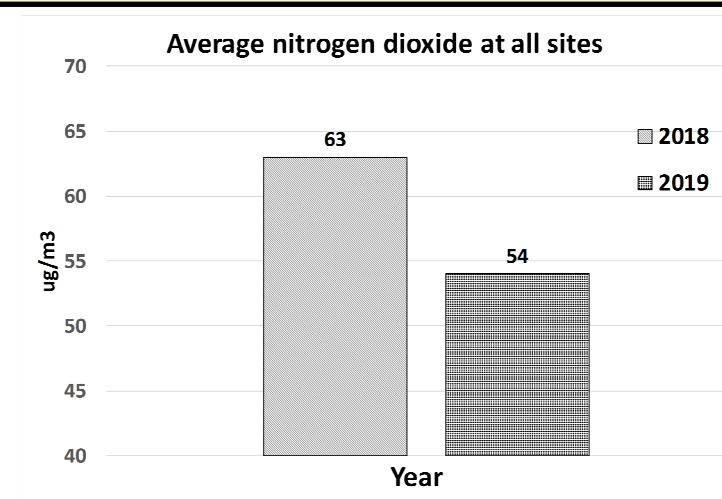


How we will contribute to Corporate programmes and projects

1. **Air Quality Programme:** to ensure that the City complies with the statutory requirements for London Local Air Quality Management, we will demonstrate leadership for London by implementing a refreshed Air Quality Strategy for 2019-2024.
2. **Corporate Apprenticeship Scheme:** we will support the scheme by continuing to offer a range of suitable placements for candidates.
3. **Energy Efficiency:** we will maintain our focus on achieving further reductions in energy usage at our sites.
4. **Secure City Programme:** we will contribute to the next phase of development of the Joint Contact and Control Room and the Customer Relationship Management System.

Our achievements and impact in 2019/20

- An amendment to Saturday morning construction work hours was implemented following consultation: the hours have changed from 0800-1300 to 0900 –1400. This adjustment was implemented in January 2019 and developers and their contractors have since complied with the new requirements.
- A Section 101 agreement with the London Borough of Tower Hamlets was signed and sealed. The City now has enforcement powers on all City Bridges and there has been a decrease in the number of traders present.
- iAuditor software is now being used for all Food Hygiene and Cooling Tower inspections on a variety of devices (iPhone and tablet).
- An entry barrier and a new CCTV system were installed at New Spitalfields Market.
- Achievement of a 5% reduction in annual average nitrogen dioxide concentrations



What we plan to do in future years

Investigate and develop new business models for Port Health and the Heathrow Animal Reception Centre to capitalise on opportunities that arise as a result of Brexit.

Improve air quality and manage the risk to our residents and stakeholders. Work with third parties to influence London-wide and national strategies.

Investigate alternative, more efficient methods of delivery across all the services we provide.

Review commercial opportunities to work with partner organisations to increase income.

Committee: Licensing Committee	Dated: 5 February 2020
Subject: Sex Establishments – Consultation Document	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

Summary

The City of London Corporation intends to update its Sexual Entertainment Venue (SEV) policy, which was drafted in 2010, so that it takes account of all types of sex establishments.

This will help the City Corporation's Elected Members to deal more effectively with licensing requests from a range of applicants.

Although not a statutory requirement, it is recommended that, prior to the update of the policy, we consult with a range of stakeholders.

Recommendation(s)

Members are asked to:

1. Agree that prior to the introduction of a new Sex Establishments' Policy in 2020 a consultation is carried out to seek the views of stakeholders.
2. If recommendation 1 is agreed then agree the details of the consultation as outlined in paragraphs 8,9, 10 and appendix 1.

Main Report

Background

1. The Policing and Crime Act 2009 made changes to the licensing of sex establishments, essentially creating the category of Sexual Entertainment Venues (SEVs) and classifying them as sex establishments along with sex shops and sex cinemas.
2. A person wishing to operate a sex shop, sex cinema or SEV requires a sex establishment licence. The various categories of sex establishment are defined as follows:

- Sex Shop – premises used for a business consisting to a significant degree selling, hiring, exchanging, lending, displaying, or demonstrating sex articles. A sex article being anything made for use in connection with, or for the purpose of stimulating or encouraging sexual activity. This includes certain reading or recorded material.
 - Sex Cinema – premises used to a significant degree for the exhibition of moving pictures, by whatever means produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity.
 - Sexual Entertainment Venue – premises at which relevant entertainment is provided before a live audience for financial gain of an organiser. Relevant entertainment being any live performance or live display of nudity which is of such a nature that it can be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (e.g. a lap dancing club).
3. The City Corporation introduced an SEV policy in 2010, which concluded that there was no area within the City of London suitable for such a premises to operate. However, this does not remove the responsibility of the local authority to consider any applications that may be received.
 4. The updated policy will continue to state the suitability, or otherwise, of a sex establishment to operate in a specific location in the City. If it is still considered that there are no such areas that are suitable, the policy will state that. The updated policy will also consider why certain areas may not be suitable and if there are any types of premises close to which a sex establishment should not operate.
 5. Currently, the City of London does not have any licensed sex establishments.

Current Position

6. The current policy, which only considers SEVs and not sex shops and sex cinemas, is now almost 10 years old.
7. In order to update the policy and incorporate all types of sex establishments, the licensing service is in the process of producing an updated policy for 2020 for your Committee's consideration.

Proposals

8. The updated sex establishment policy is likely to receive interest from a number of stakeholders and it is therefore intended that a consultation is carried out to receive views on various aspects of the policy. A copy of the consultation questionnaire can be seen as Appendix 1.
9. Officers intend to begin a 12-week consultation in February 2020. All views will be considered and used to inform the policy prior to its introduction to this committee and subsequently the Court of Common Council.

10. The consultation will be distributed to a number of stakeholders including:

- All Members
- A sample of licensed premises
- A sample of churches and other historical buildings
- A sample of residents
- A sample of businesses
- All schools
- Sample of premises currently holding a sex establishment licence
- Sample of livery companies

Options

11. There is no statutory requirement to carry out a consultation and members may want to consider the forthcoming updated policy without the views of various stakeholders. However, the question of the number of sex establishments that are deemed suitable for the City of London is likely to be re-visited and as such, the views of stakeholders would be helpful.

Corporate & Strategic Implications

12. This report supports the City's Business Plan 'to Contribute to a Flourishing Society' and in particular:

- Protect consumers and users of buildings
- Safeguard children, young people and adults at risk

Implications

13. All costs associated with carrying out the consultation can be met from existing budget provisions.

Conclusion

14. In order to assist in the production of an updated Sex Establishment policy in 2020 it is considered necessary to consult various stakeholders in order to inform that policy. An outline of the consultation document to be used can be seen in the appendix attached to this report.

Appendices

- Appendix 1 – Consultation Questionnaire

Background Papers

City of London Corporation Sexual Entertainment Venue Licensing Policy
Home Office Guidance on Sexual Entertainment Venues

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Sex Establishments Consultation

Legislation currently states that persons applying for a Sex Establishment licence must have the application considered by their local authority. A Sex Establishment licence is required if a person wishes to operate a sex shop, sex cinema or a sex entertainment centre. These are defined in legislation as follows:

Sex Shop – premises used for a business consisting to a significant degree selling, hiring, exchanging, lending, displaying, or demonstrating sex articles. A sex article being anything made for use in connection with, or for the purpose of stimulating or encouraging sexual activity. This includes certain reading or recorded material.

Sex Cinema – premises used to a significant degree for the exhibition of moving pictures, by whatever means produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity.

Sexual Entertainment Venue – premises at which relevant entertainment is provided before a live audience for financial gain of an organiser. Relevant entertainment being any live performance or live display of nudity which is of such a nature that it can be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (e.g. a lap dancing club).

The City of London has a Sexual Entertainment Venue Licensing Policy in order to assist the local authority in deciding whether a Sexual Entertainment Venue would be suitable within its area. The Policy currently suggests that there is nowhere suited within the City of London for such a premises. However, this does not remove the responsibility of the City of London to consider any applications it may receive.

The existing policy only considers sexual entertainment venues and not sex shops and sex cinemas. This policy is now ten years old and is in the process of being revised and updated. The updated policy will make reference to all types of sex establishments.

In order to assist the local authority in the production of a sex establishment policy, we would seek your views on the following points.

1. In general, are there any localities within the City of London that you consider to be appropriate for Sex Establishments? (the term "localities" refers to local areas or neighbourhoods, which you might think of as areas such as Bishopsgate, Barbican etc.)

a) Sex Shops

Yes

No

Don't Know

If so, why? Answer below.

b) Sex Cinemas

Yes

No

Don't Know

If so, why? Answer below.

c) Sex Entertainment Venues

Yes

No

Don't Know

If so, why? Answer below.

If you have answered one or more of the above categories as YES then please continue with question 2.

If you have answered all the above categories as either NO or DON'T KNOW then please go to question 3.

2. Which localities within the City of London, if any, do you consider appropriate for Sex Establishments? Please be as specific as possible and give a reason for your answer.

Sex Shops

Sex Cinemas

Sex Entertainment Venues

3. Which localities within the City of London, if any, do you consider to be inappropriate for Sex Establishments? Please be as specific as possible and give a reason for your answer.

Sex Shops

Sex Cinemas

Sex Entertainment Venues

4. The City Corporation has the power to set a maximum number (NB: This number could be zero) of Sex Establishments for individual localities within the City of London.

a) Do you think that the City Corporation should set a figure for the maximum number of sex shops within any particular locality.

- (i) Yes there should be a limit
- (ii) No, there should be no limits set

b) Do you think that the City Corporation should set a figure for the maximum number of sex cinemas within any particular locality.

- (i) Yes, there should be a limit.
- (ii) No, there should be no limits set.

c) Do you think that the City Corporation should set a figure for the maximum number of sex entertainment venues within any particular locality.

- (i) Yes, there should be a limit.
- (ii) No, there should be no limits set.

5. If you have answered yes to any of the above then please can you indicate which locality or localities and how many and the reasons for your answer. Please be as specific as possible. (You may use the whole of the City of London as one locality if you wish)

6. We would appreciate your views on whether Sex Establishments should be allowed to open near to particular areas and types of building. Using the options:

- **highly compatible**
- **quite compatible**
- **neither**
- **quite incompatible, or**
- **highly incompatible**

Please state how compatible a Sex Establishment would be near to the following sensitive types of area or building:

Mainly residential Historic Buildings

Schools

Family leisure facilities / children's play areas

Mainly retail

Areas with lots of night-time entertainment

Cultural facilities such as galleries and museums

Youth facilities e.g. youth hostels

Places of Worship

Livery Companies

7. The City Corporation is in the process of producing an updated Sex Establishment Policy. The policy will address such areas as:

- the suitability of the applicant to own and manage a Sex Establishment
- Detailed operating rules for the management of a Sex Entertainment Venue if a licence was to be granted
- The interior layout of the premises and facilities
- The character of the locality and their compatibility with a Sex Establishment
- The compatibility of a Sex Establishment with particular neighbourhood uses.

Are there any other areas that you think we should pay attention to?

8. Please state whether you are a:

Local Business

Educational Institution

Resident

Religious Group

Alderman/Common Councilman

Other

Committee: Licensing Committee	Dated: 5 February 2020
Subject: Sex Establishments – Annual Review of Fees 2020/21	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

Summary

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

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

The proposed fees suggested are an increase from the current fees. This is due primarily to a new Sex Establishment Policy being produced this year. This will not affect budget income targets as we currently do not have any premises that have a Sex Establishment Licence.

Recommendation(s)

Members are asked to:

- Agree the proposed fees for 2020/21 as set out in Appendix 1

Main Report

Background

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

3. The City of London Licensing Authority must determine the appropriate fees for the granting, renewal, transfer and variation of a licence. Any fee set must be 'reasonable'.
4. Licences are valid for 12 months from the date of grant unless surrendered or revoked. A process similar to the granting of a new licence is to be followed for each renewal including consultation.
5. A High Court case held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.
6. Successive appeals/decisions in the Court of Appeal, The Supreme Court and the European Court of Justice decided that the fee can include administrative costs involved, the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating/enforcing the licensing scheme including costs involved in enforcement against those premises that are not licensed.

Calculation of Fees for 2020/21

7. In order to avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that would be undertaken in order to administer a licence application/renewal and the costs of investigating compliance with any licence conditions.
8. In determining the proposed fee structure for a Sexual Entertainment Venue the following factors have been taken into account (an example of the factors taken into account if we received a new application for a Sexual Entertainment Venue can be seen as Appendix 2):
 - Officer time spent on processing applications including site inspections and the issue of any licence
 - Officer time spent on the development and maintenance of processes and guidance notes
 - Training of staff as necessary
 - A proportion of the service costs such as accommodation, equipment and central recharges
 - Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence
9. The proposed fees for 2020/21 show an increase over the previous year due primarily to a new Sex Establishment policy being produced.

Proposals/Options

10. If fees are set lower than those recommended the result will be a deficit for 2020/21 if an application is received, as costs of administering the licence will not be fully met from income received. Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
11. Any such under or over recovery of costs from 2020/21 will be calculated after the end of that financial year and be carried forward to be taken into consideration in setting fees for 2022/23. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge. There was no under or over recovery to take into account in calculating the proposed fees for 2020/21, as no applications were received in 2018/19.

Corporate & Strategic Implications

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

Implications

13. Setting the recommended sex establishment fees will not have a detrimental effect on the licensing budget as there are currently no sex establishments and thus no income.
14. Setting fees above or below those recommended will have the implications as set out in paragraphs 10 and 11 above.

Conclusion

15. Setting the proposed fees will permit the Corporation to meet its statutory obligations and recover all costs if an application for a Sex Establishment is received during 2020/21.

Appendices

- Appendix 1 – Proposed Fees for 2020/21
- Appendix 2 – Example of factors taken into account when calculating a proposed fee

Background Papers None

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Proposed Sex Establishment Fees for 2020/21

Application Type	Estimated number in 2020/21	Current Fee 2019/20	Proposed Fee 2020/21	Income Forecast 2020/21
New sex shop / sex cinema application	0	£5,140	£8,350	£0
Renewal of sex shop / sex cinema licence	0	£4,730	£7,790	£0
Variation of sex shop / sex cinema licence	0	£4,030	£6,860	£0
Transfer of sex shop / sex cinema licence	0	£520	£710	£0
New sexual entertainment venue application	0	£6,880	£8,350	£0
Renewal of sexual entertainment venue licence	0	£6,470	£7,790	£0
Variation of sexual entertainment venue licence	0	£4,030	£6,860	£0
Transfer of sexual entertainment venue licence	0	£2,770	£710	£0
Change of details	0	£50	£60	£0
Copy of licence	0	£30	£40	£0
Total				£0

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Example of the factors taken into account when calculating the fee for an application for a Sexual Entertainment Venue.

Fee set for 2020/21 at £8,350 (New Application)

Task	Predicted Cost £
Pre-application queries <ul style="list-style-type: none"> • Queries from applicant • Keeping forms etc. up to date 	61.10
Receipt of application <ul style="list-style-type: none"> • Allocation of work, review of application • Preliminary enquiries of applicant • Processing fee 	81.44
Consultation <ul style="list-style-type: none"> • Scanning of application and loading onto M3 database • Posting details on website • Consultation with both internal and external teams 	115.43
Consultation responses <ul style="list-style-type: none"> • Interviewing applicant and site visit, locality assessment • Check newspaper advertisement • Consider representations • Queries from responsible authorities • Update database 	936.65
Determination <ul style="list-style-type: none"> • Planning team and noise team logs/information • Pre-hearing admin • Hearing process (including costs for legal and other City departments) 	1,945.10
Post-hearing and production of licence <ul style="list-style-type: none"> • Work of committee officer producing minutes, decision letters, notifying applicant etc • Preparation of licence, update database 	668.81
Policy costs <ul style="list-style-type: none"> • Policy development • Committee work • Consultation with final report to Court of Common Council • Legislative updates, training 	2,014.45
Post-licence <ul style="list-style-type: none"> • Member queries; responding to FOIs • Updating website • Review of fees 	1,039.03
Compliance costs <ul style="list-style-type: none"> • Proactive compliance visits 	1,483.82
Total Predicted Cost per Application	8,345.83

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CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY

Committee: Licensing Committee – For Information	Date: 5 February 2020
Subject: Police Licensing Report – Crimes at Licenced Premises	Public
Report of: T/Chief Superintendent Duffy	For Information
Report author: 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 October - December 2020.

Recommendation(s)

- Note the report.

Main Report

Acquisitive Crime

Operation Tundra

Operation TUNDRA was set up in response to predominantly male offenders who are stealing bags from victims where they have been left unattended or out of sight (e.g. under tables). The target of the thefts is high value electrical items within (e.g. laptops) but there are occasions where bank cards taken have been used fraudulently. Public locations including bars, pubs and restaurants are key venues with offending occurring primarily between Monday to Friday from 1700 hours until 0100 hours.

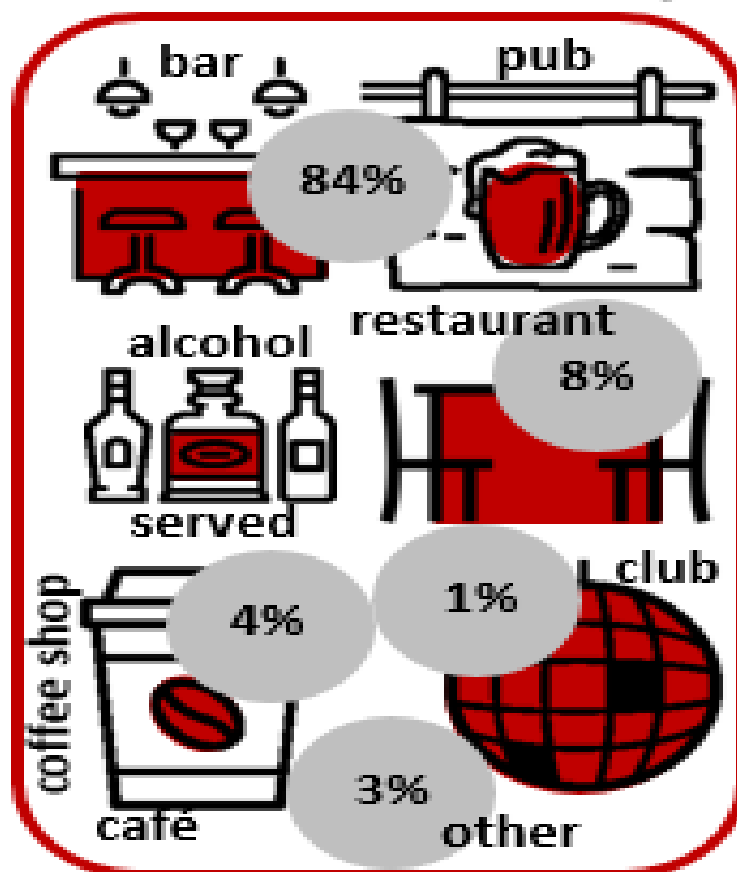
The vast majority of victims are male (71%) with over half (56%) aged between 23-34 years. It is inferred a large proportion of victims are City workers who have work laptops in their possession when in licensed premises in order to work from home on Friday or at the weekend.

The offenders are targeting venues where alcohol is served and where there isn't a need to interact with staff at the venue; such as requiring to be seated at a restaurant or passing through security at a club. The offenders are specifically active within venues classified as *bars* and *pubs*. Victims will not always have their full attention focussed on the whereabouts of their possessions and groups of customers will leave them in piles or on the floor under tables when seated. The consumption of alcohol will also impact upon victim's awareness of the surroundings. So within these locations offenders are able to sit or stand and observe and identify bags to target. They will be able to move around unnoticed as it may look as if they are looking for someone or a seat, especially if the venue is busy. Offences occur across the whole of the City with no particular area/location specifically targeted. Under the protect strand *bag safety*

hooks have been supplied to Communities by the Corporation and are being given to members of the public as well as being handed out at business forums and crime prevention hubs.

Repeat venues: Offences are opportunistic in nature and therefore repeat venues have relatively few offences recorded during the 12-month period January-January only two venues have an average of more than one offence per month.

High value electrical items with work laptops (especially Lenovo branded - where recorded) are the desired items. These along with other similar devices such as tablets and I-Pads and are stolen in 73% of offences. Other electrical items of note are headphones and earphones (Bose and AirPods) are also of note but to a lesser degree.



Current Position



Row Labels	Count of Day
Mon	11
Tue	36
Wed	37
Thu	62
Fri	81
Sat	18
Sun	8

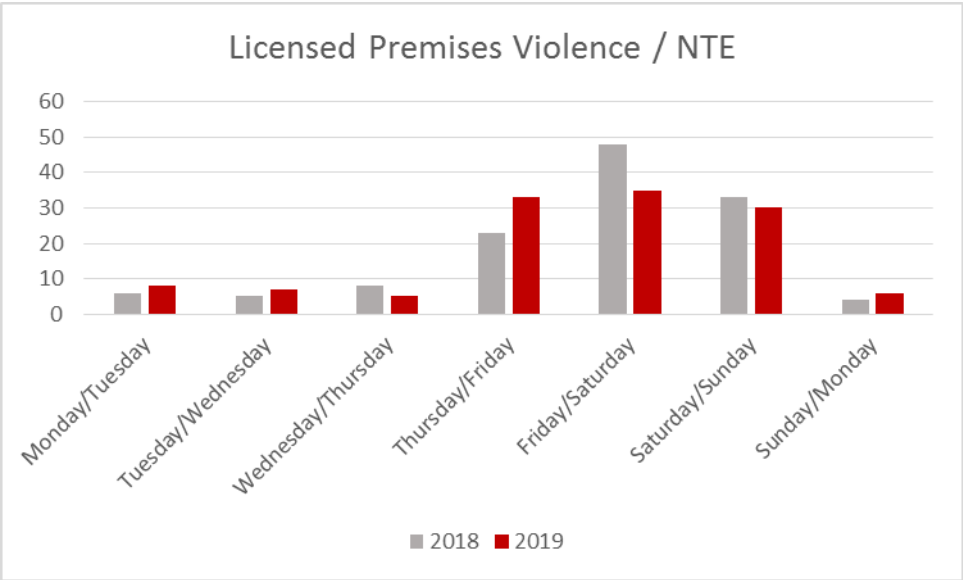
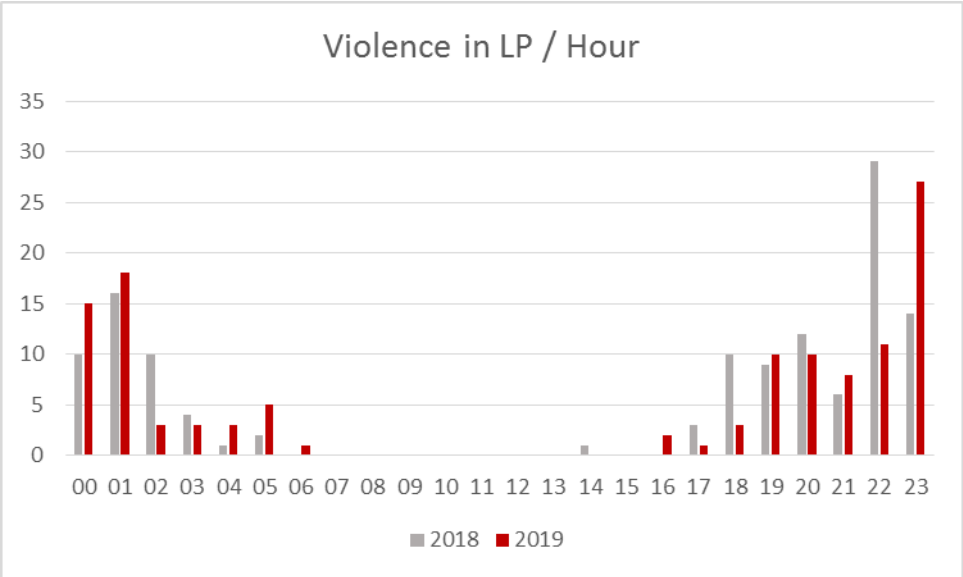


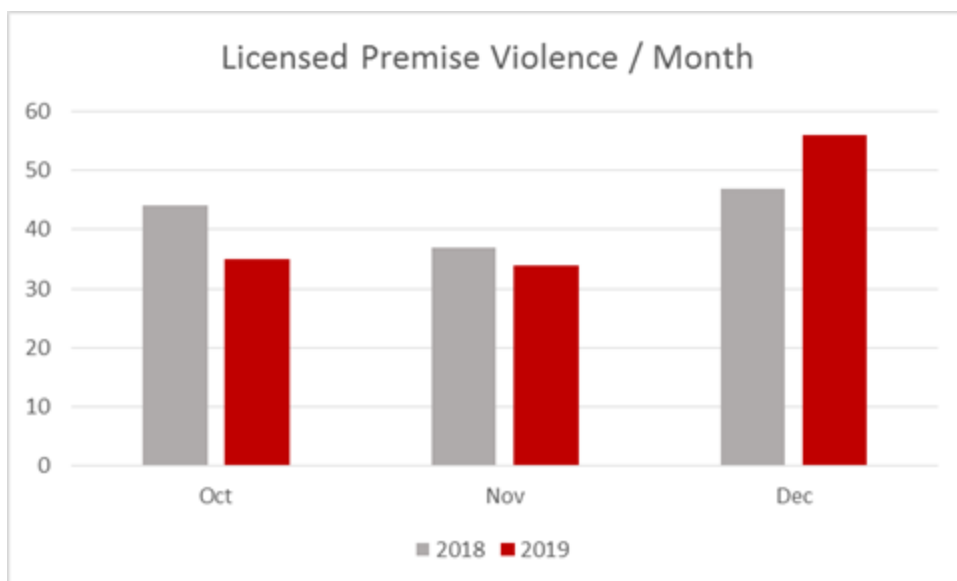


Bag Thefts - Venue Type										
	All Venue Types 2018	All Venue Types 2019	(Pub/Bar) 2018	(Pub/Bar) 2019	(Club) 2018	(Club) 2019	(Restaurant) 2018	(Restaurant) 2019	(Café/Coffee Shop) 2018	(Café/Coffee Shop) 2019
Oct	44	83	29	61	0	2	2	5	4	5
Nov	65	80	48	53	3	3	4	13	2	2
Dec	53	88	40	57	1	4	2	6	5	10

Property Type	Count
Bank Cards	58
Laptop	141
Headphones	44

Violent Crime





Month	2018	2019
Oct	44	35
Nov	37	34
Dec	47	56

NTE	2018	2019
Monday/Tuesday	6	8
Tuesday/Wednesday	5	7
Wednesday/Thursday	8	5
Thursday/Friday	23	33
Friday/Saturday	48	35
Saturday/Sunday	33	30
Sunday/Monday	4	6

Hour	2018	2019
00	10	15
01	16	18
02	10	3
03	4	3
04	1	3
05	2	5
06	0	1
07	0	0
08	0	0
09	0	0
10	0	0

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11	0	0
12	0	0
13	0	0
14	1	0
15	0	0
16	0	2
17	3	1
18	10	3
19	9	10
20	12	10
21	6	8
22	29	11
23	14	27

Crime Type	2018	2019
Assault - S18 - GBH grievous bodily harm with intent	3	8
Assault - S20 - GBH Grievous bodily harm without intent	2	5
Assault - S39 - Common assault	44	48
Assault - S47 - AOABH assault occasioning actual bodily harm	63	40
Assault - S47 - AOABH assault occasioning actual bodily harm on a Constable	2	0
Assault or assault by beating of a constable	2	6
Cause administer poison with intent to injure / aggrieve / annoy	1	4
Racially / religiously aggravated assault occasioning ABH	2	1
Racially / religiously aggravated common assault	1	1
Racially / religiously aggravated harassment without violence	0	1
Robbery - Business	1	0
Robbery - Personal	1	0
Sending letters etc with intent to cause distress or anxiety (Malicious Comms Act)	0	1
Sex - Sexual assault on a female - SOA 2003	5	7
Stalking - Involving fear of violence	0	1
Threats to kill	1	2

T/Chief Inspector J Wynne
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CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY

Committee: Licensing Committee – For Information	Date: 5 February 2020
Subject: Late Night Levy Finance Report	Public
Report of: T/Chief Superintendent Duffy	For Information
Report author: 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

T/CI J Wynne

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Late Night Levy Accounts - Police
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Levy Year	5	5	6
Financial Year	2018/19	2019/20	2019/20
Period	Oct 18 - Mar 19	Apr 19 - Sep 19	Oct 19 - Mar 20
	£	£	£
FUNDING			
Brought forward from previous period	188,121	186,717	0
Levy income (<i>estimated</i>)	109,523	203,000	85,000
Total Funds	297,644	389,717	85,000

EXPENDITURE

Date Agreed	Actual			
	Additional officer	28,984	27,751	32,249
	Christmas (special PXMA to 2018)	10,381		
	New Year's Eve			
	Licensing operations (Various)	22,643	18,650	49,411
	Alcoblow devices			
	Evidence gathering			
	Increased trade resources			
	Reassurance patrols			
	Covert investigations			
	Street Pastor scheme (special PCPS)			
	SOS Bus	28,648		30,000
	Smithfield Market Xmas safety marshalls - 50%	5,870		
	Xmas Advertising campaign	14,400		15,000
	Support general policing spend			
	Licensing Inspector		13,921	40,479
	Committed			
	CCTV Van			40,000
	CCTV Van Maintenance approx £6k per annum			3,000
10.12.18	Community Drugs Safer Nightlife (70%)			17,500
	PDMM Bid approved			5,000

Bids Agreed at Previous Meeting

Total Expenditure	110,926	60,322	232,639
Carried forward	186,717		
Balance Available	0	329,395	-147,639

BIDS TO BE DETERMINED

Training for Venues - Sexual Harassment in the NTE			7,950
Stop the Bleed kits			25,120
Revised Balance Available	0	329,395	-180,709

148,686

CITY OF LONDON POLICE: OFFICIAL

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Committee: Licensing Committee	Dated: 5 February 2020
Subject: Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	Public
Report of: Director of Markets and Consumer Protection	For Information
Report author: 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 October 2019 to 31 December 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 October 2019 to 31 December 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 July 2019 – 31 December 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 October 2019 to 31 December 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.

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 October 2019 to 31 December 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 July 2019 – 31 December 2019. **Six premises have a sufficient number of points to be classified as 'red' and ten 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 October 2019 to 31 December 2019.
- Appendix 2 – Applications to vary a licence issued between 01 October 2019 to 31 December 2019.
- Appendix 3 - Enforcement Action carried out between 01 October 2019 to 31 December 2019 (including complaints received).
- Appendix 4 (Non-Public) – Premises reaching red and amber on the risk scheme between 1 July 2019 – 31 December 2019.

Background Papers

None

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Appendix I

New Licence Applications Issued by way of Delegated Authority (01 October 2019 to 31 December 2019)

Name	Address	Ward	Details
St Andrews Church	5 St Andrew Street	Farringdon Without	A 23:00
Convex	52 Lime Street	Aldgate	A, (f) 23:00
Café Luca	16/17 Devonshire Square	Bishopsgate	A, (f) 23:30
FIL Investment	4 Cannon Street	Bread Street	A, L 23:00
Mamago	120 Fenchurch Street	Langbourn	A, (f) 22:00
Halifax	100 Cannon Street	Dowgate	A 22:00
Honest Burgers	1 Paternoster Row	Bread Street	A, (f), L 00:00
Caffe Vergnano	337-338 High Holborn	Farringdon Without	A 23:00
Pasty Shop	Unit 4b Liv St Station	Bishopsgate	A 01:00
Natural Kitchen	100 Bishopsgate	Bishopsgate	A, L 00:00

Total Licences Issued = 10

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.		
Aldgate	1	Bishopsgate	3
Bread Street	2	Dowgate	1
Farringdon Without	2	Langbourn	1

Conditions Applied to Licences Granted by way of Delegated Authority

St Andrews Church

None

Convex

1. Licensable activities shall only be provided to client employees and their guests.
2. The premises shall install and maintain a comprehensive digital colour CCTV system. recordings shall be kept available for a minimum of 31 days with date and time stamping.
3. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

Café Luca

1. The premises will 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.

FIL Investment

1. The roof terrace on the fifth floor will not be accessible after 21:00 hours.

Mamago

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 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.

3. All sales of alcohol for consumption off the premises shall be in sealed or re-sealed containers only.

Halifax

1. Alcohol will only be supplied on a pre-booked basis to invited guests only.

Honest Burgers

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. 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.

Caffe Vergnano

1. Off sales of alcohol for consumption by patrons seated at tables outside must only be to those at tables and chairs which benefit from a requisite licence granted to the operator by the highway authority under S.115E Highway Act 1980.

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.

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

Pasty Shop

1. The premises shall install and maintain a comprehensive digital CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be

present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

2. A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 25 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Natural Kitchen

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

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

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

Appendix II

Licence Variations Issued by way of Delegated Authority (01 October 2019 to 31 December 2019)

Name	Address	Ward	Variation
Chamberlains Hotel	130 – 135 Minories	Tower	<ul style="list-style-type: none"> • Extend alcohol and late night refreshment hours until 02:00. • Add live music until 02:00 basement only. • To add agreed Police conditions.
Rocket	20 Eastcheap	Billingsgate	<ul style="list-style-type: none"> • Variation of layout (plans) – refurbishment. Toilets, back of house and additional private room on ground floor next door to existing private room.

Total Number of Variations Issued = 2

Number of Licences by Ward

WARD	No.
Billingsgate	1
Tower	1

Conditions Added to Licences Granted by way of Delegated Authority

Chamberlains Hotel

1) The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show 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 managed by a third party, not employed by the Premises Licence Holder, involving music and dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

Rocket

None

Personal Licences Issued by way of Delegated Authority

01 October 2019 to 31 December 2019

1

Enforcement Action Carried out Under the Licensing Act 2003 01 October 2019 – 31 December 2019

Total Number of Inspections	49
Number of Warning Letters	2
Number of Premises advised	19
Number of simple cautions	0
Number of suspension notices	31
Licence lapsed*	0
'Dead' Suspensions**	8
'Live' Suspensions***	23
Under determination	0

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

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

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

Number of complaints received between 01 October 2019 – 31 December 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: 29

Description	Time	Date	Outcome	Ward
37 Jewry, Centurion House, 37 Jewry Street, London, EC3N 2ER				
Music Breakout	01:29	27/10/2019	Resolved Informally	Tower
Music Breakout	03:08	27/10/2019	Resolved Informally	Tower
Brasserie Blanc, 14 Trinity Square, London, EC3N 4AA				
Loud Music	00:37	20/12/2019	Resolved Informally	Tower
Dirty Martini Monument, 1 Lovat Lane, London, EC3R 8DT				
Noise from patrons leaving the premises	00:48	11/12/2019	Resolved Informally	Bridge and Bridge without
Mumbai Square, 7 Middlesex Street, London, E1 7AA				
Noise from cars revving	23:18	03/11/2019	No action possible	Portsoken
Natural Kitchen, 171 176 Aldersgate Street, London, EC1A 4HT				
Music outbreak	21:53	13/12/2019	Resolved Informally	Farringdon within
Patch, 58 62 Carter Lane, London, EC4V 5EA				
Noise from patrons leaving the premises	00:48	10/11/2019	Resolved Informally	Farringdon within
Revolution, Retail Unit, 1 America Square, London, EC3N 2LS				
Noise from patrons leaving the premises	04:21	09/11/2019	No action possible	Tower
Salotto 31, Retail Unit, 31 Lovat Lane, London, EC3R 8EB				
Music outbreak	21:25	19/12/2019	Resolved Informally	Billingsgate
Shaws Booksellers, Shaws Booksellers Public House, 31 34 St Andrew's Hill, London, EC4V 5DE				
Loud noise from premises	18:30	20/12/2019	No action possible	Castle Baynard
Music Breakout	19:05	21/11/2019	No action possible	Castle Baynard
Music Breakout	19:20	18/12/2019	Notice served	Castle Baynard
Music Breakout	19:30	23/11/2019	Notice served	Castle Baynard
Noise from live band	19:50	05/10/2019	Notice served	Castle Baynard
Music and Patron noise	20:00	29/10/2019	Resolved informally	Castle Baynard

Complainant believed noise limiter was set too loud.	21:09	25/10/2019	Notice served	Castle Baynard
Noise from a private party	22:30	12/10/2019	Case still in progress	Castle Baynard
Music Breakout	22:54	17/12/2019	No action possible	Castle Baynard
Slug and Lettuce, St Clare House, 30 33 Minories, London, EC3N 1DD				
Music Breakout	00:12	13/12/2019	Resolved informally	Tower
Smithfield, Meat Markets, Grand Avenue, London				
Noise from Protest	20:10	07/10/2019	Resolved informally	Farringdon Without
The Brewery on Chiswell Street Ltd, Offices, The Whitbread Brewery, 52 Chiswell Street, London, EC1Y 4SA				
Noise from patrons leaving the premises	00:05	06/12/2019	Resolved informally	Coleman Street
The Butcher's Hook and Cleaver, The Butcher's Hook And Cleaver Public House, 61 West Smithfield, London, EC1A 9DY				
Music outbreak from private party	21:45	02/11/2019	Resolved informally	Farringdon within
Music from live band	21:50	05/10/2019	Resolved informally	Farringdon within
Music Breakout	23:19	11/12/2019	Resolved informally	Farringdon within
The Refinery, City Point, 1 Ropemaker Street, London, EC2Y 9AW				
Music Breakout	23:28	13/12/2019	Resolved informally	Coleman Street
The Shakespeare, The Shakespeare Public House, 2 Goswell Road, London, EC1M 7AA				
Noise from broken machinery in the basement	09:31	01/11/2019	Notice Served	Cripplegate
Noise from a lock-in party	10:43	23/12/2019	No action possible	Cripplegate
Noise from a generator	10:53	22/10/2019	Notice served	Cripplegate
Noise breakout	13:39	25/10/2019	Notice served	Cripplegate

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

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