



## Licensing Committee

**Date:** MONDAY, 16 JULY 2012

**Time:** 1.45pm

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

**Members:**

Deputy Edward Lord (Chairman)	Deputy Revd Stephen Haines
Marianne Fredericks (Deputy Chairman)	Dr Peter Hardwick
Alex Bain-Stewart	Chris Punter
Deputy Douglas Barrow	Stephen Quilter
Revd Dr Martin Dudley	Jeremy Simons
Peter Dunphy	James Tumbridge
Kevin Everett	Alderman Simon Walsh
Sophie Fernandes	

**Enquiries:** Rakesh Hira  
tel. no.: 020 7332 1408  
rakesh.hira@cityoflondon.gov.uk

Lunch will be served for Members in the Guildhall Club at 1pm

Chris Duffield  
Town Clerk and Chief Executive

# AGENDA

1. **APOLOGIES**

2. **DECLARATIONS BY MEMBERS OF ANY PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ANY ITEMS ON THIS AGENDA**

3. **MINUTES**

To agree the minutes of the meeting held on 10 May 2012 (copy attached).

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

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

To note the minutes of Licensing (Hearing) Sub Committee meetings as follows (copies attached):-

- a) 4 May 2012 - **Carter Rooms**, 56-58 Carter Lane, London, EC4V 5EA (Pages 9 - 28)
- b) 4 May 2012 - **Patch**, 58-62 Carter Lane, London, EC4V 5EA (Pages 29 - 42)
- c) 9 May 2012 - **Jamies**, 2 Alban High Walk, 125/136 London Wall, London, EC2Y 5AS (Pages 43 - 50)
- d) 16 May 2012 - **TAS Restaurant**, 5 New Street Square, London EC4A 3BF (Pages 51 - 54)
- e) 21 May 2012 - **Dorset Rise Youth Hostel**, 1 Dorset Rise, London, EC4Y 8EN (Pages 55 - 58)
- f) 28 May 2012 - **Charlie's Wine Bar**, 9 Crosswall, London EC3 (Pages 59 - 70)
- g) 11 June 2012 - **Padron, 13 Harrow Place**, London E1 7DB (Pages 71 - 74)

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

The Comptroller and City Solicitor to be heard.

**For Information**

6. **DELEGATED DECISIONS PERTAINING TO PREMISES LICENCES**  
Report of the Director of Markets & Consumer Protection (copy attached).  

**For Information**  
(Pages 75 - 84)
7. **REVIEW OF THE GOVERNANCE ARRANGEMENTS IMPLEMENTED IN 2011**  
Report of the Town Clerk, on behalf of the Post Implementation Governance Review Working Party (copy attached).  

**For Decision**  
(Pages 85 - 96)
8. **REVENUE OUTTURN 2011/12**  
Joint report of the Chamberlain and the Director of Markets & Consumer Protection (copy attached).  

**For Information**  
(Pages 97 - 98)
9. **PUBLIC NUISANCE ASSOCIATED WITH LICENSED PREMISES**  
Report of the Director of Markets & Consumer Protection (copy attached).  

**For Information**  
(Pages 99 - 104)
10. **CODE OF PRACTICE FOR LICENSED PREMISES**  
Report of the Director of Markets & Consumer Protection (copy attached).  

**For Decision**  
(Pages 105 - 122)
11. **POOL OF CONDITIONS FOR USE IN PREMISES LICENCES**  
Report of the Director of Markets & Consumer Protection (copy attached).  

**For Information**  
(Pages 123 - 130)
12. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
13. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

This page is intentionally left blank

## LICENSING COMMITTEE

THURSDAY, 10 MAY 2012

Minutes of the meeting of the LICENSING COMMITTEE held at Guildhall, EC2, on THURSDAY 10 MAY 2012, at 1.45pm.

### Present

Members:

Deputy Doug Barrow  
The Revd Dr Martin Dudley  
Kevin Everett  
Marianne Fredericks  
Deputy The Revd Stephen Haines  
Dr Peter Hardwick  
Deputy Edward Lord  
Chris Punter  
Jeremy Simons  
Alderman Simon Walsh

### **Officers:**

Simon Murrells	- Assistant Town Clerk
Rakesh Hira	- Town Clerk's Department
Ignacio Falcon	- Town Clerk's Department
Bruce Hunt	- Remembrancer's Department
Paul Chadha	- Comptroller & City Solicitor's Department
David Smith	- Director of Markets & Consumer Protection
Jon Averbs	- Director of Port Health and Public Protection, Department of Markets & Consumer Protection
Steve Blake	- Assistant Director of Port Health and Public Protection, Markets & Consumer Protection
Peter Davenport	- Licensing Manager, Markets & Consumer Protection

### **1. APOLOGIES**

Apologies were received from Alex Bain-Stewart, Peter Dunphy, Sophie Fernandes and James Tumbridge.

**2. DECLARATIONS BY MEMBERS OF PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ITEMS TO BE CONSIDERED AT THIS MEETING**

The Revd Dr Martin Dudley declared a general personal interest as a Designated Premises Supervisor (DPS) of a City premises and a personal licence holder. He did not consider this interest to be prejudicial.

**3. APPOINTMENT OF COMMITTEE**

The Order of the Court of Common Council of 19 April 2012, appointing the Committee and approving its terms of reference was received.

**4. ELECTION OF CHAIRMAN**

The Committee proceeded to elect a Chairman in accordance with Standing Order No. 29.

The Town Clerk read out a list of Members eligible to stand as Chairman and Deputy Edward Lord, being the only Member indicating his willingness to serve, was duly elected Chairman for the ensuing year, and took the Chair.

**5. ELECTION OF DEPUTY CHAIRMAN**

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

The Town Clerk read out a list of Members eligible to stand as Deputy Chairman and Marianne Fredericks, being the only Member indicating her willingness to serve, was duly elected Deputy Chairman for the ensuing year.

**6. APPOINTMENT OF SUB COMMITTEE CHAIRMEN**

The Committee proceeded to appoint the Sub Committee Chairmen and the Reference Sub Committee for the ensuing year.

A discussion took place on the Licensing (Hearing) Sub Committee attendance lists and it was noted that the Town Clerk would undertake to look at this issue.

**RESOLVED** – That the Sub Committee Chairmen and the Reference Sub Committee for 2012/13 be as follows:

Chairman, Deputy Edward Lord;  
Deputy Chairman, Marianne Fredericks;  
The Revd Dr Martin Dudley;  
Dr Peter Hardwick;  
Jeremy Simons and;  
Past Grand Committee Chairmen

## 7. MINUTES

The public minutes and summary of the meeting held on 16 January 2012 were approved as a correct record.

### Matters Arising

#### **Training Session**

The Chairman thanked Members who attended the recent training session which had been extremely valuable.

#### **Advertising of Licensing Applications**

A discussion took place on the wording of the guidance for applicants on advertising licensing applications. The Comptroller explained that following Counsel advice if the definition of a "local newspaper" was removed the guidance would be lawful.

In response to a question by a Member, it was noted that if someone were to object to an advertisement not being in a 'local newspaper' an application would need to be made to the High Court to show that it was not a valid application.

**RESOLVED** – That the guidance for applicants on advertising licensing applications be as follows:

"For the purposes of Section 17 Licensing Act 2003 and Regulation 25 Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, the City of London recognises the following publications as being a local newspaper: -

London Evening Standard  
London Metro  
City AM

In the event that Applicants wish to use alternative publications, the Licensing Authority would remind Applicants to ensure that the publication complies with the requirements of being a 'local newspaper'.

It would be most helpful if you could supply a copy of the advertisement".

#### **Licensing (Hearing) Sub Committee Issues**

It was noted that a further internal review of the licensing procedures would be undertaken to ensure that the City Corporation was complying with its statutory obligations.

## **8. MINUTES OF LICENSING (HEARING) SUB COMMITTEES**

The Committee received the public minutes of the following Licensing (Hearing) Sub Committees:-

- a) 4 January 2012 – Dining Venture, 16A, B & C New Street, London, EC2M 4TR
- b) 6 February 2012 – Etc Venues, 200 Aldersgate Street, London, EC1A 4HD
- c) 14 February 2012 – Aveqia, Lower Ground, Unit 2, 10 St Bride Street, London, EC4A 4AD
- d) 16 February 2012 – Premier Inn, 20 St Mary at Hill, London, EC3R 8EE

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

The Comptroller and City Solicitor informed the Committee that there were no outstanding appeals.

## **10. LIVE MUSIC ACT 2012 AND IMPLEMENTATION OF THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011**

The Committee received a joint report of the City Remembrancer and the Director of Markets and Consumer Protection which provided an overview of the Live Music Act 2012. The key points under the Act for Members to note were:

- the licensing requirement is removed for unamplified live music taking place between 8am and 11pm in all venues;
- the licensing requirement is removed for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises;
- the licensing requirement is removed for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment);
- the licensing requirement for the provision of entertainment facilities is removed;
- the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type is widened, so that the exemption applies to live or recorded music instead of unamplified live music.
- The licensing requirement can be reinstated and live music made licensable if a review of the licence is promoted by complaints.



The report also described how the Licensing Service had implemented those aspects of the Police Reform and Social Responsibility Act 2011 which came into force on 25 April 2012.

A discussion took place on the word 'appropriate' being replaced with the word 'necessary' in relation to many aspects of the Licensing Act 2003, it was noted that the word 'appropriate' would suggest it was not 'inappropriate' when adding a condition onto a premises licence for example.

In response to a question by a Member, the Town Clerk explained that when PCTs were abolished, the status and constitution of the Health and Wellbeing Board would need to be checked to determine if it was a Responsible Authority which could make representations.

**RESOLVED** — that Members note the contents of the report.

**11.** Reports of the Director of Markets & Consumer Protection were considered as follows:-

**a) DELEGATED DECISIONS PERTAINING TO PREMISES LICENCES**

The Committee received a report which detailed the premises licences and variations to premises licences which had been granted under the Licensing Act 2003 by the Licensing Service from 1 January 2012 to 31 March 2012.

The Port Health and Public Protection Director undertook to provide further information in future reports about enforcement action (Appendix III), such as the nature of complaints and reasons for notices being served.

In relation to the enforcement action carried out under the Licensing Act 2003 for the period 1 January 2012 to 31 March 2012 it was noted that the number of complaints received were for noise complaints in relation to entertainment A brief description of the complaint would be described in future reports.

**RECEIVED**

**b) DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2012 – 2015**

The Committee considered a report which detailed the Business Plan for 2012-15 for the Department of Markets & Consumer Protection. The Business Plan consisted of an overarching plan which contained information relating to the whole Department and a separate annex reflecting the responsibilities for the Committee.

**RESOLVED** – That Members approve the contents of the report and its appendix.

**c) 2011/12 LICENSING SERVICE PLAN UPDATE**

The Committee received a report which updated Members on the progress of the Licensing Team's 2011/12 Service Plan.

**RESOLVED** – That Members note the contents of the report.

**d) WESTMINSTER REVIEW AND CHANGES TO HEARING REPORT**

The Committee considered a report which detailed the changes made to reports for Licensing (Hearing) Sub Committees following a review of procedures by Westminster Licensing Team. The main changes to the report were:

- Minor changes to report headings;
- Variations to a licence, where applicable, presented in a table format;
- More historical information relating to the premises in questions;
- A summary of any representations and;
- Additional information to assist Members such as premises capacity where known.

A discussion took place on the maps and plans provided to Members at Licensing (Hearing) Sub Committees and it was noted that they should be provided in A3 format.

**RESOLVED** – That Members approve the new Sub Committee report format for hearings.

**e) PROCEDURE FOR DEALING WITH AMENDED LICENCE APPLICATIONS**

A report detailing the issues involved when a representation against a premises licence application was withdrawn, following negotiations between the applicant and person(s) making the representation, was considered.

A discussion took place and it was noted that the pool of conditions were in the process of being signed off under delegated authority.

**RESOLVED** – That Members approve the procedure set out in paragraph 14 of the report and Appendix 1.

## **12. PRESENTATION – NEW INTERNET WEB PAGES**

The Committee received a presentation on the new internet web pages relating to the Licensing Service. The following points were raised:

- The Town Clerk would look into why 'Licensing' was listed under 'Business' and not 'Services'.
- Email notifications of any new licence applications added to the internet were not possible.
- In relation to viewing Licensing Sub Committee papers it was noted that this could be added onto the Licensing Service internet pages.
- The list of tabs would be listed in order of priority i.e. 'Premises Licences', 'Make a Representation' and so forth.

It was noted that the new internet pages would provide information on how to complete an operating schedule and application, the fees involved and a document on Frequently Asked Questions, along with other useful information.

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

### **Conditions added to licences under delegated authority**

It was noted that conditions imposed on premises licences should be short, succinct, understandable and enforceable.

### **Late Papers**

It was noted that where possible late papers would not be tabled and would be made available in good time for Members to view.

### **Public Register**

It was noted that the Public Register needed to be updated.

### **Hardback Note Books for Licensing (Hearing) Sub Committees**

It was agreed that hard back note books would be made available for Members when they attended Sub Committee hearings.

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

**Peer Review of City of London Police Licensing Unit**

A peer review report was tabled on the review undertaken by Sussex Police of the City of London's Police Licensing Unit. It was noted that it was not the business of this Committee to discuss these matters but if any Member had any points of clarification they should contact the City Police or the Town Clerk.

**Home Office Consultation**

The Town Clerk reported that the response to the Home Office's Consultation on Early Morning Restriction Orders and the Late Night Levy had been dealt with under delegated authority by the Town Clerk in consultation with the Chairman and Deputy Chairman.

**The meeting closed at 3.00pm.**

-----  
**CHAIRMAN**

**Contact Officer: Rakesh Hira  
tel. no. 020 7332 1408  
e-mail: [rakesh.hira@cityoflondon.gov.uk](mailto:rakesh.hira@cityoflondon.gov.uk)**

## MINUTES OF THE LICENSING SUB COMMITTEE

HELD ON 4 MAY 2012 AT 10:14 AM

**APPLICANT :** MR DONALD PEDLEY

**PREMISES:** CARTER ROOMS, 56-58 CARTER LANE,  
LONDON EC4V 5EA

### PRESENT

#### Panel

Alderman Simon Walsh (Chairman)

Ms Marianne Fredericks

Dr Peter Hardwick

#### In attendance

Julie Mayer Town Clerks

Paul Chadha Comptroller and City Solicitor

Peter Davenport Licensing Department

**Applicant** Mr Donald Pedley

**Local residents** Mr M Rance; Mr A Sanalito; Ms Verschoor; Ms Kurahone; Dr L Wright; Mr S Barnes

**Common Councilmen** Ms Henrika Priest; Ms Virginia Rounding (local wards)

**Police** Ins. R Jones; Mr J Hall; PCSO G Short

**Environmental Health** Andrew Dawson; Tony Bride

**Licensee** Mr J Hallows – Director of Carter Rooms;  
Mr R Prado – Manager of Carter Rooms  
(Applicant's Legal Representative)

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

1. A hearing was held in Committee Room 1, Guildhall, London, EC2 to consider the application by the City Police for a review of the premises licence for Carter Rooms, 56-58 Carter Lane, London EC4V 5EA
2. The Sub Committee had before them a report of the Director of Markets and Consumer Protection, which appended copies of:-

### Appendix 1: Copy of Review Application

- 1a: Minutes of Meeting held on 25 March 2011
- 1b: Memorandum of Understanding between City of London Police Licensing Team and Carter Rooms
- 1c: Extract from hearing held on 9 March 2011
- 1d: Video Evidence from Mr Pedley [available separately on a memory stick marked Carter Rooms ONE]
- 1e: Letter from Mr Pedley detailing format of video evidence
- 1f: Complaint record form of Mr Verschoor
- 1g: Video evidence from Mr Verschoor (41 files named IMG\_0135.MOV to IMG\_0214.MOV) [available separately on a DVD marked Carter Rooms TWO]

### Appendix 2: Plan of Premises

### Appendix 3: Copy of Carter Room's current premises licence

### Appendix 4: Decision of previous hearings held on 26 September 2005 and 27 June 2008.

### Appendix 5: Representations from responsible authorities:

- i) City of London Police Licensing Team
- ii) Environmental Health (Pollution Team)

### Appendix 6: Representations from interested parties:

### Appendix 7: Map of subject premises together with other Licensed premises in the area and their latest Terminal time for alcohol sales

Representation from the City of London Police Licensing Team

3. The Chairman explained the purpose of the hearing, which was to conduct a Review of the premises licence for Carter Rooms, 56-58 Carter Lane, London EC4V 5EA, in light of the application by Mr Donald Pedley. He also outlined the procedure that would be followed.
4. The Chairman opened with introductions and advised those present that the Panel had viewed all of the reports and supporting video footage.
5. The Panel noted that the Landlord of the Carter Rooms had made a late application to speak, outside of the Regulations. Whilst the Chairman would not permit the Landlord to speak, his views could be expressed through the Licensee and his Legal Representative.
6. Before proceeding, the Licensee's Legal Representative sought to have the hearing adjourned on the basis that the licensing authority had not complied with the requirements of Regulation 7(2) of the Licensing Act 2003 (Hearings) Regulations 2005, in that the Notice of Hearing sent to the Premises Licence Holder did not contain the representations received from interested parties; as required by Schedule 3 of the Regulations. It was accepted the Premises Licence Holder had subsequently received the representations but not within 10 working days prior to the hearing, as would have been the case if they had been attached to the Notice of Hearing.
7. Whilst empathising with his position, the Chairman explained that he was of the opinion that, despite the procedural irregularity, the hearing could proceed. He noted that the initial Review Application had been despatched to the premises licence holder on 13 March and a delivery receipt obtained. The evidence in support of the review accompanied the application. The Notice of Hearing had been despatched in time, on 18 April. Further papers had followed on 25 April and these included the representations submitted by interested parties. The Chairman explained that a breach of the Regulations does not render the proceedings void and that the hearing can still continue if there is no prejudice or if any prejudice that arises can be cured (regulations 31 and 32 of the 2005 Regulations). He noted that the Police and Premises Licence Holder had submitted further documentation, the previous day, which was permitted under Regulation 18 and these documents had been circulated to the Panel.
8. The Chairman decided that it was possible to cure any potential prejudice, that the Premises Licence Holder may have suffered as a result of receiving the representations from interested parties late, by disregarding any incidents which did not fall within the dates referred to in the Application for the Review of the Premises Licence. The Chairman noted that some of the representations, particularly those received from Councilmen, were of a general nature and could be considered as constituting "supporting

statements” as opposed to new representations. These representations could not be considered to prejudice the Premises Licence Holder. The position relating to the representations submitted by some of the residents and the City of London Police was different, as they did contain details of incidents falling outside the dates referred to in the Application for Review. The Chairman ruled that any dates outside of those detailed on pages 13-16 (of the initial application) would be disregarded. Whilst accepting this ruling, the Licensee’s Legal Representative strongly expressed his dissent and felt that the Hearing should be adjourned. The Chairman defended his position by referring to the large number of residents present and therefore an adjournment would be unfair.

9. The Legal Representative was also dissatisfied about the close proximity of the Patch licensed premises to those of Carter Rooms and the possibility of the clients of Patch causing the alleged public nuisance, which may be attributed to Carter Rooms. The Chairman reminded those present that a Hearing for the Patch licensed premises would take place directly after this one. A final decision for both premises would be deferred until the conclusion of both hearings.
10. The Hearing proceeded and the Applicant was invited to put his case. The Committee also viewed video evidence of a disturbance, outside the premises, which had occurred in the early hours of the morning. This was one of 40 pieces of video evidence submitted, all showing similar anti-social behaviour. The Applicant advised that this was probably the worse example. The footage showed drunken, loud, aggressive and anti-social behaviour, including an assault following an argument about a taxi. The Panel noted that Carter Lane is particularly narrow and therefore this causes considerable congestion and noise nuisance on dispersal, particularly when clients are trying to get taxis. This problem can be substantial, given that the capacity of Carter Rooms is 200.
11. The Licensee explained that the Duty Manager had called the Police and the organiser of that particular event had been barred from making future bookings. The Management Team of Carter Rooms had put a more stringent vetting procedure in place, which would be explained further when they had the opportunity to put their case. The Licensee stressed that he had not received any complaints since January this year. However, the Committee noted that Environmental Health had visited the premises on 3 March to investigate music being played outside of the Licensing Conditions. The residents explained that the procedure for reporting noise complaints to the Police had recently changed; i.e. they would only respond if there were threats of crime. There had also been some unwillingness, by the residents, to communicate with the Licensee whilst the Application was live.



12. In response to further questions, the Licensee confirmed that he does not run promoted events, just private parties but acknowledged that the general public can access feeds on Twitter and Facebook. He was further questioned about the nature of birthday parties. Given the size of these events and the capacity of Carter Rooms, a Member suggested that they were probably hosting several parties at the same time.
13. The Licensee also advised that he had regular weekly contact with a PCSO, evidenced in the papers submitted yesterday and briefly outlined the new noise mitigation measures in place. The Licensee had approached the Applicant about the improvements and the possibility of engaging the residents in a trial period. However, the Applicant had been unwilling to discuss them and was only interested in seeking a reduction in the premises' operating hours. The Applicant confirmed his position on this. The Chairman advised that this was the Applicant's prerogative and therefore not relevant to this part of the evidence.

*The meeting adjourned at 12.20 and reconvened at 1.15*

14. The two Common Councilmen representing the local wards made their submissions. They had been aware of problems from the premises since 2008 and, from their recent meetings with residents; there had been no sustained improvements.
15. The Chairman then invited the residents to present their written evidence, avoiding repetitions and highlighting their significant concerns and the depth of feeling behind them. The presentations covered the following:
  - Base rhythm repetitions from amplified music, audible through closed windows.
  - Sleep disturbance to themselves and their children – at frequent intervals and into the early hours.
  - Aggressive, drunken behaviour of patrons, making them feel unsafe and insecure in their homes and neighbourhood (as depicted in the video evidence).
  - Patrons loitering beyond closing hours, outside residential properties, urinating and engaging in general anti-social and threatening behaviour.
16. The residents were very confident that they had been observing and hearing the patrons from Carter Rooms on these occasions.
17. In concluding, the residents felt that the City of London Corporation should protect them from public nuisance. The Chairman explained that the Licensing

Sub Committee was obliged to balance the needs of residents with those of the local business community.

18. The Environmental Health Officer then made a submission and asked Members to note the following updates to the data on complaints, following a review yesterday:
  - 9 (not 8) complaints from residents in and around Carter Lane, since November 2010.
  - 4 (not 2) complaints on 28 November 2010 about very loud amplified music (an abatement notice was served under s80 Environmental Protection Act 1990).
  - 3 (not 2) further complaints from nearby residents on 14 October 2011 and 4 December 2011 about loud amplified music. The Manager was asked to turn the music down, which he did.
  - 25 (not 24) planned observations since 5 December 2010 and on 5 (not 3) occasions groups of people were seen talking loudly outside the premises. On 4 (not 5) occasions, amplified music was audible in Carter Lane and the surrounding alleyways.
19. The Environmental Health Officer was aware of the sound mitigation measures which had been introduced by the Licensee but they had not been signed off.
20. In response to questions, the Officer advised that Environmental Enforcement Officers are on duty within the City on Friday and Saturday nights and any immediate threats of crime and disorder were escalated to the Police.
21. The Police then made their representation and generally supported the residents' perception of public nuisance; as they felt unsafe and insecure in their home homes and neighbourhood. However, the Police representative confirmed that, whilst Carter Rooms does not have a high crime perspective, it had been given a 'gold' anti-social behaviour status. This means an Inspector must supervise it. The Police also felt that the problem was compounded by the close proximity of Patch, as they receive very few complaints from the other 21 nearby licensed premises.
22. The Police did not feel constrained by restricting the evidence, as ruled by the Chairman. They felt that the Licensee had made considerable efforts to reduce public nuisance and they had managed their Temporary Event Notices (TENs) very well. The Licensee explained that a full risk assessment had been carried out for each TEN and he would be happy to do this for every event.

*At 2.25pm Dr Hardwick left the meeting as he has an important conflicting engagement, caused by the bereavement of a fellow Common Councilman.*

23. The Licensee's Representative was unhappy about this situation but the Chairman advised that the Panel was still quorate and the Hearing would continue.
24. The Licensee was then invited to make his representation and expand on the following recent improvements:
  - Security barriers introduced to keep smokers within the immediate vicinity of the premises.
  - Further barriers to channel patrons away from the premises, towards Ludgate Hill to pick up taxis.
  - The new Manager would be attending an SIA course next week and holds weekly security meetings. 4-5 security staff are on duty when the capacity is at 200.
  - The premises are busier at 12 midnight than at 2 am, so any reduction in hours could lead to more numbers dispersing.
  - Weekly communications with the local PCSO and a noise and incident log.
  - Strict vetting of customers booking events, including full contact details and at least 1 meeting before the event.
  - Noise mitigation measures, which the Licensee would like to expand further by commissioning a sound engineer.
25. A Member asked about the Memorandum of Understanding drawn up by the Police in August 2011. The Licensee felt that he had kept to this and it had informed the action plan set out above.

Each party was then invited to sum up, as follows:

26. The Licensee did not feel that the video evidence portrayed his typical clientele and also felt that there had been some exaggeration of events. He also felt strongly that Patch's clientele had caused some of the incidents. He had made some very dramatic improvements, as highlighted above but had not been given the opportunity to let them take effect. He felt certain that the business would fail if the hours were reduced. The Landlord also took this matter very seriously and was prepared to work with the residents.
27. The Police and Environmental Services had no further comment.

28. The Applicant felt that the quality of life of the local residents was being compromised and there had been no improvements since the Memorandum of Understanding had been drawn up last August. The video and written evidence showed that the residents were frequently exposed to extreme public nuisance.

*The meeting ended at 3.20 pm and the Chairman reminded those present that a decision would be deferred until after the Patch Hearing, which would follow immediately after this one.*

-----

CHAIRMAN

Contact Officer: Julie Mayer

Tel. no. 020 7332 1410

E-mail: [Julie.mayer@cityoflondon.gov.uk](mailto:Julie.mayer@cityoflondon.gov.uk)

COMMON COUNCIL OF THE CITY OF LONDON

LICENSING SUB-COMMITTEE

Alderman Simon WALSH MA (Chairman)

Marianne FREDERICKS CC

*\*1Dr Peter HARDWICK QHP CC*

Friday 4 May 2012 (09.30-15.00)

IN RE:

---

‘CARTER ROOMS’  
56-58 CARTER LANE, LONDON EC4  
Ward of Farringdon Within

---

*At today's hearing the sub-committee was addressed by the applicant (Mr Donald Pedley) in person, by Virginia Rounding CC, Henrika Priest CC, Mark Rance, Dr Laura Wright, Andrew Sanalidro and Ikuko Kurahone as interested parties, by Tony Bride on behalf of the City's Environmental Health department as a responsible authority and by John Hall, PCSO Greg Short and Insp Rita Jones of the City Police also as a responsible authority. The sub-committee also considered those written representations appearing in the bundle of public papers. On behalf of the premises licence holder (PLH) the sub-committee was addressed by Counsel representing Jordan Hallows and Romano Prado  
A spokesman for Sackville TSP Property (the landlord of the premises containing Carter Rooms) also attended with a solicitor but as no representation had been made by the landlord they could not take part in the hearing.*

---

<sup>1</sup> Dr Hardwick was present for most of the hearing but was obliged to leave before its conclusion and he therefore took no part at all in the decision making process

*In addition to the other documents appearing in the 2 bundles of public papers the sub-committee considered 2 collections of video evidence: a longer collection prepared by Mr Pedley and a shorter collection (although containing far more individual 'clips') prepared by a supporter of his. We also considered a 28-page bundle of documents from the premises licence holder provided to us shortly before the hearing.*

1. On 14 March 2012 Donald Pedley, a City resident, applied under s51 of the Licensing Act, 2003 to the City Corporation for a review of the premises licence held by Carter Rooms Limited in respect of 'Carter Rooms' at 56-58 Carter Lane in the City of London. Two things are worthy of note at this point. Mr Pedley had tried to launch an identical review some 2 weeks earlier but this had foundered on technicalities. Nevertheless papers had been served on the PLH so that when this review was properly launched it could have come as no surprise at all to the PLH. On the same date Mr Pedley also applied for a review of the premises licence for 'Patch', operating at 58-62 Carter Lane.
2. Mr Pedley's application was served on the PLH in accordance with the statute and the regulations and it is commendably detailed. It makes it very clear which licensing objectives are being engaged and the grounds on which it is said that those objectives are not being met or sufficiently promoted are also laid out clearly and chronologically. In 2011 particularly, the application sets out the disturbance and discomfort alleged to have been suffered by Mr Pedley and his wife. It also sets out the sustained efforts by Mr Pedley and others (such as his Ward councilmen) to bring problems to the attention of the PLH and to deal with them proportionately and amicably. This includes meetings and the ultimate signing of a 'Memorandum of Understanding' (MoU) with the police licensing team. This 'MoU' approach is one that we support generally and one which we note usually achieves its aims – sadly not the case here. There was no obligation on Mr Pedley to provide any supporting documentation or any 'evidence' at this early stage but very helpfully he chose to do so. This consisted of some paperwork but most significantly his collection of video evidence. He provided this on a CD for all parties.

3. During the consultation period when the 'blue notice' was displayed on the door of Carter Rooms many representations were received. All supported Mr Pedley's application. These were sent to and collated by the City Corporation. The consultation period expired on 11 April 2012. By virtue of Reg 5 and Sch 1 of the Licensing Act 2003 (Hearings) Regulations 2005 (the 'Regulations') it was necessary to hold the hearing to consider the application and the representations within 20 working days after 11 April. This gave a 'hearing window' from 12 April – 10 May 2012. The hearing was set for 4 May 2012, being day 17 of the 20-day window. Notice of this date was sent to the parties on 18 April 2012.
4. Unfortunately this is when things went somewhat awry in the Town Clerk's department. With the Notice of Hearing the Town Clerk should have sent copies of the representations received in respect of the applications as well as any documents served with those representations. This is a clear entitlement of the PLH under Reg 7(2) of the Regulations. Subsequent enquiries have shown that this was not a failing unique to this case, the Town Clerk was routinely overlooking this requirement in all cases. It is however the first time it has ever been raised as an issue. It has now been rectified but this is of little comfort to the PLH.
5. In respect of this case, this procedural deficiency was first raised at today's hearing. Counsel for Mr Hallows and Mr Romano submitted that the PLH required an adjournment to deal with the issues of which it had not been made aware in good time and relied in support of this proposition on an e-mail sent by Mr Hallows to the Town Clerk dated 27 April 2012. This e-mail does indeed ask for an adjournment and points to the late delivery of the further representations but the principal thrust of the e-mail is a complaint by Mr Hallows that he "only received the Application for the Review of Mr Pedley for the first time when [the Town Clerk] sent [the Notice of Hearing]". This is simply not right. The PLH would have received the full detail of Mr Pedley's application at least one whole month earlier (and, indeed, some 6 weeks earlier if one takes into account the first abortive attempt to launch the application for review). The PLH would thus have had ample time to take advice and instruct lawyers if it felt that was

necessary. We could not conclude that the PLH was unable to deal with the application and we declined to adjourn the hearing under Reg 12.

6. That did, however, still leave a question as to the effect of the breach of the Regulations. This very question had been raised much earlier by lawyers representing Patch (where the same error had occurred). We were therefore prepared and able to deal with it in the same way as we did with Patch. The failure to send the representations, as required by Reg 7(2), is a clear breach of the Regulations. But such a breach does not, of itself, render the proceedings void (Reg 31) and the hearing can continue if there is no prejudice or if any prejudice arising from the breach can be cured. In order to do this the Regulations give us substantial leeway to take such steps as we think fit in all the circumstances (Reg 32).
7. We looked at the representations and supporting documents that should have been served with the Notice on 18 April 2012 but were probably not, in fact, served until 25/26 April (a delay of some 5/6 working days). They fell into 4 distinct groups:
  - a. Representations from Councilmen: these are all capable of being characterised as ‘supporting’ statements rather than new representations. They address generalities, history and, in at least one case, are in identical form. They helpfully direct everyone’s attention to relevant parts of the City’s Licensing Policy and the s182 Guidance and refer to other licensing decisions but as none of them raise new factual or evidential matters we did not think that their late delivery was prejudicial in any material way;
  - b. ‘Supportive’ representations from residents: these, which include by way of example the letter from the Lord Bishop of London, are just like the councilmen’s representations and again we did not think that their late delivery was prejudicial in any material way;



- c. 'Detailed' representations from residents: Most of these refer to dates and incidents already clearly put in issue in Mr Pedley's application. We take the view that the PLH should have been preparing to deal with these from mid-March and cannot be said to have been prejudiced by discovering some 5/6 days late that they also appear in the further representations. There are, however, some dates and incidents mentioned in these resident representations that are not mirrored in Mr Pedley's application. To expect the PLH to deal with them without the full notice they are entitled to could possibly be prejudicial but that prejudice can be cured if we decline to take any such dates or incidents into account at all. That is the course we followed and we believe this cures any prejudice in the terms envisaged and permitted by Reg 32;
  - d. Representation by the City Police: although appearing in a 74-page bundle only page 1 of that bundle is a representation covered by Reg 7(2). Pages 2-74 consist of documents and other evidence in support of the representations that could quite properly have been provided as late as Thursday 3 May 2012 under the provisions of Reg 18. Page 1 is such a bland document that we feel its late delivery causes no material prejudice. However, this analysis causes its own problems. Because the police representation, as set out on page 1 of the bundle, is somewhat lacking in focus and direction, the pages that follow can be read as giving the PLH a lot of extra work. This possible prejudice can be cured, we feel, in the same way as referred to above, namely by completely disregarding anything in the police documentation that does not refer to a date or incident in Mr Pedley's application. This was the course we followed.
8. Having decided we could cure any realistic prejudice actually caused by the error in the Town Clerk's department and balancing the need to be fair to the PLH with the needs of the applicant and the substantial numbers of people who had taken the time and undoubted trouble to attend the hearing we concluded that we could safely proceed to hear the application.

9. Having been assured by us that we had looked at the several hours of video evidence, Mr Pedley introduced his application briefly and took us to what he felt were the most significant excerpts of video evidence. We looked particularly at the recordings from 30 October and 4 December 2011. In our view these showed a level of intoxicated rowdiness at a time of the early morning that constituted a clear disturbance to anyone living close and a clear public nuisance. Whilst it was clear that some of what we saw and heard was coming from patrons of neighbouring 'Patch' we were quite satisfied that Carter Rooms' patrons contributed to the noise and nuisance sufficiently of themselves<sup>2</sup>. The tone, volume and level of profanity in the raucous shouts of often inebriated patrons were simply unacceptable and perhaps all the more so in the early hours of the morning and so close to residential<sup>3</sup> premises. Significantly we also formed the view, having seen so much video evidence collected over a significant period of time, that what we saw was properly representative of the general level of disturbance caused to local residents week in and week out and not in any way merely an unrepresentative 'spike' in street activity.
10. Other residents then spoke forcefully of their experiences and whilst we did feel some of their expectations of the level of noise and the time at which sleep should be undisturbed were rather unrealistic, we felt their contributions generally fully supported what Mr Pedley had told us.
11. Both Mr Pedley and other residents also complained about the leakage of amplified music and particularly a 'bass beat' heard (and sometimes felt) in their homes. They were partially supported in this by the history of these premises which had in the not-too-distant past been served with a statutory noise abatement notice. It was, we presume, also hoped that including the issue in the MoU would sort the problem out. However, in the terms of the application before us, this area of complaint was not helpfully supported by the City's

---

<sup>2</sup> In this hearing Carter Rooms often blamed Patch (as Patch did in reverse in its own hearing) but we were satisfied that each set of premises caused enough difficulty by itself for us to need to take action.

<sup>3</sup> We also took on board the comments of many of those who came to the hearing that they (and many of their neighbours) are 'permanent' City residents not just casual users of pieds-à-terre

environmental health department and on the balance of probabilities we could not conclude that there was a public nuisance caused by music from Carter Rooms that would engage our powers. The lack of any expert evidence from the PLH on this point was thus irrelevant.

12. Mr Pedley's application also referred to the licensing objective of preventing crime and disorder. The police evidence showed that there was really very little crime associated with Carter Rooms (with the possible exception of one fracas we clearly saw in a video clip) and much less that one might normally expect of premises operating as they do. For this they are to be congratulated. There is, of course, the disorder we refer to above but we accept that this only infrequently reaches such a level as to constitute a crime or to be of proper concern to the police, as such. We wish to note publicly at this point that we feel from what we read in the papers and from what we were told that the residents and the local businesses have received an exemplary service over a substantial period and in very difficult circumstances from PCSO Greg Short for which he should be commended. At the end of the day, we feel that the licensing objective of reducing crime and disorder is being properly promoted and addressed in Carter Lane.

13. Mr Hallows (supported by Mr Prado) then addressed us. We were impressed by him. His contributions were open, frank and had every appearance of honesty – not always our experience in licensing hearings. We felt that the work he did to keep crime down and to keep the noise of music inside the premises<sup>4</sup> were genuine and, for the most part, successful. It was partly for these reasons that we did not find either of these to be issues that concerned us.

14. What we were then left with was simply the clear and regular public nuisance caused by patrons of Carter Rooms in the street outside in the early hours, especially at the weekend. It was clear that these sort of patrons were actively

---

<sup>4</sup> We must, however, express our concern at hearing that the escape of noise through the ground floor fire exit was being addressed by hanging a heavy velvet curtain over that fire exit. We sincerely hope that this unusual approach has the support of the fire officer.

sought by the PLH. We heard of attempts formally to encourage the patrons of other local bars which close much earlier to come to Carter Rooms for the last couple of hours drinking. We also understood that this early morning patronage, whether casual or following on from pre-booked events, was important to the business plan of Carter Rooms. We got the very clear impression that Mr Hallows was doing his best to deal with the problem but we also concluded, in line with several residents (including Mr Rance who put the matter very eloquently), that there was little he could actually do that would have any real effect.

15. This gives us a real problem. On the one hand we have a PLH doing its very best but not being able, it seems on the evidence, to improve matters and on the other hand we have local residents who are significantly disadvantaged and feel that they are quite helpless to do anything about the problem.

16. In our Licensing Policy, which has been written and now updated twice with the unusual circumstances of the City very much in mind, we say:

a. (¶37) There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being disturbed, particularly if the venue is open late at night because people leaving the premises can be a significant problem in the early hours. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating;

b. (¶49) ... the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2am than at 11pm. (¶50) It is, therefore, the policy of the City Corporation to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents and workers ...;

- c. (¶56) When considering whether any licensed activity should be permitted, the City Corporation will assess the likelihood of it causing unacceptable adverse impact ... by considering the following factors amongst other relevant matters ... the means of access to and exit from the premises by patrons ... and in considering any application for review of premises already licensed the City Corporation may take into account evidence of ... past demonstrable adverse impact from the activity especially on local residents;
  
- d. (¶58) In reaching its decisions the City Corporation acknowledges the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. However it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses. Furthermore, it will take into account its responsibility under the Crime and Disorder Act, 1998 to do all it can to prevent ... disorder in the City.

17. We have addressed these generalities in several hearings both for new licences and for reviews. We do not say and never have said that there should be no late-night activity in the City. Quite the contrary, we welcome it and so do many of our stakeholders. What we do say very clearly, however, is that there are parts of the City that are, for unalterable reasons of geography and construction, simply unsuitable for late night bars. We best set this out in a decision relating to premises only a few dozen yards away from Carter Rooms (then known as 'Ochre' and now trading as the 'Duke and Duchess') where we said:

- a. 'We do not feel that the narrow canyon-like side streets of this part of the City where the medieval street plan still exists and where the older buildings are far less substantial than the former banking halls housing newer licensed premises in the east of the City are appropriate places for late night bars. The need for patrons to stand outside premises to ...

smoke ... is also a serious issue where the pavements are very narrow or streets pedestrianised as noise is inevitable. This noise can be (or certainly can seem) very loud in the early hours.'

18. In conclusion, therefore, we took great care over many hours in considering this application, the representations in support of it and the careful and measured response of the PLH. We were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State and our own Licensing Policy. We have concluded that there is a real public nuisance caused by the late operation of these premises. We do not find that they are badly run - but that cannot mean that local residents must therefore put up with a level of nuisance that could be dealt by us with if the premises were badly run. That would be a patently absurd result.

19. There is no reason to revoke this licence nor to suspend it. There is equally no reason to remove the DPS. We cannot think of any conditions that would improve matters. We are therefore driven to decide that it is necessary, to promote the licensing objective of preventing public nuisance, to require these premises to cease selling alcohol, providing regulated entertainment and/or providing late night refreshment at midnight. This shall apply on every night of the week.

20. It is our policy on reviews to further consider all other conditions on licences and to remove or modify those that do not meet our expectations that licence conditions should be clear, concise and enforceable. With this in mind we also make the following changes:

- a. Annex 2 – Conditions 1, 4, 8 and 9 are removed. Condition 3 is varied to read “Recordable CCTV shall be installed in the premises with recordings being kept for a minimum of 31 days and available to be shown to the police or Corporation licensing officer during that time on request”;

b. Annex 3 – Condition 6 is removed

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

22. This decision will not take effect until 21 days have elapsed after it is communicated to the parties or, should there be an appeal, until that appeal is heard and determined.

Should the PLH appeal, the Respondent to the appeal will be the City Corporation. Mr Pedley and those making representations will not automatically be parties. Any appeal is likely to be heard many months from the day on which we make our decision but all parties are reminded that in addition to having the benefit of seeing and reading all that we have seen and read the Magistrates' Court will make its decision based on its own view of what is necessary *at the time of the appeal hearing*. In other words, any demonstrable improvement by the PLH will be highly relevant – as will any evidence of continuing nuisance that can be provided by anyone

This page is intentionally left blank



## LICENSING SUB COMMITTEE

Friday, 4 May 2012

Premises: Patch, 58-62 Carter Lane, London, EC4V 5EA

### **Sub Committee**

Alderman Simon Walsh MA (Chairman)  
Marianne Fredericks CC  
Peter Dunphy CC

### **City of London Officers**

Rakesh Hira - Town Clerk's Department  
Paul Chadha - Comptroller & City Solicitor's Department  
Peter Davenport - Department of Markets & Consumer Protection  
Steve Blake - Department of Markets & Consumer Protection

### **The Applicant**

Mr Donald Pedley

### Others who had made representations:

Inspector Rita Jones, City of London Police, accompanied by Mr John Hall and PSCO Greg Short

Virginia Rounding, Member of the Court of Common Council

Henrika Priest, Member of the Court of Common Council

Mr Mark Rance

Dr Laura Wright

Jan-Jaap Verschoor

Ikuko Kurahone

Simon Barnes

### **The Licensee**

Represented by Mr Gareth Hughes, Solicitor, Jeffrey Green Russell

### Others present:

Andy Buchanan, Director and Premises Licence Holder

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

1. A public hearing was held in the Committee Rooms, Guildhall, London, EC2, to consider an application for a review for the premises 'Patch', 58-62 Carter Lane, London, EC4V 5EA, submitted by Mr Donald Pedley, a local resident.
2. The hearing commenced at 3:45pm.
3. The Chairman opened the hearing by introducing himself, the other Members of the Sub Committee and the Officers present.
4. It was noted that no members of the panel had any personal or prejudicial interest.

5. The Chairman made reference to the procedure that would be followed, which was set out in the Sub Committee papers.
6. All parties introduced themselves.
7. Mr Hughes explained that he was grateful for the preliminary response and non-binding view from the Chairman on the request for an adjournment. In relation to the error in not sending the representations with the Notice of Hearing letter, as required by Reg 7(2), which was therefore a clear breach of the Regulations, did not, of itself, render the proceedings void (Reg 31). The Chairman explained that the hearing could continue if there was no prejudice or if any prejudice arising from the breach could be cured. It was noted that the Regulations provided the Sub Committee with substantial leeway to take such steps as it thinks fit in all the circumstances (Reg 32).
8. The Chairman pointed out that he had received the lever arch file with supporting evidence from Mr Hughes and whilst the Sub Committee had not read this in detail, as it was received a few hours ago, the Sub Committee were content for Mr Hughes to take them through it.
9. Mr Pedley introduced the application for a review explaining that other residents and Common Councilmen had submitted various supporting evidence. He pointed out that the premises had caused a regular public disruption to its nearby residents, patrons leaving the premises would shout, vomit and urinate and the sound of cars and taxis sounding their horn, in the narrow street, would add to the noise nuisance into the early hours of the morning. He explained that residents felt insecure and intimidated when walking home late at night due to the noisy patrons around the premises. It was anticipated that street wardens would help towards a solution however this had not materialised. The residents felt that the hours of the licensable activities should be cut back.
10. Mr Pedley referred to the video evidence, the first video recorded at 02:04 hours showed a scene of people standing outside the premises once it had closed and a female who was visibly drunk.
11. The second video recorded at 00:08 hours showed the doorman of the premises high level kicking another man who was walking away from the premises. Mr Pedley explained that the violence taking place by the doorman of the premises was clearly visible. Inspector Jones pointed out that the police were not called out on that night, but if they had, the doorman would most likely have been arrested and possibly prosecuted. Mr Buchanan explained that this was clearly an unpleasant scene and that this particular incident related to a couple who were walking up the stairs to leave the premises but as they were leaving another man closed the door which hit the woman's face and a fight broke out between the boyfriend of the woman and the man who had closed the door. In response to a question by a Member of the Sub Committee, Mr Buchanan explained that the doorman was still employed by Patch.

12. A further video was shown which showed a disabled man in a wheelchair going down the street but stopped as a scuffle broke out in front of the premises. Mr Hughes pointed out that the person in the wheelchair did stay for some moments later to watch the scuffle.
13. Another video showed cars and taxis arriving and loud horns being heard at approximately 03:00 hours and glass/rubbish being put in a skip directly outside Mr Pedley's flat window. Mr Buchanan explained that it was agreed by the City Police that the premises would be allowed to put rubbish out up until 23:00 hours and if this had caused a problem would be curbed back to 21:00 hours. Mr Buchanan pointed out that he was willing to work with the local residents to alleviate their concerns.
14. Mr Hughes had no questions of Mr Pedley.
15. Ms Rounding explained that there had been on-going concerns with these premises and that the local residents had been extremely patient. She highlighted that the Memorandum of Understanding (MoU) developed by local residents and Mr Buchanan had been breached on a number of occasions. In response to a question from Mr Hughes, Ms Rounding explained that she was seeking licensable activities to be cut back to 22:00 hours, which would provide time for patrons to disperse.
16. In response to a question by the Chairman, Mr Buchanan reported that group bookings were usually booked by City workers and usually if people arrived later in the night they have come from another bar.
17. Ms Priest explained that noise nuisance problems existed with these premises for some time and loud thumping noise being played was a regular occurrence. She believed that the terminal hour should be cut back to 22:00 hours to prevent a public nuisance and to allow for patrons to disperse.
18. Dr Wright explained that she and her child would routinely sleep with ear plugs at night due to the noise nuisance and that the thumping noise was very disruptive. Mr Buchanan said that he would be happy to change the noise limiter at the premises to a level which would reduce the thumping noise. Mr Buchanan pointed out that he had tried to contact Environmental Health but had not received a response from them but had alternatively carried out an acoustics examination.
19. Simon Barnes explained that he had moved to the area as it was a World Class City, however Carter Lane at 03:00 hours was a threatening and intimidating place where people would be shouting, urinating and vomiting. In relation to the MoU he felt that it had failed and the late licence should be withdrawn.
20. Mr Hughes made reference to the Police Crime UK Website pointing out that 3,400 incidents had taken place in the EC4 area but not a single incident on Carter Lane, in response to a question by a Member of the Sub Committee Mr Hughes clarified that the statistics were for March 2012 and months prior to this were around three or four incidents per month.

21. Mr Rance explained that Carter Lane used to be a quiet residential street until Patch had opened and regularly caused a noise nuisance, he pointed out that he appreciated the efforts of Mr Buchanan in developing a MoU but the disruption had lowered the standards of living for the local residents. Mr Hughes referred to the non-attendance of Environmental Health to ascertain where the thumping/loud noise was coming from as Carter Rooms could have been the cause.
22. The Sub Committee expressed their disappointment at the lack of involvement from the Environmental Health section.
23. Mr Kurahone explained that after the meeting with Mr Buchanan he thought that the noise disruption would improve but it did not.
24. Mr Verschoor explained that he had lived at Carter Lane for three years and the noise nuisance had got worse and in January 2011 for four nights the noise nuisance was particularly disruptive. He pointed out that if the licensable hours were not cut back he would be led to move to another area as the anti social behaviour and noise nuisance was of extreme concern.
25. Mr Hall explained that the premises clearly caused a public nuisance and clarified that the SARA document was a Home Office tool used to record complaints made by people who telephoned into the central office.

*Adjourned 5.36pm – 6.00pm*

26. Mr Hughes made reference to the intelligence report and in particular to 10 July 2010 log at 01:30 hours which stated that 'the premises was visited and several people were stood outside the doorway smoking and approximately 20 people were seated inside the bar and that there was no excessive noise in or around the area of the bar'. In response to a question by Mr Hughes, Mr Hall reported that there were only two recorded crimes of assault over the approximate two year period and that if crime and disorder had been a problem the City Police would have called for a review.
27. Mr Hughes referred to the intelligence report dated 26 November 2010 at 03:25 hours by PC Paul Starr which said that officers believed customers outside Patch smoking were not making excess noise but did hear some people shouting as they walked along Carter Lane and that it was not known where these people had come from. Mr Hughes argued that it could not be proven that the patrons causing the public nuisance were connected to Patch.
28. Mr Buchanan pointed out that he had been in the licensing trade for a number of years and had previous experience of operating licensed venues. He explained that when he began running Patch he got in touch with the licensing section to get in touch with the local residents and with Inspector May. He said that he had always tried to initiate communication with the local residents to discuss their concerns, if any. He explained that he increased the door staff at Patch from one to three and displayed signage requesting patrons to leave

quietly and tried to contact Environmental Health but they had not been forthcoming.

*Adjourned 6.45pm – 7.00pm*

29. In response to questions by Mr Hughes, Mr Buchanan pointed out that any reduction in hours, in particular 22:00 hours as suggested by Ms Rounding and Ms Priest, would have severe financial consequences and Swizzlestick Ltd would most likely shutdown as a company and a number of employees would become unemployed.
30. In making closing submissions Mr Buchanan explained that he would be content with all licensable activities on Saturdays to be pulled back by two hours and one hour on all other days. Mr Hughes explained that pulling the hours back to 22:00 hours would be an extraordinary decision and that there were other licensed premises in the area which were operating until 04:00 hours. He explained that the acoustics report identified no problems and that Environmental Health had failed to engage with Patch and that Mr Buchanan was still keen to get along with the local residents.
31. All parties were given an opportunity to sum up their cases before the Members of the Sub-committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
32. The Chairman thanked all parties for attending the hearing and informed them that the decision of the Sub Committee would be circulated to all parties within the next five working days.

**The meeting closed at 7.45pm**

-----  
**CHAIRMAN**

**Contact Officer: Rakesh Hira**  
**Tel. no. 020 7332 1408**  
**E-mail: [rakesh.hira@cityoflondon.gov.uk](mailto:rakesh.hira@cityoflondon.gov.uk)**

Decision of the Sub Committee circulated to all parties on 14 May 2012

THE COMMON COUNCIL OF THE CITY OF LONDON  
LICENSING SUB-COMMITTEE

Alderman Simon WALSH MA (Chairman)  
Marianne FREDERICKS CC  
Peter DUNPHY CC

Friday 4 May 2012 (15.30-20.20)

IN RE:

---

‘PATCH’  
58-62 CARTER LANE, LONDON EC4  
Ward of Farringdon Within

---

*At today’s hearing the sub-committee was addressed by the applicant (Mr Donald Pedley) in person, by Virginia Rounding CC, Henrika Priest CC, Mark Rance, Dr Laura Wright, Jan-Jaap Verschoor, Ikuko Kurahone and Simon Barnes as interested parties and by John Hall, PCSO Greg Short and Insp Rita Jones of the City Police as a responsible authority. The sub-committee also considered those written representations appearing in the bundle of public papers. On behalf of the premises licence holder (PLH) the sub-committee was addressed by Gareth Hughes of Jeffrey Green Russell (‘JGR’) and Andy Buchanan.*

*In addition to the other documents appearing in the 2 bundles of public papers the sub-committee considered 2 collections of video evidence: a longer collection prepared by Mr Pedley and a shorter collection (although containing far more individual ‘clips’) prepared by a supporter of his. We also considered an expert report prepared by Richard Vivian of Big Sky Acoustics as well as a lever-arch file containing nearly 250 pages of documents provided to us on the day of the hearing.*

1. On 14 March 2012 Donald Pedley, a City resident, applied under s51 of the Licensing Act, 2003 to the City Corporation for a review of the premises licence held by Swizzlestick Limited in respect of ‘Patch’ at 58-62 Carter Lane in the City of London. Two things are worthy of note at this point. Mr Pedley had tried to launch an identical review some 2 weeks earlier but this had foundered on technicalities. Nevertheless papers had been served on the PLH so that when this review was properly launched it could have come as no surprise at all to the PLH. On the same date Mr Pedley also applied for a review of the premises licence for ‘Carter Rooms’, operating next-door at 56-58 Carter Lane.
2. Mr Pedley’s application was served on the PLH in accordance with the statute and the regulations and it is commendably detailed. It makes it very clear which licensing objectives are being engaged and the grounds on which it is

said that those objectives are not being met or sufficiently promoted are also laid out clearly and chronologically. In 2011 particularly, the application sets out the disturbance and discomfort alleged to have been suffered by Mr Pedley and his wife. It also sets out the sustained efforts by Mr Pedley and others (such as his Ward councilmen) to bring problems to the attention of the PLH and to deal with them proportionately and amicably. This includes meetings and the ultimate signing of a 'Memorandum of Understanding' (MoU) with the police licensing team. This 'MoU' approach is one that we support generally and one which we note usually achieves its aims – sadly not the case here. There was no obligation on Mr Pedley to provide any supporting documentation or any 'evidence' at this early stage but very helpfully he chose to do so. This consisted of some paperwork but most significantly his collection of video evidence. He provided this on a CD for all parties.

3. During the consultation period when the 'blue notice' was displayed on the door of Patch many representations were received. All supported Mr Pedley's application. These were sent to and collated by the City Corporation. The consultation period expired on 11 April 2012. By virtue of Reg 5 and Sch 1 of the Licensing Act 2003 (Hearings) Regulations 2005 (the 'Regulations') it was necessary to hold the hearing to consider the application and the representations within 20 working days after 11 April. This gave a 'hearing window' from 12 April – 10 May 2012. The hearing was set for 4 May 2012, being day 17 of the 20-day window. Notice of this date was sent to the parties on 18 April 2012.
4. Unfortunately this is when things went somewhat awry in the Town Clerk's department. With the Notice of Hearing the Town Clerk should have sent copies of the representations received in respect of the application as well as any documents served with those representations. This is a clear entitlement of the PLH under Reg 7(2) of the Regulations. Subsequent enquiries have shown that this was not a failing unique to this case, the Town Clerk was routinely overlooking this requirement in all cases. It is however the first time it has ever been raised as an issue. It has now been rectified but this is of little comfort to the PLH.
5. In respect of this case, this procedural deficiency was first raised in correspondence from JGR on 23 April 2012. Mr Hughes asked for an adjournment. The Chairman gave a preliminary and non-binding view that an adjournment was not likely to be granted but invited Mr Hughes to renew his application to all 3 panel members at the hearing if he wished. This Mr Hughes did and submitted that the PLH required an adjournment to deal with the issues of which it had not been made aware in good time.
6. The failure to send the representations, as required by Reg 7(2), is a clear breach of the Regulations. But such a breach does not, of itself, render the proceedings void (Reg 31) and the hearing can continue if there is no prejudice or if any prejudice arising from the breach can be cured. In order to do this the Regulations give us substantial leeway to take such steps as we think fit in all the circumstances (Reg 32).

7. We looked at the representations and supporting documents that should have been served with the Notice on 18 April 2012 but were probably not, in fact, served until 25/26 April (a delay of some 5/6 working days). They fell into 4 distinct groups:
  - a. Representations from Councilmen: these are all capable of being characterised as 'supporting' statements rather than new representations. They address generalities, history and, in at least one case, are in identical form. They helpfully direct everyone's attention to relevant parts of the City's Licensing Policy and the s182 Guidance and refer to other licensing decisions but as none of them raise new factual or evidential matters we did not think that their late delivery was prejudicial in any material way;
  - b. 'Supportive' representations from residents: these, which include by way of example the letter from the Lord Bishop of London, are just like the councilmen's representations and again we did not think that their late delivery was prejudicial in any material way;
  - c. 'Detailed' representations from residents: Most of these refer to dates and incidents already clearly put in issue in Mr Pedley's application. We take the view that the PLH should have been preparing to deal with these from mid-March and cannot be said to have been prejudiced by discovering some 5/6 days late that they also appear in the further representations. There are, however, some dates and incidents mentioned in these resident representations that are not mirrored in Mr Pedley's application. To expect the PLH to deal with them without the full notice they are entitled to could possibly be prejudicial but that prejudice can be cured if we decline to take any such dates or incidents into account at all. That is the course we followed and we believe this cures any prejudice in the terms envisaged and permitted by Reg 32;
  - d. Representation by the City Police: although appearing in a 129-page bundle, only page 1 of that bundle is a representation covered by Reg 7(2). Pages 2-129 consist of documents and other evidence in support of the representations that could quite properly have been provided as late as Thursday 3 May 2012 under the provisions of Reg 18. Page 1 is such a bland document that we feel its late delivery causes no material prejudice. However, this analysis causes its own problems. Because the police representation, as set out on page 1 of the bundle, is somewhat lacking in focus and direction, the pages that follow can be read as giving the PLH a lot of extra work. This possible prejudice can be cured, we feel, in the same way as referred to above, namely by completely disregarding anything in the police documentation that does not refer to a date or incident in Mr Pedley's application. This was the course we followed.
8. Having decided we could cure any realistic prejudice actually caused by the error in the Town Clerk's department and balancing the need to be fair to the PLH with the needs of the applicant and the substantial numbers of people



who had taken the time and undoubted trouble to attend the hearing we concluded that we could safely proceed to hear the application.

9. Having been assured by us that we had looked at the several hours of video evidence, Mr Pedley introduced his application briefly and took us to what he felt were the most significant excerpts of video evidence. We looked particularly at the recordings from 2 October, 4/5 November and 4 December 2011. In our view these showed a level of intoxicated rowdiness at a time of the early morning that constituted a clear disturbance to anyone living close and a clear public nuisance. Whilst it was clear that some of what we saw and heard was coming from patrons of neighbouring 'Carter Rooms' we were quite satisfied that Patch's patrons contributed to the noise and nuisance sufficiently of themselves<sup>1</sup>. The tone, volume and level of profanity in the raucous shouts of often inebriated patrons were simply unacceptable and perhaps all the more so in the early hours of the morning and so close to residential<sup>2</sup> premises. Significantly we also formed the view, having seen so much video evidence collected over a significant period of time, that what we saw was properly representative of the general level of disturbance caused to local residents week in and week out and not in any way merely an unrepresentative 'spike' in street activity.
  
10. We wish to make specific comments about one video excerpt in particular: that recorded on the night of 4/5 November 2011. We were shocked to see what to us appeared to be a wholly gratuitous attack on a departing patron by a member of Patch door/security staff. This consisted of the security staff member angrily chasing a man away from Patch whilst aiming at least 3 very violent high-level kicks at him. These were clearly offensive and in no way defensive. Mr Hughes bravely suggested that we could not be sure that the kicks made contact. It certainly seemed to us that they (or some of them) did, but even if they did not this was pure good fortune on behalf of the kickee rather than good aim by the kicker. We were very disappointed at Mr Buchanan's reaction to being shown this video and shocked to find that the staff member in question is still employed at Patch and apparently well regarded. In our view this is a serious, if very uncharacteristic, blemish on Mr Buchanan's management record. We looked in Patch's lever-arch file to see how this incident was recorded by them. Page 19 is a handwritten log for the night in question. Whilst the events leading up to the incident we are concerned about are noted on this form, there is nothing to explain the attack we witnessed on the video. Page 20 is a typed note from a member of the Patch management. It says of the incident: 'The security did their best to separate both and had to send one of them towards the end of Carter Lane'. We just cannot believe that the member of staff we see on the video was doing his best to separate anyone and to describe his kicks as simply 'sending one of them to the end of Carter Lane' is so materially inaccurate and misleading that we must doubt what is written in Patch's other contemporaneous documents. The police took no action in respect of these

---

<sup>1</sup> In this hearing Patch often blamed Carter Rooms (as Carter Rooms did in reverse in its own hearing) but we were satisfied that each set of premises caused enough difficulty by itself for us to need to take action.

<sup>2</sup> We also took on board the comments of many of those who came to the hearing that they (and many of their neighbours) are 'permanent' City residents not just casual users of pieds-à-terre

matters – but this is no criticism of them at all as by the time they arrived the victim had gone and clearly no-one from Patch told them what happened. In fact it seemed that the police only became aware of this incident when viewing Mr Pedley's video by when it was really too late to take any action.

11. Other residents then spoke forcefully of their experiences and whilst we did feel some of their expectations of the level of noise and the time at which sleep should be undisturbed were rather unrealistic, we felt their contributions generally fully supported what Mr Pedley had told us.
12. Both Mr Pedley and other residents also complained about the leakage of amplified music and particularly a 'bass beat' heard (and sometimes felt) in their homes. This has been addressed before, notably in the MoU. However, in the terms of the application, before us this area of complaint was not supported by the City's environmental health department and on the balance of probabilities we could not conclude that there was a public nuisance caused by music from Patch that would engage our powers. The expert evidence from the PLH on this point was useful but not determinative.
13. Mr Pedley's application also referred to the licensing objective of preventing crime and disorder. The police evidence showed that there was really very little crime associated with Patch and perhaps less than one might normally expect of premises operating as they do. Of course we know that the crime we saw on the video of 4/5 November 2011 was not reported to the police so we have to wonder how much this lack of reported crime is due to under-reporting. There is, of course, the disorder we refer to above but we accept that this rarely reaches such a level as to constitute a crime or to be of proper concern to the police, as such.
14. Mr Hughes, quite properly, made great play of the regular e-mails from the police to local licensees showing that no crimes had been reported. This is helpful – but it only goes so far and the mere fact that no crime or disorder was reported to the police (quite a step for a member of the public to take) cannot be said to support the suggestion that there was in fact no disorder or seriously to undermine the residents' evidence on the point.
15. We wish to note publicly at this point that we feel from what we read in the papers and from what we were told that the residents and the local businesses have received an exemplary service over a substantial period and in very difficult circumstances from PCSO Greg Short for which he should be commended. At the end of the day, we feel that the licensing objective of reducing crime and disorder is being properly promoted and addressed in Carter Lane.
16. Mr Hughes then introduced Mr Buchanan who addressed us at length. We were generally impressed by him. With the uncharacteristic exception we mention above, his contributions seemed open and frank. We felt that the work he did to keep crime down and to keep the noise of music inside the premises were genuine and, for the most part, successful. It was partly for these reasons that we did not find either of these to be issues that concerned

us. If there are ongoing problems, we appreciate his undertaking to speak directly to the residents concerned (particularly to Dr Wright).

17. What we were then left with was simply the clear and regular public nuisance caused by patrons of Patch in the street outside in the early hours, especially at the weekend. We understood from Mr Buchanan that this early morning patronage, whether casual or following on from pre-booked events, was important to the business plan of Patch – and onwards into the Swizzlestick group of venues. We got the very clear impression that Mr Buchanan was normally trying to do his best to deal with the problems faced by the residents but we also concluded, in line with several residents (including Mr Rance who put the matter very eloquently), that there was little he could actually do that would have any real effect.
18. This gives us a real problem. On the one hand we have a PLH doing good work but not being able, it seems on the evidence, to improve matters and on the other hand we have local residents who are significantly disadvantaged and feel that they are quite helpless to do anything about the problem.
19. In our Licensing Policy, which has been written and now updated twice with the unusual circumstances of the City very much in mind, we say:
  - a. (¶37) There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being disturbed, particularly if the venue is open late at night because people leaving the premises can be a significant problem in the early hours. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating;
  - b. (¶49) ... the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2am than at 11pm. (¶50) It is, therefore, the policy of the City Corporation to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents and workers ...;
  - c. (¶56) When considering whether any licensed activity should be permitted, the City Corporation will assess the likelihood of it causing unacceptable adverse impact ... by considering the following factors amongst other relevant matters ... the means of access to and exit from the premises by patrons ... and in considering any application for review of premises already licensed the City Corporation may take into account evidence of ... past demonstrable adverse impact from the activity especially on local residents;
  - d. (¶58) In reaching its decisions the City Corporation acknowledges the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. However it will also take into account that the licensing objective

of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses. Furthermore, it will take into account its responsibility under the Crime and Disorder Act, 1998 to do all it can to prevent ... disorder in the City.

20. We have addressed these generalities in several hearings both for new licences and for reviews. We do not say and never have said that there should be no late-night activity in the City. Quite the contrary, we welcome it and so do many of our stakeholders. What we do say very clearly, however, is that there are parts of the City that are, for unalterable reasons of geography and construction, simply unsuitable for late night bars. We best set this out in a decision relating to premises only a few dozen yards away from Patch (then known as 'Ochre' and now trading as the 'Duke and Duchess') where we said:
- a. 'We do not feel that the narrow canyon-like side streets of this part of the City where the medieval street plan still exists and where the older buildings are far less substantial than the former banking halls housing newer licensed premises in the east of the City are appropriate places for late night bars. The need for patrons to stand outside premises to ... smoke ... is also a serious issue where the pavements are very narrow or streets pedestrianised as noise is inevitable. This noise can be (or certainly can seem) very loud in the early hours.'
21. In conclusion, therefore, we took great care over many hours in considering this application, the representations in support of it and the careful and measured response of the PLH. We were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State and our own Licensing Policy. We have concluded that there is a real public nuisance caused by the late-night operation of these premises. We do not find that they are generally badly run - but that cannot mean that local residents must therefore put up with a level of nuisance that could be dealt by us with if the premises were badly run. That would be a patently absurd result.
22. There is no reason to revoke this licence nor to suspend it. There is equally no reason to remove the DPS. We cannot think of any conditions that would improve matters. We are therefore driven to decide that it is necessary, to promote the licensing objective of preventing public nuisance, to require these premises to cease selling alcohol, providing regulated entertainment and/or providing late night refreshment at midnight. This shall apply on every night of the week.
23. It is our policy on reviews to further consider all other conditions on licences and to remove or modify those that do not meet our expectations that licence conditions should be clear, concise and enforceable. With this in mind we also make the following changes:
- a. Annex 2 – Conditions 7, 8, 11 and 12 are removed.;

b. Annex 3 – Conditions 1 and 3 are removed

24. If any party is dissatisfied with this decision they are reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act, 2003 the Magistrates' Court hearing the appeal may make any order as to costs as it thinks fit.
25. This decision will not take effect until 21 days have elapsed after it is communicated to the parties or, should there be an appeal, until that appeal is heard and determined.
26. Should the PLH appeal, the Respondent to the appeal will be the City Corporation. Mr Pedley and those making representations will not automatically be parties. Any appeal is likely to be heard many months from the day on which we make our decision but all parties are reminded that in addition to having the benefit of seeing and reading all that we have seen and read the Magistrates' Court will make its decision based on its own view of what is necessary *at the time of the appeal hearing*. In other words, any demonstrable improvement by the PLH will be highly relevant – as will any evidence of continuing nuisance that can be provided by anyone else.

This page is intentionally left blank

## LICENSING (HEARING) SUB COMMITTEE

Wednesday, 9 May 2012

Premises: Jamies, 2 Alban High Walk, 125/136 London Wall, London, EC2Y  
5AS

### **Sub Committee**

Alderman Simon Walsh MA (Chairman)  
Ms Marianne Fredericks CC  
Dr Peter Hardwick QHP

### **City of London Officers**

Rakesh Hira - Town Clerk's Department  
Ru Rahman - Comptroller & City Solicitor's Department  
Peter Davenport - Markets & Consumer Protection Department  
Steve Blake - Markets & Consumer Protection Department

### **The Applicant**

Represented by Mr C. Baylis, (Solicitor), Berwin Leighton Paisner accompanied by  
Mr Nick Tamblyn, Managing Director and Chief Executive

### **Parties with Representations**

The Revd Dr Martin Dudley, Member of the Court of Common Council  
Ms Vivienne Littlechild JP, Member of the Court of Common Council  
Deputy Ken Ayers, Chief Commoner, Member of the Court of Common Council  
Robert Barker, Honorary Secretary of the Barbican Association  
Mary Bonar, Chairman of the Wallside House Group  
Nicola Baker, Local Resident  
Petra Einwiller (on behalf of Amanda Falkson), Local Resident

### **Also in attendance**

Alderman Nick Anstee, Member of the Court of Common Council

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

- 1) A public hearing was held in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of a new premises licence application made by Kornicis Group Ltd for the premises known as 'Jamies', 2 Alban High Walk, 125 London Wall, London, EC2Y 5AS.

The application sought to provide licensable activities for:

- i) Sale by retail of alcohol between the hours of 10:00 to 00:00 Monday to Saturday, 10:00 to 23:30 on Sundays
- ii) Provision of Late Night Refreshment between the hours of 23:00 to 00:30 Monday to Saturday, 23:00 to 00:00 on Sundays

The application sought to open the premises between the hours of:  
10:00 to 00:30 Monday to Saturday, 12:00 to 00:00 on Sundays.

- 2) The Chairman introduced himself and the other Members of the Subcommittee.
- 3) It was noted that no members of the panel had any personal or prejudicial interest.
- 4) In response to a question by the Chairman, Mr Baylis explained that the blue notice, which was displayed outside the premises, did not match the application but that the intention was not to seek regulated entertained which therefore had no terminal effect on the application. The yellow line shown on the map of the premises signified that any sale of alcohol taking place behind the bar counter was illegal but if the application was granted this would be revised even though the sale of alcohol would take place on the counter which was within the licensed area.
- 5) Mr Tamblyn explained that Jamies Wine Bar was well known around the City and had been trading for over the past 15 years. He pointed out that wet/dry sales were split 70/30 and that no loud music would be played but that there was an intention to have background music similar to how Pizza Express (the previous owners) used to play. It was noted that a waiter/waitress service would be in place and that the capacity of the premises was approximately 80 - 90 people. It was pointed out that if the premises were empty the manager would close the premises early.
- 6) In response to a question by the Chairman, Mr Tamblyn explained that the Jamies Bar at Minories advertised on their website the offer to have birthday parties and other functions as these took place in the basement area and a late licence was in place to accommodate this.
- 7) Mr Baker explained that it would have been helpful to have had meetings with the applicant prior to the application being submitted and that he was concerned about the route patrons would take once they left the premises after 22:00 hours as the yellow line on the pavement took patrons towards the residential estate. There was also concern about people standing outside the premises, the sound coming from the glass surrounding the premises and the issue of where patrons would go to smoke as the area directly outside the premises was a no smoking area.
- 8) It was noted that whilst El Vino Coy Ltd had a licence until 00:00 hours it did not operate until 00:00 hours and did not open at all on weekends. It was pointed out that as Moorgate Tube Station had more tube lines operating from it customers would be walking past the Postern and Andrewes House causing a noise nuisance to nearby residents when leaving the area.
- 9) Revd Dudley explained that as the escalators close to Pizza Express were shut off patrons would be drawn towards the high walk which was the next obvious route. Mr Baylis explained that the residents were speculating that a nuisance would be caused by the premises being full of noisy customers and that Environmental Health had not submitted any representation but if a noise nuisance was caused there was scope for local residents to apply for a review.



- 10) Ms Baker explained that if the premises did not intend on operating until late a late licence was therefore not needed and should be given the same licence as Wood St Wine Bar which ceases licensable activities at 23:00 hours. She pointed out that there was no mention in the applicant's application about how waste/rubbish would be removed and that the application should not be granted as sought.
- 11) Deputy Ayers explained that he lived approximately 50 yards away from the premises and was already suffering with crowds causing noise when coming from the Barbican Centre and that this licence would give rise to the noise nuisance being magnified. He pointed out that the licence should be amended to cease trading at 23:00 hours.
- 12) Ms Bonar explained that as the premises were above ground level patrons would be inclined to walk towards the residential area and would cause a noise nuisance. She pointed out that no drinks should be allowed outside the premises after 23:00 hours.
- 13) Mr Baylis in response to the concerns above explained that the local residents were speculating that noisy customers would leave the premises and that the applicant would not be serving draft beer, no customers would be allowed to drink outside the premises after 23:00 hours and that there would be no loud sound music system installed at the premises.
- 14) The Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
- 15) The Chairman explained that a lengthy decision letter would be circulated in due course and that the Sub-committee were conscious of their statutory obligations and the concerns of the local residents. He explained that the Sub-committee would grant the licence as sought in the application and a condition would be imposed restricting the use of the area after 22:00 hours, where tables and chairs were permitted.
- 16) The Chairman thanked all those present at the hearing and informed them that a written decision would follow in due course.

**The meeting closed at 12.35pm**

-----  
**CHAIRMAN**

**Contact Officer: Rakesh Hira**

**Tel. no. 020 7332 1408**

**E-mail: [rakesh.hira@cityoflondon.gov.uk](mailto:rakesh.hira@cityoflondon.gov.uk)**

*Decision of the Licensing Sub Committee circulated to all parties on 17 May 2012*

THE COMMON COUNCIL OF THE CITY OF LONDON  
LICENSING SUB-COMMITTEE

Alderman Simon WALSH (Chairman)  
Marianne FREDERICKS CC  
Dr Peter HARDWICK QHP CC

Wednesday 9 May 2012 (9.30- 12.35)

IN RE:

---

2 ALBAN HIGH WALK  
125 LONDON WALL, LONDON EC2  
Ward of Cripplegate

---

*At today's hearing the sub-committee was addressed by Mr Craig Baylis of Berwin Leighton Paisner and Mr Nick Tamblyn on behalf of the Applicant. We were addressed by Mr Deputy Ken Ayers, Revd Dr Martin Dudley CC, Vivienne Littlechild CC, Robert Barker, Mary Bonar, Nicola Baker and Petra Einwiller (on behalf of Amanda Falkson), all of whom had made representations opposing the application. We also took into account those other written representations in the bundle of public papers.*

*No documents were submitted to us beyond those contained in the bundle of public papers.*

1. On 12 March 2012 Kornicis Group made an application under s17 of the Licensing Act, 2003 for a premises licence in respect of a commercial unit at 2 Alban Highwalk, 125 London Wall. Situated at City Walkway level directly over the road junction of London Wall and Wood St, these premises were well known to the sub-committee and had formerly been part of a 2-site Pizza Express restaurant. Pizza Express still operate a pizza restaurant from the other unit just across the Walkway. The premises have certain odd features in

that the walls are almost totally made of glass and that it is not possible to smoke immediately outside the premises as that area is substantially enclosed as part of the 125 London Wall development.

2. Before hearing the application we dealt with 2 minor procedural matters. The first was to point out that the 'blue notice' had not accurately described the application. However, as the 'blue notice' seemed to ask for more than had ever been asked for in the application we concluded that this could cause no prejudice to any party and could safely be ignored. We also noted that the plan of the premises was highly unusual in that the bar/servery was not included in the area it was sought to licence. The consequence of this seemed to be that the sale of alcohol through a till on or behind the bar could be deemed unlawful. Mr Baylis (quite properly pointing out that the plan had not been drawn up by his firm or on its instructions) agreed to have the plan amended to match the more usual approach and we expect a revised plan to be submitted to be incorporated in the licence before the premises open to the public.
3. What was sought, in a nutshell, was an alcohol licence until midnight (23.30 on Sunday) and a late-night refreshment licence until 00.30 (midnight on Sunday). Highly significantly there was no application for any form of regulated entertainment. This fact bore heavily on our deliberations and this should be remembered in any future application for variation.
4. The application was lacking any really helpful description of how the Applicant expected to operate the premises. It merely said that it would operate under the "Jamie's" banner like several other City premises owned and operated by it. Mr Tamblyn put a lot more flesh on these bones at the hearing indicating the nature of the wet/dry sales split (70/30) and expressing his doubts that the premises would in fact trade until midnight in the early part of the week and probably not always that late at weekends either. Concern was expressed by the sub-committee that the "Jamie's" website seemed to suggest that "Jamie's" bars tried to appeal to late-night party or 'birthday' crowds but Mr Tamblyn explained that such parties only worked at their sites open beyond

2am and where the licence also allowed entertainment: neither would apply at these premises. Both Mr Tamblyn and Mr Baylis made frequent reference to the fact that other local premises had licences until midnight and were often not open that late. They also pointed out that such premises did not seem to cause significant problems. There was no representation from the City's Environmental Health department.

5. The very forceful and articulate representations from the local residents had a general theme: the Barbican estate is a high-density residential area and noise there is often sadly amplified by the nature of its construction and any increased late-night patronage will cause nuisance even if the patrons are well-behaved because they will tend to step outside the premises to smoke, to use mobile phones and at the end of the evening to call and get into cabs and cars. This applies even if these patrons leave the area at street level (rather than Highwalk level), especially in Wood Street/Fore Street. They pointed out that although the Barbican is criss-crossed by public walkways their use is rather discouraged after 11pm, not least perhaps because the access escalators are turned off at this time. They expressed their concerns that the natural route for patrons of Barbican licensed premises heading for tube and railway stations (Barbican, Moorgate and Liverpool St.) might be through the estate. They also pointed out that some other local premises with midnight licences close well before that time in the week and do not open at all at weekends. They reminded the sub-committee of serious nuisance issues caused in the past by patrons from another Highwalk pub ('The Podium') to indicate that their fears were not groundless as they felt Mr Baylis might be suggesting.
6. Having listened carefully to both sides in this application and applying our combined detailed knowledge of the City in general and the Barbican in particular we cannot say that these premises, should they be licensed, would not cause some more footfall and unavoidable consequential noise. However we also noted that when they were trading as a pizza restaurant they would have caused footfall and noise – the fact that Pizza Express only rarely operated both sides of their 2-site restaurant simultaneously was purely

fortuitous for the residents. In our view a moderately increased footfall on a public walkway cannot, on the basis of pure speculation alone, be classed as a public nuisance and certainly not one sufficient to displace the applicant's statutory right to the grant of a premises licence. If the premises are misused or badly managed that will be quite another matter but we hope, relying on Mr Tamblyn's assurances, that this will not turn out to be the case.

7. We had a great deal of sympathy for Mr Ayers as the specific location of his bedrooms seems to make him much more vulnerable to noise nuisance from footfall than other residents. However we have to note that he is disturbed by even just lawful and proportionate use of a public walkway. Nuisance there possibly is, but it would be categorised in law as a private nuisance or a matter between Mr Ayers and his landlord rather than a 'public nuisance' that could engage our powers under the 2003 Act.
8. The question of the use of that part of the Highwalk outside these premises by patrons smoking or telephoning was, however, a matter than concerned us more. It is difficult to stop individuals leaving for such purposes but the use of tables and chairs by larger groups outside is likely greatly to exacerbate this problem. We felt there was a real risk of nuisance being caused if the tables and chairs were not taken in during the course of the evening or if the tables and chairs area was used, once cleared, for 'vertical drinking'.
9. In reaching our decision we were mindful of the provisions of the Licensing Act, 2003 (which presume that a licence will be granted on application unless it is necessary not to grant it or to limit the scope of its grant), of the statutory licensing objectives, of the guidance issued by the Secretary of State and of our own Licensing Policy.
10. In conclusion, therefore, we can find no reason not to grant this licence for the hours sought but we do find it necessary to add a condition to the licence that all exterior tables and chairs must be removed (or rendered unusable) by 22.00 every day when the premises are open and that the area where tables

and chairs are permitted is not used for the consumption of alcohol by customers after 22.00.

11. All parties are reminded that if the sub-committee was wrong any responsible authority, business, resident (in the vicinity) or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, imposing conditions, the removal of a licensable activity or the complete revocation of the licence. If any party is dissatisfied with the decision, they are reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

## LICENSING SUB COMMITTEE

Wednesday, 16 May 2012

Premises: TAS Restaurant, 5 New Street Square, London EC4A 3BF

### **Sub Committee**

The Rev'd Dr Martin Dudley (Chairman)

Deputy Doug Barrow CC

James Tumbridge CC

### **City of London Officers**

Caroline Webb - Town Clerk's Department

Ru Rahman - Comptroller & City Solicitor's Department

Peter Davenport - Markets & Consumer Protection Department

Steve Blake - Markets & Consumer Protection Department

### **The Applicant**

Represented by Mr S. Fidanci, (Solicitor), Oakfield Solicitors LLP accompanied by Mr Bahadir Sener, Director of TAS Food Ltd.

### **Parties with Representations**

Jeremy Simons CC – Leaseholder of Flat 4, 4 Pemberton Row EC4 and Director of Pemberton Row Limited, the freeholder of 4 Pemberton Row.

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

- 1) A public hearing was held in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of a new premises licence application made by TAS Food Ltd for the premises known as 'TAS Restaurant, 5 New Street Square, London EC4A 3BF'.

The application sought to provide licensable activities for:

- i) Supply of alcohol; and
- ii) Recorded music

between the hours of:

10:00 to 23:00 Monday to Sunday.

The application also sought to open the premises between the hours of:

07:00 to 23:00 Monday to Sunday.

- 2) The Chairman introduced himself and the other Members of the Sub Committee.
- 3) It was noted that no members of the panel had any personal or prejudicial interest.
- 4) The Sub Committee first sought to establish the geography of the premises. Mr Fidanci confirmed that the sole entrance and exit for customers would be on the corner of the premises that was situated on Fetter Lane.

- 5) Mr Simons confirmed where 4 Pemberton Row was situated on the map that was provided with the papers. He highlighted that there were no other buildings between the building that housed TAS restaurant and 4 Pemberton Row.
- 6) Mr Fidanci informed the Sub Committee that TAS restaurant would be part of a chain of restaurants owned by TAS Food Ltd, primarily serving Turkish cuisine. They currently operated approximately 30 restaurants in London, including a restaurant in Canary Wharf, one near St Mary Axe and two in Southwark.
- 7) The Sub Committee established that TAS restaurant would not require a licence for recorded music as they were only intending to play background music such as the radio and CD's. The applicant confirmed they were content to withdraw this aspect of their application.
- 8) Mr Simons began by outlining the history of the building development in which the premises is situated. The original designs and plans for the building at 5 New Street Square indicated that all A1, A2 and A3 units would be north facing in order to minimise potential nuisance to local residents. The unit which TAS restaurant would be occupying was originally to be used as office space but a successful application to vary the use has allowed it to be used as an A3 unit, providing the premises closed at 23.00 hours Monday to Sunday. Mr Simons highlighted that as the premises will close at that time, it would make reasonable sense for licensable activities to cease at 22.30 hours to allow time for customers to vacate the premises.
- 9) The Sub Committee heard from Mr Simons regarding the noise that can be heard from Flat 4, including background traffic noise from Fleet Street and on previous occasions, evening concerts that were being performed at Somerset House. 4 Pemberton Row does not have double glazing installed.
- 10) Mr Simons informed the Sub Committee that St Dunstan's House which was situated on the opposite side of Fetter Lane to TAS restaurant was being demolished and developed in to 76 residential units.
- 11) Mr Fidanci informed the Sub Committee that TAS restaurant would serve up to 60 customers at any one time. There would only be one entrance used by customers for entry and exit. The premises did not have any windows and the surrounding outside facing walls all consisted of thick glass. Mr Fidanci highlighted that nearby premises had much later opening hours than those proposed throughout the week.
- 12) In answer to a question, Mr Sener confirmed that the loading bay would be used for all aspects of servicing including deliveries and rubbish collection. The loading bay opened at 8.00am and was utilised by the whole block.
- 13) The applicant and objector discussed the conditions proposed by Mr Simons in his written submission, with the basis of difference being identified as the time at which the supply of alcohol ceased. Both parties agreed that they would be content for the supply of alcohol to cease at 22.40 hours Monday – Sunday.



14) The Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.

(1) The Sub-committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant and his solicitor and Mr Jeremy Simons, Member of the Court of Common Council, leaseholder of Flat 4, 4 Pemberton Row EC4 and Director of Pemberton Row Limited, the freeholder of 4 Pemberton Row.

(2) In reaching the decision the Sub-committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2011.

(3) Furthermore, the Sub-committee took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.

(4) In determining the application the Sub-committee first and foremost put the promotion of the licensing objectives at the heart of their decision. In this instance, the most relevant of those objectives was the prevention of public nuisance.

(5) It was the Sub-committee's decision to grant the premises licence subject to the following amendment:

- The Supply of Alcohol will be from 10:00 to 22:40 Monday – Sunday

With the following conditions:

- The premises shall install and maintain a CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested.

- A clearly legible notice to be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and surrounding areas quietly.
- (7) The Sub-committee noted that the applicant withdrew their application for the provision of regulated entertainment, namely recorded music.
- (8) If the Sub-committee was wrong, all parties are reminded that any responsible authority, business, resident (in the vicinity) or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.
- (9) If any party is dissatisfied with the decision, he or she is reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.
- 15) The Chairman thanked all those present at the hearing and informed them that a written decision would follow in due course.

**The meeting closed at 10.42am**

-----  
**CHAIRMAN**

**Contact Officer: Caroline Webb**  
**Tel. no. 020 7332 1416**  
**E-mail: [caroline.webb@cityoflondon.gov.uk](mailto:caroline.webb@cityoflondon.gov.uk)**

## LICENSING (HEARING) SUB COMMITTEE

Monday, 21 May 2012

Premises: Dorset Rise Youth Hostel, 1 Dorset Rise, London, EC4Y 8EN

### **Sub Committee**

Deputy Edward Lord JP OBE CC (Chairman)

Dr Peter Hardwick QHP CC

Chris Punter CC

### **City of London Officers**

Rakesh Hira - Town Clerk's Department

Paul Chadha - Comptroller & City Solicitor's Department

Peter Davenport - Markets & Consumer Protection Department

### **The Applicant**

Represented by Karen Hughes, Solicitor, Flint Bishop LLP

### **Parties with Representations**

Garry Seal, Environmental Health Officer

Inspector Rita Jones, Paul Holmes, Sanjay Andersen, City of London Police

Licensing Team

### **Also in attendance**

Tony Bride, Senior Environmental Health Officer

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

- 1) A public hearing was held at 10:16am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of a new premises licence application made by YHA (England & Wales) for the premises known as 'Dorset Rise Youth Hostel, 1 Dorset Rise, London, EC4Y 8EN'.

The application sought to provide licensable activities for:

- i) Plays
- ii) Films
- iii) Indoor Sporting Events
- iv) Live Music
- v) Recorded Music
- vi) Performances of Dance
- vii) Making Music
- viii) Dancing
- ix) Sale by retail of Alcohol

00:00 hours to 24:00 hours Monday to Sunday  
(24 hours a day)

And for the provision of Late Night Refreshment  
23:00 hours to 05:00 hours Monday to Sunday

The application also sought to open the premises between the hours of 00:00 hours to 24:00 hours Monday to Sunday.

- 2) The Chairman introduced himself and the other Members of the Sub-committee and explained that the procedure for the Hearing was set out the papers.
- 3) It was noted that no members of the panel had any personal or prejudicial interest.
- 4) Ms Hughes explained that the Youth Hostel was similar to an old fashioned hotel which did not routinely sell alcohol 24 hours a day, the alcohol was securely stored, and the licence sought allowed for flexibility and would be used more for residents after 23:00 hours. In response to a question by the Chairman, Ms Hughes pointed out that other YHA premises had conference/function rooms and that no promoted events would be taking place.
- 5) Ms Hughes explained that the premises had large residential rooms with family rooms which would allow for customers to have a bottle of wine with their meal. She pointed out that the applicant was a responsible retailer with health and safety and child protection policies in place.
- 6) Mr Seal explained that a representation was raised on receipt of the application in relation to the prevention of a public nuisance however since then Ms Hughes had agreed to incorporating the various conditions.
- 7) The Chairman explained that the City Corporation encouraged pre-application meetings with the relevant responsible authorities so that any enforceable conditions could be incorporated into the application.
- 8) Inspector Rita Jones pointed out that four thefts had taken place at the YHA premises at Carter Lane, other incidents may have not been reported and that some involved serious fraud and another related to a serious sexual assault. The conditions suggested on this licence arose after CCTV footage was not made available until approximately 2 – 3 days after an incident had occurred, as the manager was the only person able to operate the system and was not available, at another YHA premises.
- 9) Mr Holmes explained that the operating schedule was sparse, the SIA registered door supervisors were useful when door supervisors would be used and an incident log book would be a useful tool for investigations.
- 10) In response to a question by a Member of the Sub-committee, Ms Hughes explained that the premises were not as yet in a state to be open and was currently empty office space. She pointed out that the residential rooms could accommodate approximately 200 people and that people who wanted to go out to smoke could use the small green area outside the premises and that it was not in the interests of the premises for a noise nuisance to be caused as

residential rooms were situated nearby causing disturbance to its own customers. Ms Hughes explained that the green area outside would be covered by CCTV so that any noise nuisance could be monitored.

- 11) The Members of the Sub-committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
  - (1) In reaching the decision the Sub-committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2011.
  - (2) Furthermore, the Sub-committee took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
  - (3) In determining the application the Sub-committee first and foremost put the promotion of the licensing objectives at the heart of their decision. In this instance, the most relevant of those objectives was the prevention of crime and disorder and the prevention of a public nuisance.
  - (4) It was the Sub-committee's decision to grant the application as sought, subject to the following conditions:
    - The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested.
    - There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 hours and 07:00 hours by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

- 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 partons
  - (c) Any incidents of disorder (disturbance caused by a group of people)  
*There is no requirement to record the above incidents (a), (b), (c) where they do not relate to a licensable activity.*
- All doors and windows shall remain closed at all times during the provision of regulated entertainment save for entry and exit, or in the event of an emergency.
- There shall be no sale of alcohol for consumption off the premises between 23:00 hours and 07:00 hours.

(5) If the Sub-committee was wrong and these conditions prove insufficient to prevent crime and disorder and a public nuisance associated with these premises, all parties were reminded that any responsible authority, business, resident (in the vicinity) or a Member of the Court of Common Council was entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.

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

12) The Chairman thanked all those present at the hearing and informed them that a written decision would follow in due course.

**The meeting closed at 11.12am**

-----  
**CHAIRMAN**

**Contact Officer: Rakesh Hira**

**Tel. no. 020 7332 1408**

**E-mail: [rakesh.hira@cityoflondon.gov.uk](mailto:rakesh.hira@cityoflondon.gov.uk)**

## LICENSING SUB COMMITTEE

Monday 28 May 2012

Premises: Charlie's Wine Bar, 9 Crosswall, London EC3

### **Sub Committee**

Alderman Simon Walsh MA (Chairman)  
The Revd Dr Martin Dudley CC  
Peter Dunphy CC

### **City of London Officers**

Caroline Webb - Town Clerk's Department  
Rakesh Hira - Town Clerk's Department  
Michael Cogher - Comptroller & City Solicitor's Department  
Peter Davenport - Department of Markets & Consumer Protection  
Steve Blake - Department of Markets & Consumer Protection

**The Applicant** (The Commissioner of the City of London Police)  
Represented by Mr Gary Grant of Counsel

Witness:  
Inspector Rita Jones

**The Licensee** (Charlie's Bar)  
Represented by Ms Clare Eames, Solicitor, Poppleston Allen

Witnesses:  
Mr Tony Kiener, Director  
Mr Lippy Laing, Manager of Charlie's  
Ms Olga Evans, Assistant Manager of Charlie's

Others present:  
Marianne Fredericks CC  
Paul Homes, City of London Police  
Steve Burnett, Poppleston Allen

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

1. A public hearing was held in the Committee Rooms, Guildhall, London, EC2, to consider an application for a review for the premises 'Charlie's', 9 Crosswall, London EC3 submitted by the Commissioner of the City of London Police.
2. The hearing commenced at 2:31pm.
3. The Chairman opened the hearing by introducing himself, the other Members of the Sub Committee and the Officers present.
4. It was noted that no members of the panel had any personal or prejudicial interest.

5. The Chairman made reference to the procedure that would be followed, which was set out in the Sub Committee papers.
6. All parties introduced themselves.
7. Mr Grant outlined briefly the history of the premises, particularly between 2008 and 2010 when there was a high level of incidents of crime and disorder. Two reviews had taken place with the second one upheld which had led to a reduction in crime and disorder, so much so that the premises was no longer a concern to the Police.
8. Charlie's had previously offered lap-dancing sessions for the entertainment of customers and had submitted an application for an SEV licence but had not paid the fee; therefore, the application had been deemed unsuccessful. Under the new legislation, Charlie's were able to offer a limited number of lap-dancing sessions a year without a licence but evidence had shown it was being offered far more often than was permitted. Mr Grant indicated that Mr Liang may have been aware of this.
9. Mr Grant informed the Sub Committee that Police licensing visits to the premises had not only established that lap dancing was occurring more often than permitted but that the sort of sexual entertainment that was on offer went far beyond what would have been permissible even if a SEV licence had been in place. He referred to the video evidence recorded at approximately 19:00 hours on 2 December 2011.
10. Inspector Jones described the positioning of the room that was showing on the CCTV recording and pointed out areas such as the bar, booths and the couch area. Although the video looked like it was recorded in black and white, it was recorded in full colour but the darkness of the premises made it difficult to distinguish.
11. The video evidence showed several females in various forms of dress and a number of males either standing or sitting in the same room, with close contact and touching evident. At approximately 7.05pm on the video, one of the females performed a strip routine moving around the room until completely nude.
12. Mr Grant continued to explain that the Police visited the premises the following week on 8 December 2011 and found that male customers had been entering the private booths, which were not monitored by CCTV, with females. This was a clear breach of Annex 3 Condition 8 which required the premises to have a comprehensive CCTV system in place to monitor all public areas of Charlie's. Mr Grant also highlighted that the CCTV footage was unobtainable on that day due to an apparent system fault.
13. Mr Grant explained the suggested conditions, which had been discussed between the Police and the Premises Licensing Holder before the hearing, which would promote the licensing objectives. He stated that the Police were not looking for a revocation of the licence. He accepted the Sub Committee's



concerns that the premises had not hesitated to breach conditions in the past but assured Members that since the second review decision had been upheld, the Police had had almost no cause for concern in relation to crime and disorder at the premises.

14. Ms Eames informed the Sub Committee that she had not been instructed by Charlie's for the previous two reviews. She confirmed that her client accepts that an SEV licence was not currently in place but that during the changeover in legislative provisions, they were mistakenly under the belief that the premises could carry on offering lap dancing as per the old legislation.
15. Ms Eames explained that her client was unaware of incidents of a sexual nature taking place in the booths, away from the public view. In answer to a question from a Member, Ms Eames highlighted that the premises had not returned to a high level of crime and disorder since the second review decision was upheld and that they wished to remove lap dancing from the premises altogether. Charlie's would endeavour to continue to operate as they had done, without any sexual entertainment. It was also noted that no sexual entertainment had taken place at Charlie's since January 2012.
16. The Sub Committee then considered each of the current conditions on the premises licence, with the following comments noted:
  1. Although the door supervisor premises register had not been brought to the hearing, Mr Liang and Mr Kierner assured the Sub Committee that it was maintained as per Annex 2 Condition 5.
  2. Annex 2 Condition 7. Additional security was provided in the way of CCTV and a member of security staff.
  3. Annex 2 Condition 11. Mr Liang confirmed that staff operated an 'entry, departure and behaviour code' which had been agreed by the Police but not, as required, with the City of London Corporation. Mr Liang was unable to recall any part of the code and the Sub Committee concluded that this condition had never been adhered to.
  4. Annex 3 Condition 2. Mr Liang confirmed that regular customers were not searched and, on some nights, no searches were conducted at all. The condition that stated for every person and their property to be searched (with the exception of employed staff) when entering or re-entering the premises after 21.00 hours was not always adhered to; clearly breaching the condition. Mr Liang stated that dangerous weapons were searched for using a pat search and metal wand on approximately 80% of the searches, even though the condition stated a functional metal detecting wand should be used at all times.
  5. Annex 3 Condition 3. Mr Liang informed Members that the ID checker installed could detect if a single ID had been used more than once on any given night. Inspector Jones confirmed that she had never been asked to provide ID on a Thursday or Friday night or seen the scanner in use and the witness

statements concurred with the observation. The condition stated that the ID scanner should be used on all persons (except employed staff).

6. The Sub Committee referred to the CCTV footage seen earlier in the hearing. Mr Liang pointed out the member of security staff who was present in the room and, in answer to a question from a Member, confirmed that on that occasion, that member of staff forgot to put on his high visibility armband at 21.00 hours, breaching Annex 3 condition 4.

7. The Sub Committee referred to the previous comment from Mr Grant regarding the CCTV footage not being available during a licensing visit (paragraph 12). There were no entries in the incident book regarding a fault with the CCTV system or how long it was out of operation, a requirement of Annex 3 condition 5. Mr Liang informed the Sub Committee that the CCTV system was now operational and fitted with an alarm system to alert staff should the hard drive fail again.

8. The Sub Committee noted that Mr Grant had stated earlier in the hearing that the CCTV did not cover all public areas of the premises, a breach of Annex 3 condition 8. Mr Liang conceded that he had not thought to install CCTV in the booths.

17. Mr Liang confirmed that there was always at least one of the three personal licence holders on duty when Charlie's was open. The premises was open to the public whilst the lap dancing events were taking place.
18. Mr Liang informed the Sub Committee that there were a couple of different operators in place who ran the lap dancing entertainment events at Charlie's but none of the entertainment was run directly by Charlie's. The operators hire out the venue and provide the dancers. There was no written agreement between the premises and the operator, although Mr Liang confirmed the operators relied on them to ensure their licence was complied with.
19. In answer to a question from a Member of the Sub Committee, Mr Kierner stated that they had applied for an SEV licence in May 2011 but had not paid the required fee. Mr Liang confirmed that he had been led to believe by a journalist operating in Tower Hamlets that a 'grace period' would be granted to allow the lap dancing business to wind down and both Mr Liang and Mr Kierner were under the impression that such entertainment could continue within the premises until December 2011 or January 2012.
20. Mr Kierner highlighted that they had renewed the premises licence for Charlie's in September and wrongly assumed that an SEV licence was included as the fee was the identical. He had also expected to receive a notice either from the Police or the City of London Corporation to inform him that sexual entertainment on a regular basis should cease as they did not have an SEV licence.
21. Ms Eames informed the Sub Committee of Mr Liang and Ms Evans' roles at the premises, highlighting that they run the day to day business and that both are

personal licence holders. Mr Stephen Kierner, who was absent from the review hearing, was the designated premises supervisor. However, it transpired that he had been appointed as the DPS by default and did not want the job. Ms Eames indicated that the opportunity to apply for a change of DPS would be considered if the Sub Committee felt it appropriate, however no reference or criticism of the DPS had been made in the review application.

22. A Member of the Sub Committee highlighted that there had been concern raised by the Licensing Authority in 2010 over Mr Stephen Kierner's ability to run the premises which was later the subject of specific criticism by the District Judge in 2011.
23. Discussion took place over whether a change in DPS would have a significant impact on the way the premises was managed. The Sub Committee were concerned that the recent lower levels of crime and disorder had been a result of the premises offering lap dancing entertainment and that if the lap dancing ceased, crime and disorder levels would rise again.
24. In answer to a question from a Member of the Sub Committee, Mr Liang confirmed that a completed 696 Police Risk Assessment Form would be submitted to SCD9 and the City of London Police Licensing Officer at least 14 days prior to every "relevant event" at the premises. Mr Liang felt that the crime and disorder experienced in the past could mainly be attributed to a younger clientele at the premises and, after briefly closing the premises on Friday nights, it would now be operating an over 30's disco on Friday's.
25. Mr Liang indicated that there was a stronger, more frequent communication relationship between Charlie's and Inspector Jones in regards to the events being organised at the premises.
26. Ms Evans informed the Sub Committee that she had been told that Charlie's had an SEV licence, although she had never seen the paper licence. As Ms Evans was the Assistant Manager, she trusted the Manager to have the correct licences in place and believed what she had been told, without questioning it. Ms Evans stated that she had been surprised to find out that sexual entertainment beyond what would have been permissible even if a licence have been in place.
27. All parties were given an opportunity to sum up their cases before the Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
28. The Chairman thanked all parties for attending the hearing and informed them that the decision of the Sub Committee would be circulated to all parties within the next five working days.

**The meeting closed at 4.13pm**

-----  
**CHAIRMAN**

**Contact Officer: Caroline Webb**  
**Tel. no. 020 7332 1416**  
**E-mail: caroline.webb@cityoflondon.gov.uk**

*Decision of the Sub Committee circulated to all parties on 6 June 2012*

THE COMMON COUNCIL OF THE CITY OF LONDON  
LICENSING SUB-COMMITTEE

Alderman Simon WALSH (Chairman)  
Rev'd Dr Martin DUDLEY CC  
Peter DUNPHY CC

Monday 28 May 2012 (2.00-4.40) [adjourned from 2 May 2012]

IN RE:

---

'CHARLIES'  
9 Crosswall, London EC3  
Ward of Tower

---

*At today's hearing the sub-committee was addressed by Mr Gary Grant of Counsel on behalf of the applicant. He was supported by Insp Rita Jones. The Premises Licence Holder ('PLH') was represented by Clare Eames, of Poppleston Allen, who was supported by Tony Kiener, Olga Evans and Lippy Liang. The Designated Premises Supervisor ('DPS') did not attend and no explanation was offered for this.*

*No documents were provided to us beyond those appearing in the public bundle of papers for the hearing but we did have the benefit of being shown a video clip (produced by the applicant but actually first provided by the PLH – and, therefore, something all parties accepted as being wholly accurate) of an incident in the premises on 2 December 2011 and noted in the police application.*

1. On 13 March 2012 the Commissioner of Police for the City of London, in his capacity as a responsible authority, applied under s51 of the Licensing Act, 2003

for a review of Charlies bar at 9, Crosswall, London EC3. The grounds for the application were the prevention of crime and disorder.

2. The background to the application can be quite briefly summarised. Prior to the recent introduction of changes to the laws governing sexual entertainment in public places<sup>1</sup> Charlies had quite lawfully offered 'lap-dancing' sessions for the entertainment of customers. After the changes such entertainment required a specific licence but Charlies had not applied for one. This did not mean that no such entertainment could take place but its frequency, in the absence of a licence, was severely limited. Information reached the police that lap-dancing was being offered at Charlies far more often than was permitted.
3. Some time was taken up in the hearing exploring the reasons why PLH carried on providing sexual entertainment when it was clearly no longer lawful to do so. At one point it seemed as if everyone was relying on Mr Liang who seems to have taken his legal advice on this important point from a journalist operating in Tower Hamlets. However, for the reasons that follow, there is little point in exploring this much further.
4. In the event, licensing visits were undertaken and it was established that not only was lap-dancing indeed being offered more often than the statute permitted but that the sort of 'lap-dancing' on offer went far beyond what would have been permissible even had a licence been in place. We need not dwell in detail on exactly what was going on but one short and edited extract from the statement of police visiting in the early evening (about 7pm) of 8 December 2011, with something similar graphically illustrated to us in a video, will suffice to set the tone:

'A male had his jeans around his ankles with his pants on top of them. Straddled on top of him was a female. I could clearly see her buttocks and they were pressed firmly skin to skin high up the legs of (the male). Her legs were either side of (him) spread quite wide and she was pulling herself into him in a rocking motion. I could

---

<sup>1</sup> Policing and Crime Act, 2009 amending the Local Government (Miscellaneous Provisions) Act, 1982

see some black lingerie which had been pulled up above her waist and pulled down at the top below her breasts. The female was pressed very tightly against (him) and there was no space under her buttocks or between her breasts and his chest. The female was barefooted with her feet off the floor pressed up towards him so that the only support her body had was where she was sat on top of him. It was clear to me that the two were engaged in sexual intercourse.'

5. There can be no doubt that this sort of behaviour at this sort of time of the evening in the City merits our intervention. The PLH must agree with this because prior to today's hearing an agreement was reached between the applicant and the PLH offering 3 new licence conditions to put, it is suggested by them, matters back on an even keel. These conditions, in summary, would have the effect of removing the statutory exemptions to the requirement for a sex entertainment licence (and, thus, completely prohibiting any sexual entertainment on the premises), preventing anyone being naked on the premises and requiring the PLH to give prior notice of any promoted events to the police.
6. We do agree that the first 2 of these conditions at least would, if adhered to, prevent a recurrence of the disgraceful behaviour that has taken place on these premises recently. However, we feel that this is an insufficient response to the problems at Charlies. In reaching this conclusion we feel obliged to take notice of the recent licensing history of these premises and the fact that this is the third time these premises have been before us for review on an application by the police in less than 4 years. The history is illuminating:
  - a. On 26 August 2008 we decided that the PLH was not promoting the licensing objective of preventing crime and disorder due to unacceptable levels of violence at the club on Thursday and Friday nights. Amongst other things we reduced the hours on those nights to 02.00;
  - b. Some 7 months later the City Magistrates allowed an appeal against this decision and the original later terminal hours (04.00 on Thu/Fri and 05.00 on Fri/Sat) were reinstated. The Magistrates' reasons for allowing the appeal were *inter alia* that matters had improved significantly, that

appropriate and necessary security infrastructure (such as CCTV imposed as one of our original conditions not under appeal) was in place and that the PLH appeared to show a commitment to maintain the improvement;

- c. On 20 May 2010 the second review application provided clear evidence that much of the improvement noted by the Magistrates and so influential on their decision had fallen away. The premises were once again experiencing unacceptable levels of violence, especially on Friday night. In addition, the security infrastructure was often not working in breach of the clear conditions on the licence. We made it clear then that we felt we had grounds to revoke the licence but followed the police lead and again only reduced the hours;
  - d. On 24 January 2011 DJ Roscoe, sitting at Westminster Magistrates' Court, refused the PLH's appeal. She noted that in the past the PLH had offered voluntary restrictions that had greatly influenced the decision of the first appeal tribunal but that those restrictions had been dispensed with by the PLH once the appeal had been granted. She noted that the DPS was an unimpressive witness whose credibility she had to doubt. She noted that the premises were 'not well run' and that this was a matter of concern in the context of their history.
7. Our remit is wider than that of the applicant for this review and we are in no way limited under s52 of the Licensing Act in the matters we can take into consideration in seeking to promote the licensing objectives. Specifically, we are not bound by any agreement between any applicant and a PLH. We therefore asked many further questions about the operation of the premises, making it clear that we were asking such questions because we feared that if the sexual entertainment were prohibited, commercial pressures might mean the premises would again revert to their old ways and once more become a source of trouble at the weekends.

8. As any Licensing Authority would do we looked first to the DPS, Stephen Kiener (the son of Tony Kiener). His ability to run these premises had been a source of concern to us in 2010 and the subject of specific criticism by the District Judge in 2011. We were surprised at his absence but even more surprised to be told that he was only the DPS 'by default' and did not want the job anyway. As PLH had not taken any steps to have him replaced as the DPS after either the 2010 or 2011 hearings we wonder what the commitment is of the PLH to having a DPS who has any meaningful managerial control over the operation of the premises. An offer at this hearing by Ms Eames to apply for a change of DPS was welcome but probably too little too late.
  
9. It appeared to us that Charlies was being run by Tony Kiener who answered many of the questions we asked. This was the same Tony Kiener with whose management style we so firmly disagreed in 2008 and whose 'retirement' from running Charlies had been noted in a positive light by the City Magistrates in 2009. He appeared to us to have been at least passively complicit in the mistakes that allowed Charlies to advertise itself to customers and to business partners as having a sex entertainment licence and we were, once again, not encouraged by what he said to us to believe that with him in charge Charlies would in the future be run under the tight rein it so clearly needs.
  
10. Not wanting to concentrate merely on personalities, we then looked with the PLH to see if the current licence conditions that had no direct bearing on sexual entertainment were being complied with:
  - a. Annex 2 Condition 11: No one could produce the agreed 'entry, departure and behaviour code' and Lippy Liang, a long-standing manager of Charlies, was wholly unable to tell us what it might contain. We were forced to conclude that this condition, which had been in place for many years, had never been adhered to;
  - b. Annex 3 Condition 2: Although it is a requirement for every patron entering after 21.00 (and their property) to be searched Lippy Liang confirmed that regular customers were not searched and that there was



no searching at all on some nights. The police evidence was that no searches had taken place when they visited – although we accept that many of these visits were before 21.00. We are again forced to conclude that the management of Charlies apply this long-standing and important condition only when they want to. This is all the more disappointing since DJ Roscoe made specific criticism of lax search procedures in 2011 pointing out then in unequivocal terms that this was a breach of the conditions of the licence;

- c. Annex 3 Conditions 8 and 5: There is a requirement for a comprehensive CCTV system at Charlies. Any faults are to be logged in the Incident Book. As Mr Liang and Ms Evans had to admit, the CCTV still does not cover parts of these (small) premises. What CCTV there is, is not always working. The PLH may well not be to blame for the CCTV breaking down but an inspection by us of the Incident Books covering 2011 and 2012 showed no entries detailing the discovery of such faults. There are some brief logs for repairs and/or invoices for repairs but nothing to tell us for how long the CCTV was faulty on any of those occasions. Again we are driven to conclude that there is a cavalier disregard for the letter and spirit of this very important licence condition.

11. Mindful of the provisions of the Licensing Act, 2003, the licensing objectives, the guidance from the Secretary of State under s182 of the Act and, of course, of our own Licensing Policy we have regretfully concluded, after much detailed consideration of everything that was said to us (but with particular praise for the forceful representations on behalf of the PLH from Ms Eames), that we can not have the confidence that we feel we are fully entitled to expect on a third review that Mr Kiener, Mr Liang or Ms Evans would be able to run these premises properly in the future based on their track record and on what they said to us. It therefore follows that no new condition, no temporary suspension of the licence or of a licensable activity under it, nor the removal of the reluctant and absent Stephen Kiener as DPS will assist in sufficiently promoting the licensing objectives. We are satisfied that in order to fulfil our duty under the Act, it is necessary for us to revoke this premises licence.

12. If any party is dissatisfied with this decision they are reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act, 2003 the Magistrates' Court hearing the appeal may make any order as to costs as it thinks fit.
  
13. This decision will not take effect until 21 days have elapsed after it is communicated to the parties or, should there be an appeal, until that appeal is heard and determined.

**LICENSING (HEARING) SUB COMMITTEE**  
**MONDAY, 11 JUNE 2012**  
**Premises: Padron, 13 Harrow Place, London E1 7DB**

**Sub Committee**

Jeremy Simons (Chairman)  
Alex Bain-Stewart  
Marianne Fredericks

**City of London Officers**

Caroline Webb - Town Clerk's Department  
Paul Chadha - Comptroller & City Solicitor's Department  
Peter Davenport - Markets & Consumer Protection Department

**The Applicant**

Mr Andrew Burleigh, Director of Padron Limited.

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

- 1) A public hearing was held in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of a new premises licence application made by Padron Ltd for the premises known as 'Padron, 13 Harrow Place, London E1 7DB'.

The application sought to provide licensable activities for the supply of alcohol between the hours of 11:00 to 23:00 Monday to Sunday.

The application also sought to open the premises between the hours of 11:00 to 23:30 Monday to Sunday.

- 2) The Chairman introduced himself and the other Members of the Sub Committee.
- 3) It was noted that no members of the panel had any personal or prejudicial interest.
- 4) The Sub Committee sought clarification regarding the boundaries of the proposed licensed area, particularly in regards to the external 'seating area' highlighted on the premises plans. The applicant, Mr Burleigh, confirmed that since submitting the original application, he had decided to not include the external seating area and that the supply of alcohol would only be within the premises itself. His solicitor had assured him that amended plans had been sent to show his new intentions but no such plans had been received by the Sub Committee, the Town Clerk or the Licensing Department.
- 5) Mr Burleigh confirmed that his application sought for the premises to open from 11:30 to 23:30 hours Monday to Sunday with the supply of alcohol from 11:30 to 23:00 hours on the same days.

- 6) Mr Burleigh explained to the Sub Committee that he had held nine premises licences previously and had not received any complaints about his premises in the past. The aim of Padron was to bring a new concept of dining to the area, with alcohol sales intended as a secondary income to food sales.
  - 7) In answer to a question from the Sub Committee, Mr Burleigh indicated that he would be content to not open Padron on Saturday and Sunday. He also confirmed that the premises may be open earlier than 11:30 hours in order to serve breakfasts and that the upstairs area would be closed to patrons and only used for storage.
  - 8) The Chairman highlighted that the main area of contention between the applicant and the objectors was the closing time of the premises and the terminal hour of the supply of alcohol. In order to address the concerns of local residents, Mr Burleigh indicated that he would accept a terminal hour of 22:40 for the supply of alcohol with a 23:00 hour closing time.
  - 9) The Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
1. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant. The Sub Committee were also made aware of a letter from Padron Ltd to the Middlesex Street Estate Residents' Association dated 21 May 2012 which contained proposals to reduce the periods for the sale of alcohol and to remove the request to have external areas licensed along with the resident association's response that was included on a letter that invited them to attend the hearing.
  2. In reaching the decision the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2011.
  3. Furthermore, the Sub-committee took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
  4. In determining the application the Sub-committee first and foremost put the promotion of the licensing objectives at the heart of their decision. In

this instance, the most relevant of those objectives was the prevention of public nuisance.

5. At the hearing, the applicant indicated his willingness to amend the terminal hours on the application to 22:40 hours Monday to Friday for the supply of alcohol and for the premises to be closed at 23:00 hours Monday – Friday. The application for the supply of alcohol and opening hours on Saturdays and Sundays was withdrawn and the boundary of the licensed premises would no longer include outside areas.
6. It was the Sub-committee's decision to grant the application for a premises licence as amended for the following licensable activity:
  - The Supply of Alcohol from 11:00 to 22:40 hours Monday – Friday

Licensable activities may only take place within the boundary as depicted on the plan of the premises. An amended plan is to be resubmitted showing the new agreed boundary which no longer includes the two outside areas.

The Sub-Committee also considered whether it was necessary to impose any conditions upon the licence and decided to impose the following condition:

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

8. If the Sub Committee was wrong, all parties are reminded that any responsible authority, business, resident (in the vicinity) or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.
9. If any party is dissatisfied with the decision, he or she is reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

**The meeting ended at 10.02 am**

-----  
**Chairman**

**Contact Officer: Caroline Webb**  
**Tel. no. 020 7332 1416**  
**E-mail: [caroline.webb@cityoflondon.gov.uk](mailto:caroline.webb@cityoflondon.gov.uk)**

This page is intentionally left blank

# Agenda Item 6

<b>Committee(s):</b>	<b>Date(s):</b>	
Licensing Committee	16 July 2012	
<b>Subject:</b> Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	<b>Public</b>	
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>	
<b>Summary:</b> <p>This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 April 2012 to 30 June 2012. It does not include any premises where members have been involved in the decision making process i.e. decisions made at licensing sub-committee hearings.</p> <p>The report also gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 April 2012 and 30 June 2012.</p> <b>Recommendations:</b> To note the contents of the report.		

## Main Report

### Premises Licence Applications

1. Pursuant to the instructions from your committee, I attach for your information a list detailing 'premises licence' applications (Appendix I) and variations (Appendix II) granted by the Licensing Service between 1 April 2012 and 30 June 2012.
2. The report also contains information appertaining to the number of personal licences issued. This information is also contained in Appendix II.
3. Any questions of detail concerning premises licences can be obtained from the Corporation's public register which can be found on [http://www.cityoflondon.gov.uk/Corporation/LGNL\\_Services/Business/Licences\\_and\\_street\\_trading/Public\\_register.htm](http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Business/Licences_and_street_trading/Public_register.htm). or by contacting Peter

Davenport, Licensing Manager, on extension 3227 or by email to the Licensing Team at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk).

### **Routine Enforcement**

4. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003 (Appendix III). The table in Appendix III shows the number of visits undertaken, number of complaints received and the number of enforcement actions taken. Enforcement actions include warning letters, notices, simple cautions, legal proceedings etc.
5. Appendix III provides data from 1 April 2012 to 30 June 2012.
6. The Port Health and Public Protection (PH&PP) Service in the new Department of Markets and Consumer Protection undertakes a wide range of regulatory functions. PH&PP employs Environmental Health Officers (EHOs), Trading Standards Officers and Licensing Officers all of whom enforce legislation in licensed premises
7. Licensing Officers undertake some routine enforcement visits in checking on premises licensing conditions where there are concerns, e.g. closing times, compliance with Temporary Event Notices and managing numbers of people consuming alcohol outside venues, and also in response to complaints. The Departmental Policy Statement on Enforcement is followed prior to escalating action and taking legal proceedings.
8. The Departmental Policy Statement on Enforcement is being changed to reflect the recent restructuring. It conforms to the Regulators' Compliance Code and the regulatory principles required under the Legislative and Regulatory Reform Act 2006. It sets out the general principles and approach which PH&PP Officers are expected to follow and addresses issues of proportionality, consistency, targeting, transparency and accountability.
9. More widely, enforcement arrangements are currently coordinated at the Licensing Liaison Partnership meetings that are held monthly and are attended by representatives from all enforcement agencies. Joint visits are organised via this forum and subsequent reports are used to make up the top level premises list that comprises those that are causing the most enforcement problems. These are then targeted by relevant enforcement officers.



10. There is a very good working relationship between the PH&PP Licensing Team, The City of London Police Licensing Team and the PH&PP Pollution Control Team, all of whom are based at Walbrook Wharf.
11. The Memorandum of Understanding (MoU) between the City of London Police and the former Department of Environmental Services that your Committee approved in July outlines specific arrangements for cooperation between the Licensing Teams. As outlined in the MoU, the teams are preparing an enforcement protocol and a joint code of good practice for licensed premises.
12. The other City Corporation Department that is routinely involved in enforcement is the Department of the Built Environment (DoBE). Where it appears that a material change of use has occurred, or there is a failure to comply with any condition attached to a planning permission or a breach of planning controls, when it is expedient to do, officers from this Department seek authorisation to take enforcement action under the Town and Country Planning Act 1990.

### **Response to complaints**

13. Any complaints about licensed premises are dealt with by the relevant agency/team, e.g. crime and disorder – Police, fire safety – London Fire Brigade. As far as PH&PP are concerned, complaints relating to the conditions on a licence will be dealt with in the first instance by the Licensing Team, but if there are noise issues the Pollution Team may also be involved.
14. Investigations are undertaken and if there are grounds for a review of the licence in relation to the licensing objectives, then the responsible authorities can apply accordingly. In practice, potential applications are considered at the Licensing Liaison Partnership meetings, and agencies/authorities support one another in providing evidence and making applications.

### **Implications**

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

### **Background Papers:**

none

### **Contact:**

Peter Davenport x3227

[peter.davenport@cityoflondon.gov.uk](mailto:peter.davenport@cityoflondon.gov.uk)

### New Licence Applications Issued by way of Delegated Authority.

Name	Address	Ward	Details
Costa Coffee	Unit 6, Liverpool St	Bishopsgate	L 05:00
Costa Coffee	Unit 11, Liverpool St	Bishopsgate	L 05:00
Nando's	27 Lime Street	Langbourn	A, L 00:00
Mexican Express	46 Moorgate	Coleman Street	A, (e) 03:00
La Mexicana	78-81 Fetter Lane	Farringdon Without	A, (f) 00:00
Punto Pasta	23 Russia Row	Cheap	A, L, (b), (e), (f), (h) 01:00
Wetherspoons	Unit 3, Cannon St Station	Dowgate	A, L 00:00
Lorenzo's	1a Pudding Lane	Bridge	A,L,(a&b),(e&f),(g),(i) 05:00
Fantonis	55 Long Lane	Farringdon Within	L 00:00
Cheapside	Cheapside & Surrounding Area	Cheap, Bread Street, Cordwainer	(a), (e), (f), (g), (h), (j) 19:00 (one day only)
Burro Burrito	30-33 Minories	Tower	A 23:00

Total Licences Issued = 11

Key to Details:

- |                            |                           |
|----------------------------|---------------------------|
| A Sale of Alcohol          | (e) Live Music            |
| L Late Night Refreshment   | (f) Recorded Music        |
| (a) Plays                  | (g) Performances of Dance |
| (b) Films                  | (h) Making Music          |
| (c) Indoor Sporting Events | (i) Dancing               |
| (d) Boxing or Wrestling    |                           |

Times stated are the latest terminal hour for at least one of the licensable activities.

#### Number of Licences by Ward Order

WARD	No.
Bishopsgate	2
Bridge	1
Cheap	2
Coleman Street	1
Dowgate	1
Farringdon Within	1
Farringdon Without	1
Langbourn	1
Tower	1

**Licence Variations Issued by way of Delegated Authority.**

Name	Address	Ward	Details
Trinity House	Tower Hill	Tower	Removal of conditions relating primarily to use only for private functions Addition of Late Night Refreshment
Corney and Barrow	12-14 Mason's Avenue	Coleman Street	Vary layout & design
Corney & Barrow t/a Devonshire Terrace	Unit 19 Devonshire Sq	Bishopsgate	Vary layout & design Extend external licensable area Addition of dance, live and recorded music
Davys	Plantation Place, 20 Mincing Lane	Billingsgate	Vary layout, removal of obsolete condition, increase terminal hour from 00:00 to 02:00.

Total Variations = 4

Number of Licences by Ward Order

WARD	No.
Billingsgate	1
Bishopsgate	1
Coleman Street	1
Tower	1

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

Apr 2012 - Jun 2012      5

**Enforcement Action Carried out Under the Licensing Act 2003  
1 April 2012 - 30 June 2012**

Total Number of Inspections	45
Number of Warning Letters	6 (one not yet written)
Number of Notices Served	2
Number of Premises advised	7
Number of simple cautions	0
Number of suspension notices	28
Paid prior to suspension	19
Licence lapsed*	5
'Dead' Suspensions**	2
'Live' Suspensions***	2

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

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

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

Legal proceedings are still ongoing against a premises for the following offences:

- 1) Carrying on a licensable activity otherwise than in accordance with an authorisation contrary to s.136(1)(a) of The Licensing Act 2003;
- 2) Using a premises as a sex establishment other than in accordance with the terms of a licence contrary to Para 6 Sch 3 of The Local Government (Miscellaneous Provisions) Act 1982.

Number of complaints received      10

Breakdown of Complaints

<b>Premises A</b>		<b>Number of complaints to date: 3</b>
<u><i>Complaint Type/Description</i></u>	<u><i>Date Received</i></u>	<u><i>Ward</i></u>
Loud music. Informal warning	11/06/2012	Aldgate
Loud music. Informal warning	11/06/2012	Aldgate
Group of people making noise in street unrelated to premises	08/05/2012	Aldgate

<b>Premises B</b>		<b>Number of complaints to date: 1</b>
<b><u>Complaint Type/Description</u></b>	<b><u>Date Received</u></b>	<b><u>Ward</u></b>
Complaint after event re Karaoke at premises. No return contact from complainant.	25/05/2012	Farringdon Without
<b>Premises C</b>		<b>Number of complaints to date: 1</b>
<b><u>Complaint Type/Description</u></b>	<b><u>Date Received</u></b>	<b><u>Ward</u></b>
Complaint to Police re loud music. None audible on attendance but manager moved music to rear of premises.	18/06/2012	Tower
<b>Premises D</b>		<b>Number of complaints to date: 2</b>
<b><u>Complaint Type/Description</u></b>	<b><u>Date Received</u></b>	<b><u>Ward</u></b>
Noise generated by one-off staff party. Informal warning.	28/05/2012	Bishopsgate
<b>Premises E</b>		<b>Number of complaints to date: 1</b>
<b><u>Complaint Type/Description</u></b>	<b><u>Date Received</u></b>	<b><u>Ward</u></b>
Complaint received after event of loud noise. Manager contacted complainants to keep them informed of future events.	10/04/2012	Broad Street
<b>Premises F</b>		<b>Number of complaints to date: 1</b>
<b><u>Complaint Type/Description</u></b>	<b><u>Date Received</u></b>	<b><u>Ward</u></b>
Noise from smokers o/s premises. Advice given.	18/06/2012	Cripplegate
<b>Premises G</b>		<b>Number of complaints to date: 1</b>
<b><u>Complaint Type/Description</u></b>	<b><u>Date Received</u></b>	<b><u>Ward</u></b>
Loud noise. Manager to only run events in basement and keep complainants informed of future events.	02/04/2012	Bishopsgate
<b>Premises H</b>		<b>Number of complaints to date: 1</b>
<b><u>Complaint Type/Description</u></b>	<b><u>Date Received</u></b>	<b><u>Ward</u></b>
Loud music - complainant did not want any follow up.	04/05/2012	Farringdon Within

This page is intentionally left blank

## Conditions applied to licences granted by way of delegated authority

### Costa Coffee (unit 6)

None

### Costa Coffee (unit 11)

None

### Nando's

1. Late Night Refreshment and the Supply of Alcohol are permitted from the end of permitted hours on New Years Eve until 0230 hours on New Year's Day.

### Mexican Express

1. All windows and doors will remain closed (except as required for entry and exit) at all times licensable activities are being provided.

### La Mexicana

1. CCTV shall be maintained at the premises in working order and all cameras shall continuously record when the premises are open to the public.

2. A notice will be displayed requesting that customers leave the premises quietly.

### Punto Pasta

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or licensing authority recent data or footage with the absolute minimum of delay when requested.

2. Notices shall be prominently displayed at each exit asking patrons to leave quietly.

3. A log shall be kept at the premises detailing all refused sales of alcohol during the hours the premises is licensed to sell it. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City of London Corporation.

### Lorenzo's

1. A CCTV system will be installed. All public areas of the licensed premises, including the main entrance lobby area, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the

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

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

#### Fantonis

None

#### Wetherspoons

1. The premises shall install and maintain a comprehensive digital colour CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 30 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

2. The premises licence holder will operate a 'Challenge 21' policy at all times.

#### Cheapside

None

#### Burro Burrito

1. 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 refusal of the sale of alcohol during the hours the premises is licensed to sell it

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

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



# Agenda Item 7

Committee(s):  Licensing	Date(s):  16 July 2012
Subject: Review of the Governance Arrangements implemented in 2011	Public
Report of: Town Clerk, on behalf of the Post Implementation Governance Review Working Party	For Decision
<b><u>Summary</u></b>	
<p>The Court has agreed that a Working Party should be established to undertake a post-implementation review of the revised governance arrangements agreed in March 2011 after twelve months of their operation, to take stock of the new governance arrangements and how they are working.</p> <p>The purpose of this report, prepared on behalf of the Working Party, is to seek comments, if any, from each Committee on the governance arrangements introduced last year and the impact that they may have had on the operation of your Committee.</p> <p><b>Recommendation:</b> It is recommended that this Committee considers whether it wishes to make any representations to the Working Party on the revised governance arrangements in so far as it affects this Committee.</p>	

## **Main Report**

### **Background**

1. The Court has agreed that a Working Party should be established to undertake a post-implementation review of the revised governance arrangements agreed in March 2011 after twelve months of their operation, to take stock of the new governance arrangements and how they are working.
2. For the purposes of clarification, this review is not, therefore, in relation to any new governance initiatives but is restricted to considering the operation and effectiveness of the revised arrangements implemented last year. A summary of the revised governance arrangements is contained Appendix A.

### **Views on the Governance Arrangements**

3. The Working Party has agreed that the most effective and inclusive way of identifying whether there are any issues arising out of the operation of the revised arrangements is to seek the views of the various City Corporation

Committees and all Members of the Court individually. This will enable comments to be expressed in the context of the operation of the various Committees (including observations from non-City Corporation Members) and will also allow all Members to have their say individually and raise any points; all of which will help to inform the work of the Working Party.

4. The purpose of this report is to seek a view on whether any representations should be made to the Working Party on the revised governance arrangements in so far as they affect this Committee. All of the views expressed will be collated and submitted to a further meeting of the Working Party in September.

**Background Papers:**

Summary of the revised governance arrangements agreed by the Court of Common Council in March 2011.

**Appendix A: Summary of the revised governance arrangements**

**Contact:**

*Simon Murrells* |  
*simon.murrells@cityoflondon.gov.uk* |  
*0207 332 1418*

**Summary of the Governance Changes Implemented in April 2011**

Set out below are the changes agreed by the Court on 3 March 2011 which have been in operation since 1<sup>st</sup> April 2011.

**A. The Court of Common Council**

A1. Not less nine Court meetings are now held each year (reduced from eleven) and a short spring recess now takes place on an annual basis.

A2. At least two informal or private Member meetings (at which no decisions could be taken) are arranged each year. This is on the basis that they do not proceed if there is insufficient business;

A3. Any Member, provided that he or she has the support of twenty other Members, can requisition a report and/or a decision of any of the City Corporation's Committees for consideration and final decision by the Court of Common Council, provided that such action does not preclude a decision being taken and/or implemented that was necessary for legal reasons or for the efficient conduct of the City Corporation's business;

A4. Standing Order No.11 governing the conduct of debate in the Court of Common Council has been amended as follows:

- in addition to the current arrangements governing debate, a further provision be made enabling all Members to speak on a second occasion for no longer than two minutes; and
- should the mover of an amendment to a motion choose to speak for a second time (on the amendment), he or she shall be the penultimate speaker on the amendment (the mover of the original motion being the final speaker on the amendment).

A5. Standing Orders governing the number of supplementary questions that may be asked has been amended so as to increase from two to three the number of other Members (ie not the Member asking the question) allowed to ask two supplementary questions provided that the supplementary questions arise naturally out of the original question and the answer to it;

A6. Standing Orders have been amended so as to increase the time limit for putting and answering questions, including supplementary questions, from 30 minutes to 40 minutes;

A7. To avoid the period allocated for asking and responding to questions being taken up with issues concerned with awards, prizes and memorials, a regular item is now placed on the summons for meetings of the Court to enable such matters to be reported upon in writing.

## **B. Ward Committees**

B1. The Planning & Transportation, Port Health & Environmental Services, Markets, Finance and Community & Children's Services Committees remain as Ward Committees.

B2. All Wards are now able to choose whether or not to nominate a Member (or Members) to serve on Ward Committees rather than being obliged to nominate a Member (or Members) or 'pair' with another Ward;

B3. Where there are vacant or unfilled places on a Ward Committee by virtue of a Ward not making a nomination(s), the vacant or unfilled place can be advertised to all Members and filled by the Court;

B4. Any Ward having six or more Members can nominate up to two Members to a Ward Committee irrespective of whether a Ward has sides;

B5. In addition to the Chairman of the Policy & Resources Committee, the Deputy Chairman of the Policy & Resources Committee is now an ex-officio Member of the Finance Committee. This complements the current arrangement whereby the Chairman and Deputy Chairman of the Finance Committee are ex-officio Members of the Policy & Resources Committee;

B6. The remit of the Finance Committee has been widened to include performance monitoring and its terms of reference adjusted to reflect this. The performance monitoring was to be undertaken by the Estimates Working Party (EWP) or such body determined by the Finance Committee. (NB: Finance Committee subsequently agreed to dispense with EWP and created an Efficiency and Performance Sub-Committee to deal with this area of activity).

B6a. In addition to the above, the constitution of the Finance Committee was amended by the Court on 8 September 2011 to include the Chairman and Deputy Chairman of the Investment Committee, creating a reciprocal arrangement between the Policy and Resources, Finance and Investment Committees (see F2 and J4 below).

B7. All Wards that have 200 or more residents (based on the ward list) are able to nominate a maximum of two Members to the Community & Children's Services Committee; under this arrangement, the current provision for four Members to be elected by the Court, at least two of whom shall represent the main four residential wards, was discontinued; and

B8. The Community & Children's Services Committee was asked to consider giving oversight of its housing management activities (excluding the Barbican Estate) to a sub-committee (with power to act) to enable greater focus in that area. (NB: The Community & Children's Services Committee subsequently created the Housing Management Sub-Committee to oversee the City Corporation's housing activities).

## **C. Culture, Heritage and Libraries Committee**

C1. A new Culture, Heritage and Libraries Committee was established with responsibility for matters relating to culture, heritage, tourism and visitors

including overseeing the development of policies and strategies in those areas. It also took on:

- the responsibilities of the Libraries, Archives & Guildhall Art Gallery Committee which ceased to exist;
- the various tourism, heritage and Benefices activities and responsibilities currently undertaken by the City Lands & Bridge House Estates Committee which also ceased to exist;
- oversight of the City Corporation's Visitor Strategy, the City of London Festival and the management of the City Information Centre from the Policy and Resources Committee; and
- the management of Keats House from the Keats House Management Committee. A Consultative Committee should continue to operate although the detailed arrangements would be a matter for the Culture, Heritage and Libraries Committee to determine.

#### **D. City Lands and Bridge House Estates Committee**

D1. The City Lands and Bridge House Estates (CLBHE) Committee ceased to exist and its work merged with the work of other Committees, such as the new Culture, Heritage and Libraries Committee and the new Investment Committee. Other elements of CLBHE Committee's work was transferred to the Policy & Resources Committee and is managed by dedicated Sub-Committees. For example, the management of operational property is now undertaken by the Corporate Asset Sub-Committee and hospitality and Members' privileges activities are undertaken by the Hospitality Working Party and the Members' Privileges Sub-Committee both of which are chaired by the Chief Commoner.

D2. Where previously the CLBHE Committee would have hosted an event of City Corporation hospitality, the Chief Commoner now oversees the detail for that event in line with parameters set by the Hospitality Working Party. The number of Members to comprise the host element is also determined by the Hospitality Working Party on the basis of a rota maintained by the Town Clerk, together with other Members with a special connection with or interest in the guest organisation.

#### **E. The office of Chief Commoner**

E1. Candidates for the office of Chief Commoner are nominated by not less than 10 other Members and he or she is elected by the whole Court of Common Council from amongst the Common Councilmen (the expectation is that Aldermen will not vote in the election for Chief Commoner);

E2. For 2011, the election of Chief Commoner was held in April and thereafter, the election is held in September of each year, prior to the successful candidate taking office in April, to enable a period of 'lead-in';

E3. The 'job description' for the office of Chief Commoner was approved;

E4. The Chief Commoner remains an ex-officio Member of the Policy and Resources Committee and is also Chairman of any sub-committees

responsible for City of London Corporation hospitality and Members' privileges;

E5. Provision has been made in Standing Orders to enable the Chief Commoner to report on and speak to activities and responsibilities of the sub-committees referred to in E4 above in the Court of Common Council; and

E6. The Chief Commoner is not able to be Chairman of any City of London Corporation committee with the exception of the sub-committees referred to above. However, as with other chairmanships, the Chief Commoner is able to continue an existing chairmanship until the next meeting of the relevant committee when a new chairman shall be elected.

## **F. Investment Committee**

F1. This new non-ward committee was established. The Investment Committee has responsibility for managing and overseeing the City Corporation's property and non-property investments in accordance with approved strategies and policies;

F2. The Investment Committee comprises 14 Members elected by the Court of Common Council, 8 Members appointed by the Policy and Resources Committee from amongst all Members of the Court, together with the Chairmen and Deputy Chairmen of the Policy and Resources and the Finance Committees in an ex-officio capacity but with voting rights;

F3. The Investment Committee appoints and maintains two Boards, one for each investment area (property and non-property) for the purposes of detailed scrutiny and decision taking, with the Chairman of the Investment Committee is also able to be Chairman of one of the Boards;

F4. The Boards are empowered to co-opt people with relevant expertise or experience, including non-Members of the Court, to assist in their deliberations; and

F5. Provision has been made in Standing Orders to enable the Chairmen of both Boards to report on and speak to their respective activities and responsibilities in the Court of Common Council and to ensure that any decisions, especially those relating to property, are taken without undue delay.

## **G. Audit and Risk Management Committee**

G1. A new non-ward committee, Audit and Risk Management was with responsibility for the City Corporation's activities and responsibilities in these areas (with the Finance Committee relinquishing its current responsibilities for audit and risk); and

G2. The Audit and Risk Management Committee shall comprise 9 Members elected by the Court of Common Council (the Chairman of the Policy and Resources, Finance and Investment Committees not being eligible for election to the Committee), 3 external Members (ie non-Members of the Court of Common Council), the Chairman and Deputy Chairman of the Finance Committee (ex-officio with no voting rights) and a representative of the Policy and Resources Committee also in an ex-officio capacity with no voting rights.

G3. The Deputy Chairman of Audit and Risk is not able to be Chairman of another committee.

## **I. Open Spaces Committees**

I1. The management of the City Corporation's open spaces is now maintained by three Non-Ward Committees, as follows:-

(i) Open Spaces, City Gardens and West Ham Park Committee comprising 8 Members elected by the Court of Common Council together with the Chairmen and Deputy Chairmen of the Hampstead Heath, Highgate Wood and Queen's Park and the Epping Forest and Commons Committees (see below) in an ex-officio capacity. The Committee is responsible for setting overall strategy for the operation of the City Corporation's open spaces and for the management of City Gardens. It is also responsible for the management of West Ham Park. This area of work is undertaken separately from the Committee's other business and the Committee's composition includes 4 representatives nominated by the Heirs-at-Law of the late John Gurney, 1 representative nominated by the Parish of West Ham and 2 representatives nominated by the London Borough of Newham;

(ii) Hampstead Heath, Highgate Wood and Queen's Park Committee comprising at least 12 Members elected by the Court of Common Council together with the Chairman and Deputy Chairman of the Open Spaces, City Gardens and West Ham Park Committee (see above) in an ex-officio capacity. The Committee is responsible for the management of Highgate Wood and Queen's Park. It is also responsible for the management of Hampstead Heath with this area of work being undertaken separately from the Committee's other business. The composition of the Committee includes at least 6 external representatives which must include 1 representative of the London Borough of Barnet, 1 representative of the London Borough of Camden, 1 representative of the owners of Kenwood lands and 3 persons representing local, ecological, environmental or sporting interests; and

(iii) Epping Forest and Commons Committee comprising 12 Members of the Court of Common Council including 10 Members elected by the Court of Common Council together with the Chairman and Deputy Chairman of the Open Spaces, City Gardens and West Ham Park Committee (see above) in an ex-officio capacity, to be responsible for the management of Burnham Beeches and the City Commons. The Committee also manages Epping Forest and this area of work is undertaken separately from the Committee's other business. The composition of the Committee includes 4 Verderers elected or appointed pursuant to the Epping Forest Act 1878. If the Chairman and/or Deputy Chairman of the Open Spaces, City Gardens and West Ham Park Committee are already Members of the Epping Forest and Commons Committee in their own right, the vacancy(s) are filled by the Court of Common Council.

## **J. Policy and Resources and Police Committees and the Boards of the Governors of the City Schools**

### Policy and Resources Committee

J1. Of the five vacancies that becomes available on the Policy Committee each year, one place is now reserved for a Member with less than 10 years' service on the Court, resulting in at least four places on the Committee for Members with less than 10 years' service at the time of their appointment;

J2. In view of the synergies between the work of the Energy Working Party (previously of the City Lands and Bridge House Estates Committee) and the Sustainability Working Party (of the Policy and Resources Committee), the work has been merged and transferred to the Policy Committee and is operated through a dedicated Sub-Committee (the Energy and Sustainability Sub-Committee) whose membership can be drawn from the whole Court;

J3. The Policy and Resources Committee is responsible for providing additional scrutiny, oversight and challenge for the management of major projects and programmes of work, including, amongst other things, considering all proposals for capital and supplementary revenue projects (including those which may be funded from external sources), and determining, at detailed options appraisal stage, whether projects should be included in the capital and supplementary revenue programme as well as the phasing of any expenditure. This work is undertaken by a dedicated sub-committee, the Projects Sub-Committee, which comprises 3 Members appointed by the Policy and Resources Committee, 2 Members appointed by the Finance Committee. The Projects Sub-Committee is also able to co-opt 2 further Members from the Court of Common Council with relevant experience.

J4. The Policy & Resources Committee was asked to review its various ex-officio appointments. A review was subsequently undertaken and the outcome reported to the Court on 8 September 2011. Whilst it was felt that the current ex-officio places were still relevant, the Court acknowledged that culture was an area which over the years had become more prominent and which also had substantial resource implications. It was therefore agreed that the Chairman of the new Culture, Heritage and Libraries Committee should become an ex-officio Member of the Policy Committee. Similarly, the development and management of the City Corporation's investment portfolio (property and non-property) was considered to be of great significance and the Court also agreed that the Chairman and Deputy Chairman of the Investment Committee should also serve as ex-officio members, creating a reciprocal arrangement between the Policy and Resources, Finance and Investment Committees.

### Police Committee

J5. For the purposes of continuity the length of service of the Chairman of the Police Committee was extended to a term not exceeding four years;

J6. The current restriction whereby no Member of the Court of Common Council is eligible to serve on the Police Committee until such time as they have served a minimum of two years on the Court, should be removed (NB:



The constitution of the Police Committee has been reviewed since the governance review).

#### Boards of Governors of the City of London School, the City of London School for Girls and the City of London Freeman's School

J7. The three City School Boards were recommended to consider establishing a Working Party comprising key Members from each Board such as the Chairmen and Deputy Chairmen, to discuss important issues that may be of common interest, for example pay awards.

J8. The restriction whereby no Member can serve on more than one Board of Governors was removed.

### **K. Service on City Corporation Committees and Outside Bodies**

#### Reserving places on Non-Ward Committees for 'newer' Members

K1. With the exception the Policy and Resources Committee which has separate arrangements, 10% of places (where 10% results in a fraction it should be rounded down, subject to at least one place being reserved on every non-Ward Committee for a Member falling in to this category) on all elected committees are reserved for Members with less than 5 years' service at the time of their appointment.

#### Limiting the number of Grand Committees on which a Common Councilman can serve at any one time

K2. The number of grand committees on which a Common Councilman can serve at any one time (excluding appointments or nominations to committees in an ex-officio capacity) is limited to no more than eight.

#### Limiting the number of Outside Bodies that a Member can serve on

K3. The number of outside bodies that a Member can serve on at any one time (excluding appointments that are by virtue of Office or in an ex-officio capacity) is limited to no more than six. If a vacancy cannot be filled from the Common Council, then such vacancy can be filled by non-Members, including officers on the basis that there are no issues of major concern to the work of the City Corporation likely to arise;

K4. Appointments to outside bodies are made by the Court of Common Council at meetings other than the meeting at which the appointment of Committees is undertaken.

### **L. Other Committee Issues**

#### Publishing data of attendance by Members at Committee Meetings

L1. Data relating to the attendance of Members at committee, sub-committee and Court meetings was to be more accessible and placed on-line on the City Corporation's website provided that the figures are put in context (ie attendances should be shown together with the actual number of opportunities to attend).

#### Submission of supporting statements

L2. Members seeking election as Chairmen and Deputy Chairmen of committees are now able voluntarily to submit a statement of no more than 300 words in support of their candidature in advance of the meeting at which the election is to be held.

#### Frequency of Committee meetings

L3. The frequency of Committee meetings be reviewed and determined by individual Committees, as was presently the case.

#### Sub-Committees, Working Parties and 'Workshop' style meetings

L4. The constitutional position of sub-committees and working parties and informal 'workshop' style meetings or Member and officer working groups was noted and the Court requested that all Committees review their current arrangements to ensure that they conform to the principles outlined; and

L5. The concept of informal 'workshop' style meetings in appropriate circumstances was accepted in order to improve communication and increase interaction, particularly between Members and officers, at an early stage in major complex, costly or contentious proposals.

#### Committee Papers and Minutes

L6. Committee reports, minutes and papers are to be concise and to the point and that no late papers should be dispatched without the relevant Committee Chairman's consent having first been obtained;

L7. Agendas, reports and other papers shall continue to be dispatched in hard-copy, but greater use of electronically circulated papers be made; and

L8. A standard of seven working days after the Court of Common Council or Committee meetings should be set within which officers will seek to circulate the draft minutes to all Members (or Members of the relevant Committee).

#### Outgoing Chairmen

L9. In addition to the above it was subsequently agreed that in order to assist with arrangements for the election of a deputy chairman, outgoing Chairmen should be required to give notice of their intention to stand down.

#### **M. Terms of Reference, Delegations and Standing Orders**

M1. A scheme for the Appointment of Members on Committees and Terms of Reference for the City of London Corporation Committees was approved;

M2. The Framework for Accountability and Delegation approved by the Court in January 2005 was endorsed and individual Committees asked to review delegations to officers to ensure that they are appropriate and relevant.

M3. Revised Standing Orders were agreed and the Town Clerk authorised, in consultation with the Chairman and Deputy Chairman of the Policy and Resources Committee, to make any necessary consequential changes to

Standing Orders to take account of the decisions relating to the new governance arrangements.

#### **N. Post Implementation Review**

N1. Subject to the Court approving these new arrangements, a post-implementation review be undertaken after 12 months of their operation, with the membership of the working party being agreed by the Court, in order to take stock of the new governance arrangements and how they are working. This would include the operation of the Policy and Resources Committee. The Court subsequently approved the membership of the Post-implementation Review of the Governance Working Party on 8 September 2011.

This page is intentionally left blank

# Agenda Item 8

Committee(s):	Date(s):	
Licensing	16 July 2012	
Subject: Revenue Outturn 2011/12	Public	
Report of: The Chamberlain Director of Markets and Consumer Protection	For Information	

## Summary

This report compares the revenue outturn for the services overseen by your Committee in 2011/12 with the final agreed budget for the year. Overall total net income during the year was £57,000 whereas the total agreed budget was nil, representing an underspending of £57,000 as set out below:

<b>Summary Comparison of 2011/12 Revenue Outturn with Final Agreed Budget</b>			
	<b>Final Approved Budget £000</b>	<b>Revenue Outturn £000</b>	<b>Variations Increase/ (Reduction) £000</b>
<b>Direct Net Expenditure</b>			
Director of Markets and Consumer Protection	(179)	(230)	(51)
<b>Capital and Support Services</b>	179	173	(6)
<b>Overall Totals</b>	0	(57)	(57)

The underspend was largely due to an increase in licence application fees (£39,000).

The Director of Markets and Consumer Protection has submitted a request to carry forward underspendings, and this request will be considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub Committee.

### **Recommendations**

- It is recommended that this revenue outturn report for 2011/12 and the proposed carry forwards of underspendings to 2012/13 are noted.

## Main Report

### **Revenue Outturn for 2011/12**

1. Actual net income for your Committee's services during 2011/12 totalled £57,000, an underspend of £57,000 compared to the final

approved budget of £0. A summary comparison with the final agreed budget for the year is tabulated below. In this and subsequent tables, figures in brackets indicate income or in hand balances, increases in income or decreases in expenditure.

<b>Summary Comparison of 2011/12 Revenue Outturn with Final Agreed Budget</b>				
	<b>Final Approved Budget £000</b>	<b>Revenue Outturn £000</b>	<b>Variation Increase/ (Reduction) £000</b>	<b>Variation Increase/ (Reduction) %</b>
<b>Local Risk</b>				
Director of Markets and Consumer Protection	(179)	(230)	(51)	(28.5)
<b>Capital and Support Services</b>	179	173	(6)	(3.4)
<b>Overall Totals</b>	<b>0</b>	<b>(57)</b>	<b>(57)</b>	<b>-</b>

- The most significant local risk variation was an increase of £39,000 in licence fee income mainly as a result of an increase in the volume of applications received.

### **Local Risk Carry Forward to 2012/13**

- The Director of Markets and Consumer Protection has a local risk underspending of £51,000 on the activities overseen by your Committee. The Director also had local risk underspending totalling £963,000 on activities overseen by other Committees. The Director is proposing that £500,000 of his overall underspend be carried forward, of which £28,000 relates to activities overseen by your Committee for the following purposes:
  - £18,000 for a contract Licensing Officer for 6 months to provide additional resources to complete work on the service's internet pages and a Premises Licensing Code of Practice;
  - £7,000 for document scanning of all premises licence files into word searchable PDFs to improve availability of data; and
  - £3,000 for overtime for Licensing Officers to carry out enforcement visit in Middlesex Street.

**Contact:**

*Simon Owen | [simon.owen@cityoflondon.gov.uk](mailto:simon.owen@cityoflondon.gov.uk) | x1358*  
*Jenny Pitcairn | [jenny.pitcairn@cityoflondon.gov.uk](mailto:jenny.pitcairn@cityoflondon.gov.uk) | x1389*

# Agenda Item 9

<b>Committee(s):</b>	<b>Date(s):</b>	
Licensing Committee	16 July 2012	
<b>Subject:</b> Public Nuisance associated with Licensed Premises	<b>Public</b>	
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>	
<b><u>Summary</u></b>		
<p>Members have complained that there is insufficient provision in the City at night to deal with anti-social behaviour (ASB) and public nuisance, primarily patron noise, from licensed premises, particularly in Carter Lane. This paper outlines actions to improve the service, using Carter Lane as a template for other areas and suggests the Licensing Steering Group set up by The Town Clerk as the appropriate body to oversee these improvements.</p>		

## **Main Report**

### **Background**

1. With the change in the Licensing legislation, the City has faced a series of challenges in its role as a licensing, local and police authority. Finding a balanced approach to the night-time economy is an example of the type of issue that the City has had to address and continues to work on.
2. Over this period, Members have raised concerns over a range of licensing issues affecting all Departments involved in delivering our Licensing Service, including the Police. The most recent of these concerns our out-of-hours Environmental Health Service. Following recent reviews heard by Licensing Sub Committees of two separate premises in Carter Lane in the City Members have complained that there is insufficient provision in the City at night to deal with anti-social behaviour (ASB) and public nuisance, primarily patron noise, from licensed premises, particularly in Carter Lane.
3. The aim of this report is to introduce the Licensing Steering Group set up by The Town Clerk to respond to the concerns of Members and outline the actions that the Group is proposing in relation to those concerns with particular respect to public nuisance, primarily from patron noise associated with licensed premises.

### **Current Position**

4. So far these matters have been addressed as and when they emerge, but in response to this matter The Town Clerk has set up a Licensing Steering Group on a standing basis. The group will be led by the Comptroller & City

Solicitor and supported by the Director of Markets and Consumer Protection, an Assistant Town Clerk, and a Police Superintendent and other relevant City Corporation Officers. It will look across the board and help to coordinate our work, including that in undertaken conjunction with the City Police. It is intended to demonstrate to Members that we are actively working to improve the position. The Comptroller & City Solicitor's contacts and experience in the field gained at Hammersmith & Fulham and Kensington & Chelsea will be of great assistance in bringing a fresh perspective.

5. The group's terms of reference are as follows:
  - To keep under review and identify improvements in all areas of the City Corporation's licensing activities to ensure an efficient and effective service is delivered to the public, license applicants and holders, and elected Members;
  - To report on the work of the Group to the Town Clerk and Chief Executive on a quarterly basis.
6. City Police have confirmed that they will respond to any ASB complaints in Carter Lane and will be immediately focussing on Carter Lane to prevent public order /ASB problems including Thursday, Friday and Saturday nights. Environmental Health (EH) will arrange for EH Officers to deal with known problem areas, including Carter Lane, on Friday and Saturday nights by doing proactive inspections, taking action with premises managers and gathering evidence for further formal action.
7. Noise is included in the definition of ASB. For ASB, the City Police act as the first point of contact and will respond rapidly when contacted on 020 7601 2222. The EH response for noise related problems is provided via the Guildhall number 020 7606 3030 and consists of first response by a Department of Built Environment Street Enforcement Officer (SEO) who will take initial, informal, enforcement action and carry out surveillance where necessary or requested.
8. A series of further measures in the short, medium and longer term have been identified, some starting immediately but all being initiated by January 2013 and are outlined in Appendix 1.

### **Proposals**

9. All of the steps agreed by the Licensing Steering Group will be undertaken and their effectiveness will be monitored by the same Group.

### **Corporate & Strategic Implications**



10. This initiative fits within one of the three strategic aims for the City Corporation in the Corporate Plan 2012 -2016 ‘to provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes’. Similarly it meets the Markets and Consumer Protection Department Business Plan 2012 -2015 strategic aim to ‘to advise, educate, influence, regulate and protect all communities for which the Department has responsibility in the fields of Environmental Health, Port Health, Trading Standards, Licensing and Animal Health’. It also fits within one of the five themes of the City Together Strategy 2008-2014 which ‘protects, promotes and enhances our environment’.

### **Implications**

11. There may be the need for further consideration but at present all actions are expected to fall within the current local risk budgets of Departments. The actions identified by the Licensing Steering Group have all been subject to the views of the Comptroller & City Solicitor.

### **Conclusion**

12. The Licensing Steering Group should act as the overseeing body for the service improvements in providing a coherent, balanced approach to the City’s night time economy starting with the actions noted in paragraphs 5 and 6 and outlined in Appendix 1 of this report.

### **Background Papers:**

None

### **Appendices**

Appendix 1 – Outline of Actions proposed by Licensing Steering Group

#### **Contact:**

*steve.blake@cityoflondon.gov.uk | 1604:*

This page is intentionally left blank

ACTION	START DATE
<p><u>Short Term</u> includes:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> EH to accompany City Police and Fire Brigade on joint night time visits</li> <li><input type="checkbox"/> Supplementary EHO's in City on proactive visits on Friday/Saturday nights and over the Olympic period</li> <li><input type="checkbox"/> EH will draft protocols including trigger levels for initiating Licensing Reviews</li> <li><input type="checkbox"/> City Police and EH will meet fortnightly to review top level premises and areas for action/monitoring</li> <li><input type="checkbox"/> Information on the contact numbers for City Police and EH to be publicised, initially through Ward newsletters</li> </ul>	July 2012
<p><u>Medium Term</u> includes:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A Code of Practice will be developed to include expectations on dealing with patron noise</li> <li><input type="checkbox"/> The late night levy will be considered as a source of revenue for additional policing resource</li> <li><input type="checkbox"/> Early Morning Restriction Orders will be considered for areas where the need for them is demonstrated</li> <li><input type="checkbox"/> EH will trial contracting additional EHO's through shared services or directly for out of hours calls</li> <li><input type="checkbox"/> EH will publicise the availability of the improved service provision</li> <li><input type="checkbox"/> The Licensing Steering Group will review the impact of measures taken</li> </ul>	October 2012
<p><u>Long Term</u> includes:-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Enforcement on Public Nuisance to be part of review of City's Statement of Licensing Policy and reflect the City's proposed Code of Practice for Licensing</li> <li><input type="checkbox"/> Information on the level of service to be expected will be published</li> <li><input type="checkbox"/> EH will consider longer term additional EHO provision Out of Hours dependent on trial review and budgetary constraints</li> </ul>	January 2013

This page is intentionally left blank

<b>Committee(s):</b>	<b>Date(s):</b>	
Reference Sub (Licensing) Committee	13 July 2012	
Licensing Committee	16 July 2012	
<b>Subject:</b> Code of Practice for Licensed Premises		<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection		<b>For Decision</b>
<b><u>Summary</u></b>		
<p>This report introduces initial ideas for a Code of Practice for licensed premises as requested by Members. The report has opted for a set of standards which the City Corporation feel should apply to all licensed premises in the City of London.</p> <p>The Code is linked with the City Corporation’s Licensing Policy and also introduces a risk assessment scheme for enforcement purposes. Where premises do not meet the necessary standards they will be scored on a ‘traffic light’ scale. When a premises is ‘amber’ rated the Licensing Service, and/or other responsible authorities, will meet with the licence holder and attempt to resolve any issues. Where a premises is ‘red’ rated it is open to review where appropriate.</p> <p>The report recommends a draft version of the Code be sent to various stakeholders for consultation with a final draft to this committee for recommendation in October 2012.</p>		
<b><u>Recommendations</u></b>		
I recommend that Members agree to the proposals outlined in paragraphs 15-18.		

## **Main Report**

### **Background**

1. There has been recognition by Members and officers that licensed premises within the City of London should abide by a set of standards/rules in addition to those set out in the Corporation’s Licensing Policy and what can legally be achieved by way of conditions placed on a licence.
2. This culminated in a statement included in the ‘Memorandum of Understanding (MOU) between the Markets & Consumer protection Department, Public Protection Service (PPS) and the City of London Police (CoLP)’ signed on 10 November 2011.

3. The MOU requires that the above teams cooperate to ensure the promotion of the licensing objectives and that premises are managed in accordance with the Corporation's Licensing Policy. In order to formalise this approach the following document is to be developed:

‘A joint code of good practice for licensed premises that outlines what is expected in practical terms where this is not explicit in the City's Statement of Licensing Policy or in the conditions attached to individual licences.’

4. The format of the Code of Practice was discussed at a meeting of the Licensing Liaison Partnership held on 21 May 2012. Although nothing specific was suggested the discussion was sufficient for officers of the licensing service to commence putting together an outline Code.

### **Progress to Date**

5. The Licensing Team believe that any Code should not rely on a ‘buy in’ from premises, as with the Safety Thirst scheme, but should set standards applicable to all licensed premises within the City of London. There may, however, have to be a way of assessing and scoring different types of premises/standards as the criteria applicable, for example, to a nightclub will not necessarily apply to a restaurant.
6. It is likely that premises will be categorised for example Night Club, Public House, Restaurant etc., with each of the Code's standards being suffixed by an appropriate letter representing the applicable category of premises.
7. Further, it was felt that this was an opportunity to link standards with an enforcement risk assessment. This will give the licensing team a basis for carrying out inspections and justification for bringing reviews when a premises operates in a manner which is not in compliance with the standards recommended in the Code of Practice.
8. It is the intention that the Code will have the following features:
  - A set of standards applicable to all licensed premises for each of the four licensing objectives.
  - Standards in each of the four sections that will be deemed to be the minimum the Corporation feels appropriate for licensed premises to adhere to.
  - A point scoring system associated with the standards based on non-compliance, although it will be feasible for a premises to comply with the standards but still to accumulate points e.g. a particular premises may implement all recommended measures to prevent

public nuisance but still can not stop patrons leaving from shouting in the street.

- The use of a traffic light system of risk assessment for each of the licensed premises.
9. The standards will be linked to The City Corporation's Licensing Policy and will cover such areas as staff training, liaison with responsible authorities, safety of customers, obstruction of the highway, dispersal of patrons etc. Some of the standards will cover topics already referred to in the Licensing Policy which will emphasise those topics that are considered important.
  10. The standards will also be linked with the City Corporation's Safety Thirst scheme and will ensure that premises will not be rewarded for meeting Safety Thirst criteria alone, but will also have to meet the standards in the Code of Practice. Work is continuing in order to bring the two schemes closer together if possible.
  11. A first draft of the introduction to the Code and examples of 'crime & disorder' standards are attached as Appendix 1.
  12. The 'risk assessment' scheme will incorporate a scoring system for a number of areas whereby premises can accumulate points if they either fail to meet a standard or carry on an activity that is not conducive to the licensing objectives. For example a premises will accumulate points if they are the subject of justified complaints, receive enforcement notices, or have reported crime.
  13. When a premises reaches a set number of points their status will change from green to amber. At this stage the Licensing service and/or the City of London Police Licensing Team and the City Corporation's Pollution Team will meet with the licence holder and attempt to resolve any issues. The priority will be the promotion of the licensing objectives.
  14. When a premises' status changes to red the licensing authority, in its role as a responsible authority, will consider if a review of the premises is warranted. If the majority of points are gained from areas of crime and disorder or public nuisance, the Police or Environmental Health respectively will be expected to take the lead role for any possible review.

## **Proposals**

15. Officers will continue to develop standards for each of the areas covered by the licensing objectives in line with the example given in Appendix 1. Some standards are to be considered as the minimum required in order to operate a licensed premises within the City of London. These will be clearly marked as such.

16. Criteria for a risk assessment scheme are to be developed with scoring bands set for green, amber and red status. The criteria will be closely linked to the Code's standards.
17. The final draft Code should be sent to stakeholders for consultation during August and September 2012 after input and agreement from the Licensing Reference Sub Committee. The stakeholders will include Members, officers from other services, other responsible authorities, members of the public and licensed premises.
18. Results of the consultation will be collated and incorporated in a report to the Licensing Committee in October 2012.

### **Corporate & Strategic Implications**

19. The above action meets the requirements of the Markets and Consumer Protection Enforcement Policy for Public Protection.
20. Reference to the Code of Practice will need to be incorporated in an amendment to the Corporation's Statement of Licensing Policy 2011.

### **Implications**

21. The legal implications have been addressed in consultation with the Comptroller and City Solicitor's Department. There are no direct financial implications to this report.

### **Appendices**

1. Example layout for Code of Practice

#### **Contact:**

Peter Davenport, 020 7332 3227

[peter.davenport@cityoflondon.gov.uk](mailto:peter.davenport@cityoflondon.gov.uk)



# AMENDED APPENDIX – CODE OF PRACTICE

## Introduction

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

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

The aim of this code is to provide applicants and licensees with guidance on good practice for the promotion of the four licensing objectives which are paramount considerations at all times. The code is consistent with the Home Office guidance issued under section 182 of the Act and with the City of London's statement of licensing policy. It outlines what the City of London licensing authority and its responsible authority partners expect in practical terms from applicants when completing their operating schedules and from licensees when operating their premises under the terms of a premises licence.

The code identifies possible risks associated with the sale of alcohol and the provision of entertainment or late night refreshment and sets out good practice measures to mitigate those risks. It provides a key mechanism for the promotion of the licensing objectives and for well run premises and a responsible approach to alcohol, entertainment and late night refreshment in the City of London. It is recognised that not every risk will be relevant to all premises, and the code cannot anticipate every possible risk, problem or set of circumstances that may arise from licensed premises. Neither does the code restrict an applicant or licence holder from promoting the licensing objectives through alternative means.

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

- when responding to licence applications where the licensing objectives have not been adequately addressed in the operating schedule;
- as a first point of dealing with licensed premises encountering problems, to raise standards to promote the licensing objectives in those premises and avoid further problems; and
- for the review of licences where there is evidence that licensees have not promoted the licensing objectives.

The routine monitoring of licensed premises will be undertaken by the licensing authority and responsible authorities and findings under the four licensing objectives will be brought together. Problems or concerns with licensed premises will be identified and flagged up at an early stage and advice will be offered to licensees with a view to improving standards at their premises and to prevent or minimise subsequent problems. The aim of the code is to avoid the need for enforcement action such as prosecution or review but it will not replace enforcement action where it is necessary.

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

## General – all four licensing objectives

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

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

## Prevention of crime and disorder

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

Risk	Good practice measure
<p><b>Security in and around the premises</b></p>	<p><b>CD1</b> (a) <b>An alarm or other security measure</b> should be installed at the premises to protect it when closed or empty.</p> <p>(b) Emergency exits should be alarmed when the premises are open to the public so that staff are immediately notified of unauthorised opening or tampering.</p> <p>(c) Any staff or private areas and cellars should be kept locked and secured whilst the premises are open to the public.</p> <p><b>CD2</b> (a) <b>CCTV</b> should be installed inside and/or outside the premises, ensuring the date and time settings are correct.</p> <p>(b) The recordings should be in real time and on hard drive with the availability to copy disks for other agencies such as the police.</p> <p>(c) For analogue systems, tapes should be changed daily and used no more than 12 times.</p> <p>(d) Recordings should be kept for a minimum period of 31 days.</p> <p>(e) Staff should be trained in the maintenance and operation of such systems with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(f) A trained member of staff should be on duty to operate the system whenever the premises licence is in use.</p> <p><b>CD3</b> <b>External lighting</b> provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.</p>

Risk	Good practice measure
<p><b>Security in and around the premises (cont)</b></p>	<p><b>CD4 (a) Security systems should be integrated</b> so that the alarm, CCTV and lighting work together in an effective manner.</p> <p>(b) The alarm should be linked to a system that will notify the police if it is activated.</p> <p><b>CD5 (a) Door staff and/or stewards</b> should be employed at the venue to supervise admissions and customers inside the venue.</p> <p>(b) Any person performing the role of a door supervisor must be licensed with the Security Industry Authority (SIA) and SIA badges must be clearly displayed whilst working.</p> <p>(c) Door staff should be easily identifiable by wearing a uniform or high visibility jackets.</p> <p>(d) Door staff should sign into a register detailing their full SIA licence number, their name, the time and date their duty commenced and concluded.</p> <p>(e) Stewards and other staff at the premises should also be easily identifiable.</p> <p><b>CD6 (a) Effective security policies</b> based on risk assessments can protect your premises, staff and customers from threats, conflict or violence.</p> <p>(b) Security policies should be formulated in consultation with the City of London Police licensing team.</p> <p>(c) All staff must be aware of a premises security policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(d) Premises should be searched inside and out for suspect packages before, during and after opening hours. Staff should be trained to remain vigilant during opening hours and report any suspicious activity to the Police.</p> <p><b>CD7 Security reviews</b> should be held regularly and at least every three months with minutes kept.</p> <p><b>CD8 (a) Daily staff briefing and debriefing</b> will enable licensees to improve working practices in their premises.</p>

Risk	Good practice measure
<p><b>Security in and around the premises (cont)</b></p>	<p>(b) Briefings can be informal but any problems identified and remedial action taken should be recorded with records kept in the main office.</p>
<p><b>Crime including conflict, violence or aggression in and around the premises</b></p>	<p><b>CD9</b> (a) <b>Promoted events</b> may attract larger than usual crowds and particular promotions may have violent or aggressive followers, rival gangs or other crime and disorder associated with them.</p> <p>(b) Such events must have a comprehensive risk assessment undertaken by the licence holder and submitted to the City of London Police licensing team at least 14 days in advance of the proposed event.</p> <p>(c) It is expected that promoters should have obtained the BIIAB level 2 for music promoters.</p> <p>(d) In the event that a problem should arise during a promoted event, this should be documented by the licence holder and it is expected that a debrief form will be provided to the City of London Police licensing team within 48 hours of the event.</p> <p><b>CD10</b> (a) <b>Proper management of the door</b> will depend on the size and type of venue. The number of door supervisors should be determined by a risk assessment taking into account the size of venue and the type of crowd the entertainment is likely to attract, but at the very least on a ratio of 1 door supervisor per 50 customers.</p> <p>(b) Consideration should be given to a sufficient provision of male and female door staff.</p> <p><b>CD11</b> A <b>door admissions policy</b> including any age restrictions, expected dress standards or the screening of hand bags should be widely publicised on any promotional material or website and clearly displayed at the entrance to the premises.</p> <p><b>CD12</b> (a) <b>Ejecting or refusing entry to persons</b> from the premises if they do not meet your admissions standards or they are known to be violent or aggressive.</p> <p>(b) In such cases, an entry should be made in an incident or log book</p>

Risk	Good practice measure
<p><b>Crime including conflict, violence or aggression in and around the premises (cont)</b></p>	<p><b>CD13 (a) A policy to manage capacity</b> should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.</p> <p>(b) The use of clickers, tickets or head counts may be appropriate.</p> <p>(c) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons and avoid conflict, violence or aggression within the premises.</p> <p><b>CD14 (a) Alternatives to glass drinking vessels</b> should be considered to prevent glassware being used as an assault weapon, particularly during promoted events.</p> <p>(b) Drinking vessels made from plastic or polycarbonate would be preferential particularly in outside areas.</p> <p>(c) Where alternatives are not used, there should be a robust glass collection policy in place. This should include regular collection of glassware by staff and prevention of glassware being removed from the premises.</p> <p><b>CD15 (a) Measures to preserve a crime scene</b> until police arrival, following the outbreak of disorder or any other crime should be clearly documented in a policy.</p> <p>(b) Such a policy should be formulated in consultation with the City of London Police licensing team.</p> <p>(c) All staff must receive training on the policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p> <p><b>CD16 (a) Staff training</b> in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises.</p> <p>(b) Training should also cover dealing with, logging and reporting incidents if they occur.</p> <p>(c) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>

Risk	Good practice measure
<p><b>Crime including conflict, violence or aggression in and around the premises (cont)</b></p>	<p><b>CD17 Sharing of information</b> with others in the industry. Regular meetings, the use of local radio networks or membership of a local pub/club watch schemes will enable information to be passed on about trouble makers and common problems in the area.</p>
<p><b>Drugs and weapons being brought into the premises</b></p>	<p><b>CD18 (a) A zero tolerance policy</b> to the use of drugs and carrying of weapons in the premises should be adopted with a clear “no search no entry” message.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of zero tolerance policy.</p> <p><b>CD19 (a) Effective search policies</b> will minimise the opportunity for drugs and weapons to be brought into licensed premises and lead to drug and weapon seizure if attempts are made.</p> <p>(b) The use of search arches and wands may be appropriate in some cases.</p> <p>(c) Search policies should be formulated in consultation with the City of London Police licensing team.</p> <p>(d) Search policies must be advertised widely on tickets, promotional leaflets and on websites and prominently in the premises entrance and queuing area.</p> <p>(e) Searches should always be carried out in public areas.</p> <p>(f) All staff must be trained on search policies with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p><b>CD20 (a) Ejecting customers from the premises</b> if they are suspected of being in possession of drugs or weapons.</p> <p>(b) In such cases, an entry should be made in an incident or log book.</p> <p><b>CD21 (a) Seizing, retaining and documenting</b> any drugs or weapons found with a clear audit trail and a process for surrendering them to the Police.</p>

Risk	Good practice measure
<p><b>Drugs and weapons being brought into the premises (cont)</b></p>	<p>(b) A search policy should clearly set out procedures that must be followed by staff should they find drugs or weapons during a search, including the use of tamper proof bags and safe storage of seized items, details that need to be recorded and circumstances when the police should be called.</p> <p><b>CD22 (a) Supervising toilet areas</b> can be effective in discouraging drug selling or use.</p> <p>(b) Regular toilet checks such as swabbing should be considered and where conducted, these should be documented with date, time and finding recorded.</p> <p>(c) Removal of flat surfaces in toilet areas can reduce the likelihood of drug misuse</p> <p><b>CD23 Drug awareness training</b> should be provided for all staff. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>
<p><b>Theft from premises or lost property</b></p>	<p><b>CD24 Bag hooks (Chelsea clips)</b> should be provided to prevent bag snatching.</p> <p><b>CD25 Clear signage</b> should be displayed throughout the premises about crime prevention and to warn customers of the potential for pickpockets and bag/laptop snatchers.</p> <p><b>CD26 Property patrols, managed cloakrooms</b> and toilet attendants can be employed to prevent theft from patrons or the premises.</p> <p><b>CD27 Premises layout and lighting</b> should be considered. Secluded or dimly lit parts of the premises should be avoided as they can encourage crime.</p> <p><b>CD28 Mirrors</b> used throughout the premises can aid supervision and act as deterrents to thieves.</p> <p><b>CD29 A lost and found policy</b> should be in place in relation to lost/found property at the premises. The policy should include procedures regarding the logging and disposal of property and in particular any valuable property. Passports and any other ID found should be handed in to any police station.</p>



Risk	Good practice measure
<p><b>Theft from premises or lost property (cont)</b></p>	<p><b>CD30 (a) Carefully positioning alcohol</b> in retail premises can reduce theft from the premises. Alcohol is a key target for shop thieves so it is best not to place alcoholic beverages within the first few metres near the door as this allows thieves to 'grab and run'.</p> <p>(b) It may be helpful for alcohol display areas to be covered by CCTV if possible.</p> <p><b>CD31 Security tagging</b> any items considered a specific target for theft, particularly alcoholic drinks over a certain price level will deter thieves.</p>
<p><b>Disorder from customers queuing to enter the premises or when leaving the premises</b></p>	<p><b>CD32 Reduce the potential for excessive queue lines</b> with a well managed and efficient door policy. Long queuing times can cause people to become agitated or aggressive. Searches should therefore be conducted as quickly and effectively as possible.</p> <p><b>CD33 (a) A customer dispersal policy</b> can minimise the potential for disorder from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels.</p> <p>(b) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p> <p><b>CD34 (a) Staff training</b> in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations.</p> <p>(b) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p>
<p><b>Customers getting drunk and dealing with drunken customers</b></p>	<p><b>CD35 (a) Drinks promotions</b> should be socially responsible and not encourage excessive drinking.</p> <p>(b) A documented policy on responsible drinks promotions should be in place at the premises and should adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.</p>

Risk	Good practice measure
<p><b>Customers getting drunk and dealing with drunken customers (cont)</b></p>	<p>(c) Any drinks promotion should market the availability of soft drinks</p> <p><b>CD36 (a) Staff training</b> on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.</p> <p>(b) Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.</p> <p>(c) When staff are collecting glasses, they can interact with customers and assess the levels of drunkenness. Any concerns should be reported back to a manager.</p> <p>(d) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p><b>CD37 A duty of care policy</b> regarding persons suffering adversely from the effects of drink should be in place at the premises. The policy should clearly express that every effort will be made by staff to prevent patrons from deteriorating to an uncontrolled intoxicated extent. All staff must be briefed on the policy.</p> <p><b>CD38 Drink-aware posters</b> can be displayed in the premises to remind customers of safe and sensible alcohol consumption limits.</p>
<p><b>Consumption of alcohol on the street and street drinkers</b></p>	<p><b>CD39 Restrict the sale</b> of strong beer and cider above 5.5% ABV and the sale of single cans or bottles of beer and cider. Such sales can contribute to anti social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.</p>
<p><b>Sale of alcohol outside permitted hours</b></p>	<p><b>CD40 Lockable shutters</b> can be fitted on display units for alcohol in retail premises, which can be closed and locked at the end of permitted hours.</p>

## Public Safety

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

Risk	Good practice measure
<p><b>General safety of staff and customers</b></p>	<p><b>PS1</b> (a) <b>A full risk assessment</b> taking into account public safety should be carried out at the premises to identify potential hazards posed to staff and customers and setting out the precautions taken to manage the hazards. Templates can be found on the Health and Safety Executive website. A risk assessment should be regularly reviewed.</p> <p>(b) All staff should be made aware of the risk assessment and precautionary measures therein.</p> <p>(c) A copy of the risk assessment should be kept at the premises and made available for inspection.</p> <p><b>PS2</b> <b>First aid boxes</b> should be available at the premises and maintained with sufficient in date stock.</p> <p><b>PS3</b> (a) <b>A recognised qualification in first aid</b> should be held by at least one member of staff who should be on duty at all times the premises licence is in use.</p> <p>(b) Other staff should be trained to a basic first aid standard with records kept of the date and name of person trained.</p> <p><b>PS4</b> <b>A first aid room</b> or quiet room should be made available to anyone requiring medical attention.</p> <p><b>PS5</b> <b>Temperature levels</b> and humidity in venues should be controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. Premises should be adequately heated and ventilated to avoid this. This can be achieved through use of air conditioning systems or natural ventilation in non-residential areas.</p>
<p><b>Overcrowding</b></p>	<p><b>PS6</b> <b>A documented capacity</b> should be set for the premises overall and for individual rooms within the premises. Capacity can be determined by a premises risk assessment in consultation with the fire safety authority.</p>

<p><b>Overcrowding (cont)</b></p>	<p>The risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time and available fire exits.</p> <p><b>PS7 (a) A policy to manage the capacity</b> should be adopted to prevent overcrowding and localised overcrowding.</p> <p>(b) The use of electronic clocking systems, clickers, ticket sales or head counts may be appropriate.</p> <p>(c) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.</p>
<p><b>Accumulation and disposal of glasses / drinking vessels</b></p>	<p><b>PS8 (a) A glass collection policy</b> should include provisions for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Glassware should not be allowed to accumulate or cause obstruction.</p> <p>(b) Perimeter checks should be made outside the premises for any glasses or bottles.</p> <p>(c) All staff must be made aware of the glass collection policy and their responsibility for the task</p> <p><b>PS9 Spillages and broken glass</b> should be cleaned up immediately to prevent floors from becoming slippery and unsafe.</p> <p><b>PS10 Bottle bins</b> should be secure at all times and away from public areas.</p>
<p><b>Accident or other emergency incident on the premises</b></p>	<p><b>PS11 (a) A written policy</b> to deal with all types of accidents &amp; emergency incidents should be in place at the premises.</p> <p>(b) The policy should be based on risk assessments and include matters such as emergency management, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.</p> <p>(c) Evacuation responsibilities and roles should be clearly communicated to staff, routes and exits should be well defined and evacuation plans exercised regularly.</p>

<p><b>Accident or other emergency incident on the premises (cont)</b></p>	<p>(d) A copy of the fire risk assessment should be kept at the premises and made available for inspection by the fire authority and licensing authority.</p> <p><b>PS12 A fire detection system</b> should be in place at the premises and should be fully functional at all times. The system should be tested regularly with records kept and made available for inspection.</p> <p><b>PS13 Means of escape</b> in case of any emergency must be clearly visible, unobstructed and well maintained including areas outside exits leading to a place of ultimate safety such as the street.</p> <p><b>PS14 (a) Staff training in fire safety</b> and any premises safety policy should be provided for all staff to give them the knowledge and confidence to deal with emergency situations, including location of equipment, utilities, services and layout of premises. Training should include how to use fire extinguishers.</p> <p>(b) Records should be kept of the date and name of person trained and made available for inspection.</p> <p><b>PS15 An accident book</b> should be kept in order to record all accidents or incidents and made available for inspection.</p>
<p><b>Drug use or drink spiking</b></p>	<p><b>PS16 (a) A zero tolerance policy</b> to the use of drugs in the premises should be adopted.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of the zero tolerance policy.</p> <p><b>PS17 Refusing entry</b> to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident log book.</p> <p><b>PS18 (a) A duty of care policy</b> regarding persons suffering adversely from the effects of drugs should be in place at the premises. The policy should include drug awareness training for all staff so that they can recognise the effects of controlled drugs and provide medical attention where necessary.</p> <p>(b) All staff must be briefed on the policy. A record should be kept of the date and name of person trained.</p>

<p><b>Drug use or drink spiking (cont)</b></p>	<p><b>PS19 (a) Prevent the possibility of drink spiking</b> by offering various anti drink spiking products to customers.</p> <p>(b) If a customer suspects that their drink has been spiked, you should report it to the police immediately. A process for this should be clearly set out in your duty of care policy.</p> <p><b>PS20 A ‘chill out’ area</b> should be provided. This should be cooler and quieter than rest of venue.</p>
<p><b>Smoking on the premises</b></p>	<p><b>PS21 Staff should be aware</b> of their responsibilities regarding smoke-free legislation and for monitoring compliance.</p>
<p><b>Safety of customers when leaving the premises</b></p>	<p><b>PS22 Discourage drink driving</b> by promoting schemes such as Designated Driver, with notices clearly displayed throughout the premises.</p> <p><b>PS23 (a) Display information</b> to customers with regards to safe options for travelling home such as Cabwise. Information should include access to licensed taxi cabs or licensed private hire vehicles, the location of taxi ranks and public transport facilities including night bus options.</p> <p>(b) Provide a free taxi phone service.</p> <p>(c) Provide a safe waiting area for customers inside the premises</p> <p><b>PS24 (a) A ‘chill out’ period at the end of an evening</b> can allow a slow dispersal from the premises allowing door staff to gain a handle on problem individuals, preventing arguing over taxis or congregation at takeaways and clashes with groups from other venues.</p> <p>(b) Provision of food and non alcoholic drinks during a chill out period can be effective in allowing customers to sober up before leaving the premises.</p> <p>(c) Increased lighting inside the premises should be considered towards the end of an evening to affect the alertness of customers before they leave the premises.</p>

<b>Committee(s):</b>	<b>Date(s):</b>	
Licensing Committee	16 July 2012	
<b>Subject:</b> Pool of Conditions for use in Premises Licences		<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection		<b>For Information</b>
<b><u>Summary</u></b>		
<p>The ‘bucket’ of conditions previously used to assist Members and applicants when adding conditions to a premises licence or club certificate has been updated. This is due primarily to finding various conditions within the document that are unenforceable, irrelevant and/or do not meet the criteria in the Government guidelines issued under s.182 of the Licensing Act 2003.</p> <p>This report provides the new list, renamed the ‘Pool of Model Conditions’, which has been extensively revised following consultation with Members, and the deliberations of the Chairman, Deputy Chairman and Alderman Walsh. The extant Pool of conditions is attached at Appendix One</p> <p>Recommendation: Members are requested to note the contents of the report.</p>		

## **Main Report**

### **Background**

1. The Licensing Act 2003 permits conditions to be added to a premises licence or club certificate in order to assist in the promotion of the four licensing objectives namely:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

Generally, these conditions are suggested by the applicant at the time of the application or added by Members following a licence hearing or review.
2. 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
3. In order to assist applicants and Members, the City of London have previously had a ‘bucket of conditions’ containing a non exclusive list of

typical conditions which can be used. The list was generated and made available in October 2008.

4. Conditions are required to be clear, appropriate and enforceable and must be expressed in terms that are unequivocal and unambiguous. Since the previous list was issued it has been recognised that some of the conditions were unenforceable and others irrelevant.
5. In October 24 2011 The Committee considered a report of the Director of Markets and Consumer Protection which introduced an updated pool of conditions The report highlighted that the previous 'bucket' of conditions had been updated primarily due to finding various conditions within the document which were unenforceable, irrelevant and/or did not meet the criteria in the Government guidelines issued under s.182 of the Licensing Act 2003.
6. The Chairman invited any Members that had any observations or comments on the nature of the proposed 'pool of conditions' to inform the Town Clerk and thereafter the proposed conditions would be agreed by way of delegated authority by the Town Clerk in consultation with the Chairman, Deputy Chairman and Alderman Simon Walsh.
7. Subsequently the Committee received training from Elliot Gold of 5 Essex Court, which included commentary on the drafting of conditions. The Chairman, Deputy Chairman and Alderman Simon Walsh have taken this into account along with their own knowledge and experience, when considering the current Pool of conditions which have now been approved. (see Appendix 1).
8. The Pool has been emailed to each Member of the Licensing Committee for information and will be available on the new City Corporation web site for use by applicants. The pool of model conditions does not restrict any applicant, responsible authority, or interested party from proposing any alternative conditions nor would it restrict a licensing sub-committee from imposing any reasonable condition on a licence it considers necessary for the promotion of the licensing objectives.

### **Corporate & Strategic Implications**

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

### **Background Papers:**

Pool of Conditions for use in Premises Licences Report October 24 2011

### **Appendix 1 Pool of Licensing Conditions**



**Contact:**

*steve.blake@cityoflondon.gov.uk | telephone number: 1604*

This page is intentionally left blank

## 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](mailto:licensing@cityoflondon.gov.uk) ) and/or the City of London Police Licensing Team and the Environmental Health Pollution Team prior to making the application in order to discuss any possible issues.**

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

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

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

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

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

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

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

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

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

[http://www.cityoflondon.gov.uk/Corporation/LGNL\\_Services/Business/Licences\\_and\\_street\\_trading/Licensing+Act+2003.htm](http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Business/Licences_and_street_trading/Licensing+Act+2003.htm) .

## **The Prevention of Crime and Disorder.**

### **CCTV**

MC01 The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.

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

### **Promoted Events**

MC02 There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

### **Incident Management**

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

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

### **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.