



Licensing Committee

Date: THURSDAY, 8 FEBRUARY 2024
Time: 1.45 pm
Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Members:

James Tumbridge (Chairman)	Michael Hudson
Deputy John Fletcher (Deputy Chairman)	Deputy Shravan Joshi
Brendan Barns	Graham Packham
Deputy Peter Dunphy	Jason Pritchard
Mary Durcan	David Sales
Sophie Anne Fernandes	Ceri Wilkins
Anthony David Fitzpatrick	Luis Felipe Tilleria
Deputy Marianne Fredericks	

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Ian Thomas CBE
Town Clerk and Chief Executive

AGENDA

1. **APOLOGIES**

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

3. **PUBLIC MINUTES**

To agree the public minutes of the meeting held on 26 October 2023.

For Decision
(Pages 5 - 10)

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

a) 60 Bartholomew Close

To receive the public minutes of the licensing hearing in respect of the premises 60 Bartholomew Close, London, EC1A 7BF

For Information

5. **ANNUAL REVIEW OF TERMS OF REFERENCE**

Report of the Town Clerk.

For Decision
(Pages 11 - 14)

6. **DRAFT HIGH-LEVEL BUSINESS PLAN 2024/25 - ENVIRONMENT DEPARTMENT**

Report of the Interim Executive Director Environment.

For Decision
(Pages 15 - 32)

7. **LICENSING ACT 2003 - POOL OF MODEL CONDITIONS**

Report of the Interim Executive Director Environment.

For Decision
(Pages 33 - 56)

8. **REVENUE BUDGETS 2024/25**

Joint report of The Chamberlain and the Interim Executive Director Environment.

For Decision
(Pages 57 - 60)

9. **SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES 2024/25**
Report of the Interim Executive Director Environment.
- For Decision**
(Pages 61 - 68)
10. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2024-25**
Report of the Interim Executive Director Environment.
- For Decision**
(Pages 69 - 76)
11. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**
The Comptroller and City Solicitor to be heard.
- For Information**
12. ***DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT
PERTAINING TO PREMISES LICENCES**
Report of the Interim Executive Director, Environment Department.
- For Information**
13. ***LATE NIGHT LEVY - 12 MONTH REPORT (1 OCT 2022 - 30 SEP 2023)**
Report of the Interim Executive Director Environment.
- For Information**
14. ***CITY OF LONDON MAPPING: PROJECT SCOPING POTENTIAL TO MAP AREAS
OF SUITABILITY FOR LICENSED ACTIVITY**
Report of the Interim Executive Director Environment.
- For Information**
15. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
16. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
17. **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.

18. **NON-PUBLIC MINUTES**
To agree the non-public minutes of the meeting held on 26 October 2023.

For Decision
(Pages 77 - 78)

19. ***CITY OF LONDON POLICE QUARTERLY UPDATE**
Report of the Commissioner of Police.

For Information

20. ***APPENDIX 4: DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES**
To be read in conjunction with item 11 on the agenda.

For Information

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

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

LICENSING COMMITTEE

Thursday, 26 October 2023

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Thursday, 26 October 2023 at 1.45 pm

Present

Members:

Deputy John Fletcher (in the Chair)
Brendan Barns
Mary Durcan
Anthony David Fitzpatrick
Deputy Marianne Fredericks
Michael Hudson
Deputy Shravan Joshi
Graham Packham

In Attendance

David Sales

Officers:

Raquel Pinto	–	Town Clerk's Department
Frank Marchione	–	Comptroller & City Solicitor's Department
Gavin Steadman	–	Environment Department
Rachel Pye	–	Environment Department
Joanne Hill	–	Environment Department
Paul Holmes	–	City of London Police
Peter Barlow	–	Communications and External Affairs

1. APOLOGIES

Apologies for absence were received from Deputy Peter Dunphy, Ms Sophie Anne Fernandes, Mr Jason Pritchard and Mr James Tumbridge. Apologies were also received from David Sales who was unable to attend the meeting in person but was observing online.

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

There were no declarations.

3. PUBLIC MINUTES

RESOLVED – That the public minutes and summary of the meeting held on 7th July 2023, be approved as a correct record, subject to the following amendment:

- On page 10, it should read "top ten premises".

Matters arising:

- A Member raised that with regards to the bottom of page 6 of the minutes, they had visited Portsoken ward with another Member and reported issues to the cleaning team.
- Members noted that the report on the model conditions which was expected to come to this Committee was pushed to the following Committee meeting to allow Members and the Chairman time to consider these without time pressures.

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

The Committee received the minutes from the Licensing (Hearing) Sub-Committees in respect of the personal license holder hearing on the 27 July 2023 and the premises Urban Retreat, 18-19 Long Lane, London, EC1A 9PL, on 11th September 2023.

Members raised some amendments regarding these minutes:

- Page 13 – to read Deputy Peter Dunphy in the Members section.
- Page 17 – the correct spelling of Deputy Shravan Joshi

Members wanted an update following the concerns raised on pages 18 and 21 on the accessibility of portal as there was an action for officers to investigate this matter. Members noted that the website had a technical fault for about a week, however all the statutory consultations were done in accordance with the usual protocols. The resident was in contact with the department to let them know and all the information the residents required was passed on. The issue was now rectified. Members also raised this was a wider City Corporation issue as other sites and portals like the Planning Committee portal often crashes too, therefore it was important to know who monitors these to ensure they were working.

The Chair provided the Committee with some observations having been a Panel Member for hearings. The first hearing was different as it was the first ever instance where the Panel might have had to revoke an individual's license. The Chair thanked the Chairman of the Committee for his legal expertise and guidance which helped achieve a good decision, as the punishment for the crime had been given out by the court and therefore the panel did not wish to inflict further punishment, as his license was not a danger to the four principles which the Committee abided by. Regarding the second hearing, the representatives had withdrawn their objection at the hearing following the work of the officers and the panel in coming up with conditions which applied to their objections. This was seen as a measure of the departments success in achieve a balance between getting licensed premises in the city without upsetting residents.

RECEIVED.

5. **PREMISES LICENCE APPLICATION NON-STATUTORY CONSULTATIONS**

The Committee received a report of the Executive Director (Interim) Environment on the Premises Licence Application Non-Statutory Consultations,

which looked at the process of notifying non-statutory stakeholders about new and modified licensing applications.

Members wanted to thank officers for their work in investigating this matter and for being transparent and honest. Whilst the consultation emails were non-statutory they were extremely important and Members wanted to thank the team for their work in sorting these issues out, and expressed their confidence in noting this issue had been resolved with notifications being sent out within one or two days of being received. The Chair added that this was exemplar in showing how issues should be raised and dealt with from beginning to end and congratulated the team for all their work. The Chair asked for the Committee's agreement for this piece of news to be passed on to the Town Clerk.

RESOLVED – That the report be noted.

6. DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES

The Committee received a report of the Executive Director (Interim) Environment, on the Delegated decisions of the Executive Director Environment pertaining to premises licences.

Members raised concerns over the length of the condition, as these made it difficult for those who wanted to check a premises compliance when calling in and wondered whether all of the conditions were necessary. Concerns were also raised regarding the Police Constables who had to also read these conditions out and enforce them, as these must be clear and compliable. The Committee noted that some of the conditions were offered by the applicant, which explained why they looked differently to some of the standard conditions. However, the team had worked hard and in collaboration with Members of the Committee at the workshop to look at these, which should hopefully be more concise and reasonable set of pool conditions to be presented at the next Committee meeting.

Members raised the discrepancy in the number of conditions of some premises, as some premises such as Galaxy restaurant had 20 conditions and others like Bandaloop had one. It was asked if officers were offered these numerous conditions whether they may suggest to the applicant to restrict to those that were most needed, which was noted by officers. Members also raised that it would not be appropriate for officers to start picking which conditions were relevant as applicants often offer these to resolve any potential objections that may arise, and it was suggested that it would be wiser to make the existing pool of conditions clear. Members also asked that when the proposal comes to Committee with the changes to the conditions that these are done in marked mode so Members can see changes easily and be able to comment. The Chair assured the Committee that this was to be the case.

Members asked if the department gathered all the noise complaints coming into the Corporation. This was often raised in hearings by residents who would have submitted complains but the environmental health officers would not have a record of these. A Member had raised a complaint about a premise which was

located in the City of London, Oyster Shed as they had received complaints, and they could not see their complaint as part of the logs. Members noted that the team are usually thorough in recording noise complaints which come through in a number of ways, such as emails, the contact us form and through the out of hours noise line, however the list provided in the report only went up to the 24th of August. Officers would take this away as some data was missing and this would be circulated to Members shortly after the meeting.

RESOLVED – That the report be noted.

7. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**
The Comptroller & City Solicitor advised the Committee that there had been no appeals against Licensing (Hearing) Sub-Committee decisions.

RECEIVED.

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

There were no questions.

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

The Following items of urgent business were raised –

A) Licensing Forum

- The Licensing Forum was held on the 24th of October which was reported as a great success.
- This was a chance to remind people of a few issues coming up to the busy Christmas period, particularly around crime, scene preservation and about counter terrorism issues.
- There were 235 people in attendance which was a record for the team.

Members enquired if feedback from attendees was gathered so that lessons could be taken for the following year. Officers would enquire to ascertain if a feedback form was distributed. If this had not been distributed this could be something to incorporate for the following year.

Members asked for an update on the Police's proposals for the Christmas campaign particularly around sexual harassment, and what was being done to encourage licenced premises to ensure their staff are trained on these matters. Officers explained that 'Ask for Angela' and wave training were rolling programmes which had been received by many venues and their staff. This was a rolling programme due to staff turnover, and this was tested by officers who would provide feedback as to whether the premises had been successful or not. Operation Reframe had been a monthly operation throughout the year, which focused on safety, the next one would take place on the 2nd of November. This would focus on the launch of the new taxi rank in Liverpool street, which would enable people to get to get around safely. The City of London Police was always present alongside their partners like the Licensing Authority, Samaritans, St Johns Ambulance and others, as well as Members.

The Chair encouraged Members of the Committee to attend an Operation Reframe if they have not done so already as this was highly educational.

Members highlighted a scheme that was in operation by Starbucks where if women or young girls were receiving unwanted attention or being pestered, a staff member would bring a drink to the customer. If the lid was taken off the drink it would signify they were uncomfortable, if they left it on there was no issue. Members enquired if this scheme could be made more general across licensed premises. Officers explained that other venues have similar schemes in place which provided a safe haven however they would investigate this scheme in more detail.

Members also raised serious concerns regarding the rise in drink spiking. There was a fentanyl epidemic in the US which would soon reach the UK and Europe, and this caused major concerns and Members wanted to raise this, particularly with the Police so it could be looked at more pro-actively. The Chair echoed these concerns and added that although the drink spiking rates in the City were down, this was something to flag to officers, which would be covered in more detail under item 12.

The Town Clerk advised Members that there was a vacancy in the Licensing Committee in the room of a Member stepping down which would be advertised in the December Court of Common Council meeting.

10. **EXCLUSION OF THE PUBLIC**

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

11. **NON-PUBLIC MINUTES**

RESOLVED – That the non-public minutes and summary of the meeting held on 7th July 2023 be approved as a correct record.

12. **CITY OF LONDON POLICE QUARTERLY UPDATE**

The Committee received a report of the Commissioner of Police containing data for Quarter 3, July to September 2023.

13. **APPENDIX 4: DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES**

RESOLVED – That the appendix be noted.

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

There were no questions.

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

There were no items of urgent business.

The meeting ended at 14:38pm.

Chairman

**Contact Officer: Raquel Pinto
Raquel.Pinto@cityoflondon.gov.uk**

Committee: Licensing Committee	Date: February 2024
Subject: Annual Review of Terms of Reference	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	N/A
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Town Clerk & Chief Executive	For Decision
Report author: Raquel Pinto, 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

Raquel Pinto

Governance Officer

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LYONS, Mayor	RESOLVED: That the Court of Common Council holden in the Guildhall of the City of London on Thursday 27 th April 2023, doth hereby appoint the following Committee until the first meeting of the Court in April, 2024.
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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 2023/24**
 - 2 (2) Anthony Fitzpatrick, *for two years*
 - 15 (4) Marianne Bernadette Fredericks, Deputy
 - 6 (4) Shravan Joshi, M.B.E., Deputy
 - 13 (3) Peter Gerard Dunphy, Deputy
 - 7 (3) Mary Durcan
 - 3 (3) Jason Paul Pritchard
 - 2 (2) Ceri Edith Wilkins, *for three years*
 - 2 (2) James Bromiley-Davis
 - 2 (2) Brendan Barns
 - 11 (2) Graham David Packham, Deputy
 - 2 (1) David James Sales, *for three years*
 - 13 (1) Sophie Anne Fernandes
 - 10 (1) Michael Hudson
 - 5 (1) John William Fletcher, Deputy
 - 13 (1) James Richard Tumbridge
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 Executive Director Environment (acting jointly with the Planning & Transportation Committee, Port Health and Environmental Services Committee, and the Natural Environment Board);
 - (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).

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Agenda Item 6

Committee(s): Licensing Committee	Dated: 8 February 2024
Subject: Draft High-Level Business Plan 2024/25 – Environment Department	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	2, 3, 4, 5, 10, 11, 12
Does this proposal require extra revenue and/or capital spending?	No
Report of: Bob Roberts, Interim Executive Director Environment	For Decision
Report author: Joanne Hill, Business Planning and Compliance Manager	

Summary

This report presents the draft high-level Business Plan for the Environment Department for 2024/25. Due to the complexity and scope of the department, three separate high-level Business Plans have been produced to reflect our three key Committee ‘clusters’.

The plan presented in this report (Appendix A) provides a strategic overview of activity of all service areas which fall within the remit of the Port Health and Environmental Services Committee and the Licensing Committee. As such, the proportion of content that relates to the Licensing Committee is minimal and, therefore, Appendix B contains a list of the Licensing Team’s priority objectives for 2024/25. These objectives support those set out in the high-level Business Plan which, in turn, supports delivery of the City of London’s Corporate Plan and other key corporate strategies, programmes and policies.

The draft high-level Business Plan is being presented for approval, subject to the incorporation of any changes sought by the Committee. Once approved by both the Licensing Committee and the Port Health and Environmental Services Committee, the Plan will become the final version and will be adopted from April 2024.

Recommendation

Members are asked to:

- i. Note the factors taken into consideration in compiling the Environment Department Business Plan; and
- ii. Approve, subject to the incorporation of any changes sought by this Committee (and with reference to the Licensing Team’s priority objectives at Appendix B), the elements of the high-level Environment Department Business Plan 2024/25 which fall within the remit of the Licensing Committee, highlighted in red and bold font on pages 1, 2, 3, 6 and 7.

Main Report

Background

1. As part of the new framework for corporate and business planning, departments were asked to produce standardised high-level, two-page 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 2024/25, the high-level Business Plan has further evolved to describe the funding and people resources associated with each priority workstream. As a high-level plan, this document does not capture the granularity of departmental work but gives the overall picture of activity, priorities, stakeholder engagement, trends where applicable, and direction of travel. The Corporate Strategy and Performance Team is working closely with departments to ensure that all Departmental Business Plans are aligned with Corporate Plan 2024-29.
3. The high-level Business Plans of each department follow a corporately mandated format and set of contents. This enables cross-departmental comparison and identification of dependencies and silos. The Environment Department's high-level Business Plans have been reviewed by a corporate Strategic Planning Group and have been approved by the Executive Leadership Board before being presented to Committees.

Draft final high-level Business Plan for 2024/25

4. This report presents, at Appendix A, the draft high-level Business Plan for 2024/25 for the services of the Environment Department which fall within the remit of the Port Health and Environmental Services Committee and the Licensing Committee, ie:
 - Public Protection, including the Licensing Service
 - Port Health
 - Animal Health
 - Cemetery and Crematorium
 - Cleansing and Waste.
5. The content of the high-level Business Plan which is specifically relevant to the Licensing Committee, and which Members are being asked to approve, has been highlighted in red and bold font on pages 1, 2, 3, 6 and 7 of Appendix A. The Plan also contains information which is relevant to the whole of the Port Health and Public Protection Division and/or the Environment Department: this has been left unedited for Members' reference.
6. As the content of the high-level Business Plan which relates directly to the Licensing Committee is minimal, a more detailed list of the Licensing Team's specific priority objectives for 2024/25 is provided at Appendix B. These objectives support those set out in the high-level Business Plan which, in turn,

supports delivery of the City of London's Corporate Plan and other key corporate strategies, programmes and policies.

7. Please note that the high-level Business Plan will be presented separately to the Port Health and Environmental Services Committee for approval of the relevant content.

a. Prioritisation:

The priority workstreams for 2024/25 were identified by the Environment Department's Senior Leaders and their management teams, in consultation with other members of staff.

The workstreams were selected to reflect key strategic links and priority projects as well as the statutory duties of the services. However, due to the high-level nature of the Plan, the workstreams do not include all elements of the teams' work; there is a significant amount of 'business as usual' activity that will continue alongside the priority workstreams.

This year's Business Planning process included a pilot exercise to assign one of thirteen prioritisation categories to each workstream, as shown on pages 3 and 4 of the Plan. However, please note that the workstreams have not been ranked, or presented, in order of priority.

The priority workstream for the Licensing Service, is to continue to deliver the Service within the context of Destination City and with a business-friendly approach. Key actions include the publication of a refreshed Street Trading Policy and reinvigoration of the Safety Thirst Award Scheme. A more detailed summary of the Licensing Service's objectives for 2024/25 is provided at Appendix B.

Delivery of the priority high-level workstream and underlying objectives will achieve the outcome of supporting delivery of Destination City; promoting the four Licensing objectives; and fulfilling the City of London's statutory duties as Licensing Authority.

b. Performance measurement

Progress made against priority workstreams and Service-level objectives is measured by monitoring key performance indicators and achievement of targets. Performance is reviewed regularly by Directors and their Management Teams and is reported to your Committee to enable Member scrutiny.

As demonstrated, the priority workstreams identified in this high-level business plan flow down to the Licensing Service management plan and will then be used to set the individual performance plans of members of staff, which provide further methods of assessing progress. This also enables individual officers to fully understand how their work feeds into divisional, departmental, and corporate aims and objectives.

c. Measuring impact

We will continue to engage with stakeholders on our workstreams and activities as appropriate and use their feedback to shape our services. In accordance with the requirements of the Licensing Act 2023, when determining and reviewing our Statement of Licensing Policy, we consult with other responsible authorities and representatives of licensees of all types, together with representatives of local residents and businesses. We also consider relevant representations made by responsible bodies and other persons in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates.

d. Resources utilised

As part of the pilot prioritisation exercise, in the 2024/25 high-level Business Plans, every City Corporation department was required to include an estimation of the budget and people resource associated with each workstream. These figures are expressed as percentages of the overall revenue budget and Full-Time Equivalent (FTE) staff.

It has not been possible to determine accurate allocation of financial or people resources for each workstream; very few are discrete projects with specific budgets, and very few members of staff spend specific proportions of their time on one workstream. Therefore, the figures shown in the Business Plan are very much estimates. Should this exercise be repeated in future years, accurate methodology will need to be designed and applied in order to ensure consistency across and within departments.

e. Synergies and combatting silos

Workstreams have been linked to corporate priorities wherever possible, and Page 6 demonstrates how the department's work aligns with core strategies and policies, including the new Corporate Plan 2024-29.

Page 8, 'Our People' contains information which relates to the whole of the Environment Department. Officers are working in collaboration with colleagues across the department to identify synergies and break down siloed working practices. The Department's Business Services Division works to align common processes and procedures across the department to achieve consistency. The Division leads cross-departmentally on areas including business planning; risk management; health and safety; workforce planning; Equalities, Diversity and Inclusion; communications and engagement; information and data management; and GIS mapping.

Departmental Operational Property Assets Utilisation Assessment

8. The Environment Department's staff are based across 25 sites throughout London and the south-east. It holds approximately 340 physical assets, almost 270 of which are at its Natural Environment sites.
9. The Executive Director is represented by the City Operations Director on the Board for the Corporation's Operational Property Review Programme. As part of this Programme, the Department is undertaking a critical review of all its physical

assets, including operational property. A Departmental 'Task and Finish' group has been established and meetings are taking place to progress this project.

10. The initial stage of the project will be to identify the resources required to undertake a full analysis and in-depth review of all physical assets held by the department, including baselining operational requirements, financial position and state of repair.
11. Following this, officers will work with the City Surveyor's Department to establish a detailed project plan and realistic timeline. An update on the status of the assets relevant to this Committee will be reported, including any that are identified as surplus to requirements.

Corporate & strategic implications - The Environment Department is working to align to the developing Corporate Plan, through continued engagement and participation in the Strategy Forum, Strategic Planning Group and so on. It will shape its strategies and services appropriately to ensure they support achievement of the City Corporation's outcomes. Future Business Plans will be fully informed by the mission, aims and outcomes in the Corporate Plan 2024-29.

The Business Plan lists other key City of London strategies the Public Protection Division and the Cleansing Service are helping to deliver. Any new strategies will be reviewed as they are approved and consideration given as to how the services can and will support their delivery. This will include the new Corporate Plan and the People Strategy.

Financial implications - The high-level Business Plan has been produced in liaison with Chamberlain's Department and takes into consideration opportunities to reduce expenditure and increase income in order to make necessary savings.

Public Sector Equality Duty (PSED) - The Department has established an Equality, Diversity and Inclusion (EDI) Working Group. The Group is currently developing a Departmental EDI Plan which will align with the Corporate EDI Plan. Members of the group will lead on a range of EDI actions, including those set out in the Business Plan, to ensure compliance with the PSED across the department.

Resourcing implications - Any changes to resources will be brought to the relevant Committee(s).

Security implications - None

Conclusion

This report presents the draft high-level Business Plan for 2024/25 for the services of the Environment Department which fall within the remit of the Port Health and Environmental Services Committee and the Licensing Committee.

Members of the Licensing Committee are asked to approve (with reference also to the Licensing Service priority objectives at Appendix B) the elements of the high-

level Environment Department Business Plan 2024/25 which relate specifically to the Licensing Service, highlighted in red and bold font on pages 1, 2, 3, 6 and 7.

Appendices

Appendix A – Draft Environment Department high-level Business Plan 2024/25.

Appendix B – Licensing Team priority objectives 2024/25.

Joanne Hill

Business Planning and Compliance Manager

Environment Department

joanne.hill@cityoflondon.gov.uk

Port Health and Public Protection Division (incl. Licensing) and the Cleansing Service



The Environment Department shapes future environments and protects current ones.

It is the largest department in the organisation and provides a diverse range of services to London and the South East.

Within the 'square mile' we deliver many local authority and regulatory functions including planning and development; building control; engineering; highways and transportation; cleansing and waste; environmental health, licensing and trading standards. The SME Delivery Team provides advice and guidance for start-ups and small businesses which are located in, or visit, the City.

Further afield, we manage over 11,000 acres of stunning open spaces worth billions of pounds which capture thousands of tonnes of carbon a year and attract an estimated 25 million visitors.

We run the City of London Cemetery and Crematorium; operate the Heathrow Animal Reception Centre; provide animal health services London-wide; and, as the London Port Health Authority, undertake controls on imported food and feed through London's ports.

Due to the complexity and scope of the department, three separate high-level Business Plans have been produced to reflect our three key Committee 'clusters'. This plan covers the service areas which fall within the remit of the Planning and Transportation Committee and includes the SME Delivery Team.

What's changed since last year... (to October 2023):

- City teams welcomed two new apprentices completing qualifications in Trading Standards and Environmental Health. This is the first time the Port Health and Public Protection Division has supported degree level apprenticeships as an alternative route to qualification.
- Experienced officers from the Ports and HARC were seconded to Defra to engage with and inform the Border Target Operating Model (BTOM) process.
- **Front line services continued to respond effectively to support the City's post-pandemic recovery.**

Major achievements 2023/24 (to October 2023):

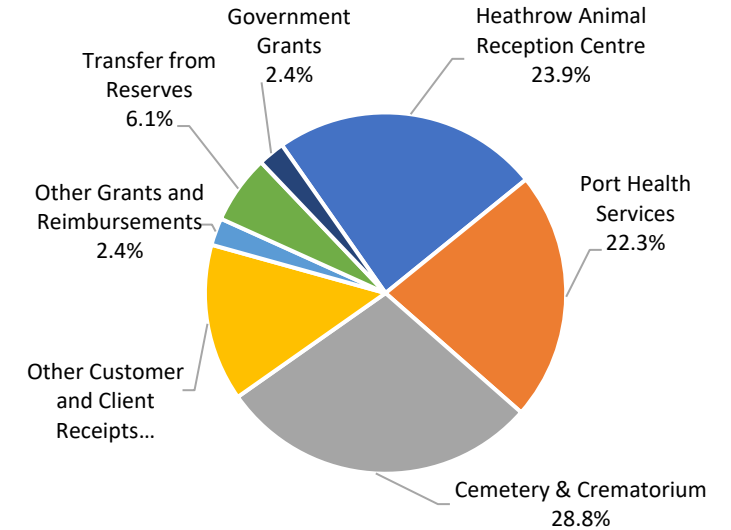
- The Trading Standards Team was a finalist at the Tackling Economic Crime Awards (TECA) 2023 in the category of Outstanding Public Sector/Law Enforcement Initiative, for Operation Broadway.
- The Animal Health Team was awarded the RSPCA Platinum 'PawPrint' award for animal activity licensing.
- The City's Pollution Team was nominated for a John Connell Award which recognises innovative and creative solutions to solve noise pollution and improve soundscapes.

Where our money comes from and what we spend it on

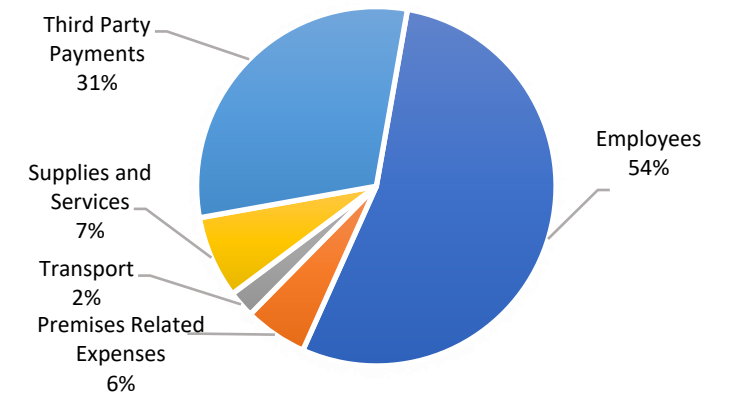
Total 2024-25 budget allocation is £10.062m

Total FTE within scope of this Business Plan: 234.8 (28.09.2023)

Income*



Expenditure*



*N.B: The charts are based upon 2023/24 approved budgets as of Sept. 2023.



Our 2024/25 timeline planner: priority workstreams and key milestones

Beyond 2024/25

Q1 2024/25

Q2 2024/25

Q3 2024/25

Q4 2024/25

Apr
May
Jun

Jul
Aug
Sep

Oct
Nov
Dec

Jan
Feb
Mar

2025/26

2026/27

Port Health and Public Protection statutory duties

Undertake statutory duties in line with local, national and international standards and guidance.

Licensing Service

Deliver the Licensing Service.

Develop and publish a new AI-Fresco Dining Policy.

Publish a refreshed Street Trading Policy.

Reinvigorate the Safety Thirst Scheme.

Protect public, animal and environmental health at the borders.

Deliver the Border Target Operating Model for Food, Feed and Live Animals.

Deliver Port Health and Animal Health statutory functions.

Financial security and development.

Explore commercial development opportunities for Port Health and HARC.

Adapt Cemetery and Crematorium services to meet the needs of service users and optimise income.

Air Quality Strategy

Approval of draft Strategy

Statutory consultation

Approval of final version of Strategy

Adopt new strategy Oct 25

Implement new Air Quality Strategy.

Cleansing Service

Deliver an effective, high-quality and responsive Cleansing Service.

Anti-Social Behaviour (Cleansing Service)

Prevent, and mitigate the effects of, Anti-Social Behaviour (ASB) in the City.

Circular Economy Strategy

Adopt and begin to implement the Circular Economy Strategy.

Our major workstreams 2024/25

Workstream Name	Funding allocation % (of total PH&ES and Licensing revenue budget)	People resource % (of total FTE within scope of this plan)	Prioritisation category	Dependencies	Outcomes/ Impacts	KPI	Update Schedule	24/25 Target	22/23 Baseline
Protecting and promoting public, animal and environmental health, and consumer protection. <ul style="list-style-type: none"> Promote the Healthier Catering Commitment (HCC) Scheme to relevant City food establishments. Deliver the Food Law Enforcement Plan. Deliver the Health & Safety Cooling Towers regime. Deliver a 24/7/364 Noise Response Service. Actively participate in multi-agency partnership, Operation Broadway, to disrupt investment fraud in and around the square mile. 	6%	11%	1. Duty and Statutory	<ul style="list-style-type: none"> Changes in legislation. Food Hygiene and Food Standards Delivery models published by the FSA. HSE priorities for inspection. Destination City. City's development pipeline. 	Better regulation and support for businesses in line with local, national and international standards and priorities to achieve impactful outcomes for stakeholders.	Number of relevant food businesses signed up to the Healthier Catering Commitment Scheme.	Every four months	93%	new KPI 2024/25
						% of justifiable noise complaints investigated which result in a satisfactory outcome.	Every four months	90%	100%
						% of planned food hygiene inspections completed in year.	Every four months	95%	new KPI 2024/25
						% of planned Cooling Tower inspections completed in year.	Annually	100%	new KPI 2024/25
						Number of Operation Broadway deployments.	Every four months	80	new KPI 2024/25
Licensing Service Deliver the Licensing Service within the context of Destination City and with a business-friendly approach. <ul style="list-style-type: none"> Publish a refreshed Street Trading Policy (by 31 March 2025). Develop and publish a new 10-year Al-Fresco Dining Policy (by 31 March 2025). Reinvigorate the Safety Thirst Scheme. 	2%	4%	1. Duty and Statutory	<ul style="list-style-type: none"> City of London priorities. Economic outlook. Changes in legislation. 	Support delivery of Destination City by facilitating licensed activity in the Square Mile. Promotion of the four Licensing objectives set out in the Licensing Act 2003 and fulfilment of statutory duties to ensure all licensed premises are safe and do not give rise to public nuisance or crime and disorder.	Ensure that within 12 months licensed premises in red or amber zone of Traffic Light Scheme are brought back into amber or green zones respectively.	Annually	90%	100%
						Number of premises in the Safety Thirst Scheme.	Annually	80	72 (2019)
Protect public, animal and environmental health at the borders <ul style="list-style-type: none"> Delivery of Border Target Operating Model for Food, Feed and Live Animals. Continue to deliver Port Health and Animal Health statutory functions. 	0% Cost neutral	43%	1. Duty and Statutory	<ul style="list-style-type: none"> Requirements of the government's Border Target Operation Model. Changes in legislation. 	Realisation of new border controls for food and feed from the EU where the service is meeting service demand from industry whilst providing effective public health protection. Provision of effective biosecurity controls at the border and promotion of animal welfare.	% increase in consignments (Port Health).	Annually	20%	new KPI 2024/25
						Number of new locations/ premises served.	Annually	3	new KPI 2024/25
						% of imported food and feed consignments that satisfy the checking requirements cleared within 5 days.	Every four months	85%	POAO:79% PNAO:94%
						% of flight collections attended within 30 minutes of the flight offloading.	Every four months	95%	new KPI 2023/24

Workstream Name	Funding allocation % (of total PH&ES and Licensing revenue budget)	People resource % (of total FTE within scope of this plan)	Prioritisation category	Dependencies	Outcomes/ Impacts	KPI	Update Schedule	24/25 Target	22/23 Baseline	4
Financial security and development <ul style="list-style-type: none"> Examination of Commercial Development Opportunities for Port Health and HARC across London and a wider area. (2024-2027) Adapt Cemetery and Crematorium services to provide a variety of options relevant to the needs and preferences of customers and optimise income. (2024-2026) 	0% Cost neutral	3%	9. Income generation	<ul style="list-style-type: none"> Demand and take-up of alternative/additional service options. 	Establish financial security and sustainable delivery of our specialist services. Delivery of services which are responsive to customer and stakeholder needs, through investment in business development capability. Support and compliment statutory functions through a stronger commercial approach.	HARC % of market share.	Annually	>60%	60%	
						HARC % increase in income.	Every four months	5%	0	
						Number of burials and cremations.	Every four months	>3,290	3,278	
Air Quality Strategy <ul style="list-style-type: none"> Draft a new Air Quality Strategy and present to PH&ES Committee (May 2024). Undertake statutory consultation. Present final draft strategy to PH&ES Committee (September 2024). Publish and implement new Air Quality Strategy (October 2024). 	2%	2%	7. Climate Action	<ul style="list-style-type: none"> Sufficient resources to deliver the work. Updated government guidance. 	A new Air Quality Strategy, incorporating additional requirements to tackle PM2.5, will be published and delivery will result in further improvements to air quality in the Square Mile. Improved health for residents, workers and visitors.	% of the City's area that meets the health-based Limit Values and WHO Guidelines for nitrogen dioxide levels.	Annually (calendar year)	90% by March 2025	93% (2022)	
Cleansing Service Deliver an effective, high-quality and responsive Cleansing Service which aligns with Member-approved service levels and meets the needs of City residents, businesses and visitors.	68%	17%	1. Duty and Statutory	<ul style="list-style-type: none"> Changes to the public realm on the Highway which can impact resource requirements and/or service delivery. Changes to core strategies. Services are delivered out of operational facilities which are maintained by City Surveyor's Department. 	Fulfilment of statutory duties. A cleaner City; efficient waste collection and recycling services. An adaptive service which meets changing demands, including those arising from the implementation of the Destination City Strategy, Climate Action Strategy and Transport Strategy.	% of streets with unacceptable levels of litter, detritus, graffiti and flyposting (NI 195).	Every four months	<5%	1.29%	
						Number of major and minor issues raised with Cleansing Contractor.	Annually	=< 2	4	
Mitigate results of Anti-Social Behaviour (ASB) – Cleansing Service <ul style="list-style-type: none"> Prevent, and mitigate effects of, Anti-Social Behaviour (ASB) in the City. 	5%	2%	2. Duty and Discretionary	<ul style="list-style-type: none"> City of London Police patrols and enforcement. Work of the Licensing Team to ensure compliance in order to minimise instances of ASB. Use of third-party contractors such as Park Guard. 	The Cleansing Service will adapt to changing demands arising from expected increases in, and varied timing of, footfall, thereby reducing the effects of ASB in the City.	Community Toilet Membership.	Annually	75	72	
Circular Economy Strategy <ul style="list-style-type: none"> Adopt and begin to implement the Circular Economy Strategy. <i>(The Strategy is being developed during FY 2023/24, this will include establishing aims, actions and KPIs.)</i>	0.5%	<1%	7. Climate Action	<ul style="list-style-type: none"> Targets within the Climate Action Strategy. Planning Policy; Procurement Policy. City Surveyor's Department as asset owners and property managers. Legislative drivers. 	Adoption of Circular Economy principles will keep products and materials in use for as long as possible, reducing waste and helping to achieve the City's Climate Action ambitions.	Annual household waste recycling rate (% by weight).	Annually	32%	30%	

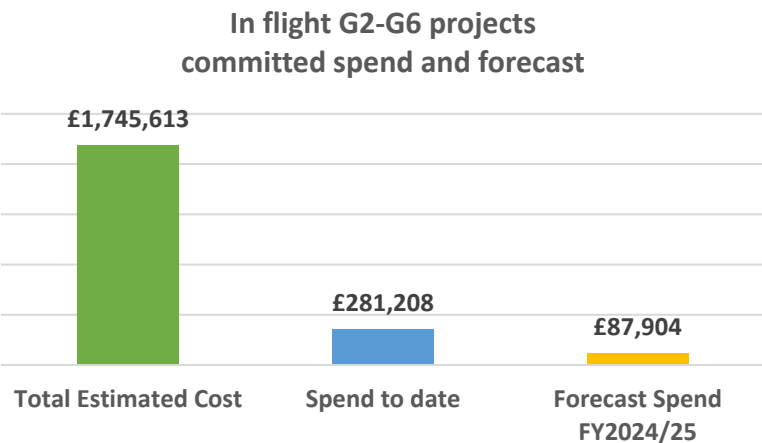


**Medium Term Plans under consideration
(2025/26 and 2026/27)**

Priority list (e.g. new legislation, services, projects, automation)	2025/ 2026	2026/ 2027	Funded or Unfunded
Review and retender Cleansing service contracts due to expire in 2027 including operations at Walbrook Wharf	x	x	Funded
Embed new Border Operating Model	x	x	cost-neutral
Review HARC accommodation	X	X	Unconfirmed
Review Cemetery and Crematorium accommodation	x	x	Unconfirmed
Review Port Health accommodation	x	x	Unconfirmed
Refresh/re-write the Noise Strategy		x	Unconfirmed

Environment Department Business Plan 2024/25 Page 25

**In-flight Capital Projects (Gateway 2-6)
Total no. of projects: 4**



Operational Property requirements

The Environment Department’s staff are based across 25 sites throughout London and the south-east. We hold approximately 340 physical assets, almost 270 of which are at our Natural Environment sites.

As part of the Corporation’s Operational Property Review Programme, the Environment Department is undertaking a critical review of all its physical assets, including operational property. A Departmental ‘Task and Finish’ group has been established and meetings are taking place to progress this project. The initial stage of the project will be to identify the resources required to undertake a full analysis and in-depth review of all physical assets held by the department, including baselining operational requirements, financial position and state of repair.

Following this, we will work with the City Surveyor’s Department to establish a detailed project plan and realistic timeline. An update on the status of the assets relevant to this Committee will be reported, including any that are identified as surplus to requirements.

Operational Property Utilisation Assessment

Asset name	Assessment Complete?
Guildhall complex	Initial Workplace Survey completed June 2023. Detailed utilisation assessment to be considered as part of the OPR Programme.
Additional operational properties	No, utilisation assessments of these properties to be considered as part of the overall OPR Programme.

Key risks

Details are accurate at January 2024 but are subject to continual review and change.

Our highest risks are listed in the table below. The matrix shows the overall business risk profile for the Port Health and Public Protection Division and the Cleansing Service.

Risk Title *	Score
Brexit – Impact on Port Health and Animal Health	RED, 24
Road traffic collision caused by City of London staff or contractor who is unfit to drive while on City business	RED, 16
Inadequate staffing (Port Health Service)	AMBER, 12
Repair delays (HARC)	AMBER, 12
Air Quality (Corporate Risk)	AMBER, 6

Risk profile

		Impact			
		Minor	Serious	Major	Extreme
Likelihood	Likely		2		
	Possible		6	3*	1
	Unlikely	1	10	1	1
	Rare	1	1	2	

* N.B. One risk which has a current score of Amber, 12 is not listed in the table above as it is exempt from public disclosure by virtue of para. 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Our strategic commitments

Climate Action Strategy

- Embed climate resilience as a key component in decision making.
- Develop a plan to protect public health from urban heat effects.
- Reduce pollution and increase the resilience of the Square Mile.
- Develop service-based Climate Adaptation Plans.

Destination City

- **Support City businesses and residents to adapt to the changing dynamic of the City to a 7-day a week venue and cultural destination.**
- **Balance the needs of the businesses, residents and visitors.**

Licensing Policies

- **Promoting the four licensing objectives by refreshing and implementing related policies, including: Statement of Licensing Policy; AI-Fresco Dining; Street Trading Policy; Gambling Policy.**

Air Quality Strategy

- Ensure that the City complies with the statutory requirements for London Local Air Quality Management.
- Demonstrate leadership for London by implementing the actions identified in the Air Quality Strategy 2019-2024 and develop a new strategy to reflect new requirements for reducing emission for PM2.5.

Circular Economy Strategy

- Promote and enforce a policy of eliminating unnecessary single use items and lead by example.
- Deliver a successful programme of City-wide Circular Economy events.
- Work across departments to embed Circular Economy principles in all aspects of our work. Explore income streams to offset the increase in expenditure.

Noise Strategy and Contaminated Land Strategy

- Continue to develop, and implement the actions identified within, the Noise Strategy 2016-2026 and Contaminated Land Strategy 2021-2030.

Safer City Partnership Strategy

- Actively participate in the Safer City Partnership, particularly in respect of the Anti-Social Behaviour and Night-time Economy workstreams.

Corporate Plan

We are working to align to the developing Corporate Plan, through continued engagement and participation in the Strategy Forum, Strategic Planning Group and so on. We will shape our strategies and services appropriately to ensure they support achievement of the City Corporation's outcomes.

Our future Business Plans will be fully informed by the mission, aims and outcomes in the 2024-29 Corporate Plan.

We will actively support the delivery of, and provide advice on, other relevant Corporate strategies, policies and programmes, including (but not limited to):

- **Transport Strategy**
- **Secure City Programme**
- **The Recovery Taskforce**
- **Housing Strategy**
- **Lighting Strategy**
- **The City Plan 2040**
- **Health, Safety and Wellbeing Strategy**
- **Social Mobility Strategy**
- **Responsible Business Strategy**
- **Corporate Volunteering Strategy**

We will review any new corporate strategies and policies as they are approved and consider how our services can and will support their delivery during 2024/25 and in future years. This will include the new Corporate Plan 2024-2029 and the People Strategy.



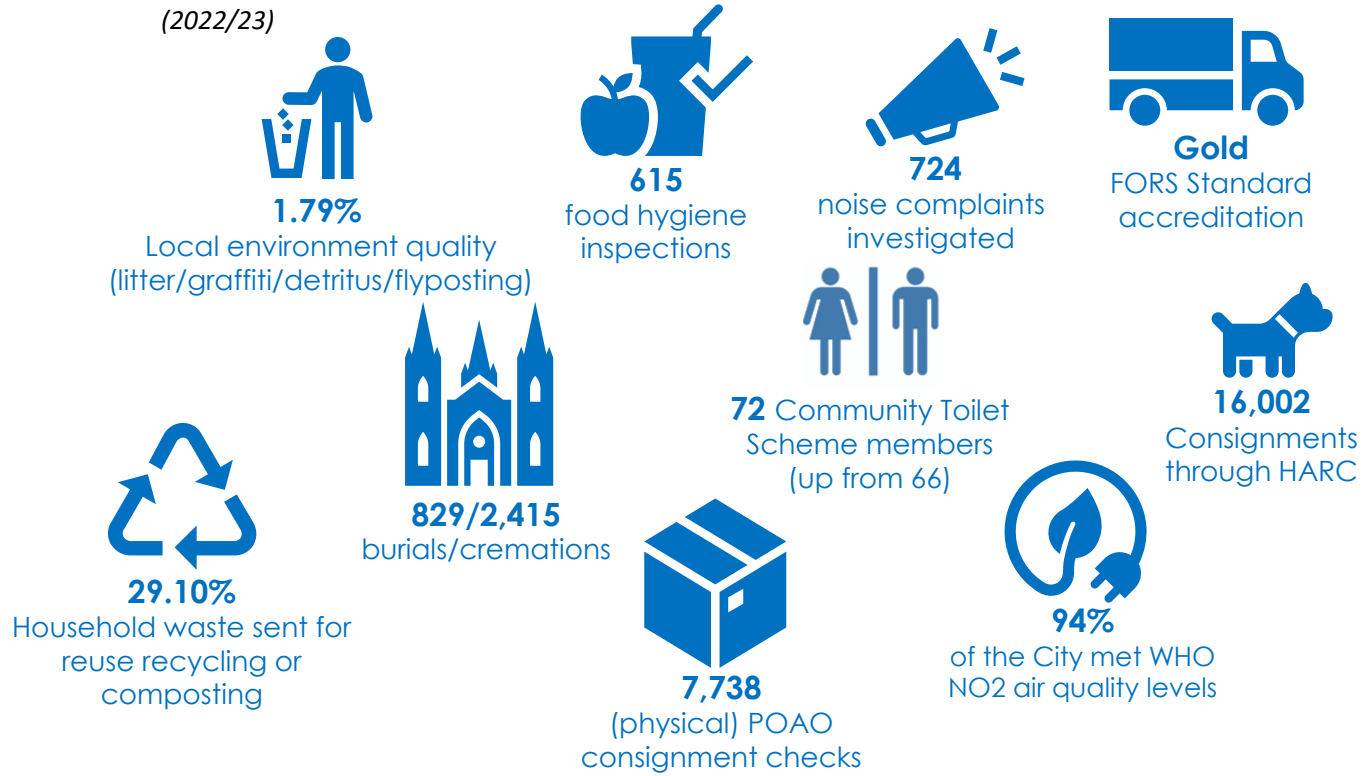
Our stakeholders

We have a wide range of stakeholders and delivery partners including, but not limited to, those shown here:

Riparian Boroughs
 Other CoL Departments
Neighbouring boroughs
 London universities
 Contracted boroughs (Animal Health)
 City of London Members Funeral Directors
 Charity sector Airlines
 Government and their agencies
Importers City visitors
 BIDs City businesses LUL
 CoLP GLA TfL
Licensees City of London staff Major Ports
 Port operators **Transport sector**
Primary Authority Partners
 London Councils
 City residents

Our Impacts

(2022/23)



Stakeholder engagement

We continue to communicate with our stakeholders appropriately and take their feedback into consideration when shaping our services. All new policies and strategies are subject to formal consultation. Some examples are as follows:

- **Licensing** – In accordance with the requirements of the Licensing Act 2023, when determining and reviewing our Statement of Licensing Policy, we consult with other responsible authorities and representatives of licensees of all types, together with representatives of local residents and businesses. We also consider relevant representations made by responsible bodies and other persons in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates. We hold an annual Lord Mayor’s Round Table with trade representatives, and an annual Licensed Trade Forum.
- **Air Quality** – The whole air quality programme involves working very closely with external stakeholders. We take all feedback into consideration to shape the service and the programmes we deliver. We also chair the London Air Quality Steering Group and work closely with research organisations.
- **Cemetery and Crematorium** – We maintain regular communication with stakeholders via appropriate channels, inviting and considering their feedback. This includes regular email updates to, and individual meetings with, Funeral Directors; daily liaison with visitors, celebrants, stonemasons etc in our office, chapels and grounds; and a six-monthly newsletter which is circulated to a wide audience. In early 2024, an open meeting will be held with Funeral Directors, Ministers and Celebrants to discuss our plans to change the way the cremation chapels function in order to provide an improved level of service.
- **Animal Health** – We undertake a range of engagement with our stakeholders, including delivery of the London Animal Welfare Forum.

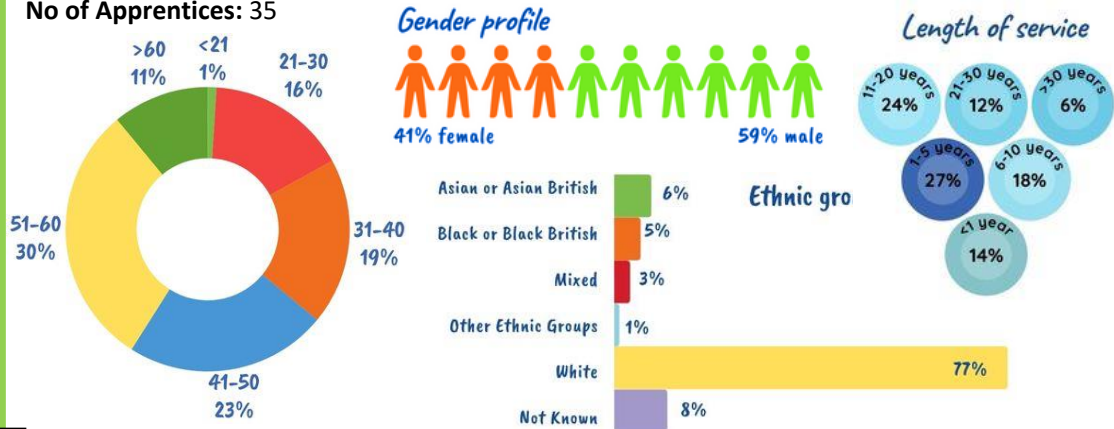
Our People

The data and information on this page relates to the whole of the Environment Department, not just to the services covered by this business plan. All data correct at 28/09/2023.

Workforce representation

Current staffing levels: 679.1 FTE (headcount: 714)

No of Apprentices: 35



Equality, Diversity and Inclusion

- The Environment Department is committed to driving forward the City of London Corporation’s Equality, Diversity and Inclusion (EDI) agenda. The department’s Senior Leadership Team, with the help of their Equalities Champions, seek to identify equality and inclusion priorities, develop appropriate actions to address inequalities and foster good relations between diverse groups.
- The Department’s EDI Working Group consists of representatives (Champions) from across the department and is responsible for developing and ensuring compliance with the Departmental EDI Action Plan, and that actions support the Col’s overall Equality duties.
- The Group is currently developing a Departmental EDI Plan which will align with the Corporate EDI Plan.

The first three priorities of our Departmental EDI Action Plan for 2024/25 are to ensure that:

- Our staff have a clear understanding of the Equality Act 2010, particularly the PSED, and how it applies to them both in terms of service provision and working with colleagues. We will achieve this by ensuring staff undertake mandatory equality training and other relevant training, such as EQIAs and management skills.
- Our Equality Champions actively support and advise managers and colleagues on EDI matters.
- EQIAs are undertaken, recorded, and the results taken into consideration when making decisions on service delivery.

Health and Safety

The first three priorities of our Departmental Health and Safety Action Plan for 2024/25 are:

- Mental Health – Stress Risk Assessments: Assess stress factors for all teams across the department, to determine the most effective actions to promote staff wellbeing.
- Departmental Audit process: Implement a cross divisional Health and Safety compliance audit to share best practise and develop a departmental H&S culture.
- Front line staff, including lone workers: Audit local processes, to ensure adequate controls are in place for vulnerable staff including lone workers.

Developing our people

The first three priorities of our Departmental Workforce Plan for 2024/25 are:

- Improve staff communication and engagement.
- Increase people management skills and team building.
- Undertake a skills mapping audit.



We are increasing staff engagement through:

- Collaboration with corporate working groups and staff networks.
- Hosting staff network visits to our sites.
- Publishing a monthly departmental newsletter.
- Maintaining and promoting our departmental SharePoint site
- Our Departmental Working Groups which comprise representatives from all divisions (Communications; EDI; Health & Safety; Workplace; IT).
- Celebrating success, e.g. many nominees for the Celebrating our People Awards 2023.

We are developing capability and managing our talent through offering:

- Departmental induction sessions for new joiners.
- ILM Talent Management Programme.
- Supervisory training for managers.
- Specific training, e.g. ‘Investigation’ training for managers and ‘Finance for non-financial managers’ courses, which support corporate financial and HR objectives.
- Mentoring of apprentices and ILM candidates (and training for mentors).

Our work locations

Total Environment Department people resource: 679.1 FTE
(N.B. data is accurate at 28/09/2023 but is subject to continual change.)

Guildhall complex	268.2 FTE
Walbrook Wharf	13 FTE
London Gateway Port	55 FTE
River Division Office (Denton)	6 FTE
Heathrow Animal Reception Centre	47 FTE
Col Cemetery & Crematorium	53.9 FTE
Old Bailey (Coroner’s service)	2 FTE
Epping Forest	52.8 FTE
Hampstead Heath, Highgate Wood, Queen’s Park (Several different buildings across these sites.)	105.8 FTE
West Ham Park	12.5 FTE
Keats House	2.9 FTE
Ashted Common	6 FTE
Burnham Beeches and Stoke Common	14.2 FTE
West Wickham and Coulsdon Commons	11.8 FTE
City Gardens, Depot	28 FTE

The Environment Department

Shaping sustainable future environments

The Environment Department is the largest in the organisation and provides a diverse range of services to London and the South East.

Within the ‘square mile’ we deliver many local authority and regulatory functions including planning and development; building control; highways and transportation; cleansing and waste; environmental health, licensing and trading standards.

Further afield, we manage over 4,500 hectares of green spaces; run the City of London Cemetery and Crematorium; operate the Heathrow Animal Reception Centre; provide animal health services London-wide; and, as the London Port Health Authority, undertake controls on imported food and feed through London’s ports. The Department’s aims, activities and vision are presented in the diagram below.

Due to the complexity and scope of the department, three separate High-Level Business Plans have been produced to reflect our three key Committee ‘clusters’. This plan covers the service areas which fall within the remit of the Port Health & Environmental Services Committee and the Licensing Committee.



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Licensing Service Priorities 2024/25

Listed below are the priority workstreams that will be undertaken by the Licensing Service during 2024/25.

These workstreams support those set out in the Environment Department's high-level Business Plan 2024/25 which, in turn, supports the delivery of the City of London's Corporate Plan and other key corporate strategies, programmes and policies.

1. Deliver the Licensing Service within the context of Destination City and with a business-friendly approach.
2. Publish a refreshed Street Trading Policy (by 31 March 2025).
3. Carry out a mapping project to identify streets, spaces or areas of The City that could be suitable for markets, events, later licensing hours or more licensed premises as a tool for potential investors to the City.
4. Enhance and relaunch the City of London Safety Thirst accreditation scheme, realigned with the new Licensing Code of Good Practice.
5. Review and re-publish the City of London Statement of Licensing Principles under the provisions of the Gambling Act 2005.
6. Implement the provisions of the Levelling Up and Regeneration Act 2023 (subject to pending government regulations) in respect of the Business and Planning Act 2020, and a permanent pavement licence regime.
7. Review the City of London's Al Fresco Eating and Drinking Policy following permanency of the pavement licence regime.
8. Review the Licensing pages of the City of London website to ensure up-to-date and accurate information is available to users.
9. Enhance the licensing back-office software (Idox Uniform) to further underpin the management of the Licensing Service.
10. Determine the financial implications for licensing income generally and determine annual fees for each of the licensing categories.

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Committee(s)	Dated:
Licensing Committee	08/02/24
Subject: Licensing Act 2003 – Pool of Model Conditions	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1,4,5
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain’s Department?	n/a
Report of: Bob Roberts, Interim Executive Director Environment	For Decision
Report author: Aggie Minas – Licensing Manager	

Summary

This report sets out the general principles on licence conditions that can be included on premises licences or club premises certificates issued under the provisions of the Licensing Act 2003 (the Act). The City has a pool of model conditions that can assist applicants, responsible authorities, other persons, and licensing sub-committee members when proposing or imposing conditions on a licence. In carrying out its licensing functions, the City of London Corporation (the City) must have regard to S182 guidance (the guidance) issued under the Act by the Secretary of State. It is good practice for the City to regularly review its pool of model conditions to ensure that they align with changing legislative requirements. The revised pool of model conditions is attached as Appendix 3 to this report.

Recommendation(s)

Members are asked to:

1. Agree the revised pool of conditions attached as Appendix 3 to this report.
2. Agree that minor changes to the Model Conditions is delegated to the Director of Port Health & Public Protection in consultation with the Chairman and Deputy Chairman of Licensing Committee

Main Report

Licensing Act 2003

1. The Act requires that when a licensing authority determines an application in the absence of representations, it must grant a licence subject only to (a) *‘such conditions as are consistent with the operating schedule accompanying the application’* and (b) *‘any conditions which must be included in the licence’* (mandatory conditions).

2. Where relevant representations are made, a licensing authority must, having had regard to the representations, determine the application. If the authority decides to grant application, the licence can be subject to *'such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives. Conditions are modified if any of them are altered, omitted or any new condition is added'*.

Section 182 Guidance

3. Paragraph 1.16: Conditions set out the parameters within which premises can lawfully operate and must be written in prescriptive format. Wording such as 'must', 'shall' and 'will' are encouraged to prevent ambiguity about what is expected to be complied with. Conditions must:
 - 3.1. be appropriate for the promotion of the licensing objectives;
 - 3.2. be precise, proportionate, justifiable, unambiguous, enforceable, clear in what they intend to achieve and capable of being met;
 - 3.3. not duplicate other statutory requirements;
 - 3.4. be tailored to the individual type, location and characteristics of the premises and events concerned;
 - 3.5. should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - 3.6. not replicate offences set out in the 2003 Act or other legislation;
 - 3.7. not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave;
4. Paragraph 1.17: It is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.
5. Paragraph 10.2: Failure to comply with any condition attached to a licence or certificate is a criminal offence, which may lead to a criminal prosecution or an application to review the licence. A conviction is punishable by an unlimited fine or up to six months' imprisonment and a review may lead to the revocation of a licence. It is important therefore that conditions are precise and clear for a licence holder to observe.
6. Paragraphs 10.3-10.10: There are three types of conditions that can be included on a licence:

6.1 Proposed conditions:

- 6.1. These can be drawn from the steps described in the applicant's operating schedule to promote the licensing objectives.

- 6.2. A licensing authority should not simply replicate the wording from the schedule but should draw only on such conditions that are appropriate and proportionate for the promotion of the licensing objectives, that are consistent with the operating schedule, and interpreted in accordance with the applicant's intention.
- 6.3. In some cases, discussions take place between the applicant and responsible authorities or other persons who have made representations, where the applicant agrees to accept conditions proposed by the responsible authority or other person without the need for a hearing.

6.2 Imposed conditions:

- a) These can be imposed at a licensing sub-committee hearing following the receipt of representations, where the members are satisfied that it is appropriate to impose conditions to promote one or more of the licensing objectives.
- b) Conditions must be proportional to the size, type, location, characteristics and activities taking place.
- c) Conditions must be determined in a case-by-case basis and standardised conditions should be avoided.
- d) It is possible in some cases that no additional conditions are appropriate.

6.3 Mandatory conditions

- a) Dependent on the activity permitted by the licence, the Act provides for mandatory conditions to be included on a licence in relation to the supply of alcohol, the exhibition of films, and door supervision.
- b) Mandatory alcohol conditions relate to the designated premises supervisor, the authorisation of alcohol sales by a personal licence holder, irresponsible drinks promotions, drinking games, the provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price.
- c) Relevant mandatory conditions are automatically applied to licences by process of law and involve no discretion.
- d) A copy of the mandatory conditions is attached as Appendix 1.

City of London pool of model conditions

7. Since 2008, the City has had an adopted pool of model conditions (the model conditions) for licensing applications. The model conditions are not a standard set of conditions but a source of example conditions that are enforceable and can be used to encourage a consistent approach by applicants, responsible authorities, other persons, and licensing sub-committee members when proposing or imposing conditions on a licence. The model conditions are not exclusive or exhaustive and do not restrict any applicant, responsible authority, or other person from proposing any alternative conditions nor would it restrict a licensing sub-committee from imposing any alternative enforceable condition on a licence it considers appropriate and proportionate for the promotion of the licensing objectives.

8. The model conditions were last revised in 2014 and there have been many changes to the Act, the guidance, the City's Statement of Licensing Policy (SoLP) and the City's licensing landscape since then. It is essential that the model conditions are reviewed so they align with current legislative requirements, are reflective of the current SoLP, and continue to be appropriate in achieving their aims in promoting the licensing objectives.
9. The current pool of model conditions is attached as Appendix 2.

Revisions to the model conditions

10. The model conditions have been revised as follows:
 - 10.1. A new introduction and supporting paragraphs 1-4 have been added. The conditions have been regrouped under the relevant licensing objective headings.
 - 10.2. MC1 (replaces original MC01) – CCTV condition: the supplementary wording has been removed as it is not relevant.
 - 10.3. MC2 (replaces original MC02) – Promoted events - no change.
 - 10.4. MC3 – Promoted event risk assessment: New condition requiring a risk assessment where promoted events might be permitted.
 - 10.5. MC4 (replaces original MC03) - Incident Management: the supplementary wording has been removed as it is not relevant. Added the log of entry refusals and incorporates original MC19 – log of underage sale refusals / no ID refusals.
 - 10.6. MC5 – MC7 (replace original conditions MC04 – MC06) - Door Supervisors: wording of the conditions has been amended to make them clearer and unambiguous. The reference to regulated entertainment has been removed as this would suspend the condition during hours and circumstances where entertainment has been deregulated. The requirement to have a specified number of door supervisors has been replaced with the requirement to carry out a risk assessment so that the number of door staff are suited to the type of event and number of customers expected to attend.
 - 10.7. MC8 – (replaces original MC07) - Search Policy: additional wording has been added to make the condition enforceable.
 - 10.8. MC9 – (replaces original MC23) – No single sale of cans/bottles - with additional wording to make the condition clearer.
 - 10.9. MC10 – (replaces original MC28) – No self-service of spirits - no change.
 - 10.10. MC11 – MC12 – (replace original conditions MC10-MC11) – no change.
 - 10.11. MC13 – MC16 – (replace original conditions MC08,MC09,MC16 and 30) – Admissions/readmissions – no change.
 - 10.12. MC17 – (replaces original MC14) Dispersal - additional wording has been added to make the condition enforceable.
 - 10.13. MC18 – (replaces original MC15) – signage – no change.
 - 10.14. MC19 – (replaces original MC12) – general noise - wording of the condition has been amended to make it clear that the condition applies to external doors and windows. The reference to regulated entertainment has been removed as this would suspend the condition during hours and circumstances where entertainment has been deregulated.

- 10.15. MC20 – Music noise, regulated entertainment: new condition similar to MC19 but to apply where entertainment has been regulated following review of licence.
- 10.16. MC21- (replaces original MC13) – loudspeakers – no change.
- 10.17. MC22 - Digital noise limiter: due to an increase in hospitality open roof space and terraces, a new condition has been added to protect sensitive receptors in the vicinity e.g. residents, appropriate to promote the public nuisance objective
- 10.18. MC23 – Noise management plan – due to an increase in hospitality open roof space and terraces, a new condition has been added to protect sensitive receptors in the vicinity e.g. residents, appropriate to promote the public nuisance objective
- 10.19. MC24 – (replaces original MC18) – no change.
- 10.20. MC25 – (replaces original MC17) – off-sale consumption on the highway – wording has been amended to make the condition clearer.
- 10.21. MC26 – off-sale consumption in designated area – new condition – permitting off-sale consumption of alcohol in designated area (covered by pavement licence)
- 10.22. MC27-MC29 – use of designated outdoor space: new conditions have been added to regulate the use of designated outdoor spaces such as roof gardens or pavement licenced areas, where it is not going to cause a public nuisance.
- 10.23. MC30 – (replaces original MC24) – no obstruction of highway – no change.
- 10.24. MC31 – (replaces original MC20) Underage Sales – suitable types of ID amended to reflect amendments to Licensing Act 2003.
- 10.25. MC32 – (replaces original MC21) – unaccompanied children – no change.
- 10.26. MC33-MC35 –(replace original MC25,MC26, and MC29) – service of alcohol with meal – no change.
- 10.27. MC36-MC37 – shadow licences: due to an increase in the number of ‘shadow licences’, new conditions have been added to provide clarity about which licence is in use. A shadow licence is a term used to describe a licence usually granted to a landlord of the building for the protection of having a licence in their own name should the original premises licence lapse or is surrendered. A shadow licence runs concurrently with a premises licence.

11. The revised pool of model conditions is attached as Appendix 3.

Consultation

12. The City’s Licensing and Environmental Health teams have been consulted on and contributed to the revised model conditions as have the City of London Police.

Corporate & Strategic Implications

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

Implications

14. There are no financial or legal implications as a result of this report.

Recommendations

15. It is recommended that Members approve the proposed amendments and additions to the model conditions as set out in Appendix 3.

16. To enable amendments or additions to be made to the Pool of Model Conditions as and when required this report also recommends that any further changes to the Model Conditions is delegated to the Director of Port Health & Public Protection in consultation with the Chairman and Deputy Chairman of Licensing Committee.

Appendices

- Appendix 1 – Mandatory Conditions
- Appendix 2 – Current Pool of Model Conditions
- Appendix 3 – Revised Pool of Model Conditions

Background Papers

- [Licensing Act 2003 and associated regulations](#)
- [Licensing Act 2003, S182 guidance](#)
- [City of London Statement of Licensing Policy 2022](#)

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Mandatory Alcohol Conditions

1. No supply of alcohol may be made under the Premises Licence
 - a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - I. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - II. The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - III. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - a) a holographic mark or
 - b) an ultraviolet feature.
6. The responsible person shall ensure that –
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

i. P is the permitted price

ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

i. The holder of the premises licence

ii. The designated premises supervisor (if any) in respect of such a licence, or

iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Door Supervisor Conditions

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory Exhibition of Films Conditions

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
 - a. The film classification body is not specified in the licence, or
4. The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
 - a. admission of children must be restricted in accordance with any recommendation made by that licensing authority.
5. In this section "children" means any person aged under 18; and
6. "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

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City of London - Licensing Act 2003

Pool of Model Conditions

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

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

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

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

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

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

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

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

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

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

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

The Prevention of Crime and Disorder.

CCTV

MC01 The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, 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 Licensing Authority recordings of the preceding two days immediately when requested.

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

Promoted Events

MC02 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.

Incident Management

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

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

Door Supervisors

MC04 On any occasion that regulated entertainment is provided, not less than ** SIA registered door supervisors shall be engaged to control entry.

MC05 At least ** female door supervisor(s) shall be engaged at the premises at such times as door supervisors are required to be provided.

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

Late night Provisions

- MC08 There shall be no admission or readmission of customers to the premises after **:**:** hours save for customers using the agreed smoking area at the premises.
- MC09 On occasions where licensable activities are carried on past **:**:** hours admission of customers will be restricted to [*enter restriction e.g. a particular entrance, a particular area of the licensed premises etc*].

Public Safety

- MC10 All glasses in use at the premises shall be either toughened glass or polycarbonate material.
- MC11 No drinks of any sort are to be supplied to customers in glass bottles.

The Prevention of Public Nuisance

Noise (regulated entertainment)

- MC12 All doors and windows shall remain closed at all times after **:**:** hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.
- MC13 Loudspeakers shall not be located in the entrance lobby, [*specify another location if appropriate*] or outside the premises.

Noise (persons)

- MC14 A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
- MC15 Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
- MC16 Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them. .
- MC17 There shall be no sale of alcohol in unsealed containers for consumption off the premises.

MC18 The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.

The Protection of Children from Harm

MC19 A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under ** years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the City of London Corporation.

MC20 A 'Challenge **' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of ** shall provide documented proof that he/she is over ** years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

MC21 Children under the age of ** years shall not be allowed on the premises after **:** hours unless accompanied by an adult.

MC22 Children under the age of ** years shall not be allowed on the premises.

MC23 No single cans or bottles of beer or cider shall be sold at the premises.

General

MC24 Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear.

MC25 Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.

MC26 Alcohol shall be sold to customers by waiter/waitress service only.

MC27 There shall be no sales of alcohol for consumption off the premises.

MC28 There shall be no self service of spirits on the premises.

MC29 Sales of alcohol for consumption off the premises shall only be supplied with a meal.

MC30 There shall be no admission after xx:xx other than to
1) Residents of the hotel and their bona fide guests
2) Persons who have pre-booked to attend a function at the premises

MC31 No entertainment, performance, service, or exhibition involving nudity or sexual stimulation shall be permitted.

**City of London
Licensing Act 2003 - Pool of Model Conditions**

1. Introduction

- 1.1. This document sets out the general principles on licence conditions that can be included on premises licences or club premises certificates issued under the provisions of the Licensing Act 2003 (the Act).
- 1.2. In conducting its licensing functions, the City of London Corporation (the City) must have regard to S182 Guidance (the Guidance) issued under the Act by the Secretary of State. The Guidance states that conditions on a licence set out the parameters within which premises can lawfully operate and that failure to comply with a condition is an offence under the Act.
- 1.3. Conditions must therefore be precise and straightforward for a licence holder to observe. They must be clear in what they intend to achieve and appropriate. Conditions must also be proportionate for the promotion of the licensing objectives, expressed in a prescriptive format that is unambiguous, and they must be enforceable.
- 1.4. This document contains a pool of model conditions drawn up by the licensing authority and the relevant responsible authorities. They are not a standard set of conditions but a source of example conditions that are enforceable. They can be used to encourage a consistent approach by applicants, responsible authorities, other persons, and licensing sub-committee members when proposing or imposing conditions on a licence. They must not be applied universally to licences, and any proposed or imposed condition must be appropriate and proportionate to the activities taking place at the premises. The wording of any condition may be amended where necessary.
- 1.5. The model conditions are not exclusive or exhaustive and do not restrict any applicant, responsible authority, or other person from proposing any alternative conditions nor would it restrict a licensing sub-committee from imposing any reasonable alternative enforceable condition on a licence it considers appropriate and proportionate for the promotion of the licensing objectives.

2. Applicants

- 2.1. When applying for a new premises licence or club premises certificate, or to vary an existing licence, the applicant must ensure that when licensable activities are taking place the four licensing objectives are promoted. Conditions that are appropriate to promote the licensing objectives should initially emerge from a risk assessment completed by an applicant which can be translated into their operating schedule. In preparing their operating schedule, an applicant should consider the City's Statement of Licensing Policy and the City's Code of Good Practice for Licensed Premises. An applicant can propose appropriate conditions from this pool of model conditions. The wording of any condition may be amended where necessary.

2.2. Applicants are advised to contact the licensing team at licensing@cityoflondon.gov.uk for a pre-application meeting. The licensing team will liaise with the relevant responsible authorities including the City of London Police and Environmental Health to coordinate a site visit, where expert advice can be offered on the City's policies, and any site-specific concerns relating to the four licensing objectives that need to be considered in the operating schedule. This will assist the applicant in proposing appropriate conditions.

3. Responsible Authorities and other persons

3.1. Responsible authorities can propose appropriate conditions from this pool of model conditions to address any concerns identified during a pre-application meeting. The wording of any condition may be amended where necessary.

3.2. Once an application is received, all parties are expected to work in partnership for the collective promotion of the licensing objectives. If a responsible authority or other person is considering making a representation, they may propose a condition to the applicant from this pool of model conditions, where it is appropriate to promote the licensing objectives. This may lead to the matter being resolved without the need for a hearing if all parties agree.

4. Licensing Sub-Committee

4.1. Where relevant representations are made in relation to an application and not withdrawn, a licensing sub-committee will hear the application. Having had regard to the representations, the licensing sub-committee may decide to grant the licence subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers appropriate for the promotion of the licensing objectives. Conditions are modified if any of them are altered, omitted or any new condition is added. For consistency, members of the sub-committee may propose appropriate conditions from this pool of model conditions.

4.2. The model conditions are listed under the licensing objective headings.

The Prevention of Crime and Disorder

MC1	CCTV	The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall always be present on the premises when they are open to the public. This staff member shall be able to show the police or Licensing Authority recordings of the preceding two days immediately when requested.
MC2	No promoted events	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 licence holder, and the event is promoted to the general public independent of the licensee.
MC3	Where promoted events are permitted	Promoted events shall be notified to the Police at least 14 days in advance of the event by way of a documented risk assessment by the licence holder. A promoted event is an event where the musical entertainment is provided by persons other than the licence holder or an employee of the licence holder, and the event is promoted to the general public independent of the licensee.
MC4	Incident management	An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log shall record the following with the date and time of the incident/refusal: (a) all crimes reported to the venue (b) all ejections of customers (c) all refusals of entry (d) all refused sales of alcohol to persons under the age of 18, or appearing under the age of 25 without valid ID (e) any incidents of disorder (disturbance caused either by one person or a group of people) (f) any seizures of drugs or offensive weapons
MC5	Door supervisors: minimum number	A minimum of (x)SIA registered door supervisors shall be on duty at the premises on (day(s)) from (start time) until close of business.
MC6	Door supervisors: female staff	A minimum of (x) female SIA registered door supervisor(s) shall be on duty at the premises on (day(s)) from (start time) until close of business.

MC7	Door supervisors: ratio / risk assessment	When the premises is carrying on licensable activities after (x) hours, a minimum of (x) registered door supervisor(s) is(are) to be on duty. (a) The number of door supervisors will be employed on a ratio of (1:x); or (b) The number of door supervisors shall be determined by a risk assessment completed by the licence holder. A copy of the risk assessment shall be retained on the premises and made available for inspection by a police officer and/or an authorised officer of the licensing authority on request.
MC8	Search policy	A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons, or other illegal items onto the premises at any time shall be in place and operate at the premises. A copy of the policy shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request.
MC9	No single sale of cans/bottles	No single cans or bottles of beer or cider [or alcopops] [in unsealed containers] shall be sold for consumption off the premises.
MC10	No self-service of spirits	There shall be no self-service of spirits on the premises.

Public Safety

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

The Prevention of Public Nuisance

MC13	Admissions	There shall be no new admissions or readmission of customers to the premises after (x) hours save for customers [using the agreed smoking area at the premises] (or) [who have temporarily left the premises to smoke].
MC14	Customers permitted to temporarily leave the premises	Customers permitted to temporarily leave and then re-enter the premises e.g., to smoke, shall not be permitted to take drinks or glass containers with them [after (x) hours].
MC15	Admission restricted to specified entrance	On occasions where licensable activities are carried on past (x) hours admission of customers will be restricted to <i>[enter restriction e.g., a particular entrance, a particular area of the licensed premises etc.]</i> .

MC16	Admissions: hotel residents / guests	There shall be no admission after (x) hours other than to 1) Residents of the hotel and their bona fide guests 2) Persons who have pre-booked to attend a function at the premises
MC17	Dispersal	A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. A copy of the policy shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request.
MC18	Signage	Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
MC19	General noise	All external doors, lobby doors, and windows shall be kept closed after(x) hours save for entry or exit, or in the event of an emergency.
MC20	Music noise: regulated entertainment	All external doors, lobby doors and windows shall be kept closed during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.
MC21	Music noise: loudspeakers	Loudspeakers shall not be located in the entrance lobby, <i>[specify another location if appropriate]</i> or outside the premises.
MC22	Music noise: sound limiter	All music and digital announcements shall be controlled through a digital sound processing unit (DSP) with a limiter, the limits for which shall be set and maintained at a level agreed with environmental health. The sound limiter controls shall be kept locked and only accessed by the licensee or a person authorised by the licensee.
MC23	Noise management plan	A noise management plan shall be in place to identify how noise arising from all sources of noise including regulated entertainment, plant, pa systems and patrons shall be effectively controlled so as to minimise the risk of public nuisance and how any complaints of noise will be dealt with. A copy of the plan shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request.
MC24	Noise management: contact number	The licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising
MC25	Off-sale consumption on the public highway or	[After xx hours], customers will not be permitted to consume off the premises (as delineated by the plan attached to the licence), any drinks (alcoholic or otherwise) sold by the premises in an open container.

	other outdoor area	
MC26	Off-sale consumption in designated outdoor area	There shall be no sale of alcohol in unsealed containers for consumption off the premises, save that consumption in unsealed containers is permitted on [designated outdoor space] or [to customers seated at authorised external furniture] only until (x) hours daily.
MC27	Use of outdoor space covered by on-licence	The [designated outdoor on-licence space, eg. beer garden / roof terrace] shall not be used for licensable activity beyond (x) hours.
MC28	Use of outdoor space covered by on-licence	The [designated outdoor on-licence space] shall be closed to all patrons after [xx hours].
MC29	Windows & doors	Windows and doors accessing the [designated outdoor space] shall be kept closed after (x) hours.
MC30	Obstruction of the highway: queues	Any designated queuing area shall be managed by the licensee [and enclosed within barriers*] to ensure that the highway is kept clear of obstruction. * subject to Highways authorisation

The Protection of Children from Harm

MC31	Underage sales / Challenge 25	A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.
MC32	Restriction of children without adult	Children under the age of ** years shall not be allowed on the premises after (x) hours unless accompanied by an adult.

General

MC33	Alcohol with table meal	Alcohol shall only be sold to a person sitting down eating a meal and for consumption with that meal.
MC34	Alcohol service	Alcohol shall be sold to customers by waiter/waitress service only.
MC35	Alcohol off-sale with meal	Sales of alcohol for consumption off the premises shall only be supplied with a meal.
MC36	Shadow licence: (where more	This licence must not be used to provide licensable activity at the premises at the same time as premises licence [licence number] is in use. The licensee must notify the Licensing Authority and Police

	than one licence exists for the same premises) terms of use	of the intention to provide licensable activity under this licence at least 14 days prior to its use.
MC37	Shadow licence (where more than one licence exists for the same premises): display of summary	When this licence is in use for licensable activity, only the licence summary for this licence must be displayed. There must be no licence summary for an alternative licence displayed at the premises at the same time this licence is in use.

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Agenda Item 8

Committee(s): Licensing Committee	Dated: 8 February 2024
Subject: Revenue Budgets 2024/25	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	n/a
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain's Department?	n/a
Report of: The Chamberlain Interim Executive Director Environment	For Decision
Report author: Jenny Pitcairn, Chamberlain's Department	

Summary

This report presents for approval the revenue budgets for the Licensing Committee for 2024/25.

Overall, the proposed revenue budget for 2024/25 totals (£355,000), an increase of (£15,000) in net expenditure compared to the 2023/24 Original Budget of (£340,000).

The proposed budget for 2024/25 has been prepared within the resource envelope allocated to the Interim Executive Director Environment by Resource Allocation Sub Committee.

The resource envelope must be adhered to, as failure to do so will impact Finance Committee's ability to set Council Tax rates for the year ahead and the requirement in law for the City to set a balanced budget.

Recommendations

Members are asked to:

- i) review and approve the proposed Licensing Committee revenue budget for 2024/25 for submission to Finance Committee.

Main Report

Background

1. This report sets out the approved revised budget for 2023/24 and the proposed revenue budgets for 2024/25 for your Committee and under the control of the Interim Executive Director Environment, analysed between:
 - (i) **Local Risk Budgets** – these are budgets deemed to be largely within the Chief Officer’s control.
 - (ii) **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.
2. In the various tables, 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.
3. The approved revised budget 2023/24 and proposed budget 2024/25 are summarised in Table 1 below.

Table 1 Summary Revenue Budgets 2023/24 and 2024/25	Original Budget 2023/24 £'000	Approved Revised Budget 2023/24 £'000	Original Budget 2024/25 £'000
Local Risk Expenditure	(943)	(964)	(999)
Local Risk Income	618	618	637
Total Local Risk	(325)	(346)	(362)
Support Services and Capital Charges	(15)	(15)	7
Total Net Expenditure	(340)	(361)	(355)

Approved Revised Revenue Budget for 2023/24

4. The approved revised budget 2023/24 is net expenditure of (£361,000), an increase in net expenditure of (£21,000) from the original budget 2023/24. This net increase is due to an allocation from central contingencies to meet the impact on employee costs arising from the pay deal effective July 2023.

Proposed Revenue Budget for 2024/25

5. The proposed budget 2024/25 is net expenditure of (£355,000), an increase of (£15,000) in net expenditure compared to the original budget 2023/24.
6. For 2024/25 the budget includes:
 - (i) 3% uplift for inflation.
 - (ii) The full year effect of pay increases from July 2023.
7. The resulting resource envelope must be adhered to, as failure to do so will impact Finance Committee’s ability to set Council Tax rates for the year ahead and the requirement in law for the City to set a balanced budget.

8. The budget has been prepared within the resource envelope allocated to the Interim Executive Director Environment by Resource Allocation Sub Committee for Licensing Committee services.
9. Table 2 below summarises the movements between the 2023/24 and 2024/25 original budgets.

Proposed Revenue Budget 2024/25	Original Budget (OR) 2023/24 £'000	Original Budget (OR) 2024/25 £'000	Movement OR to OR £'000	Para Ref
LOCAL RISK				
Expenditure				
Employees	(762)	(832)	(70)	10(i)
Premises Related Expenses	(48)	(34)	14	10(ii)
Supplies and Services	(49)	(47)	2	
Third Party Payments	(84)	(86)	(2)	
TOTAL Expenditure	(943)	(999)	(56)	
Income				
Customer, Client Receipts	618	637	19	10(iii)
TOTAL Income	618	637	19	
TOTAL LOCAL RISK	(325)	(362)	(37)	
RECHARGES				
Central Recharges	(135)	(146)	(11)	10(iv)
Recharges within Fund	(14)	(15)	(1)	
Recharges across Funds	134	168	34	10(v)
TOTAL RECHARGES	(15)	7	22	
TOTAL NET EXPENDITURE	(340)	(355)	(15)	

10. The significant movements (greater than £10,000) between the budgets shown in Table 2 are attributable to:
- (i) Increases in pay costs due to pay awards, incremental progression and regrading.
 - (ii) A reduction of £14,000 in the cost of cleansing Middlesex Street Market.
 - (iii) An anticipated increase in fee income reflecting current activity levels.
 - (iv) The increase in support services and capital charge expenditure reflects changes in the budgets of departments and their apportionment between committees.
 - (v) An increase in funding from City Bridge Foundation to continue to meet the cost of Bridges Enforcement Officers.

Staffing Statement

11. Table 3 below shows the movement in manpower and related staff costs.

Table 3 Staffing Summary	Original Budget 2023/24		Original Budget 2024/25	
	Manpower Full-time Equivalent	Estimated Cost £'000	Manpower Full-time Equivalent	Estimated Cost £'000
Total Licensing	10.7	(762)	10.7	(832)

Conclusion

12. This report presents the proposed budgets for 2024/25 for the Licensing Committee for Members to consider and approve.

Appendices

- None

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Committee(s)	Dated:
Licensing Committee	08/02/24
Subject: Sex Establishments – Annual Review of Fees 2024/25	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1,4,5
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain’s Department?	
Report of: Bob Roberts, Interim Executive Director Environment	For Decision
Report author: Aggie Minas – Licensing Manager	

Summary

The City of London Corporation must 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 have increased since slightly since 2023/24 due to an increase in staffing rates, but this will not affect budget income targets as we currently do not have any premises in The City that have a Sex Establishment licence.

Recommendation(s)

Members are asked to:

- Agree the proposed fees for 2024/25 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 2024/25

7. 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 Sex Establishment, 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 2024/25 have increased from those set in 2023/24. This is because staffing rates have increased.

Proposals/Options

10. If fees are set lower than those recommended the result will be a deficit for 2024/25 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 2024/25 will be calculated after the end of that financial year and be carried forward to be taken into consideration in setting fees for 2026/27. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge. There was no under or over recovery to consider in calculating the proposed fees for 2024/25, as no applications were received in 2022/23.

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 2024/25.

Appendices

- Appendix 1 – Proposed Fees for 2024/25
- Appendix 2 – Example of factors taken into account when calculating a proposed fee

Background Papers None

Aggie Minas

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Proposed Sex Establishment Fees for 2024/25

Application Type	Estimated number in 2023/24	Current Fee 2023/24	Proposed Fee 2024/25	Income Forecast 2024/25
New sex shop / sex cinema application	0	£7,810	£8,320	£0
Renewal of sex shop / sex cinema licence	0	£7,150	£7,670	£0
Variation of sex shop / sex cinema licence	0	£6,400	£6,800	£0
Transfer of sex shop / sex cinema licence	0	£670	£690	£0
New sexual entertainment venue application	0	£7,810	£8,320	£0
Renewal of sexual entertainment venue licence	0	£7,150	£7,670	£0
Variation of sexual entertainment venue licence	0	£6,400	£6,800	£0
Transfer of sexual entertainment venue licence	0	£670	£690	£0
Change of details	0	£60	£60	£0
Copy of licence	0	£40	£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 2024/25 at £8,320 (New Application)

Task	Predicted Cost £
Pre-application queries <ul style="list-style-type: none"> • Queries from applicant / pre-application meeting 	183
Receipt of application <ul style="list-style-type: none"> • Download and review of application • Preliminary enquiries of applicant 	85
Consultation <ul style="list-style-type: none"> • Input details of application onto Uniform database • Posting details on website • Consultation with both internal and external teams 	112
Consultation responses <ul style="list-style-type: none"> • Interviewing applicant and site visit, locality assessment • Check newspaper advertisement • Consider representations • Queries from responsible authorities, planning team and noise team logs/information • Update database 	928
Determination <ul style="list-style-type: none"> • Pre-hearing admin • Hearing process (including costs for legal and other City departments) 	1,825
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 	673
Policy costs <ul style="list-style-type: none"> • Policy development • Committee work • Consultation with final report to Court of Common Council • Legislative updates, training 	1905
Post-licence <ul style="list-style-type: none"> • Member queries; responding to FOIs • Updating website • Review of fees 	1,091
Compliance costs <ul style="list-style-type: none"> • Proactive compliance visits 	1,518
Total Predicted Cost per Application	8,320

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Committee(s)	Dated:
Licensing Committee	08/02/24
Subject: Gambling Act – Annual Review of Fees 2024-25	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1,4,5
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain’s Department?	n/a
Report of: Bob Roberts, Interim Executive Director Environment	For Decision
Report author: Aggie Minas – Licensing Manager	

Summary

The City of London Corporation must 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 providing that service.

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 2024/25 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') set 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. 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 2024/25

7. 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 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 considered in the calculation of fees can be seen as Appendix 2.

9. Gambling fees for 2024/25 have been calculated on the above basis for each of a number of different types of licence. Proposed fees for 2024/25 can be seen in Appendix 1, column 6. Where the cost of processing the licence is higher than the statutory maximum, the fee has been reduced to the maximum permitted.
10. The forecast number of applications for each main type of gambling licence can be seen in the table below along with the number of licences/registrations that were granted in previous years.

	2022/23		2023/24		2024/2025
	Forecast	Actual	Forecast	Actual	Forecast
New Betting Shop	0	0	0	0	0
Annual fee (renewal)	15	12	12	11	11
Variation Betting Shop	0	0	0	0	0
New/Annual Fee Bingo	1	1	1	1	1
Temporary Use notice	0	0	0	0	0
Gaming machine permits	12	13	13	13	13
Small Society Lotteries (New)	2	2	2	2	2
Small Society Lotteries (Renewal)	20	15	15	19	19

Proposals/Options

11. If fees are set lower than those recommended the result will be an increased deficit for 2024/25 as costs of administering the licence will not be fully met from income received.
12. 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 2024/25 will be calculated after the end of that financial year and will be carried forward to be taken into consideration in setting fees for 2026/27, 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. 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

17. Setting the recommended fees will result in an estimated income from Gambling licence fees for 2024/25 of £8,640, against a budgeted income of £12,000.
18. 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 2024/25
- Appendix 2 – Factors taken into account when calculating Fees

Background Papers

None

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Proposed Fee Structure 2024 – 2025

Application Type	Estimated No	Current fee	Maximum permitted fee	Predicted cost of licence/ permit	Proposed Fee	Income Forecast
New Betting Shop	0	£1,140	£3,000	£1,140	£1,140	£0
New Casino (small) *	0	£3,350	£8,000	£3,538	£3,540	£0
New Bingo	0	£1,170	£3,500	£1,170	£1,170	£0
New AGC	0	£1,170	£2,000	£1,170	£1,170	£0
New FEC	0	£1,170	£2,000	£1,170	£1,170	£0
Annual fee Betting Shop	11	£600 ¹	£600	£832	£600 ¹	£6,600
Annual fee Casino (small) *	0	£1,670	£5,000	£1,753	£1750	£0
Annual fee Bingo	1	£930	£1,000	£934	£930	£930
Annual fee AGC	0	£930	£1,000	£934	£930	£0
Annual fee FEC	0	£750 ¹	£750	£934	£750 ¹	£0
Variation betting shop	0	£390	£1,500	£428	£430	£0
Variation Casino (small) *	0	£2,550	£4,000	£2,740	£2740	£0
Variation Bingo	0	£390	£1,750	£428	£430	£0
Variation AGC	0	£390	£1,000	£428	£430	£0
Variation FEC	0	£390	£1,000	£428	£430	£0
Transfer/reinstatement betting shop	0	£280	£1,200	£293	£290	£0
Transfer/reinstatement Casino (Sm)	0	£380	£1,800	£394	£390	£0
Transfer/reinstatement Bingo	0	£280	£1,200	£293	£290	£0
Transfer/reinstatement AGC	0	£280	£1,200	£293	£290	£0
Transfer/reinstatement FEC	0	£280	£950	£293	£290	£0
Provisional statement Betting Shop	0	£1,140	£3,000	£1,135	£1,140	£0
Provisional statement Casino (Sm)	0	£3,350	£8,000	£3,538	£3,540	£0
Provisional statement Bingo	0	£1,170	£3,500	£1,168	£1,170	£0
Provisional statement AGC	0	£1,170	£2,000	£1,168	£1,170	£0
Provisional statement FEC	0	£1,170	£2,000	£1,168	£1,170	£0
New app with prov statement Bet Shop	0	£930	£1,200	£1,206	£1,210	£0
New app with prov statement Casino (sm)	0	£3,000 ¹	£3,000	£3,539	£3,000 ¹	£0
New app with prov statement Bingo	0	£930	£1,200	£1,206	£1,210	£0
new app with prov statement AGC	0	£930	£1,200	£1,206	£1,210	£0
New app with prov statement FEC	0	£950 ¹	£950	£1,206	£950 ¹	£0
Change of circumstances	0	£50	£50	£50	£50	£0
Copy of licence	0	£25	£25	£25	£25	£0
Temporary use notice (TUN)	0	£500 ¹	£500	£889	£500 ¹	£0
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)	13	£50	£50	£50	£50	£650
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)	2	£40	£40	£40	£40	£80
Small society lotteries (renewal)	19	£20	£20	£20	£20	£380
Total						£8,640

¹ Reduced fee as necessary where actual costs exceed statutory maximum

* CoL is not at present identified as an authority permitted to issue large or small casino premises licences in its area.

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

2024/25 (Proposed fee is maximum permitted £600)

Task	Predicted cost £
General queries <ul style="list-style-type: none"> • Time spent answering queries including emails and telephone calls 	14.02
Collection of annual payment <ul style="list-style-type: none"> • Preparation of data for finance • Update database and public register 	21.03
Compliance <ul style="list-style-type: none"> • Inspections for compliance with licence conditions • Update information on database • Correspondence with licence holder 	56.07
Post-renewal <ul style="list-style-type: none"> • Member queries • Maintain website • Quarterly return to Gambling Commission 	39.90
Policy <ul style="list-style-type: none"> • Policy development • Committee work • Consultation with final report to Court of Common Council • Legislative updates • Training 	701.58
Total predicted cost	832.60

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

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