



Licensing Committee

Date: MONDAY, 14 JANUARY 2013

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

John Barradell
Town Clerk and Chief Executive

AGENDA

1. **APOLOGIES**

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

3. **TERMS OF REFERENCE**

In accordance with the Order of the Court of Common Council, of 6 December 2012, the Committee are invited to review their terms of reference prior to their submission to the Court at its meeting in April 2013 (copy attached).

For Decision
(Pages 1 - 2)

4. **COURT ORDER**

Order of the Court of Common Council of 6 December 2012, concerning the Post-implementation Review of the Governance Arrangements (copy attached).

For Information
(Pages 3 - 4)

5. **PUBLIC MINUTES**

To agree the minutes of the meeting held on 22 October 2012 (copy attached).

For Decision
(Pages 5 - 10)

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

For Information

- a) 21 November 2012 - Club 2AD, 2 Crutched Friars, London, EC3N 2HT - Consideration of Interim Steps (Pages 11 - 16)
- b) 23 November 2012 - Club 2AD, 2 Crutched Friars, London, EC3N 2HT - To consider Representations by Premises Licence Holder on taking Interim Steps (Pages 17 - 20)
- c) 27 November 2012 - The Duke & Duchess, 2-3 Creed Lane, London, EC4V 5BR (Pages 21 - 24)
- d) 17 December 2012 - Club 2AD, 2 Crutched Friars, London, EC3N 2HT - Summary Review Hearing (Pages 25 - 28)

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

The Comptroller & City Solicitor to be heard.

For Information

8. **DELEGATED DECISIONS PERTAINING TO PREMISES LICENCES**

Report of the Director of Markets & Consumer Protection (copy attached).

For Information
(Pages 29 - 38)

9. **LICENSING ACT 2003: REVIEW OF STATEMENT OF LICENSING POLICY 2013**

Report of the Director of Markets & Consumer Protection (copy attached).

For Decision
(Pages 39 - 148)

10. **GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES 2013**

Report of the Director of Markets & Consumer Protection (copy attached).

For Decision
(Pages 149 - 194)

11. **LATE NIGHT LEVY**

Report of the Director of Markets & Consumer Protection (copy attached).

For Decision
(Pages 195 - 204)

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

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

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Agenda Item 3

LICENSING COMMITTEE

Terms of Reference

To be responsible for:-

- (a) the discharge of the City of London Corporation's functions as a "licensing authority" under the following legislation:-
 - (i) Licensing Act 2003
 - (ii) Gambling Act 2005
 - (iii) Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009

- (b) Making recommendations to the Court of Common Council regarding:-
 - (i) the City Corporation's Statement of Licensing Policy under S.5 Licensing Act 2003;
 - (ii) The City Corporation's Statement of Licensing Principles under S.349 Gambling Act 2005.

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TO: LICENSING COMMITTEE

Gifford, Mayor



A Court of Common Council holden in the Guildhall of the City of London on Thursday, the sixth day of December, 2012.

Post-implementation Review of the Governance Arrangements

At its meeting on 3 March 2011 the Court agreed a number of changes to the City Corporation's Governance. In approving the new arrangements it was also agreed that a post-implementation review should be undertaken after a year of operation to take stock and to ensure that the revised arrangements were operating effectively. To this end, a Working Party was established by the Court to conduct the post-implementation review.

A consultation exercise on the revised arrangements was subsequently carried out over the summer recess on behalf of the Working Party with both Members and City Corporation Committees. The Working Party has considered the responses in detail and concluded that overall the new arrangements are operating well but that there were one or two areas that required modification.

Whilst the various conclusions and recommendations of the Post-implementation Review of Governance are set out within the Working Party's report, the principal changes recommended are as follows:-

- An increase from 10 to 15 in the number of elected Members on the Establishment Committee, two of whom shall have less than 5 years' service on the Court.
- The Chief Commoner should be elected in October rather than September; should take office at the first Court meeting after the wardmotes and the current arrangement whereby there is an expectation that Aldermen will not vote in the election of that office should be dispensed with.
- The West Ham element of the Open Spaces, City Gardens and West Ham Park Committee should be reconstituted as a separate committee but with the same Court-elected Members on each committee.
- The Corporate Asset and Energy and Sustainability Sub Committees be transferred from the Policy and Resources Committee to the Finance Committee and the Planning and Transportation Committee respectively.
- The Policy & Resources Committee should, in future, elect three Deputy Chairmen with the "chairman-in-waiting" being electing one year before the expected date of an election for Chairman.

We submit for consideration and **recommend** approval of, a printed and circulated report containing the various conclusions and recommendations of the Post-implementation Review of Governance Working Party.

Read.

Of particular relevance to your Committee:-

Extract from the report – Paragraphs 29 & 30

“29. The Licensing Committee requested that consideration be given to the Chairman of that the Licensing Committee becoming an ex-officio Member of the Policy Committee on the basis that licensing was a major policy area which affects the City, workers and residents.

30. The Working Party noted that a review of the ex-officio appointments on the Policy and Resources Committee had been considered by the Committee in June 2011 as directed by the Court and that the possibility of the Chairman of the Licensing Committee becoming an ex-officio Member had also been considered in 2008. At that time the request had been declined on the basis that the Policy Committee had no specific involvement with, or influence over, the City Corporation’s licensing policy and that the Licensing Committee reported directly to the Court. Changes were however made to the ex-officio appointments on the Committee in 2011 with the addition of the Chairman of the Culture, Heritage and Libraries Committee and the Chairman and Deputy Chairman of the Investment Committee. This increased the number of ex-officio places from 10 to 13. Licensing is one of 14 committees/boards which do not hold an ex-officio place on the Policy Committee and the Working Party was content with the current arrangement.

Recommendation: that no change be made to the Policy Committee’s current ex-officio membership and that the Licensing Committee be advised accordingly.”

Motion – ‘To agree the recommendation set out in Paragraph 30 of the report?’

Resolved – That the recommendation set out in Paragraph 30 of the report be agreed to.

LICENSING COMMITTEE Monday, 22 October 2012

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Monday, 22 October 2012 at 1.45 pm.

Present

Members:

Marianne Fredericks (Deputy Chairman)	Deputy Revd Stephen Haines
Alex Bain-Stewart	Chris Punter
Deputy Douglas Barrow	Stephen Quilter
Revd Dr Martin Dudley	Alderman Simon Walsh
Sophie Fernandes	

Officers:

Peter Nelson	- Assistant Town Clerk
Katie Odling	- Town Clerk's Department
Ignacio Falcon	- Town Clerk's Department
Paul Chadha	- Comptroller & City Solicitor's Department
David Smith	- Director of Markets and Consumer Protection
Steve Blake	- Department of Markets and Consumer Protection
Jenny Pitcairn	- Chamberlain's Department

1. APOLOGIES

Apologies were received from Deputy Edward Lord, Peter Dunphy, Dr Peter Hardwick, Jeremy Simons and James Tunbridge.

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

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. MINUTES

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

Matters Arising

4.6 – 28 May 2012 – Charlie's Wine Bar, 9 Crosswall, London, EC3 – The Comptroller and City Solicitor provided an update regarding Charlie's Wine Bar advising that owners of the bar had been prosecuted for not have the appropriate Sex Entertainment Venue (SEV) licence.

Heron Tower – Licensing (Hearing) Sub Committee – Members were assured that reference would be made in the Statement of Licensing Policy on both the public duty under the Equality Act on disregarding vexatious or racist representations and amending the information set on child protection.

4. MINUTES OF LICENSING (HEARING) SUB COMMITTEES

4.1 29 June 2012 - The Heron, 5 Moor Lane, London, EC2

The Minutes of the Licensing Sub Committee hearing held on 29 June 2012 were RECEIVED.

4.2 17 July 2012 - Revolution, 140 - 144 Leadenhall Street, London, EC3V 4QT

The Minutes of the Licensing Sub Committee hearing held on 17 July 2012 were RECEIVED.

4.3 30 August 2012 - Club 2AD, 2 Crutched Friars, London, EC2N 2HT

The Minutes of the Licensing Sub Committee hearing held on 30 August 2012 were RECEIVED.

5. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS

The Comptroller and City Solicitor informed the Committee that in respect of Club 2AD, a case management hearing was scheduled to take place on Thursday 25 October.

RECEIVED.

6. DELEGATED DECISIONS PERTAINING TO PREMISES LICENCES

The Committee received a report of the Director of Markets and Consumer Protection which detailed the premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 July 2012 to 30 September 2012. The report also provided a summary of the enforcement action taken under the Licensing Act 2003 between 1 July 2012 to September 2012.

Members recognised that improvements had been made in respect of conditions attached to licences.

A change to Appendix IV (page 49) was made as follows –
'There shall be no sale of alcohol on the roof terrace after 22.00 hours.'

RECEIVED.

7. THE ROLE OF THE COMMITTEE IN RELATION TO THE APPOINTMENT OF THE DIRECTOR OF MARKETS & CONSUMER PROTECTION

The Town Clerk explained that the terms of reference of the Licensing Committee would be updated next April, 2013 to reflect the Committees

involvement in the appointment of the Director of Markets and Consumer Protection.

RECEIVED.

8. REVENUE BUDGETS 2013/14

A joint report of the Chamberlain and the Director of Markets and Consumer Protection set out the annual submission of the revenue budgets overseen by this Committee. The report sought approval to the provisional revenue budgets for 2013/14, for subsequent submission to the Finance Committee. Overall, the 2013/14 provisional revenue budget was nil, a decrease of £50,000 compared with the latest approved budget for 2012/13. Main reasons for the reduction were:-

- One-off carry-forwards from 2011/12 totalling £34,000 which were included in the 2012/13 latest approved budget and;
- A forecast increase in licence fee income of £26,000.

RESOLVED – That Members:

- the budget for submission to the Finance Committee be approved; and
- the Chamberlain be authorised to revise the budgets to allow for further implications arising from potential budget developments including PP2P reviews, the implementation of the City of London Procurement Service, review of the licensing fee structure, introduction of a Late Night Levy, and changes in respect of recharges.

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

A report of the Director of Markets and Consumer Protection which set out a revised draft text of the Licensing Policy together with a timescale for consultation and publication was considered. The report highlighted that although it was not statutorily due for a review until 2016 it was felt that due to changes in the City Corporation's policies and procedures, the introduction of a new code of conduct and major legislative changes to the Licensing Act 2003 there was a need to revise and update the Statement of Licensing Policy sooner.

RESOLVED – That -

- i) the draft Licensing Policy text be approved for consultation and;
- ii) the time table and methodology to determine the final text and adoption of the Statement of Licensing Policy be approved.

10. LICENSING CODE OF PRACTICE

A report of the Director of Markets and Consumer Protection seeking approval for the introduction of a code of practice and risk assessment scheme, which will supplement the formal statement of licensing policy, was considered. The report highlighted that the Code gave guidance on how to promote the four licensing objectives and would be taken into account by the licensing authority in such matters as hearings and reviews.

RESOLVED – That –

- i) the Code of Practice and Risk Assessment Scheme as presented in the appendices to the report be implemented in April 2013 (subject to considerations arising from the consultation) and;

ii) the code and scheme be launched by February 2013.

11. GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES

A report of the Director of Markets and Consumer Protection which explained that the Gambling Act 2005 required all licensing authorities to produce and publish a Statement of Licensing Principles was considered. The report highlighted that the legislation required all authorities to review their policy at three yearly intervals and sought approval for the updated document to form the basis of the proposals sent for consultation to statutory bodies and persons representing those affected by the legislation and those persons carrying on gambling businesses in the City.

RESOLVED – That –

- i) the draft Licensing Principles text for consultation and;
- ii) the time table and methodology to determine the final text and adoption of the Statement of Licensing Principles.

12. LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS

A report of the Director of Markets and Consumer Protection highlighting that the Police Reform and Social Responsibility Act 2011 (PRSRA) had introduced the power for licensing authorities to impose a late night levy on the whole of the City and, separately, to impose Early Morning Restriction Orders on part or all of the City, as a means of changing the balance of the night time economy in favour of the general community, was considered.

The Committee indicated that the late night levy was something that they foresaw as being necessary and the Corporation would therefore put forward a further report on this, subsequent to detailed guidance being issued by Government, which would include the outlines of the likely consultation for agreement by the Grand Committee.

Members went on to discuss EMROs but considered these were problematic in terms of clearly defining a suitable area and the potential impact on well-run as well as poorly-run establishments and that it may be better to apply the Code of Practice to target individual premises for enforcement activity.

RESOLVED – That a further report be submitted to the Committee in light of the comments made by the Committee after the final central Government guidance had been issued.

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

A question was raised regarding Charity collections within licensed premises and the regulations surrounding this.

The Licensing Manager advised the Committee of the regulations regarding Charity collections stating that Persons collecting coins from people in the City can only do so if they have either a permit issued under Regulations made

under Section 5 of the Police, Factories, & c. Miscellaneous Provisions Act 1916 in respect of street collections or a licence granted under Section 2 of the House to House Collections Act 1939 (unless holding an Order of Exemption granted by the Cabinet Office – currently forty-three national charities).

It was noted that there were 43 charities that were permitted to collect charitable contributions without a permit and it was agreed these would be circulated to Members and also included on the Corporation's website along with some useful guidance. Officers acknowledged the importance of educating licensees regarding bogus charities.

14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no items of urgent business.

The meeting ended at 2.35 pm.

Chairman

**Contact Officer: Katie Odling
tel. no.: 020 7332 3414
katie.odling@cityoflondon.gov.uk**

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LICENSING (HEARING) SUB COMMITTEE
WEDNESDAY 21 NOVEMBER 2012
Premises: Club2AD, 2 Crutched Friars, London EC3N 2HT

Sub Committee

Deputy Edward Lord OBE JP (Chairman)
Alderman Simon Walsh JP
Kevin Everett CC

City of London Officers

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

The Objector

Mr Gary Grant of Counsel, accompanied by Commander Wayne Chance and Inspector Rita Jones.

Also in Attendance

Marianne Fredericks CC for the Ward of Tower

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A hearing was held in Committee Room 4, Guildhall, London EC2, to consider the application by the City Police for a Summary Review of the premises licence for 'Club2AD, 2 Crutched Friars, London EC3N 2HT'.
- 2) The Sub Committee had before them copies of;
 - (i) the application dated 19 November 2012 of the City of London Police for a Summary Review of the premises licence;
 - (ii) the certificate dated 19 November 2012 signed by Superintendent Norma Collicott of the City of London Police certifying that, in her opinion, the premises were associated with serious crime and serious disorder;
 - (iii) the decision of the previous Licensing Review Hearing of 30 August 2012;
 - (iv) the minutes of the previous Licensing Review Hearing of 30 August 2012;
 - v) documentary evidence submitted by the City of London Police in support of the application.
- 3) The hearing commenced at 10.35am

- 4) The Sub Committee considered whether it was necessary to take interim steps pending the Full Review of the licence and, if so, the nature of those steps.
- 5) The Sub Committee noted that as the premises had appealed the decision of the Review Hearing held on 30 August 2012, the conditions agreed at the hearing had not been implemented.
- 6) Mr Gary Grant of Counsel introduced the City of London Police's application for a summary review.
- 7) The Sub Committee were informed that since the previous Licensing Review Hearing in August, the violence witnessed at the premises had escalated.
- 8) Mr Grant informed the Sub Committee that on 18th November 2012 there had been a serious stabbing at the premises. One of the victims had a stab wound through his diaphragm which pierced his heart along with various other stabbing injuries including a deep cut from his eye to his jugular.
- 9) The Police had been called to investigate the stabbing but on arriving at the premises, realised that the ambulance service had not been called.
- 10) The suspected stabber had been evicted from the premises by the SIA registered doormen. It was then thought that three or four associates of the stab victim followed the suspected stabber out of the premises to the side street where he was attacked and beaten until he was barely conscious.
- 11) Mr Grant informed the Sub Committee that both of those involved in the incident were thought to be members of the same gang. The Police had been faced with a conspiracy of silence from those who were at the premises at the time of the stabbing, which was common with gang violence.
- 12) Mr Grant stressed the importance of and asked for a suspension of the licence as a reprisal was suspected to occur in the near future. The Police had no faith that the premises would not try to open later hours. At the Review Hearing in August 2012, the previous manager, Mr Newby, had been blamed for many of the problems at the premises and those present representing the premises had confirmed that he no longer worked there. However, it had transpired that Mr Newby had only been transferred to a sister premises and had returned after the Review Hearing had taken place.
- 13) The agreement in place with the Police to provide them with 14 days' notice of external promoted events had been consistently ignored and the incident on the 18 November 2012 had taken place at such an event which the Police were not informed about.

- 14) Mr Grant highlighted a number of promoted events that were published on the premises website, none of which the Police had been informed about.
- 15) Mr Grant argued that there was good cause to fear that the premises would not adhere to any conditions placed on the licence and that all faith had been lost, resulting in the requested suspension of the licence.
- 16) In answer to a question, the Commander informed the Sub Committee that the Police were in constant communication with neighbouring boroughs, sharing intelligence on gang related incidents. The Commander was committed to working closely with the Police Licensing Team to ensure action was taken on premises' before similar incidents occur.
- 19) Mr Grant, Commander Wayne Chance, Inspector Rita Jones and Marianne Fredericks withdrew. Members of the Sub Committee deliberated and made their decision with the representatives of the Town Clerk and the Comptroller and City Solicitor present.

The meeting ended at 10.55am

Chairman

Contact Officer: Caroline Webb

Tel. no. 020 7332 1416

E-mail: caroline.webb@cityoflondon.gov.uk

THE COMMON COUNCIL OF THE CITY OF LONDON

LICENSING SUB-COMMITTEE

Mr Deputy Edward Lord OBE JP (Chairman)
Mr Alderman Simon Walsh JP
Mr Kevin Everett CC

Wednesday 21 November 2012 (10.00 – 11.00)

IN RE:

CLUB 2 AD
2 CRUTCHED FRIARS, LONDON EC3
(WARD OF TOWER)

The Sub-Committee was addressed by Mr Gary Grant of Counsel for the Applicant and by Commander Wayne Chance.

This is an application made by the Commissioner of Police for the City of London pursuant to Section 53A of the Licensing Act 2003 for a Summary Review of the premises licence for premises known as Club 2AD, 2 Crutched Friars, London EC3N 2HT.

We have received the required certificate submitted by Superintendent Collicot on behalf of the Commissioner and the application from Inspector Jones which was accompanied by a witness statement of Inspector Paul Carroll regarding the incident on 18 November 2012, which involved two significant assaults, one of which was a near fatal stabbing.

The Sub-Committee consider the matters of upmost seriousness and accept the view of the Commissioner that they need to be dealt with as expediently as possible.

We have taken into account the current situation regarding the premises. We note that they were subject to a Review in August 2012 and are of the view that had the decision of that Review been implemented, it would have prevented this incident entirely.

The Premises Licence Holder appealed the decision and has carried on running the business regardless.

There has been an on-going failure to co-operate and communicate with the City of London Police and to inform them of promoted events, as previously agreed, and unfortunately this most recent incident occurred at such an event.

In light of all the evidence presented to us, we consider that pending the substantive hearing and in accordance with Section 53B (1) of the Act it is

appropriate and necessary to take the interim step of suspending the premises licence of the premises with immediate effect.

**C E Lord
S Walsh
K M Everett**

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LICENSING (HEARING) SUB COMMITTEE
FRIDAY 23 NOVEMBER 2012
Premises: Club2AD, 2 Crutched Friars, London EC3N 2HT

Sub Committee

Deputy Edward Lord OBE JP (Chairman)
Alderman Simon Walsh JP
Peter Dunphy CC

City of London Officers

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

Premises Licence Holder

Mr Iman Handi, Shareholder of Club 2AD accompanied by Mr Steve Newby.

The Applicant

Mr Gary Grant of Counsel, accompanied by Inspector Rita Jones and PC Dan White

Also in Attendance

Marianne Fredericks CC for the Ward of Tower
PC Neil McMillan, City of London Police Licensing Team

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A hearing was held in Committee Room 1, Guildhall, London EC2, to consider the representations by the premises licence holder of Club 2AD in the relation to the decision taken by the Licensing Authority on 21 November 2012 on taking interim steps to suspend the premises licence.
- 2) The Chairman pointed out that the decision of the Licensing Authority taken on 21 November 2012 had been served on the same day to the Premises Licence Holder and other parties.
- 3) The hearing commenced at 2.15pm
- 4) The Sub Committee considered the representations received by email from Mr Iman Handi (dated 23 November 2012 at 9.19am).
- 5) Mr Handi began explaining that the incident which took place on Sunday 18 November 2012 was a serious incident and that he did not wish it had occurred. He pointed out that he would be surrendering the premises licence at the end of December 2012 and Club 2AD would be put into administration in January 2013. Mr Handi however requested that eight events (which consisted of corporate events, dinner and dances and birthday parties), which had been pre-booked, be allowed to take place.

He explained that for some of these events tickets had been sold in advance and if they were not going to be allowed to take place he would need to let the relevant people know.

6) The Sub Committee asked questions of Mr Handi and Mr Newby with reference being made to the following points:

- Mr Handi explained that he had consulted with the City Police on employing a security company for the events he wished to open the premises for.
- In relation to promoted events, no advance notice had been provided to the City Police, as had been previously agreed. Mr Handi explained that he had submitted risk assessments for the December 2012 and January 2013 periods but had not done so for November 2012.
- Mr Handi stated that he took full responsibility for the event which took place on 18 November 2012 as he had personally organised it and that following the serious incident his staff had been distressed and he would not be opening for any high-profile events.
- The Chairman commented that if the premises were allowed to open for any of the events (i.e. birthday parties or a corporate event) the premises could become a target which could put people at risk of gang members committing a reprisal act. Mr Handi stated that the crowd for the pre-booked events was different compared with that which had turned up on 18 November 2012.
- Mr Newby explained that he had called the Police but not an ambulance, following the stabbing on 18 November 2012, as he thought it would have been quicker for the Police to request an ambulance.

7) Mr Gary Grant had no questions of Mr Handi or Mr Newby.

8) All parties withdrew from the room, apart from Members of the Sub Committee and the representatives of the Town Clerk and the Comptroller and City Solicitor, in order to deliberate and make their decision.

9) All parties returned to the room and the following decision was announced:

The Licensing Authority considered the certificate which accompanied the application and the representations made by the Commissioner of the Police for the City of London as well as the representations made by the holder of the premises licence in accordance with Section 53B of the Licensing Act 2003.

The Licensing Authority was not satisfied that the representations of the Premises Licence Holder, submitted in writing and heard orally, would address their concerns.

The Licensing Authority expressed their lack of confidence in the Premises Licence Holder to operate the premises in a safe manner if the suspension of the licence was lifted. The interim steps for the promotion of the licensing objections were considered appropriate.

It was determined that the modification or withdrawal of the interim steps would not be appropriate for the promotion of the licensing objectives and therefore the Sub Committee decided to uphold the decision made on 21 November 2012 to suspend the premises licence for the premises Club 2AD.

*A full hearing to determine the substantive application for the Summary Review will take place on **Monday 17 December 2012 at 10.30 am** at Guildhall.*

- 10) The Chairman thanked all parties for attending.

The meeting ended at 2.47pm

Chairman

Contact Officer: Rakesh Hira

Tel. no. 020 7332 1408

E-mail: rakesh.hira@cityoflondon.gov.uk

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MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 27 NOVEMBER 2012 AT 3:00 PM

PREMISES USER: MR JOHN O'DONNELL

**PREMISES: THE DUKE & DUCHESS, 2-3 CREED LANE, LONDON
EC4V 5BR**

PRESENT

Sub Committee

Deputy Edward Lord OBE JP (Chairman)
Marianne Fredericks CC
Alderman Simon Walsh

City of London Officers

Caroline Webb - Town Clerk's Department
Ru Rahman - Comptroller and City Solicitor's Department
Peter Davenport - Markets & Consumer Protection
Steve Blake - Markets & Consumer Protection

The Premises User

Mr John O'Donnell, Premises Licence Holder at the Duke & Duchess

Objection Notices

John Hall and Inspector Rita Jones, the City of London Police
Garry Seal, Environmental Health Officer, City of London Corporation

In Attendance

Rakesh Hira, Town Clerk's Department
Natasha Dogra, Town Clerk's Department
Donald Pedley, Local Resident
Tony Hibbard, to support Mr O'Donnell
Matthew Dancer, to support Mr O'Donnell
Howard Thompson, to support Mr O'Donnell

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held at 3.00pm in the Committee Rooms, Guildhall, London, EC2, to consider the objection notices submitted in respect of a temporary event notice made by Mr John O'Donnell for the premises known as 'The Duke & Duchess, 2-3 Creed Lane, London EC4V 5BR'.

The Sub Committee had before them a report of the Director of Markets and Consumer Protection, which appended copies of:-

Appendix 1: Copy of the Temporary Event Notice

Appendix 2: Representations from responsible authorities

Appendix 3: Copy of the Current Licence

Appendix 4: Plan of the Premises

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

Details of the proposed temporary event were as follows:

Date of Event: 1st/2nd December 2012

Time for Event: 23.00 to 02.00

Licensable Activities Sought:

- i. Sale of alcohol
- ii. Provision of regulated entertainment
- iii. Provision of late night refreshment

Maximum number of People: 120

- 2) The hearing commenced at 3.00pm.
- 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 Sub Committee sought clarification in regards to the objection notices and whether they had been served in accordance with statute. The City of London Police and Environmental Health both stated that they had not served their objection notices on each other, therefore neither notice should be considered, but Mr O'Donnell confirmed that he would be content to proceed with the hearing.
- 6) The City of London Police and Environmental Health apologised for the oversight and assured the Sub Committee that the same error would not be made twice.
- 7) Mr Hall informed the Sub Committee that the premises had a low record of crime and disorder and was considered to be a well-run premises by the Police. The main cause for concern was the potential for public nuisance to residents in the local vicinity as patrons left the premises or if they were outside smoking.
- 8) The Sub Committee noted that objections to a temporary event notice should not be based on the anticipation of public nuisance, particularly when the premises in question had no previous history of miss-

management. There was no evidence to suggest that the event would be badly run or be the cause of public nuisance to local residents.

- 8) Mr Seal informed the Sub Committee that the main area of concern of Environmental Health was the potential for noise disturbance to local residents, by either patrons smoking outside or leaving the premises. He highlighted that a small number of complaints were received in regard to a premises known as 'Society Bar' of which Mr O'Donnell was the Designated Premises Supervisor before the 'Duke & Duchess' and felt that there was a reasonable risk of noise disturbance to local residents.
- 9) The Sub Committee stressed their concern that public nuisance at a previous premises was being attributed to Mr O'Donnell without any evidence that he was even at the premises at the time of the complaints. Members highlighted that the accusations could be bordering on defamatory.
- 10) The Sub Committee questioned whether Environmental Health had applied the appropriate test in order to determine whether or not they were satisfied that the event would undermine the licensing objectives before submitting their objection.
- 11) Mr O'Donnell informed those present that the employees of the client for whom the event would be held for, the Covent Garden Flower Market, work on a shift pattern. He assured the Sub Committee that in the 18 months he had been running the premises, there had been no complaints received and the premises would be managed as it normally would be during the two extra hours of opening time should the TEN be granted.
- 12) He confirmed that there would not be a DJ present at the event, food would be served and background music would be played until 01.00 hours, with the premises due to close at 02.00 hours. The delay should allow a slow dispersion of patrons and security staff would be at the premises for approximately 90 minutes after closing.
- 13) 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.
 - i) A Temporary Event Notice was served on the Local Authority on 13 November 2012 by Mr John O'Donnell for an event to be held in respect of the premises 'The Duke & Duchess'. In response, objection notices were served by the City of London Police on 14 November 2012 and the City of London Environmental Health Pollution Team on 16 November 2012 pursuant to section 104(2) of the Licensing Act 2003, on the basis that the proposed event would undermine the 'public nuisance' licensing objective.

- ii) At the hearing to consider the objection notices, the Sub Committee had to determine whether it would be appropriate to issue a counter notice for the promotion of a licensing objective.
- iii) Having heard from Mr O'Donnell, the City of London Police and the City of London Environmental Health Pollution Team, the Sub Committee could not see any reason as to why the premises, which had no previous history of public nuisance or disorder, could not hold the event and therefore decided not to issue a counter notice.
- iv) The Sub Committee was confident that Mr O'Donnell would uphold the conditions of the licence for the period of time between 00.00 hours and 02.00 hours and as the TEN was for on sales only, it was expected that no alcohol would leave the premises.

The meeting ended at 3.30 pm

Chairman

Contact Officer: Caroline Webb
Tel. no. 020 7332 1408
E-mail: caroline.webb@cityoflondon.gov.uk

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 17 DECEMBER 2012 AT 10:30 AM

APPLICANT: THE COMMISSIONER OF THE CITY OF LONDON POLICE

PREMISES: CLUB 2AD, 2 CRUTCHED FRIARS, LONDON EC3N 2HT

Present:

Sub Committee

Deputy Edward Lord OBE JP (Chairman)

Alderman Simon Walsh JP

Sophie Fernandes CC

City of London Officers

Rakesh Hira - Town Clerk's Department

Paul Chadha - Comptroller & City Solicitor's Department

Peter Davenport - Markets & Consumer Protection Department

Steve Blake - Markets & Consumer Protection Department

The Applicant (The Commissioner of the City of London Police)

Mr Gary Grant of Counsel, accompanied by Commander Wayne Chance, Inspector Rita Jones, John Hall and PC Dan White of the City of London Police.

Not Present:

Representations from Other Parties

Marianne Fredericks CC for the Ward of Tower

Licensee (Club 2AD)

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held in Committee Room 1, Guildhall, London EC2, to consider the application by the City of London Police for a Summary Review of the premises 'Club2AD, 2 Crutched Friars, London EC3N 2HT'.
- 2) The Sub Committee had before them copies of:-
 - (a) Report of the Director of Markets & Consumer Protection
 - (b) Application for Summary Review
 - (c) S.53A Certificate
 - (d) Copy of Current Licence

- (e) Plan of Premises
 - (f) Hearing Decision – April 2007
 - (g) Hearing Decision – August 2012
 - (h) Decision of the Licensing (Hearing) Sub Committee (Consideration of Interim Steps) – 21 November 2012
 - (i) Decision of Licensing (Hearing) Sub Committee (Interim Steps Hearing) – 23 November 2012
 - (j) Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales
- 3) The hearing commenced at 10.31am
 - 4) The Chairman opened the hearing by introducing himself, the other Members of the Sub Committee and the officers present.
 - 5) The Chairman explained that today's Hearing was to consider a Summary Review application made by the City of London Police in relation to the premises Club2AD, 2 Crutched Friars, London EC3N 2HT. He pointed out that following the consideration of any interim steps the premises licence was suspended on 21 November 2012.
 - 6) The Sub Committee noted the non-attendance of the licensee or any representative; the Chairman stated that sufficient notice had been provided to the Premises Licence Holder but no response had been received.
 - 7) The Applicant pointed out that the additional bundle of evidence had been served on the Premises Licence Holder and a delivery receipt had been provided by the courier service.
 - 8) Mr Gary Grant of Counsel introduced the City of London Police's application for a Summary Review. He stated that prior to the 30 August 2012 Review Hearing there was a disproportionate level of disorder and violence due to the late night activity and becoming an after party venue. He pointed out that the premises increasingly attracted gang members who were associated with the drugs and violence.
 - 9) The Chairman commented that the Sub Committee had read the committee papers, in particular the summary document prepared by the Applicant, and was more than sympathetic and had reached a preliminary view on the application. The Sub Committee considered the incident of 18 November 2012 to be particularly disturbing both in its

seriousness and the fact that it occurred so soon after the review of the premises licence back in August 2012.

- 10) In light of the non-attendance of the premises licence holder or any submissions made on its behalf the Sub Committee concluded that the licensing objectives, in particular the crime and disorder objective, would only be served if the premises licence was revoked. He explained that as a consequence the premises would be closed and it was the intention of the Sub Committee that the interim steps imposed on 21 November 2012, namely the suspension of the premises licence, remain in force until the implementation of today's Summary Review Hearing (21 days from the date of today's hearing or the determination of any appeal against the Sub Committee's decision, whichever is the latter.)
- 11) Commander Chance pointed out that the crime and disorder statistics had decreased considerably since Club 2AD had been closed.
- 12) The Chairman thanked all parties who attended the Hearing.

The meeting ended at 10.39am

Chairman

Contact Officer: Rakesh Hira
Tel. no. 020 7332 1408
E-mail: rakesh.hira@cityoflondon.gov.uk

Decision of the Sub Committee circulated to all parties on 20 December 2012

I write with regard to the Summary Review Hearing held on 17 December 2012 in relation to the above-mentioned application.

The Premises Licence Holder was not present but the Sub Committee was satisfied that the licensee had been notified of the date and time of the Hearing with sufficient notice. The Premises Licence Holder had not provided the Licensing Authority with any reasons for its non-attendance prior to the hearing. Consequently, the Sub Committee decided to proceed with the Summary Review Hearing in the Premises Licence Holder's absence as permitted by Regulation 20(2) (b) of the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub Committee was addressed by Gary Grant of Counsel for the Applicant who drew the Sub Committee's attention to the documentary evidence filed by the Applicant in support of the Summary Review application. The Sub Committee members indicated that they had read the statements and supplementary documentation relating to the stabbing incident which occurred on the premises on 18 November and which triggered the Summary Review application. They also noted the Applicant's conclusions, namely, that the only effective way in which to promote the licensing objectives in this instance would be to revoke the premises licence.

The Sub Committee carefully considered the application and the supplementary evidence provided by the City of London Police. It considered the incident of 18 November 2012 to be particularly disturbing both in its seriousness and the fact that it occurred so soon after the review of the premises licence back in August 2012. The Sub Committee considered the options available under S.53C(3) of the Licensing Act 2003 and came to the conclusion that the only step that it could take to effectively promote the licensing objectives, in particularly the prevention of crime and disorder objective, would be to revoke the premises licence and agreed to do so.

The Sub Committee would wish to draw to the Premises Licence Holder's attention that the interim steps imposed at its hearing of 21 November 2012 and subsequently confirmed at its hearing on 23 November 2012, namely the suspension of the premises licence, are to remain in force until the implementation of today's Summary Review Hearing (21 days from the date of today's hearing or the determination of any appeal against the Sub Committee's decision, whichever is the latter.)

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.

Agenda Item 8

Committee(s):	Date(s):	
Licensing	14 January 2013	
Subject: Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	Public	
Report of: Director of Markets and Consumer Protection	For Information	
Summary: <p>This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 October 2012 to 31 December 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 October 2012 and 31 December 2012.</p> Recommendations: For Information		

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 October 2012 and 31 December 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. or by contacting Peter

Davenport, Licensing Manager, on extension 3227 or by email to the Licensing Team at licensing@cityoflondon.gov.uk.

4. Appendix IV details the conditions attached to the premises licences listed in Appendices I and II.

Routine Enforcement

5. 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.
6. Appendix III provides data from 1 October 2012 to 31 December 2012.
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 conforms to the Regulators' Compliance Code and the regulatory principles required under the Legislative and Regulatory Reform Act 2006. It sets out the general principles and approach which Officers are expected to follow and addresses issues of proportionality, consistency, targeting, transparency and accountability.
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. This process will be reviewed if the Code of Practice and associated Risk Assessment scheme are introduced in 2013.
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 Markets and Consumer Protection Department agreed in November 2011 outlines specific arrangements for cooperation between the Licensing Teams.
12. The other City Corporation Department that is routinely involved in enforcement is the Department of the Built Environment (DoBE). Where it appears that a material change of use has occurred, or there is a failure to comply with any condition attached to a planning permission or a breach of planning controls, when it is expedient to do, 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 will also be involved.
14. Investigations are undertaken and if there are grounds for a review of the licence in relation to the licensing objectives, then the responsible authorities can apply accordingly. In practice, potential applications are considered at the Licensing Liaison Partnership meetings, and agencies/authorities support one another in providing evidence and making applications.

Implications

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

Background Papers:

none

Contact:

Peter Davenport x3227

peter.davenport@cityoflondon.gov.uk

Appendix I

New Licence Applications Issued by way of Delegated Authority (Oct-Dec 2012)

Name	Address	Ward	Details	Time
Wurst Club	56-57 Cornhill	Cornhill	A	17:00
Cheapside Initiative	Cheapside (1 day licence)	Cheapside	(e), (f)	17:00
Tortilla	14 Upper Cheapside Pasage	Bread Street	A, (f)	23:00
Hush Brasseries	1-3 St Pauls Churchyard	Bread Street	A, L, (f)	00:00
Hatch	25-26 Lime Street	Langbourn	A, L, (b),(e),(f),(g),(i)	03:00

Total Licences Issued = 5

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.
Bread Street	2
Cheapside	1
Cornhill	1
Langbourn	1

Licence Variations Issued by way of Delegated Authority (Oct-Dec 2012).

Name	Address	Ward	Details
Lutyens	85 Fleet Street	Castle Baynard	<ul style="list-style-type: none"> • Extension of terminal hour on Thursdays and Fridays from 00:00 to 02:00. • Addition of recorded music on Thursdays and Fridays until 02:00.
Crowne Plaza	19 New Bridge Street	Castle Baynard	<ul style="list-style-type: none"> • Variation to layout/design
Burger Lobster	1 Bread Street	Cordwainer	<ul style="list-style-type: none"> • Removal of condition 1 preventing alcohol to be sold other than with a meal plus variation to layout/design
Blanc Brasseries	1 Watling Street	Bread Street	<ul style="list-style-type: none"> • Extension of terminal hour during December to 02:00 for private parties only.
The Gable	25 Moorgate	Coleman Street	<ul style="list-style-type: none"> • Variation to layout/design
Wagamama	22 Old Broad Street	Cornhill	<ul style="list-style-type: none"> • Removal of conditions primarily those grandfathered over in 2005. Permits sale of alcohol other than with a meal.
Heron Tower	110 Bishopsgate	Bishopsgate	<ul style="list-style-type: none"> • Change of terminal hour – now 24 hour licence.

Total Variations = 7

Number of Licences by Ward Order

WARD	No.
Bishopsgate	1
Bread Street	1
Castle Baynard	2
Coleman Street	1
Cordwainer	1
Cornhill	1

Personal Licences Issued by way of Delegated Authority

01 Oct 2012 – 31 Dec 2012 1

**Enforcement Action Carried out Under the Licensing Act 2003
1 October 2012 - 31 December 2012**

Total Number of Inspections	38
Number of Warning Letters	3
Number of Premises advised	12
Number of simple cautions	1
Number of suspension notices	20
Paid prior to suspension	14
Licence lapsed*	3
'Dead' Suspensions**	2
'Live' Suspensions***	1

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

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

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

Number of complaints received 26

Breakdown of Complaints

Premises	Date Received	Ward
Premises 1	19/11/2012	Coleman Street
Premises 2	07/12/2012	Tower
Premises 2	23/10/2012	Tower
Premises 2	23/11/2012	Tower
Premises 2	27/11/2012	Tower
Premises 2	22/10/2012	Tower
Premises 3	06/11/2012	Castle Baynard
Premises 4	06/11/2012	Bridge And Bridge Without
Premises 4	27/10/2012	Bridge And Bridge Without
Premises 5	28/11/2012	Queenhithe
Premises 6	09/10/2012	Tower
Premises 7	27/10/2012	Farringdon Within
Premises 8	09/12/2012	Tower
Premises 8	10/12/2012	Tower

Premises 8	18/12/2012	Tower
Premises 9	07/12/2012	Broad Street
Premises 10	05/10/2012	Farringdon Within
Premises 11	02/12/2012	Bishopsgate
Premises 11	11/12/2012	Bishopsgate
Premises 12	01/11/2012	Aldersgate
Premises 12	04/10/2012	Aldersgate
Premises 13	30/11/2012	Tower
Premises 14	12/12/2012	Food: Area 1
Premises 15	08/11/2012	Bread Street
Premises 16	14/11/2012	Bishopsgate
Premises 17	06/11/2012	Farringdon Within

Conditions Applied to Licences Granted by way of Delegated Authority

Wurst Club London

None

Cheapside Initiative

None

Tortilla

None

Hush Brasseries

None

Hatch

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

2. There shall be no 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.

3. 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

4. All doors and windows shall remain closed at all times during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.

5. 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.

6. 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.

7. Children under the age of 18 years shall not be allowed on the premises after 21:00 hours unless accompanied by an adult.

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

9. There shall be no admission to the premises after 02:00 hours.

Lutyens

When basement area open to customers until 02:30, food will be served until 1 hour prior to the terminal hour.

From 00:30 on Fridays and Saturdays only the main entrance on Fleet Street will be in use for the access and egress of customers.

Crowne Plaza

None

Burger Lobster

None

Blanc Brasseries

During December alcohol sales and late night refreshment shall only be provided after midnight on any day to patrons attending a private pre booked function.

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.

The Gable

None

Wagamama

All named licensable activities on the licence are permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Heron Tower

On the 40th floor, between the hours of 03.00am and 10.00am, the Sale of Alcohol will only be to persons taking a table meal.

All named licensable activities on the licence are permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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Agenda Item 9

Committee(s):	Date(s):	
Licensing Court of Common Council	14 January 2013 17 January 2013	
Subject: Licensing Act 2003: Review of Statement of Licensing Policy		Public
Report of: Director of Markets and Consumer Protection		For Decision

Summary

The City of London Corporation in its capacity as Licensing Authority published its first statutory statement of licensing policy under the Licensing Act 2003 in January 2005. A subsequent review was published in January 2008 and again in January 2011.

Although not statutorily due for a further review until 2016 it was felt that due to changes in the Corporation's policies and procedures, the introduction of a new code of practice and major legislative changes to the Licensing Act 2003 there was a need to revise and update the Statement of Licensing Policy sooner.

The consultation period for the revised draft text of the Policy finished on Friday 21 December 2012. Six responses to the consultation were received. Their concerns and comments have been taken into account in a revised policy text attached to this report.

Recommendations

It is recommended that your Committee:-

- Consider the recommended amendments to the draft 2013 Statement of Licensing Policy in light of the consultation responses and determine the final text.
- Recommend the policy document to Common Council for their approval.

Main Report

Background

1. As part of the implementation of the Licensing Act 2003 the City of London Corporation, in its capacity as Licensing Authority published its first statement of licensing principles. This document was agreed by your Committee in November 2004. Final approval by Common Council was granted the following month with the document being formally published on the statutory day of 7 January 2005.
2. The legislation stated that licensing authorities must review and republish the statement of licensing policy every three years. A subsequent review

was undertaken and agreed by your Committee to reflect the new period that commenced in January 2008 and again in January 2011.

3. The Licensing Act 2003 was amended in April 2012 which extended the period between policy reviews from three to five years. The current City Corporation Policy is therefore not due for review until 2016.
4. However, since the current Statement of Licensing Policy was adopted in January 2011 there have been significant changes to the Licensing Act 2003 which should be reflected in the text of the Policy.
5. Further, there have been significant changes within the policies and procedures carried out by the Licensing Service including the imminent introduction of a Code of Practice and risk assessment scheme, the active encouragement of pre-application meetings, a reiteration of the importance for applicants to provide a complete and meaningful operating schedule and a total revision of the 'Pool of Conditions' used to advise applicants of the type of condition the City Corporation feel appropriate to include on a premises licence. All the above changes should be incorporated within the Statement of Licensing Policy.
6. The licensing policy provides transparency for everyone, including local residents and applicants for premises licenses, who will be able to refer to the statement when making representations or when preparing their applications. The Government recommend that the policy should also describe how the licensing authority's approach to licensing will be integrated with local council planning, crime prevention, transport and cultural strategies and any action plan or strategy for the management of the evening economy. The statements should also avoid duplicating other requirements e.g. health and safety regulations which already place a range of general duties on employers and license holders.
7. The text of the current policy was amended to reflect the changes made since its last adoption whilst still meeting the above criteria. The amended text was put before this Committee on 22 October 2012 and agreed for consultation. The consultation document is attached to this report as Appendix 1.
8. The main changes to the current Policy were as follows:
 - Updated references to the Corporation's UDP (paragraphs 3 and 4)
 - Amended text to reflect recent legislative changes (throughout). For example the term 'necessary' has been replaced with the term 'appropriate' and 'interested parties' has been replaced with 'other persons'.
 - Updated references to regulated entertainment and live music.

- References to changes in Corporate Policy in relation to the introduction of pre-application meetings and the Code of Practice (paragraphs 30 and 31)
- References to emphasise the importance of fully completing an application's operating schedule (paragraph 29)
- Details of a change in how an application is to be advertised (paragraph 47)
- Details of how representations will be considered (paragraph 48)

Consultation

9. The consultation period ran from 9 November 2012 until 21 December 2012. During that period the licensing service received six comments. Two were from residents, two from responsible authorities and two from members. The comments are attached as Appendix 2.
10. The comments received have been examined and a revised text of the Statement of Licensing Policy 2013 has been produced to take into account their concerns and general points where felt necessary. A copy of the revised text, and that proposed to be agreed to be put before Common Council, is attached as Appendix 3. A note as to how the text has altered since being sent out for consultation can be seen as Appendix 4.
11. When revising its licensing policy it is a legal requirement for a licensing authority to consult the following:-
 - The Chief Officer of Police for the licensing authority's area,
 - The Fire and Rescue Authority for that area,
 - Each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority's area,
 - Each local authority whose public health functions are exercisable in respect of an area any part of which is in the licensing authority's area,
 - Such persons considered to be representative of holders or premises licences issued by the licensing authority,
 - Such persons considered to be representative of holders of club premises certificates issued by the licensing authority,
 - Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority,

- Such other persons as the licensing authority considers to be representative of businesses and residents in its area

The City Corporation has fulfilled these statutory obligations as far as its area of jurisdiction is concerned. A complete list of persons consulted can be seen as Appendix 5.

Corporate & Strategic Implications

13. The proposals within this report will meet one of the objectives contained within the Port Health and Public Protection Business Plan for 2012/13, namely, ‘To review the Statement of licensing policy in light of recent changes in legislation and policy.’
14. The licensing policy is also in line with the City’s Core Strategy in protecting amenities of the residential population.

Implications

15. There are no direct financial or risk implications for the Corporation’s services associated with this report. Costs for the publication of the new policy can be met within current budget.
16. However if the risk assessment scheme, which is to run alongside the Code of Practice, is to be fully implemented with every licensed premises being ‘scored’ on a rolling twelve month basis extra resources will be required by the licensing service in order to monitor the scheme and carry out the increase in inspections. This was referred to in another report put before this committee in October 2012 entitled, ‘Licensing Code of Practice’.

Background Papers:

Previous Statement of Licensing Policy - January 2011

Appendices

Appendix 1 – Statement of Licensing Policy 2013 as sent for consultation

Appendix 2 – Comments received during consultation period

Appendix 3 – Revised text of the Licensing Policy (taking into account comments received during consultation)

Appendix 4 – Detailed changes to text of Licensing Policy

Appendix 5 – List of Consultees

Contact: *Peter Davenport* | peter.davenport@cityoflondon.gov.uk | x 3227

City of London Corporation

Licensing Act 2003

Statement of Licensing Policy

January 2013



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CITY OF LONDON CORPORATION

STATEMENT OF LICENSING POLICY

Introduction

1. The City of London is the world's leading international financial and related business services centre – a global powerhouse at the heart of the UK's financial services. It provides dedicated services to the City, from maintaining its infrastructure to top level economic development, as well as carrying out all the services expected of a local authority. It also provides services that affect people outside its geographical boundary – making a contribution to both regional and national prosperity.
2. Although the City is predominantly a business area, there are significant pockets of residential accommodation. In addition to the well-established, concentrated housing developments at the Barbican, Golden Lane, Mansell Street and Middlesex Street, there are smaller scale residential areas including Queenhithe, the Temples, Carter Lane and parts of Smithfield. Residential development has also occurred on a scattered basis in the rest of the City, often involving the redevelopment and conversion of former business premises. It is vital that their residential amenity is protected and this is emphasised in the City's Core Strategy which aims 'To protect existing housing and amenity and provide additional housing in the City, concentrated in or near existing residential communities...'.
3. The City Corporation fully supports the provision of recreational and cultural activities and sees these as being of great benefit to the community, especially people working in a high pressure business environment. To this end, the City Corporation is the third biggest sponsor of the arts in the country, after the Government and the BBC. The Core Strategy contains two specifically relevant strategic policies encouraging, where appropriate, the provision of a wide range of public and private recreational, art, heritage and cultural facilities.
4. The City Corporation aims to reconcile all these facets of life in the City to minimise the potentially damaging tensions that could arise between the business, residential and leisure communities. This Policy Statement sets out the framework within which the City Corporation will consider the grant of licences for activities controlled by the Licensing Act 2003.

Legal Background

5. The Licensing Act 2003 (the 'Licensing Act') repealed most of the previous legislation relating to liquor, entertainment and night café licensing and replaced it with a totally new licensing regime. In respect of liquor licensing, responsibility was transferred from the Magistrates Court (Licensing Justices) to local authorities.

6. This enables the City Corporation to grant or reject applications for the sale of liquor, the provision of entertainment or late night refreshment. Conditions designed to ensure public safety, protect children from harm, prevent crime and disorder and public nuisance can be attached to licences. For example, to prevent residents or businesses being disturbed, the City Corporation may restrict licensed hours where it can be shown to be appropriate. However, the ability of local authorities to take decisions is limited either by provisions in the Act, Regulations made under the Act or by guidance from the Home Office.
7. The City Corporation is legally obliged to have regard to the Home Office guidance. The City Corporation may, however, if it is considered appropriate, deviate from the guidance but would need good reasons to do so. This Policy Statement takes full account of the current Home Office guidance.
8. In addition, in formulating this Policy Statement, the City Corporation has had regard to the provisions of the European Convention on Human Rights that everyone has the right to respect for his home and private life and that every person is entitled to the peaceful enjoyment of his possessions. The Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a convention right. Consequently, an aim of this Policy Statement, particularly in relation to the decision-making process of the City Corporation, is to ensure that a licensing decision does not breach such a right.
9. The Equality Act 2010 and prior legislation requires the City to give due regard to the elimination of unlawful discrimination when exercising its public duties, to promote equality between people who share and do not share a particular protected characteristic and to promote good relations between people who share and who do not share a particular characteristic.
10. The Equality Act 2010 defines a number of protected characteristics and generally provides that no one should be discriminated against or subject to less favourable treatment on the basis of these characteristics. The characteristics are age, disability, ethnicity & race, gender, gender reassignment, marriage or civil partnership status, pregnancy or maternity status (including nursing mothers), religious or philosophical belief or non-belief and sexual orientation. It also ensures rights of access to everyday facilities and services and, in the context of disability, may require service providers to consider making permanent physical adjustments to their premises.
11. The City Corporation will expect licensees to be familiar with the contents of any codes of practice issued by the government under the Equality Act 2010.
12. The City Corporation has taken account of the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they can to prevent such crime and disorder.

13. The Policing and Crime Act 2009 introduced further powers for local authorities regarding the regulation of lap-dancing and other sexual entertainment venues. It also contains provisions on alcohol misuse and imposed new mandatory licensing conditions (see Appendix 3 for all the current mandatory conditions).
14. The City Corporation has taken account of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012, which both brought in legislative changes to the Licensing Act 2003. The changes have been reflected in this policy.
15. The Licensing Act requires that licensing authorities consult with other responsible authorities and representatives of licensees of all types, together with representatives of local residents and businesses. The City Corporation will have regard to the views of these persons in the determination of policy and its periodic review.

Scope

16. The Act relates to the sale of alcohol, the provision of certain entertainment and late night refreshment.
17. Activities that require a licence under the Licensing Act 2003 and covered by this Policy Statement include:
 - i) retail sale of alcohol
 - ii) supply of hot food or drink from premises from 23.00 to 05.00 hours
 - iii) supply of alcohol to club members
 - iv) provision of entertainment listed below (known as regulated entertainment) to the public or club members or with a view to profit:
 - a) film exhibitions
 - b) performance of a play
 - c) indoor sporting events
 - d) a boxing or wrestling entertainment
 - e) some live music performances
 - f) playing of recorded music
 - g) dance performances
 - h) provision of facilities for making music
 - i) provision of dancing facilities
18. The Live Music Act 2012, which came into effect on 1 October 2012, removes the licensing requirements for certain types of live music performances. The exemptions are set out in Appendix 2 of this document.
19. There are a number of other activities that are exempt from the licensing requirement, details of which are also set out in Appendix 2 of this document.

22. The Act prescribes:
- i) personal licences which cover the licensing of individuals for the retail sale of alcohol
 - ii) premises licences which cover the retail sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment
 - iii) club premises certificates which are required to allow the supply of alcohol or the provision of regulated entertainment to certain clubs
 - iv) temporary event notices which are required for certain licensable activities on a temporary basis
23. The scope of the Policy Statement covers new applications, transfers and variations of premises licences and club premises certificates, temporary event notices and renewals where applicable. It also includes the policy on the review of licences and certificates which could lead to revocation of the premises licence.
24. In general, a reference in the Policy Statement to a premises licence will include a club premises certificate. This policy Statement will cover the period January 2013 to January 2018 but may be amended if there are significant changes in legislation or case law.

Licensing Objectives

25. In carrying out its licensing functions, the authority will promote the licensing objectives set out in the Act. These are:
- i) the prevention of crime and disorder
 - ii) public safety
 - iii) the prevention of public nuisance
 - iv) the protection of children from harm
26. To achieve these objectives, the authority will use its full range of powers and engage all relevant responsibilities including its planning controls, transport controls, crime and disorder policies and powers. The authority will enter into appropriate partnership arrangements, working closely with the Police, the Fire Authority, local businesses, community representatives and local people in meeting these objectives.

Personal Licences

27. The City Corporation recognises it has little discretion regarding the granting of personal licences. In general provided an applicant has a qualification, accredited by the Secretary of State or a certified equivalent, and does not have certain serious criminal convictions, the application is required to be granted.
28. If an applicant has a relevant conviction the Police may oppose the application, in which case a hearing will be held.

POLICY

29. At any hearing the City Corporation will consider carefully whether the refusal of the personal licence would be in compliance with the licensing objectives. It will consider the seriousness and relevance of the disclosed conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The City Corporation will refuse the application if it is satisfied that granting it would not promote the licensing objectives.

REASON

30. Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the City Corporation under the Crime and Disorder Act 1998. A person holding a personal licence should be properly qualified and be able to assist the action against crime. Granting a licence to a known criminal will in many cases undermine rather than promote the crime prevention objective.

Premises Licences and Club Premises Certificates

a) Application

POLICY

31. Applicants for premises licences and club premises certificates are required to produce an operating schedule to accompany their application. In completing the operating schedule, applicants should set out in some detail how they intend to run the premises in order to promote the four licensing objectives. Applicants are expected to have regard to this statement of licensing policy when completing their operating schedules.
32. The City Corporation has produced a Code of Good Practice for Licensed Premises to assist applicants in completing their operating schedules for the promotion of the four licensing objectives. The Code forms part of the City Corporation's statement of licensing policy and is attached as Appendix 1 to this document. The City Corporation will expect all applicants to have regard to the Code and to make a positive commitment to preventing problems from occurring at their premises.
33. In order to reduce the number of representations and the cost for all parties in having to attend a hearing, applicants are strongly urged to attend a pre-application meeting with officers of the City of London. This will give the applicant the opportunity to discuss any issues with the licensing officers and if necessary, the police and environmental health. Officers can discuss all aspects of the application, compliance with the City of London Licensing Policy to pre-empt any unnecessary representations and hearings.
34. The City Corporation will expect:

- i) all applications to be accompanied by a covering statement explaining in some detail the nature of the proposed operation. If the application is for a licence variation, the statement must also set out the reasons for the variation and whether there are any proposals to change the nature of the operation at the premises
- ii) all applicants to address the licensing objectives in their operating schedule which they are required by the Act to prepare
- iii) all applications to be accompanied by a plan scaled at 1:100 in electronic format together with a hardcopy on A3 size paper using colour where necessary
- iv) the operating schedule to have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community
- v) the applicant to demonstrate in the operating schedule that they have taken appropriate measures to ensure that the premises will be 'good neighbours' and where appropriate demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their premises
- vi) applicants will complete their own detailed risk assessments on their businesses using the Code of Good Practice for licensed premises as a guide
- vii) any proposed changes to the operating schedule, including change of use, to be notified to the Licensing Authority and, depending on the nature of the changes proposed, the Licensing Authority may require a new premises licence application or the submission of an application to vary the existing licence

35. In particular, the City Corporation will expect the applicant to be proposing practical steps to prevent disturbance to local residents. The City Corporation will expect the applicant to supply an acoustic report in applicable circumstances confirming that there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the area around the licensed premises. Any doubts as to whether such a report is required can be discussed in the pre-application meeting. Any sound leakage must be addressed in practical ways such as:

- i) keeping doors and windows closed and providing adequate mechanical ventilation
- ii) reducing sound levels and installing an approved sound limiting device to prevent sound exceeding the appropriate level, both the device and the level to be approved by a suitably qualified acoustic consultant
- iii) providing double door entry to premises with a ventilated lobby, to reduce noise levels generally and during entry and exit of persons to the premises
- iv) installing soundproofing measures to contain sound and vibration

36. The Licensing Authority expects that premises intended for the provision of noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises with amplified music adjoining, or in very close proximity to, residential properties may not be appropriate.
37. The City Corporation will expect the operators of popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This may sometimes be achieved by simply ensuring that the direction of the queue is away from residential accommodation.
38. However, excessive noise and/or disorder will require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. Door supervisors will generally be expected to carry out this role, but they must be given clear instructions as to their duties and responsibilities which should cover other areas of crime and disorder, for example under age drinking and drugs.
39. The City Corporation recommends that for 'promoted events':
- i) a comprehensive risk assessment is undertaken by the licence holders to ensure that crime and disorder and public safety matters are identified and addressed
 - ii) that the appropriate City of London Police Promoted Event Risk Assessment Form be used for this and submitted to the Police at least 14 days before the event
 - iii) that promoters should have obtained BIIAB Level 2 for Music Promoters
 - iv) that the door supervisor per customer ratio should be 1 : 50
40. In terms of patrons leaving any premises, particularly late at night or early in the morning, the City Corporation will expect the applicant to operate a dispersal policy and to include in the operating schedule practical steps such as:
- i) erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors
 - ii) at appropriate times making loudspeaker announcements to the same effect within the premises
 - iii) instructing door staff to ask customers leaving the premises to leave the area quietly
 - iv) reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down

- v) in appropriate cases, having door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it
- vi) banning from the premises people who regularly leave in a noisy fashion
- vii) increasing outside lighting levels
- viii) instituting a mini cab/taxi booking scheme
- ix) any other steps which may be appropriate to prevent noise, or other nuisance, to neighbours of the licensed premises

REASON

- 41. A proactive and preventative approach is a key aspect of good management at licensed premises. One of the greatest irritations to residents trying to sleep is the excessive noise escaping from licensed premises. Noise escape from premises may preclude the grant of a licence or constitute grounds for the review of any licence previously granted. There might also be need for a Noise Abatement notice to be issued under the Environmental Protection Act.
- 42. 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.
- 43. City of London Police intelligence indicates that some promoters organising events in the City have connections to gangs or convictions for violent crimes. Also, there have been a number of incidents where promoted events, attended by rival gangs, have resulted in violent exchanges. Consequently, measures need to be in place to prevent these crimes occurring.

POLICY

- 44. The City Corporation will expect:
 - i) the premises to be presented to the highest possible standards of safety
 - ii) the applicant to have addressed the requirements of Health & Safety at Work and Fire Safety legislation and, where appropriate, the Technical Standards published by the District Surveyors Association. The plans of the premises which must be submitted will be expected to provide evidence of compliance with health and safety matters. Evidence of current safety certificates may be required
 - iii) the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times

REASON

45. Public safety is about protecting the safety and the lives of patrons. It is the wish of the City Corporation that anyone visiting a licensed venue in the City can do so in complete safety and premises may be inspected to ensure that they have been constructed with safety in mind and are well managed and maintained.
46. It is the policy of the City Corporation that there should be comprehensive facilities and access for people with disabilities wherever practicable. The City Corporation will, therefore, expect the needs of disabled people to be addressed in the operating schedule.
47. Wherever practicable, disabled people should not be treated in a less advantageous way than non-disabled people. In addition, there are responsibilities under the Equality Act 2010 and prior legislation that place statutory duties on licensees to ensure that such facilities cater for everyone's needs.

b) Consultation

POLICY

48. It is the policy of the City Corporation that it will always endeavour to make all those affected by an application aware of applications and of the opportunity to make representations. In doing so, every application for a premises licence will be required to be advertised by both the licensing authority and the applicant which will bring the details of the application to the notice of residents and other persons. The applicant will also be required to send a copy of the application to the Police, Fire Authority and other relevant responsible authorities.
49. The local authority will advertise all new licence applications and applications to vary existing licences on the City of London web site. We will also notify any person by email the details of such applications where a person so requests to be kept informed.
50. Representations must be relevant and not vexatious or frivolous. To be relevant the representation will be accepted if it relates to the likely effect of the grant of a licence on the promotion of at least one of the objectives. In other words representations should relate to the impact of licensable activities carried on from premises on the objectives. Representations based on vague references to what may happen if the licence is granted will almost certainly not be considered relevant.

Representations that are founded in whole or in part on stereotypical comments that are based on nothing more than the race, religion, sex or sexuality of any group of people will be treated as vexatious and not considered relevant representations.

REASON

51. The grant of a licence could have a significant impact on the lives or businesses of those living or working in the area around the premises for which a licence is sought. It is only right, therefore, that all those likely to be affected by an application are made aware of it and of the opportunity to make representations.

Determination of Applications

OVERRIDING POLICY PRINCIPLE

52. In determining a licence application, the overriding principle adopted by the City Corporation will be that each application will be determined on its individual merits. The process adopted for determination will, in all cases, follow that required by Regulations made under the Act.

Conditions

POLICY

53. Licence conditions will depend on the individual application and will be imposed where appropriate to meet the licensing objectives. Licence conditions will not be imposed where the City Corporation is satisfied that other regulatory regimes provide sufficient protection to the public eg. health and safety at work and fire safety legislation.
54. It is the policy of the City Corporation that, when considering and applying conditions, such conditions should be clear, appropriate and enforceable. Conditions will be focussed on matters that are within the control of the individual licence holder.
55. Suggested model conditions have been produced to assist applicants, responsible authorities and other persons when proposing and determining conditions for a premises licence, but all should ensure that the conditions apply specifically to the premises and meet the criteria of clarity, appropriateness and enforceability.
56. Suggested model conditions are neither exclusive nor exhaustive. They do not restrict applicants, responsible authorities or other persons in proposing additional or alternative conditions. Nor do they restrict the City of London, when determining contested applications, from imposing any reasonable condition on a licence that it considers appropriate for the promotion of the licensing objectives under the Licensing Act 2003.
57. A premises licence that contains conditions imposed by the City Corporation, or agreed by the applicant, shall also be subject to the statutory mandatory licensing conditions. See Appendix 3 for the full list of mandatory conditions.

REASON

58. The Government's view is that, in general, there should not be standard conditions, some of which might be inappropriate to individual premises. Instead, conditions should depend on the premises and activities concerned, with a view to ensuring that the licensing objectives are achieved.

Location of Premises, Licensing Hours and the Prevention of Nuisance

59. The view of the Government is that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance and ensuring that nuisance is minimised to local residents. The Government believes that shops and public houses should generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers should be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community.
60. The City Corporation understands the view of the Government, but considers that 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 02.00 than at 23.00. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00.

POLICY

61. 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. Notwithstanding that all applications will be determined on their merits.

REASON

62. This policy is aimed at the fulfilment of the licensing objective of 'the prevention of public nuisance'.

Location and Impact of Activity

63. In all cases, the granting of a licence will depend on the impact of an activity, particularly on local residents or late night businesses. Consideration will be given to relevant matters including, but not limited to, the level of noise and vibration, litter, people coming and going, queuing and any potential for criminal activity or disorder.
64. The City Corporation takes note of the nuisance and potential danger to pedestrians and particularly to disabled people and those using access equipment or items such as pushchairs by the obstruction of the highway,

which includes the footway, by customers of the licensed premises smoking, drinking and eating on the public highway.

POLICY

65. In relation to operating schedules:
- i) the City Corporation will expect that all operating schedules indicate the steps an applicant is taking to comply with the licensing objectives
 - ii) any operating schedule submitted in respect of premises shall include proposed times of operating and details of how the applicant intends to comply with the licensing objectives and in particular, how the outside areas will be managed to prevent noise, smell, or obstruction nuisance to neighbours and the public
 - iii) the proposals in the operating schedule should include an assessment of the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas and on the public highway outside the premises and how this is to be managed with particular reference being made to:
 - a) restricting the number of customers permitted in certain outside areas and/or at certain times
 - b) limiting the number of customers permitted on the premises at any one time
 - c) not permitting customers who are smoking to take drinks outside with them
 - d) the arrangements in place for the regular removal of used glasses, crockery and cutlery
 - e) locating smoking areas away from residential premises
 - f) using door supervisors and employees to monitor possible public nuisance issues with a ratio not less than 1 door supervisor for every 100 customers
 - g) providing a form of demarcation and or physical barrier acceptable to the Highways Authority to be used to mark the boundary of the area outside the premises where customers are allowed to drink
 - h) the steps they intend to take to educate their customers and prevent public nuisance arising from litter and prevent the use of alleyways, street corners, and open pavements in the area around their premises as urinals
 - i) how they will work with other licensees in the area to combat nuisance caused by night time visitors creating noise and urinating in the alleyways, street corners and open pavements in the area around the premises
 - iv) with regard to the licensing objective of public safety, the issue of capacity should be addressed in the fire risk assessment for the

premises use. This does not mean that every premises must have a capacity figure. However there should be evidence that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will be expected in the following circumstances:

- a) in premises that could potentially become overcrowded, for example bars, pubs, clubs, and other places of public assembly
- b) where an engineered solution or BS 9999 has been used to increase capacity
- c) where capacity is risk critical, for example where the premises use has a higher occupancy factor than that which the building was designed for
- d) where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity
- e) in order to promote the licensing objective of public safety, the issue of the use of candles should be addressed in the fire risk assessment of all premises where candles may be used. The City Corporation requires all measures identified and recommended by the London Fire Bridge during their audit/ inspection to be adopted and implemented at all times, so as to reduce or remove the risk of danger to public safety

REASON

66. Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. It may also be caused by the customers being noisy on departure or leaving litter. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.
67. Although largely commercial, much of the City is very sensitive to the impact of licensed activities because it is close to either residential areas or areas of late night financial business. The impact of traffic going to and from licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the numbers of people dispersing may be significant.

Consideration of the Impact of Licensed Activities

POLICY

68. When considering whether any licensed activity should be permitted, the City Corporation will assess the likelihood of it causing unacceptable adverse impact, particularly on local residents and businesses, by considering the following factors amongst other relevant matters:
- i) the type of use
 - ii) the proposed hours of operation
 - iii) the means of access to and exit from the premises by patrons
 - iv) the measures that are proposed to avoid nuisance being caused to residents and businesses in particular from outside smoking, drinking and eating in terms of noise, obstruction of the highway and anti-social behaviour
 - v) the matters set out in the City Corporation's Policy in relation to operating schedules, which will include, among other factors, any negative cumulative impact of licensed premises in an area and, in considering any application for review of premises already licensed, the City Corporation may take into account evidence of the following:
 - a) past demonstrable adverse impact from the activity especially on local residents and businesses
 - b) any appropriate measures which have been agreed and put into effect by the applicant to mitigate any adverse impact
 - c) adoption of the City Corporation's Code of Good Practice for Licensed Premises

REASON

69. The prime purpose of this part of the Policy Statement is to achieve the licensing objective of preventing public nuisance. In furtherance of this aim, the Statement lists particular matters that the City Corporation will take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents:
- i) the precise nature of the activity, especially for entertainment, will be a factor in considering the impact of the activity
 - ii) levels of noise from licensed premises which may be acceptable at certain times of day may not be acceptable later in the evening or at night when ambient noise levels are much lower
 - iii) with any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed. In accordance with Government advice, the decisions taken by the City Corporation will obviously be focused on matters within the control of individual licensees and others granted relevant permissions and the steps they can take to achieve the licensing objectives. Accordingly, these matters will centre on the premises and places being used for licensable activities and the likely impact of those activities on members of the public living, working or engaged in normal activity in the area concerned

70. 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 also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the City. The aim of the Policy is, therefore, to achieve a holistic and balanced approach to these difficult issues.

Saturation and Cumulative Impact

POLICY

71. In determining an application, the authority will take into account, in the interests of public safety and the avoidance of nuisance, any representations relating to the negative cumulative impact that the existence of a saturation of premises in one area may have. A saturation of licensed premises can attract customers to the area that has an impact on the surrounding area beyond the control of individual licence holders.
72. The City Corporation will take this into account whenever it receives representations about cumulative impact on the licensing objectives if warranted within a specific area.

REASON

73. The impact from licensed premises increases considerably in areas where there are concentrations of such venues. The adverse effects from licensed activities are particularly acute in some areas of the City. The City Corporation will consider the effects of licensed premises saturation which may cause a significant negative cumulative impact in such areas.

Variable Closing Times

74. One of the aims of the new licensing regime is to prevent concentrations of patrons exiting the premises at 23:00 as happened under the inflexible licensing hours of the previous liquor licensing arrangements. The Government has abolishing fixed licensing hours in favour of hours suitable for individual premises.

POLICY

75. In areas containing a number of licensed premises, the policy of the City Corporation will be to encourage licensees to vary their closing times so that patrons leave for natural reasons over a longer period. Notwithstanding that, each application will be determined on its merits.

REASON

76. The aim of this policy is to minimise disturbance and strain on transport systems. It is also designed to prevent the replication of the existing large scale departures of patrons, whatever the hour, to the detriment of the licensing objectives of preventing public nuisance and crime and disorder.

Tables and Chairs Outside Premises

77. The provision of tables and chairs outside premises, either on the highway or on private land, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to noise problems. This is because they can encourage patrons and passersby to loiter rather than disperse.
78. The placing of tables and chairs on the public highway requires the consent of the City Corporation's Planning & Transportation Committee. On private land, such consent is not needed.

POLICY

79. The City Corporation may determine hours of operation, for example by setting additional conditions where appropriate to meet the licensing objectives, taking into consideration crime and disorder, noise safety and local residents' amenities and would wish to see details of the proposed operation in the operating schedule.

REASON

80. This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent problems concerning safety and nuisance.

Smoking

81. Legislation in relation to smoking in enclosed spaces came into force on 1 July 2007. From that date it became illegal to smoke or to fail to prevent smoking in a smoke-free place.

POLICY

82. The City Corporation may take into consideration the possible effect of people leaving licensed premises to smoke when determining licence applications. This relates to safety of patrons and passers-by and also nuisance from noise or litter.

REASON

83. This is to take into account any concerns relating to safety and nuisance from people outside premises.

Sexual Entertainment Venues

84. The City Corporation has a separate policy for applications for Sexual Entertainment Venues in the City and applicants should refer to that policy for guidance.

Other Controls

85. The Government's view is that Statements of Licensing Policy should indicate other mechanisms that are available for addressing issues of customers behaving badly away from licensed premises such as:
- i) planning controls
 - ii) positive measures to create a safe and clean City centre environment in partnerships with local businesses, transport operators and other local authority departments
 - iii) the provisions of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - iv) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - v) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices
 - vi) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - vii) the confiscation of alcohol from adults and children in designated areas
 - viii) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance
 - ix) the power of the Police, other responsible authorities or other person or business to seek a review of the licence or certificate in question. See Appendix 4 for contact details of the responsible authorities

POLICY

86. It is the policy of the City Corporation to consider very carefully the implications of granting a licence when the hours sought extend into the early hours of the morning.

REASON

87. This is because many of these mechanisms may be of limited effectiveness and value in dealing with anti-social behaviour away from the premises.

Protection of Children

88. The protection of children from harm is an important licensing objective. Nevertheless, the City Corporation will not normally impose conditions requiring or prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder and takes account of the view of Government that the use of licensed premises by children should be encouraged. However, it will, where appropriate, impose conditions designed to protect children.

POLICY

89. The City Corporation will take strong measures to protect children from harm. Examples of premises where the introduction of additional controls are likely to be appropriate are:
- i) where entertainment or services of an adult or sexual nature are commonly provided
 - ii) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - iii) where there is a known association with drug taking or dealing
 - iv) where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)
 - v) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
90. While in some circumstances it may be appropriate to impose a complete prohibition, the City Corporation will in other situations consider imposing requirements such as:
- i) limitations on the hours when children may be present
 - ii) limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place
 - iii) limitations on the parts of premises to which children might be given access
 - iv) age limitations (eg. no person under 18)
 - v) requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
 - vi) full exclusion of those people under 18 from the premises when any licensable activities are taking place
91. Where the exhibition of films is permitted, the authority will expect the age restrictions of the British Board of Film Classification (BBFC) or the City Corporation in respect of the films to be exhibited to be complied with.
92. In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC, the City Corporation will classify the films concerned, provided adequate notice has been given. To achieve consistency and the

protection of children, the City Corporation will use the guidelines published by the BBFC.

93. In addition, the City Corporation will use its other statutory functions to ensure the protection of children from harm with particular emphasis on the sale of alcohol to underage persons.

REASON

94. These policies are designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are suitable for children but to ensure they are adequately protected.

Drugs

95. Recent surveys indicate a general increase in the use of illegal drugs, involving a wider range of substances. This is particularly true of what are often referred to as 'recreational drugs'. The misuse of such drugs holds grave dangers and has led to fatalities.
96. Other factors may have contributed to these deaths, such as a lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.
97. Drugs alter the way people behave, so their distribution and possession is controlled by law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength which puts people taking such drugs in further danger.
98. The City Corporation recognises that drug use by young people in a club environment is not something that applies to all licensed premises. However, many entertainment venues, such as night clubs and dance venues, can be popular with both drug users and suppliers.

POLICY

99. The City Corporation will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse by way of management and design of the premises.
100. In particular, the City Corporation will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook. The BIIAB is a legal entity, and is the British Institute of Innkeeping Awarding Body. The City Corporation will also expect licensees to be following the recommendations of the book 'Safer Clubbing' issued by the London Drug Policy Forum and endorsed by the Home Office.

101. Failure to follow these recommendations, and those set out in the Code of Good Practice for Licensed Premises, on a voluntary basis could lead to the licence being reviewed with the possibility of revocation. In appropriate cases the City Corporation will consider imposing the recommendations detailed in these publications by way of licence conditions.

REASON

102. The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing harm and loss of life caused by drug abuse, overheating and other factors.

Planning

103. Any premises for which a licence is required should normally have an authorised use under town planning legislation.

POLICY

104. It will be the policy of the City Corporation that applications for premises licences in respect of permanent commercial premises will be reminded of the need to secure the necessary planning consent, if not already obtained, before carrying on their licensable activities. An application for any variation of a licence would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.
105. Coordination of these functions will be facilitated by the Licensing Committee and the Planning & Transportation Committee, each committee being kept informed of the actions taken.

REASON

106. This policy is to avoid unnecessary duplication and, thereby, comply with Home Office guidance. Licensing applications will not be a re-run of the planning process and will not cut across decisions taken by the local planning authority. However, there could be occasions when a licence is refused for licensing reasons where an authorised planning use exists.

Other Integration Strategies

POLICY

107. The City Corporation will continue to work in partnership with the City of London Police, the City of London Crime and Disorder Reduction Partnership, Transport for London and other agencies and organisations which impact on the Corporation's licensing responsibilities. In particular, the City Corporation commends initiatives such as 'Safety Thirst' or equivalent accreditation schemes relating to the responsible promotion of City venues as welcoming to all.

REASON

108. The City Corporation recognises that there are many interlinking strategies introduced for the good management of its area and its night-time economy. Many of these strategies are not directly related to the promotion of the four licensing objectives, but indirectly impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

Enforcement

109. Where necessary, enforcement action will be taken in accordance with the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, the Enforcement Concordat and the Regulators' Compliance Code, which promote consistency of enforcement throughout the country. Action taken will meet the requirements of the City of London's Department of Markets and Consumer Protection's Policy Statement on Enforcement.
110. In particular, enforcement action will have regard to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:
- i) risk assessment – i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled
 - ii) consistency – i.e. similar approaches in similar circumstances to achieve similar ends
 - iii) transparency – i.e. helping licensees to understand what is expected and distinguishing between statutory requirements and guidance
 - iv) proportionality – i.e. action taken should be proportional to the risk presented
111. The authority will establish protocols with the local Police and the Fire Authority on enforcement issues to avoid duplication and to provide for the most efficient deployment of City Corporation, Police and Fire Authority officers in respect of inspection of licensed premises and the enforcement of licensing law.
112. The policy of the City Corporation will always be a light touch inspection regime for well-managed and maintained premises, with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.

Discharge of Functions

113. The Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its Licensing Committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). The Licensing Committee may delegate these functions to sub-committees or, in appropriate cases, to officials supporting the licensing authority. Where licensing functions are not automatically transferred to licensing committees, the functions must be carried out by the licensing authority as a whole and not by its executive.

114. The discharge of functions are as follows:

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim authorities	If a Police objection	All other cases
Applications to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police or environmental health objection to a temporary event notice	All cases	

Determination of application to vary premises licence at community premises to include alternative licence condition	If Police objection	All other cases
Decision whether to consult other responsible authorities on a minor variation		All cases
Determination of a minor variation application		All cases

Licensing Code of Good Practice

Activities Exempt from the Licensing Requirement

- (1) Film exhibitions for the purposes of advertisement, information, education etc.
- (2) Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery.
- (3) Music whether live or recorded, which is incidental to other activities which do not require a licence.
- (4) Live music as follows:
 - i. amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
 - ii. amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
 - iii. unamplified live music between 8am and 11pm in all venues
- (5) Use of television or radio receivers for the simultaneous reception and playing of a programme.
- (6) Any entertainment or entertainment facilities at a place of public religious worship.
- (7) Entertainment at garden fetes or similar functions unless there is an element of private gain.
- (8) Morris dancing or any dancing of a similar nature or a performance of un-amplified live music as a part of such a performance.
- (9) Entertainment on road vehicles in motion.

Mandatory Conditions**Alcohol**

- (1) There shall be no sale or supply of alcohol when there is no Designated Premises Supervisor (DPS) in respect of this premises licence or at a time when the DPS does not hold a personal licence or when his/her licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (4) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - i) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - a) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol)
 - b) drink as much alcohol as possible (whether within a time limit or otherwise)
 - ii) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
 - iii) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
 - iv) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - a) the outcome of a race, competition or other event or process
 - b) the likelihood of anything occurring or not occurring
 - v) selling or supplying alcohol in association with promotional posters or flyers on, or in the area around the premises which can reasonably be

considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner

- (5) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- (6) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- (7) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (8) The policy must require individuals who appear to the responsible person to be under 18 (or such age specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- (9) The responsible person shall ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i) Beer or Cider: ½ pint
 - ii) Gin, Rum, Vodka or Whisky: 25ml or 35ml
 - iii) Still wine in a glass: 125ml

Customers must be made aware of the availability of the above measures.

Door Supervisors

- (10) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Relevant Authority.

Films

- (11) Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification body designated as the authority under s4 Video Recordings Act 1984.

Clubs

- (12) A Club Premises Certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:
 - i) the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the certificate, to members of the club for consumption on the premises

- ii) the alcohol supplied for consumption off the premises must be in a sealed container
- iii) the supply of alcohol for consumption off the premises must be made to a member of the club

Responsible Authorities

- ❖ **Licensing Authority**
Markets and Consumer Protection
PO Box 270, Guildhall
London EC2P 2EJ
- ❖ **Police**
City of London Police, Licensing Office,
78 -83 Upper Thames Street
London EC3R 3TD
- ❖ **Fire and Rescue**
London Fire & Emergency Planning Authority,
Fire Safety Regulation: North East Area 2
London Fire Brigade
169 Union Street
London SE1 0LL
- ❖ **Primary Care Trust**
City and Hackney Primary Care Trust
Director of Public Health
Clifton House, 75-77 Worship Lane
London EC2A 2DU
- ❖ **Environmental Health**
Department of Markets and Consumer Protection (Pollution)
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ
- ❖ **Planning**
Department of Planning & Transportation,
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ
- ❖ **Child Protection**
Department of Community & Children's Services
City of London Corporation
PO Box 270, Guildhall,
London EC2P 2EJ
- ❖ **Trading Standards**
Department of Markets and Consumer Protection (Trading Standards)
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ

❖ **Public Safety**

Department of Markets and Consumer Protection (Food),**
City of London Corporation
PO Box 270, Guildhall,
London EC2P 2EJ

** In respect of City of London Corporation owned premises, the Responsible Authority for public safety as listed above will be substituted for the HSE address below:

Health and Safety Executive,
Rose Court, 2 Southwark Bridge,
London SE1 9HS

❖ **Adjoining Local Authorities where premises cross over a boundary (appropriate address as applicable).**

Additional notifications will be required if the “premises” is a moving vessel (e.g. pleasure boat on the Thames). These are listed below:-

❖ **Maritime & Coastguard Agency**

Orpington Marine Office
Central Court
1B Knoll Rise
Orpington
Kent
BR6 0JA

❖ **Port of London Authority**

Harbour Master (Upper District)
Bakers' Hall
7 Harp Lane
London
EC3R 6LB

❖ **Metropolitan Police**

Thames Division
98 Wapping High Street
London
E1 9NE

The actual applications together with a cheque for the required fee made payable to “City of London Corporation” should be sent to:-

Department of Markets and Consumer Protection
Licensing Office
City of London Corporation,
PO Box 270, Guildhall,
London EC2P 2EJ

My comments:

There is some very welcome material in the policy, carried forward from the current document. However in the light of our experience as residents dealing with the Parker McMillan (Islington) and Montcalm/Brewery applications I suggest the following amendments:

A general exhortation to involve residents appears in the code of practice, but the policy should be more specific. Suggest new para-

33a. The costs falling on all parties can also be materially reduced if the applicant has early and detailed discussions with local residents. The City Corporation will give great weight to any operating conditions agreed between the applicant and local residents. Only in the most exceptional circumstances will the City Corporation redraft or excise conditions agreed between the applicant and local residents.

The policy should recognise a material distinction between the scope for mitigating noise outdoors and indoors. Suggest new para-

35a noise generated in outdoor spaces such as courtyards is much more difficult to control and licences for such spaces will not normally be granted for late night/early morning use in very close proximity to residential premises.

37 et seq are welcome but policy should recognise that this matter may be a reason for refusing or curtailing the hours of a licence. It is important that noise from dispersal can, potentially, be a reason for refusal on the same basis as noise from inside the premises. So suggest new para-

36a A similar situation can arise in relation to disturbance caused by the dispersal of customers. Licensed premises where large numbers of customers leave at the same time late at night or early in the morning in very close proximity to residential premises may not be appropriate because they will cause a "concentration of disturbance" (see 59 below).

Some of the wording still tips too far towards assuming that all impacts can be mitigated. There is an important point of balance here. Of course, mitigation is the first resort. However it must be made clearer that if an acceptable level of mitigation is beyond the capacity of the applicant to deliver, the licence will be refused or substantively modified. Suggest addition to para 70-

It follows that if the City Corporation considers that measures within the control of the applicant are likely to be insufficient to mitigate an unacceptable impact, the licence will be refused or modified to remove the impact.

When the Montcalm licence was being considered, the papers initially only considered other licensed premises in the City, not across the road in Islington. Suggest addition to para 72-

On the edges of the City, the "specific area" may include parts of neighbouring boroughs.

The document needs to say much more about enforceability in light of the Montcalm decision where the City Corporation took the unusual step of striking out conditions proposed by the applicant on the grounds that they could not be enforced. The policy needs to explain in what circumstances the City Corporation is likely to take a different view on enforceability from the operator and why. Can it be assumed that the measures suggested in the Code of Good Practice have already passed the test of enforceability (not in the case of Montcalm)?

Dear Peter,

Thank you for consulting us regarding the above two matters. Our comments are as follows:

As a general point there are concerns as to how planning conditions are managed both in terms of resources and within the planning remit. Planning enforcement resources are effectively limited to part of one post. It is important that there are sufficient resources to 'deliver' agreed undertakings such that they do not lead to false expectations or frustrations.

Licensing Policy

- It would be helpful if the contents page could be numbered which is probably your intention once the document is complete?
- The structure of the document also needs to be clearer by breaking it up into subject sections.
- In your e-mail summarising the changes to the Licensing Policy, you state "Updated references to the Corporation's UDP (paragraphs 3 and 4)". Paragraphs 3 and 4 relate to LDF Core Strategy (Policy CS11 Visitors, Arts and Culture and Policy CS12 Historic Environment) and not the Unitary Development Plan. It would be helpful if this was referenced correctly in the Statement of Licensing Policy.
- A reference to the LDF Core Strategy, Policy CS3 Security & Safety, should be made as this includes policy to proactively manage night-time entertainment to minimise disturbance to residents and workers. As you are aware, we are also developing a Local Plan policy on Night Time Entertainment, which takes into account the Statement of Licensing Policy.
- As we are developing a policy on night-time entertainment in the Local Plan it would be useful to refer to this so developers are clear as to the documentation they need to consult when proposing night-time uses in the City (i.e. Statement of Licensing Policy and Local Plan) This would also strengthen the linkage between the two documents. I note that planning is mentioned in paragraph 85 (i) and 103–106 – this may be an appropriate place to mention this.
- References to the Core Strategy policies in paragraphs 2 and 3 should include the policy references.
- In view of the general concern about people standing outside premises and blocking the highway how do you propose to restrict the number of customers point 65 iii) a)?
- It would be useful to have a summary table of the policies for quick reference.
- Paragraph 78 needs to make it clear that the placement of tables and chairs on private land may constitute a material change of use requiring planning permission. People should also be mindful of conditions attached to existing planning permissions and that a licence does not override any planning requirements.
- Paragraph 85 refers to planning control being used to address issues of customers behaving badly away from licensed premises. Planning has limited control over this.
- Paragraph 106 this paragraph needs to make it clear that if a planning permission exists and a licence is refused the planning permission doesn't override the licence decision and vice versa.
- Page 32 should refer to the Department of the Built Environment and not the Planning Department

Code of Good Practice for Licensed Premises

- It would be useful to draw to licensees attention that there may be planning requirements to be met.
- Planning should be included in the Useful Contacts list.

RESPONSE THREE

Introduction, legal background, scope, licensing objectives

Before the main content of the policy, we have provided an overview of the legislative framework of the licensing system, the activities in scope and a summary of the licensing objectives.

Q1: How useful did you find the overview? Is there anything missing or something that needs to be explained better?

VERY USEFUL NOTHING NEEDS EXPLAINING

Licensing objectives

In carrying out responsibilities under the Act, the City of London Corporation must have regard to and uphold the four licensing objectives.

Q2: Is there anything further that the City of London Corporation can do to uphold the licensing objectives?

NO

Personal licences

Q3: Is the policy on personal licences clear? Is there anything missing or something that needs to be explained better?

YES NOTHING TO ADD

Premises licences and club premises certificates (applications and consultation)

Q4: Is the policy on premises licences and club premises certificates clear? Is there anything missing or something that needs to be explained better?

YES IT IS CLEAR

Determination of applications and conditions

Q5: Is the policy on determination of applications and the imposition of conditions clear? Is there anything missing or something that needs to be explained better?

YES IT IS CLEAR

Location of premises, licensing hours and the prevention of nuisance

Q6: Is the policy on determination of applications and the imposition of conditions clear? Is there anything missing or something that needs to be explained better?

YES IT IS CLEAR

Location of premises, impact of activity and cumulative impact

Q7: Is the policy on location of premises, impact of activity and cumulative impact clear? Is there anything missing or something that needs to be explained better?

65.iv SEEMS A LITTLE CONFUSING. IT RELATES TO CAPACITY AND STATES NOT ALL PREMISES REQUIRES A CAPACITY FIGURE BUT THEN IN THE NEXT PARAGRAPH IT STATES A SAFE CAPACITY FIGURE WILL BE EXPECTED IN THE FOLLOWING CIRCUMSTANCES A) IN PREMISES THAT COULD POTENTIALLY BECOME OVERCROWDED, SURELY THIS CAN BE ANY PREMSIES. CAN A COMMENT ON PREMSIES THAT RUN PROMOTED EVENTS BE INCLUDED?

Tables and chairs outside premises

Q8: Is the policy on tables and chairs outside premises clear? Is there anything missing or something that needs to be explained better?

IT IS CLEAR

Protection of children from harm

Q9: Is the policy on protection of children from harm clear? Is there anything missing or something that needs to be explained better?

YES IT IS CLEAR

General feedback

Q10: Do you have any other general comments on the policy?

WOULD LIKE TO SEE MORE ABOUT SMOKING OUTSIDE PREMISES ESPECIALLY WHERE PREMISES HAVE A NARROW FOOT WAY AND SMOKERS OUTSIDE CAUSE AN OBSTRUCTION OF THE PAVEMENT.

sorry Peter forgot to add one thing. I don't like the paragraph below as it is not the promoters that have connections but the DJ's.

Therefore it should read something like "City of London Police intelligence indicates that some DJ's who perform at events in the City attract a following from gangs

and/or have a connection to gangs themselves and some DJ's have convictions for violent crimes. There have been a number of incidents where promoted events, attended by members of gangs, have resulted in violent exchanges. Consequently, measures need to be in place to prevent these crimes occurring"

43. City of London Police intelligence indicates that some promoters organising events in the City have connections to gangs or convictions for violent crimes. Also, there have been a number of incidents where promoted events, attended by rival gangs, have resulted in violent exchanges. Consequently, measures need to be in place to prevent these crimes occurring.

There is no intelligence to suggest that any of the crimes have been rival gangs, in fact most have been from the same gang so the above paragraph could be seen as inaccurate.

regards

Dear Peter

OK, now the other one! Again, I read straight through, and did not confuse the issue by comparing to the previous version of the Policy.

Statement of Licensing Policy

P.2 Should we have contents page in same format for both L and G?

P.5 top line Is 'enables' the best word here?

P.8 para 33 line 5 'and' not 'an' before 'discuss'

P.10 para 39 line 1 can it be stronger term than 'recommends'? even if we make it 'strongly recommends'

P.13 para 51 I know you say, para 49, 'person requests to be kept informed'. But if it's not immediately close by, and yet could impact on street parking, for example, the person may not be advised. Does searching on website constitute 'made aware'? this could involve going into website at pretty frequent intervals on the off chance there may be something there. The time-scale between publication and closing date for objections/representations, is relatively short. Maybe we should aim to be a bit more 'user-friendly'?

P.21 para 92 'will classify films provided adequate notice has been given'.
So does this mean that if a Film Festival, so called, has an operator who is knowledgeable about the wording here, he could give very short notice, i.e. not adequate notice, and hence the films would be shown, unclassified.? It may sound far-fetched, but that is what this para says!

Code of Practice Sept/Oct 2012

P.2 Aim of Code final line

I don't think you need 'from' before 'occurring'

P.4 G1(a) final word

Preferred (not preferential) And also same on P.8, CD14(b) final line

P.20 PN6 (a) line 2 insert 'out' after 'carried'

P.21 PN10 (a) to leave the premises quickly and quietly (omit 'and' before 'quickly')

P.22 PN11(b) line 1 'to ensure that any.' (insert 'r')

PN15 line 2 early hours of (not 'on')

P.25 CH6c ?Council? find another word. CofL Corporation is not a borough. Maybe you could get away with simply omitting the word 'Council'.

I don't think we were sent a copy of the draft Code when it went out to consultation this September. Most of the above, again, are items of detail. But even little typos corrected ensure we, between us all, achieve as near a perfect final document as we can

Response to consultation on draft Statement of Licensing Policy.

Name, address and contact details given below. This is a resident response. It is clearly stated in the draft policy and its Introduction that

- a. “It is vital that residential amenity is protected “.
- b. “that everyone has the right to respect for his home and private life and every person is entitled to the peaceful enjoyment of his possessions”.
- c. “that the authority will promote the licensing objectives using its full range of powers and engage all relevant responsibilities including planning controls” etc.
- d. “The applicant to demonstrate they have taken appropriate measures to ensure that the premises will be ‘good neighbours’ and where appropriate demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their premises. In particular the City Corporation will expect the applicant to be proposing practical steps to prevent disturbance to local residents”.
- e. “Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23:00 and 07:00”.

We cannot find any reference to the fact that in some parts of the City, it is inappropriate for bars to operate beyond 23:00. There are residential areas with very narrow canyon-like streets where it is impossible for bars, however well managed, to control patrons’ noise and this has resulted in anti-social behaviour affecting residents reasonable expectation of sleep. The only action open to residents has been to regularly call upon the services of the pollution team and police and finally take premises to review. This has resulted in considerable use of public resources as well as residents’ own time and costs.

Under the Licensing Act it may not be possible to identify areas unsuitable for bars to operate beyond 23:00 as a part of licensing policy. Point c. above needs to be tightened and controlled more specifically and vigorously. We believe planning controls are the key and could identify residential or indeed business areas unsuitable for late licensing and therefore impose stricter controls. We would like to see the licensing policy state more clearly the link between planning controls and appropriate residential / business areas. This would also restrict applications for TEN’s in sensitive locations.

On page 12 of the Statement of Licensing Policy it is stated that “It is the policy of the City Corporation that it will always endeavour to make all those affected by an application aware of applications and of the opportunity to make representations”. We welcome the statement that “The local authority will advertise all new applications and applications to vary existing licenses on the City of London web site and email details where a person so requests to be informed”.

We note that the London Borough of Islington (using the same software as the City) and the City of Westminster both publish TEN’s on their websites. This assists residents / businesses with information they would not otherwise have. To provide information that a bar has a TEN allowing it to operate into the early hours of the morning may save the Corporation a great deal of time and money in resources, for example; Contact details are given by Westminster for all TEN’s so that any disruption caused by such an event gives the complainant the opportunity to try to resolve the matter before having to resort to environmental services or police.

Other information online would also be useful e.g. the proposed ‘traffic light system’ for licensed premises would help patrons make decisions about bars they wish to frequent and this would also provide additional incentive to bars to retain their green light.

Mr Davenport

Thank you for sharing this.

I see that there is no reference to suicide prevention here - despite a spate of well publicised suicides from a licensed establishment. Such suicides fall within the remit of licensing because suicide is firstly (oddly) a crime and secondly the manner of the suicides have been endangering public safety.

As Martin and David know, Matthew and I have concerns that the corporation needs to be more joined up in its approach to suicide prevention in line with the latest government guidelines for local authorities. I would grateful if you would consider what is the appropriate, light touch approach to this matter within either the licensing policy or the code of good practice.

Best wishes

City of London Corporation

Licensing Act 2003

Statement of Licensing Policy

January 2013



CITY OF LONDON CORPORATION
STATEMENT OF LICENSING POLICY

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Introduction

1. The City of London is the world's leading international financial and related business services centre – a global powerhouse at the heart of the UK's financial services. It provides dedicated services to the City, from maintaining its infrastructure to top level economic development, as well as carrying out all the services expected of a local authority. It also provides services that affect people outside its geographical boundary – making a contribution to both regional and national prosperity.
2. Although the City is predominantly a business area, there are significant pockets of residential accommodation. In addition to the well-established, concentrated housing developments at the Barbican, Golden Lane, Mansell Street and Middlesex Street, there are smaller scale residential areas including Queenhithe, the Temples, Carter Lane and parts of Smithfield. Residential development has also occurred on a scattered basis in the rest of the City, often involving the redevelopment and conversion of former business premises. It is vital that their residential amenity is protected and this is emphasised in the City's Core Strategy which aims 'To protect existing housing and amenity and provide additional housing in the City, concentrated in or near existing residential communities...'.
3. The City Corporation fully supports the provision of recreational and cultural activities and sees these as being of great benefit to the community, especially people working in a high pressure business environment. To this end, the City Corporation is the third biggest sponsor of the arts in the country, after the Government and the BBC. The LDF Core Strategy contains two specifically relevant strategic policies encouraging, where appropriate, the provision of a wide range of public and private recreational, art, heritage and cultural facilities.
4. The City Corporation aims to reconcile all these facets of life in the City to minimise the potentially damaging tensions that could arise between the business, residential and leisure communities. This Policy Statement sets out the framework within which the City Corporation will consider the grant of licences for activities controlled by the Licensing Act 2003.

Legal Background

5. The Licensing Act 2003 (the 'Licensing Act') repealed most of the previous legislation relating to liquor, entertainment and night café licensing and replaced it with a totally new licensing regime. In respect of liquor licensing, responsibility was transferred from the Magistrates Court (Licensing Justices) to local authorities.
6. This gives the City Corporation authority to grant or reject applications for the sale of liquor, the provision of entertainment or late night refreshment. Conditions designed to ensure public safety, protect children from harm, prevent crime and disorder and public nuisance can be attached to licences. For example, to prevent residents or businesses being disturbed, the City

Corporation may restrict licensed hours where it can be shown to be appropriate. However, the ability of local authorities to take decisions is limited either by provisions in the Act, Regulations made under the Act or by guidance from the Home Office.

7. The City Corporation is legally obliged to have regard to the Home Office guidance. The City Corporation may, however, if it is considered appropriate, deviate from the guidance but would need good reasons to do so. This Policy Statement takes full account of the current Home Office guidance.
8. In addition, in formulating this Policy Statement, the City Corporation has had regard to the provisions of the European Convention on Human Rights that everyone has the right to respect for his home and private life and that every person is entitled to the peaceful enjoyment of his possessions. The Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a convention right. Consequently, an aim of this Policy Statement, particularly in relation to the decision-making process of the City Corporation, is to ensure that a licensing decision does not breach such a right.
9. The Equality Act 2010 and prior legislation requires the City to give due regard to the elimination of unlawful discrimination when exercising its public duties, to promote equality between people who share and do not share a particular protected characteristic and to promote good relations between people who share and who do not share a particular characteristic.
10. The Equality Act 2010 defines a number of protected characteristics and generally provides that no one should be discriminated against or subject to less favourable treatment on the basis of these characteristics. The characteristics are age, disability, ethnicity & race, gender, gender reassignment, marriage or civil partnership status, pregnancy or maternity status (including nursing mothers), religious or philosophical belief or non-belief and sexual orientation. It also ensures rights of access to everyday facilities and services and, in the context of disability, may require service providers to consider making permanent physical adjustments to their premises.
11. The City Corporation will expect licensees to be familiar with the contents of any codes of practice issued by the government under the Equality Act 2010.
12. The City Corporation has taken account of the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they can to prevent such crime and disorder.
13. The Policing and Crime Act 2009 introduced further powers for local authorities regarding the regulation of lap-dancing and other sexual entertainment venues. It also contains provisions on alcohol misuse and imposed new mandatory licensing conditions (see Appendix 3 for all the current mandatory conditions).

14. The City Corporation has taken account of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012, which both brought in legislative changes to the Licensing Act 2003. The changes have been reflected in this policy.
15. The Licensing Act requires that licensing authorities consult with other responsible authorities and representatives of licensees of all types, together with representatives of local residents and businesses. The City Corporation will have regard to the views of these persons in the determination of policy and its periodic review.

Scope

16. The Act relates to the sale of alcohol, the provision of certain entertainment and late night refreshment.
17. Activities that require a licence under the Licensing Act 2003 and covered by this Policy Statement include:
 - i) retail sale of alcohol
 - ii) supply of hot food or drink from premises from 23.00 to 05.00 hours
 - iii) supply of alcohol to club members
 - iv) provision of entertainment listed below (known as regulated entertainment) to the public or club members or with a view to profit:
 - a) film exhibitions
 - b) performance of a play
 - c) indoor sporting events
 - d) a boxing or wrestling entertainment
 - e) some live music performances
 - f) playing of recorded music
 - g) dance performances
 - h) provision of facilities for making music
 - i) provision of dancing facilities
18. The Live Music Act 2012, which came into effect on 1 October 2012, removes the licensing requirements for certain types of live music performances. The exemptions are set out in Appendix 2 of this document.
19. There are a number of other activities that are exempt from the licensing requirement, details of which are also set out in Appendix 2 of this document.
20. The Act prescribes:
 - 21.1 personal licences which cover the licensing of individuals for the retail sale of alcohol
 - 21.2 premises licences which cover the retail sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment
 - 21.3 club premises certificates which are required to allow the supply of

alcohol or the provision of regulated entertainment to certain clubs

21.4 temporary event notices which are required for certain licensable activities on a temporary basis

21. The scope of the Policy Statement covers new applications, transfers and variations of premises licences and club premises certificates, temporary event notices and renewals where applicable. It also includes the policy on the review of licences and certificates which could lead to revocation of the premises licence.
22. In general, a reference in the Policy Statement to a premises licence will include a club premises certificate. This policy Statement will cover the period January 2013 to January 2018 but may be amended if there are significant changes in legislation or case law.

Licensing Objectives

23. In carrying out its licensing functions, the authority will promote the licensing objectives set out in the Act. These are:
- i) the prevention of crime and disorder
 - ii) public safety
 - iii) the prevention of public nuisance
 - iv) the protection of children from harm
24. To achieve these objectives, the authority will use its full range of powers and engage all relevant responsibilities including its planning controls, transport controls, crime and disorder policies and powers. The authority will enter into appropriate partnership arrangements, working closely with the Police, Planning Department, the Fire Authority, local businesses, community representatives and local people in meeting these objectives.

Personal Licences

25. The City Corporation recognises it has little discretion regarding the granting of personal licences. In general provided an applicant has a qualification, accredited by the Secretary of State or a certified equivalent, and does not have certain serious criminal convictions, the application is required to be granted.
26. If an applicant has a relevant conviction the Police may oppose the application, in which case a hearing will be held.

POLICY

27. At any hearing the City Corporation will consider carefully whether the refusal of the personal licence would be in compliance with the licensing objectives. It will consider the seriousness and relevance of the disclosed conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The City Corporation will

refuse the application if it is satisfied that granting it would not promote the licensing objectives.

REASON

- 28 Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the City Corporation under the Crime and Disorder Act 1998. A person holding a personal licence should be properly qualified and be able to assist the action against crime. Granting a licence to a known criminal will in many cases undermine rather than promote the crime prevention objective.

Premises Licences and Club Premises Certificates

a) Application

POLICY

- 29 Applicants for premises licences and club premises certificates are required to produce an operating schedule to accompany their application. In completing the operating schedule, applicants should set out in some detail how they intend to run the premises in order to promote the four licensing objectives. Applicants are expected to have regard to this statement of licensing policy when completing their operating schedules.
- 30 The City Corporation has produced a Code of Good Practice for Licensed Premises to assist applicants in completing their operating schedules for the promotion of the four licensing objectives. The Code forms part of the City Corporation's statement of licensing policy and is attached as Appendix 1 to this document. The City Corporation will expect all applicants to have regard to the Code and to make a positive commitment to preventing problems from occurring at their premises.
- 31 In order to reduce the number of representations and the cost for all parties in having to attend a hearing, applicants are strongly urged to attend a pre-application meeting with officers of the City of London. This will give the applicant the opportunity to discuss any issues with the licensing officers and if necessary, the police and environmental health. Officers can discuss all aspects of the application and compliance with the City of London Licensing Policy to pre-empt any unnecessary representations and hearings.

The costs falling on all parties can also be materially reduced if the applicant has early and detailed discussions with local residents. The City Corporation will accept an amended operating schedule from the applicant where conditions have been agreed between the local residents and the applicant if submitted prior to the last date for making representations. Where these conditions are considered appropriate for the promotion of one or more of the licensing objectives, and meet the requirements of paragraphs 53-58 of this policy, they will be considered as imposed conditions when drafting any new or amended licence.

32 The City Corporation will expect:

- i) all applications to be accompanied by a covering statement explaining in some detail the nature of the proposed operation. If the application is for a licence variation, the statement must also set out the reasons for the variation and whether there are any proposals to change the nature of the operation at the premises
- ii) all applicants to address the licensing objectives in their operating schedule which they are required by the Act to prepare
- iii) all applications to be accompanied by a plan scaled at 1:100 in electronic format together with a hardcopy on A3 size paper using colour where necessary
- iv) the operating schedule to have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community
- v) the applicant to demonstrate in the operating schedule that they have taken appropriate measures to ensure that the premises will be 'good neighbours' and where appropriate demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their premises
- vi) applicants will complete their own detailed risk assessments on their businesses using the Code of Good Practice for licensed premises as a guide
- vii) any proposed changes to the operating schedule, including change of use, to be notified to the Licensing Authority and, depending on the nature of the changes proposed, the Licensing Authority may require a new premises licence application or the submission of an application to vary the existing licence

33 In particular, the City Corporation will expect the applicant to be proposing practical steps to prevent disturbance to local residents. The City Corporation will expect the applicant to supply an acoustic report in applicable circumstances confirming that there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the area around the licensed premises. Any doubts as to whether such a report is required can be discussed in the pre-application meeting. Any sound leakage must be addressed in practical ways such as:

- i) keeping doors and windows closed and providing adequate mechanical ventilation
- ii) reducing sound levels and installing an approved sound limiting device to prevent sound exceeding the appropriate level, both the device and the level to be approved by a suitably qualified acoustic consultant
- iii) providing double door entry to premises with a ventilated lobby, to reduce noise levels generally and during entry and exit of persons to the premises
- iv) installing soundproofing measures to contain sound and vibration

34. The Licensing Authority expects that premises intended for the provision of noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises with amplified music adjoining, or in very close proximity to, residential properties may not be appropriate.

A similar situation can arise in relation to disturbance caused by the dispersal of customers where in some circumstances, large numbers of customers leaving a premises late at night or early in the morning is simply not appropriate.

35. The City Corporation will expect the operators of popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This may sometimes be achieved by simply ensuring that the direction of the queue is away from residential accommodation.
36. However, excessive noise and/or disorder will require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. Door supervisors will generally be expected to carry out this role, but they must be given clear instructions as to their duties and responsibilities which should cover other areas of crime and disorder, for example underage drinking and drugs.
37. The City Corporation strongly recommends that for 'promoted events':
- i) a comprehensive risk assessment is undertaken by the licence holders to ensure that crime and disorder and public safety matters are identified and addressed
 - ii) that the appropriate City of London Police Promoted Event Risk Assessment Form be used for this and submitted to the Police at least 14 days before the event
 - iii) that promoters should have obtained BIIAB Level 2 for Music Promoters
 - iv) that the door supervisor per customer ratio should be 1 : 50
38. In terms of patrons leaving any premises, particularly late at night or early in the morning, the City Corporation will expect the applicant to operate a dispersal policy and to include in the operating schedule practical steps such as:
- i) erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors
 - ii) at appropriate times making loudspeaker announcements to the same effect within the premises
 - iii) instructing door staff to ask customers leaving the premises to leave the area quietly

- iv) reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down
- v) in appropriate cases, having door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it
- vi) banning from the premises people who regularly leave in a noisy fashion
- vii) increasing outside lighting levels
- viii) instituting a mini cab/taxi booking scheme
- ix) any other steps which may be appropriate to prevent noise, or other nuisance, to neighbours of the licensed premises

REASON

- 39. A proactive and preventative approach is a key aspect of good management at licensed premises. One of the greatest irritations to residents trying to sleep is the excessive noise escaping from licensed premises. Noise escape from premises may preclude the grant of a licence or constitute grounds for the review of any licence previously granted. There might also be need for a Noise Abatement notice to be issued under the Environmental Protection Act.
- 40. 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.
- 41. City of London Police intelligence indicates that some DJ's who perform at events in the City attract a following from gangs and/or have a connection to gangs themselves and some DJ's have convictions for violent crimes. There have been a number of incidents where promoted events attended by members of gangs, have resulted in violent exchanges. Consequently, measures need to be in place to prevent these crimes occurring.

POLICY

- 42. The City Corporation will expect:
 - i) the premises to be presented to the highest possible standards of safety
 - ii) the applicant to have addressed the requirements of Health & Safety at Work and Fire Safety legislation and, where appropriate, the Technical Standards published by the District Surveyors Association. The plans of the premises which must be submitted will be expected to provide evidence of compliance with health and safety matters. Evidence of current safety certificates may be required
 - iii) the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times

REASON

43. Public safety is about protecting the safety and the lives of patrons. It is the wish of the City Corporation that anyone visiting a licensed venue in the City can do so in complete safety and premises may be inspected to ensure that they have been constructed with safety in mind and are well managed and maintained.
44. It is the policy of the City Corporation that there should be comprehensive facilities and access for people with disabilities wherever practicable. The City Corporation will, therefore, expect the needs of disabled people to be addressed in the operating schedule.
45. Wherever practicable, disabled people should not be treated in a less advantageous way than non-disabled people. In addition, there are responsibilities under the Equality Act 2010 and prior legislation that place statutory duties on licensees to ensure that such facilities cater for everyone's needs.

b) Consultation

POLICY

46. It is the policy of the City Corporation that it will always endeavour to make all those affected by an application aware of applications and of the opportunity to make representations. In doing so, every application for a premises licence will be required to be advertised by both the licensing authority and the applicant which will bring the details of the application to the notice of residents and other persons. The applicant will also be required to send a copy of the application to the Police, Fire Authority and other relevant responsible authorities.
47. The local authority will advertise all new licence applications, applications to vary existing licences and Temporary Event Notices on the City of London web site. We will also notify any person by email the details of new licence and variation applications where a person so requests to be kept informed.
48. Representations must be relevant and not vexatious or frivolous. To be relevant the representation will be accepted if it relates to the likely effect of the grant of a licence on the promotion of at least one of the objectives. In other words representations should relate to the impact of licensable activities carried on from premises on the objectives. Representations based on vague references to what may happen if the licence is granted will almost certainly not be considered relevant.

Representations that are founded in whole or in part on stereotypical comments that are based on nothing more than the race, religion, sex or sexuality of any group of people will be treated as vexatious and not considered relevant representations.

REASON

49. The grant of a licence could have a significant impact on the lives or businesses of those living or working in the area around the premises for which a licence is sought. It is only right, therefore, that all those likely to be affected by an application are made aware of it and of the opportunity to make representations.

Determination of Applications

OVERRIDING POLICY PRINCIPLE

50. In determining a licence application, the overriding principle adopted by the City Corporation will be that each application will be determined on its individual merits. The process adopted for determination will, in all cases, follow that required by Regulations made under the Act.

Conditions

POLICY

51. Licence conditions will depend on the individual application and will be imposed where appropriate to meet the licensing objectives. Licence conditions will not be imposed where the City Corporation is satisfied that other regulatory regimes provide sufficient protection to the public eg. health and safety at work and fire safety legislation.
52. It is the policy of the City Corporation that, when considering and applying conditions, such conditions should be clear, appropriate and enforceable. Conditions will be focussed on matters that are within the control of the individual licence holder.
53. Suggested model conditions have been produced to assist applicants, responsible authorities and other persons when proposing and determining conditions for a premises licence, but all should ensure that the conditions apply specifically to the premises and meet the criteria of clarity, appropriateness and enforceability.
54. Suggested model conditions are neither exclusive nor exhaustive. They do not restrict applicants, responsible authorities or other persons in proposing additional or alternative conditions. Nor do they restrict the City of London, when determining contested applications, from imposing any reasonable condition on a licence that it considers appropriate for the promotion of the licensing objectives under the Licensing Act 2003.
55. A premises licence that contains conditions imposed by the City Corporation, or agreed by the applicant, shall also be subject to the statutory mandatory licensing conditions. See Appendix 3 for the full list of mandatory conditions.

REASON

56. The Government's view is that, in general, there should not be standard conditions, some of which might be inappropriate to individual premises. Instead, conditions should depend on the premises and activities concerned, with a view to ensuring that the licensing objectives are achieved.

Location of Premises, Licensing Hours and the Prevention of Nuisance

57. The view of the Government is that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance and ensuring that nuisance is minimised to local residents. The Government believes that shops and public houses should generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers should be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community.
58. The City Corporation understands the view of the Government, but considers that 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 02.00 than at 23.00. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00.

POLICY

59. 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. Notwithstanding that all applications will be determined on their merits.

REASON

60. This policy is aimed at the fulfilment of the licensing objective of 'the prevention of public nuisance'.

Location and Impact of Activity

61. In all cases, the granting of a licence will depend on the impact of an activity, particularly on local residents or late night businesses. Consideration will be given to relevant matters including, but not limited to, the level of noise and vibration, litter, people coming and going, queuing and any potential for criminal activity or disorder.
62. The City Corporation takes note of the nuisance and potential danger to pedestrians and particularly to disabled people and those using access equipment or items such as pushchairs by the obstruction of the highway,

which includes the footway, by customers of the licensed premises smoking, drinking and eating on the public highway.

POLICY

63. In relation to operating schedules:
- i) the City Corporation will expect that all operating schedules indicate the steps an applicant is taking to comply with the licensing objectives
 - ii) any operating schedule submitted in respect of premises shall include proposed times of operating and details of how the applicant intends to comply with the licensing objectives and in particular, how the outside areas will be managed to prevent noise, smell, or obstruction nuisance to neighbours and the public
 - iii) the proposals in the operating schedule should include an assessment of the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas and on the public highway outside the premises and how this is to be managed with particular reference being made to:
 - a) restricting the number of customers permitted in certain outside areas and/or at certain times
 - b) limiting the number of customers permitted on the premises at any one time
 - c) not permitting customers who are smoking to take drinks outside with them
 - d) the arrangements in place for the regular removal of used glasses, crockery and cutlery
 - e) locating smoking areas away from residential premises
 - f) using door supervisors and employees to monitor possible public nuisance issues with a ratio not less than 1 door supervisor for every 100 customers
 - g) providing a form of demarcation and or physical barrier acceptable to the Highways Authority to be used to mark the boundary of the area outside the premises where customers are allowed to drink
 - h) the steps they intend to take to educate their customers and prevent public nuisance arising from litter and prevent the use of alleyways, street corners, and open pavements in the area around their premises as urinals
 - i) how they will work with other licensees in the area to combat nuisance caused by night time visitors creating noise and urinating in the alleyways, street corners and open pavements in the area around the premises
 - iv) with regard to the licensing objective of public safety, the issue of capacity should be addressed in the fire risk assessment for the

premises use. This does not mean that every premises must have a capacity figure. However there should be evidence that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will however be expected in the following circumstances:

- a) in premises that could potentially become overcrowded, for example bars, pubs, clubs, and other places of public assembly. Particularly when a promoted event is to take place.
 - b) where an engineered solution or BS 9999 has been used to increase capacity
 - c) where capacity is risk critical, for example where the premises use has a higher occupancy factor than that which the building was designed for
 - d) where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity
- v) In order to promote the licensing objective of public safety, the issue of the use of candles should be addressed in the fire risk assessment of all premises where candles may be used. The City Corporation requires all measures identified and recommended by the London Fire Bridge during their audit/ inspection to be adopted and implemented at all times, so as to reduce or remove the risk of danger to public safety

REASON

64. Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. It may also be caused by the customers being noisy on departure or leaving litter. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.
65. Although largely commercial, much of the City is very sensitive to the impact of licensed activities because it is close to either residential areas or areas of late night financial business. The impact of traffic going to and from licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the numbers of people dispersing may be significant.

Consideration of the Impact of Licensed Activities

POLICY

66. When considering whether any licensed activity should be permitted, the City Corporation will assess the likelihood of it causing unacceptable adverse

impact, particularly on local residents and businesses, by considering the following factors amongst other relevant matters:

- i) the type of use
- ii) the proposed hours of operation
- iii) the means of access to and exit from the premises by patrons
- iv) the measures that are proposed to avoid nuisance being caused to residents and businesses in particular from outside smoking, drinking and eating in terms of noise, obstruction of the highway and anti-social behaviour
- v) the matters set out in the City Corporation's Policy in relation to operating schedules, which will include, among other factors, any negative cumulative impact of licensed premises in an area and, in considering any application for review of premises already licensed, the City Corporation may take into account evidence of the following:
 - a) past demonstrable adverse impact from the activity especially on local residents and businesses
 - b) any appropriate measures which have been agreed and put into effect by the applicant to mitigate any adverse impact
 - c) adoption of the City Corporation's Code of Good Practice for Licensed Premises

REASON

67. The prime purpose of this part of the Policy Statement is to achieve the licensing objective of preventing public nuisance. In furtherance of this aim, the Statement lists particular matters that the City Corporation will take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents:

- i) the precise nature of the activity, especially for entertainment, will be a factor in considering the impact of the activity
- ii) levels of noise from licensed premises which may be acceptable at certain times of day may not be acceptable later in the evening or at night when ambient noise levels are much lower
- iii) with any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed. In accordance with Government advice, the decisions taken by the City Corporation will obviously be focused on matters within the control of individual licensees and others granted relevant permissions and the steps they can take to achieve the licensing objectives. Accordingly, these matters will centre on the premises and places being used for licensable activities and the likely impact of those activities on members of the public living, working or engaged in normal activity in the area concerned

68. 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 also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the City. The aim of the Policy is, therefore, to achieve a holistic and balanced approach to these difficult issues although, it must be realised that there may be circumstances where measures within the control of the applicant are likely to be insufficient to prevent one or more of the licensing objectives being undermined. In these circumstances it may not be appropriate for a premises licence to be granted.

Saturation and Cumulative Impact

POLICY

69. In determining an application, the authority will take into account, in the interests of public safety and the avoidance of nuisance, any representations relating to the negative cumulative impact that the existence of a saturation of premises in one area may have. A saturation of licensed premises can attract customers to the area that has an impact on the surrounding area beyond the control of individual licence holders.
70. The City Corporation will take this into account whenever it receives representations about cumulative impact on the licensing objectives if warranted within a specific area. This may include parts of neighbouring boroughs.

REASON

71. The impact from licensed premises increases considerably in areas where there are concentrations of such venues. The adverse effects from licensed activities are particularly acute in some areas of the City. The City Corporation will consider the effects of licensed premises saturation which may cause a significant negative cumulative impact in such areas.

Variable Closing Times

72. One of the aims of the new licensing regime is to prevent concentrations of patrons exiting the premises at 23:00 as happened under the inflexible licensing hours of the previous liquor licensing arrangements. The Government has abolishing fixed licensing hours in favour of hours suitable for individual premises.

POLICY

73. In areas containing a number of licensed premises, the policy of the City Corporation will be to encourage licensees to vary their closing times so that patrons leave for natural reasons over a longer period. Notwithstanding that, each application will be determined on its merits.

REASON

74. The aim of this policy is to minimise disturbance and strain on transport systems. It is also designed to prevent the replication of the existing large scale departures of patrons, whatever the hour, to the detriment of the licensing objectives of preventing public nuisance and crime and disorder.

Tables and Chairs Outside Premises

75. The provision of tables and chairs outside premises, either on the highway or on private land, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to noise problems. This is because they can encourage patrons and passers-by to loiter rather than disperse.
76. The placing of tables and chairs on the public highway requires the consent of the City Corporation's Planning & Transportation Committee. On private land, such consent is not needed albeit this may constitute a 'material change of use' that requires planning permission. Applicants should also be mindful of current conditions attached to existing planning permissions and that the placing of tables and chairs outside their premises do not contravene any planning requirements.

POLICY

77. The City Corporation may determine hours of operation, for example by setting additional conditions where appropriate to meet the licensing objectives, taking into consideration crime and disorder, noise safety and local residents' amenities and would wish to see details of the proposed operation in the operating schedule.

REASON

78. This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent problems concerning safety and nuisance.

Smoking

79. Legislation in relation to smoking in enclosed spaces came into force on 1 July 2007. From that date it became illegal to smoke or to fail to prevent smoking in a smoke-free place.

POLICY

80. The City Corporation may take into consideration the possible effect of people leaving licensed premises to smoke when determining licence applications. This relates to safety of patrons and passers-by and also nuisance from noise or litter.

REASON

81. This is to take into account any concerns relating to safety and nuisance from people outside premises.

Sexual Entertainment Venues

82. The City Corporation has a separate policy for applications for Sexual Entertainment Venues in the City and applicants should refer to that policy for guidance.

Other Controls

83. The Government's view is that Statements of Licensing Policy should indicate other mechanisms that are available for addressing issues of customers behaving badly away from licensed premises such as:
- i) planning controls
 - ii) positive measures to create a safe and clean City centre environment in partnerships with local businesses, transport operators and other local authority departments
 - iii) the provisions of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - iv) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - v) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices
 - vi) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - vii) the confiscation of alcohol from adults and children in designated areas
 - viii) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance
 - ix) the power of the Police, other responsible authorities or other person or business to seek a review of the licence or certificate in question. See Appendix 4 for contact details of the responsible authorities

POLICY

84. It is the policy of the City Corporation to consider very carefully the implications of granting a licence when the hours sought extend into the early hours of the morning.

REASON

85. This is because many of these mechanisms may be of limited effectiveness and value in dealing with anti-social behaviour away from the premises.

Protection of Children

86. The protection of children from harm is an important licensing objective. Nevertheless, the City Corporation will not normally impose conditions requiring or prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder and takes account of the view of Government that the use of licensed premises by children should be encouraged. However, it will, where appropriate, impose conditions designed to protect children.

POLICY

87. The City Corporation will take strong measures to protect children from harm. Examples of premises where the introduction of additional controls are likely to be appropriate are:
- i) where entertainment or services of an adult or sexual nature are commonly provided
 - ii) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - iii) where there is a known association with drug taking or dealing
 - iv) where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)
 - v) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
88. While in some circumstances it may be appropriate to impose a complete prohibition, the City Corporation will in other situations consider imposing requirements such as:
- i) limitations on the hours when children may be present
 - ii) limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place
 - iii) limitations on the parts of premises to which children might be given access
 - iv) age limitations (eg. no person under 18)
 - v) requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
 - vi) full exclusion of those people under 18 from the premises when any licensable activities are taking place
89. Where the exhibition of films is permitted, the authority will expect the age restrictions of the British Board of Film Classification (BBFC) or the City Corporation in respect of the films to be exhibited to be complied with.

90. In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC, the City Corporation will classify the films concerned. Adequate notice will need to be given by the Festival organiser if Corporation classification is required. To achieve consistency and the protection of children, the City Corporation will use the guidelines published by the BBFC.
91. In addition, the City Corporation will use its other statutory functions to ensure the protection of children from harm with particular emphasis on the sale of alcohol to underage persons.

REASON

92. These policies are designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are suitable for children but to ensure they are adequately protected.

Drugs

93. Recent surveys indicate a general increase in the use of illegal drugs, involving a wider range of substances. This is particularly true of what are often referred to as 'recreational drugs'. The misuse of such drugs holds grave dangers and has led to fatalities.
94. Other factors may have contributed to these deaths, such as a lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.
95. Drugs alter the way people behave, so their distribution and possession is controlled by law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength which puts people taking such drugs in further danger.
96. The City Corporation recognises that drug use by young people in a club environment is not something that applies to all licensed premises. However, many entertainment venues, such as night clubs and dance venues, can be popular with both drug users and suppliers.

POLICY

97. The City Corporation will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse by way of management and design of the premises.
98. In particular, the City Corporation will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook. The BIIAB is a legal entity, and is the British Institute of Innkeeping Awarding Body. The City Corporation will also

expect licensees to be following the recommendations of the book 'Safer Clubbing' issued by the London Drug Policy Forum and endorsed by the Home Office.

99. Failure to follow these recommendations, and those set out in the Code of Good Practice for Licensed Premises, on a voluntary basis could lead to the licence being reviewed with the possibility of revocation. In appropriate cases the City Corporation will consider imposing the recommendations detailed in these publications by way of licence conditions.

REASON

100. The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing harm and loss of life caused by drug abuse, overheating and other factors.

Planning

101. Any premises for which a licence is required should normally have an authorised use under town planning legislation.

POLICY

102. It will be the policy of the City Corporation that applications for premises licences in respect of permanent commercial premises will be reminded of the need to secure the necessary planning consent, if not already obtained, before carrying on their licensable activities. Applicants' attention will be drawn to relevant planning policies in order to assist their application process e.g. policies concerning managing night time entertainment. An application for any variation of a licence would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.
103. Coordination of these functions will be facilitated by the Licensing Committee and the Planning & Transportation Committee, each committee being kept informed of the actions taken.

REASON

104. This policy is to avoid unnecessary duplication and, thereby, comply with Home Office guidance. Licensing applications will not be a re-run of the planning process and will not cut across decisions taken by the local planning authority. However, there could be occasions when a licence is refused for licensing reasons where an authorised planning use exists. Under these circumstances any existing planning permission does not override the decision to refuse a premises licence and vice versa.

Other Integration Strategies

POLICY

105. The City Corporation will continue to work in partnership with the City of London Police, the City of London Safer City Partnership, Transport for

London and other agencies and organisations which impact on the Corporation's licensing responsibilities. In particular, the City Corporation commends initiatives such as 'Safety Thirst' or equivalent accreditation schemes relating to the responsible promotion of City venues as welcoming to all.

REASON

106. The City Corporation recognises that there are many interlinking strategies introduced for the good management of its area and its night-time economy. Many of these strategies are not directly related to the promotion of the four licensing objectives, but indirectly impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

Enforcement

107. Where necessary, enforcement action will be taken in accordance with the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, the Enforcement Concordat and the Regulators' Compliance Code, which promote consistency of enforcement throughout the country. Action taken will meet the requirements of the City of London's Department of Markets and Consumer Protection's Policy Statement on Enforcement.
108. In particular, enforcement action will have regard to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:
- i) risk assessment – i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled
 - ii) consistency – i.e. similar approaches in similar circumstances to achieve similar ends
 - iii) transparency – i.e. helping licensees to understand what is expected and distinguishing between statutory requirements and guidance
 - iv) proportionality – i.e. action taken should be proportional to the risk presented
109. The authority will establish protocols with the local Police and the Fire Authority on enforcement issues to avoid duplication and to provide for the most efficient deployment of City Corporation, Police and Fire Authority officers in respect of inspection of licensed premises and the enforcement of licensing law.
110. The policy of the City Corporation will always be a light touch inspection regime for well-managed and maintained premises, with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.

Discharge of Functions

111. The Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its Licensing Committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). The Licensing Committee may delegate these functions to sub-committees or, in appropriate cases, to officials supporting the licensing authority. Where licensing functions are not automatically transferred to licensing committees, the functions must be carried out by the licensing authority as a whole and not by its executive.

112. The discharge of functions are as follows:

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim authorities	If a Police objection	All other cases
Applications to review premises licence/club premises certificate	All cases	
Decision on whether a		All cases

complaint is irrelevant, frivolous, vexatious etc.		
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police or environmental health objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If Police objection	All other cases
Decision whether to consult other responsible authorities on a minor variation		All cases
Determination of a minor variation application		All cases

Licensing Code of Good 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

Aim of the code

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.

Applicants and licensees are expected to make a proactive commitment to preventing problems occurring at licensed premises through the adoption of this code.

Risks associated with licensed premises

Risks associated with licensed premises can vary dependent on the premises type and characteristics, the design, layout and general environment, the location, the policies in place and the events being held there.

This code identifies many of the 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, 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 every premises and it is unlikely that any one premises will need to address all of the measures. Indeed some premises may only need to introduce one or two measures.

The code cannot anticipate every possible risk, problem or circumstance that may arise from licensed premises. Neither does the code restrict an applicant or licence holder from promoting the licensing objectives through alternative means.

How will the code be used?

Applicants and licensees

A proactive and preventative approach is a key aspect of good management at licensed premises. The City of London licensing authority therefore expects applicants to have regard to this code when completing their operating schedule.

If problems occur at licensed premises after a licence has been granted and a reactive approach is needed, licensees should put additional operational measures in place to manage and prevent those problems from recurring. The City of London licensing authority expects licensees to have regard to this code when considering additional operational measures.

The licensing authority and responsible authorities

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.

Dealing with problem premises

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.

Where problems have been identified, the licensing authority and responsible authorities will agree appropriate measures from the code with the licence holder to be implemented at the premises. 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.

Acknowledging well managed premises

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.

Licensees and their staff have responsibility for the effective and safe management of their premises and the promotion of the four licensing objectives. Training is the key to giving licence holders, premises managers and staff the knowledge and skills to deal with and manage risks associated with licensed premises. Training should be provided to all staff and should be about both preventing and managing problems occurring at premises. Training should be regularly updated.

Risk	Good practice measure
Lack of knowledge or understanding of the Licensing Act 2003	G1 (a) Well trained staff 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 preferred. (b) All staff should be advised of licensing law in writing before they are allowed to serve alcohol. (c) Training should also be provided on premises' specific policies relevant to the operation of the business. (d) 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.

Risk	Good practice measure
<p>around the premises (cont)</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 are open.</p> <p>CD3 External lighting provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.</p> <p>CD4 (a) Security systems should be integrated 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>CD5 (a) Door staff and/or stewards 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, high visibility jackets or arm bands.</p> <p>(d) Door staff should sign into a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and concluded.</p> <p>(e) Stewards and other staff at the premises should also be easily identifiable. Stewards must not be used for supervision of the door.</p> <p>CD6 (a) Effective security policies 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 a police crime prevention officer.</p>
<p>Security in and around the premises (cont)</p>	<p>(c) All staff must be aware of a premises security policy with a</p>

Risk	Good practice measure
<p>Crime including conflict, violence or aggression in and around the premises (cont)</p>	<p>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>CD12 (a) Ejecting or refusing entry to persons 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> <p>CD13 (a) A policy to manage capacity should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.</p> <p>(b) For promoted events and large venues, the use of clickers is essential to record the number of patrons inside the premises.</p> <p>(c) For other events or smaller venues, ticket sales or head counts may be appropriate.</p> <p>(d) 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>CD14 (a) Alternatives to glass drinking vessels 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 preferred 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>CD15 (a) Measures to preserve a crime scene 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 a police crime prevention officer.</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>

Risk	Good practice measure
	<p>All staff must be made aware of this requirement.</p> <p>CD21 (a) Seizing, retaining and documenting any drugs or weapons found with a clear audit trail and a process for surrendering them to the Police.</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>CD22 (a) Supervising toilet areas can be effective in discouraging drug selling or use.</p> <p>(b) A toilet attendant may be appropriate for promoted events or on busy nights such as Friday and Saturday.</p> <p>(c) Regular toilet checks such as swabbing should be considered and where conducted, these should be documented with date, time and finding recorded.</p> <p>(d) Removal of flat surfaces in toilet areas can reduce the likelihood of drug misuse</p> <p>CD23 Drug awareness training 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>Theft from premises or lost property</p>	<p>CD24 Bag hooks (Chelsea clips) should be provided to prevent bag snatching.</p> <p>CD25 Clear signage should be displayed throughout the premises about crime prevention and to warn customers of the potential for pickpockets and bag/laptop snatchers.</p> <p>CD26 Property patrols, managed cloakrooms and toilet attendants can be employed to prevent theft from patrons or the premises.</p> <p>CD27 Premises layout and lighting should be considered. Secluded or dimly lit parts of the premises should be avoided as they can encourage crime.</p> <p>CD28 Mirrors used throughout the premises can aid supervision and act as deterrents to thieves.</p> <p>CD29 A lost and found policy should be in place in relation to lost/found property at the premises. The policy should include procedures regarding the logging</p>

Risk	Good practice measure
	<p data-bbox="627 170 1372 271">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> <p data-bbox="533 311 1398 488">CD30 (a) Carefully positioning alcohol 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 data-bbox="533 524 1401 591">(b) It may be helpful for alcohol display areas to be covered by CCTV if possible.</p> <p data-bbox="533 627 1390 728">CD31 Security tagging any items considered a specific target for theft, particularly alcoholic drinks over a certain price level will deter thieves.</p>
<p data-bbox="189 804 501 981">Disorder from customers queuing to enter the premises or when leaving the premises</p> <p data-bbox="189 1193 501 1370">Disorder from customers queuing to enter the premises or when leaving the premises</p>	<p data-bbox="533 804 1398 981">CD32 Reduce the potential for excessive queue lines 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 data-bbox="533 1193 1398 1397">CD33 (a) A customer dispersal policy 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 data-bbox="533 1438 1401 1538">(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 data-bbox="533 1579 1334 1680">CD34 (a) Staff training in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations.</p> <p data-bbox="533 1720 1401 1821">(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 data-bbox="189 1897 469 2029">Customers getting drunk and dealing with drunken customers</p>	<p data-bbox="533 1897 1362 1964">CD35 (a) Drinks promotions should be socially responsible and not encourage excessive drinking.</p> <p data-bbox="533 2004 1398 2029">(b) A documented policy on responsible drinks promotions</p>

Risk	Good practice measure
<p>Customers getting drunk and dealing with drunken customers (cont)</p>	<p>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> <p>(c) Any drinks promotion should market the availability of soft drinks</p> <p>CD36 (a) Staff training 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>CD37 A duty of care policy 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>CD38 Drink-aware posters can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.</p>
<p>Consumption of alcohol on the street and street drinkers</p>	<p>CD39 Restrict the sale 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>Sale of alcohol outside permitted hours</p>	<p>CD40 Lockable shutters 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.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks to the safety of the public (including performers) attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing public safety at their premises.

All applications for new licences and variations should address the steps proposed to promote public safety and this is best achieved through a premises risk assessment.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the design and layout of the premises to achieve the highest possible standard of safety.

Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with their premises and measures implemented to prevent, manage and respond to those risks.

Risk	Good practice measure
<p>General safety of staff and customers</p>	<p>PS1 (a) A full risk assessment taking into account public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. Templates can be found on the Health and Safety Executive website and on the Communities and Local Government website. A risk assessment should be regularly reviewed at least every 12 months.</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>PS2 First aid boxes should be available at the premises and maintained with sufficient in date stock.</p> <p>PS3 (a) A recognised qualification in first aid 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>PS4 A first aid room or quiet room should be made</p>

<p>General safety of staff and customers (cont)</p>	<p>available to anyone requiring medical attention.</p> <p>PS5 Temperature levels 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>Overcrowding</p>	<p>PS6 A documented capacity should be set for the premises overall and for individual rooms within the premises. Capacity can be determined by a risk assessment in consultation with the fire safety authority.</p> <p>The risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time and available fire exits.</p> <p>PS7 (a) A policy to manage the capacity 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>Accumulation and disposal of glasses / drinking vessels</p>	<p>PS8 (a) A glass collection policy 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>PS9 Spillages and broken glass should be cleaned up immediately to prevent floors from becoming slippery and unsafe.</p> <p>PS10 Bottle bins should be secure at all times and away from public areas.</p>
<p>Accident or other emergency incident on the premises</p>	<p>PS11 (a) A written policy to deal with all types of accidents & 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>(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>PS12 A fire detection system 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>PS13 (a) Means of escape 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) Checks should be carried out before opening each day to ensure that exits are unlocked and unobstructed.</p> <p>PS14 Equipment should be checked and maintained regularly with a record kept of the date and findings of the checks.</p> <p>PS15 (a) Staff training in fire safety 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>PS16 An accident book should be kept in order to record all accidents or incidents and made available for inspection.</p>
<p>Drug use or drink spiking</p>	<p>PS17 (a) A zero tolerance policy 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>PS18 Refusing entry to anyone who appears to be showing</p>

	<p>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>PS19 (a) A duty of care policy 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>PS20 (a) Prevent the possibility of drink spiking 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>PS21 A ‘chill out’ area should be provided. This should be cooler and quieter than rest of venue.</p>
<p>Smoking on the premises</p>	<p>PS22 Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance.</p>
<p>Safety of customers when leaving the premises</p> <p>Safety of customers when leaving the premises (cont)</p>	<p>PS23 Discourage drink driving by promoting schemes such as Designated Driver, with notices clearly displayed throughout the premises.</p> <p>PS24 (a) Display information 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 and a safe waiting area for customers inside the premises.</p> <p>PS25 (a) A ‘chill out’ period at the end of an evening 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>PS26 (a) 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> <p>(b) Increased external lighting particularly in car parks under the direct control of the licence holder will provide added safety for customers as they leave the premises. Care should be taken so that lighting does not impact on neighbours.</p>
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Prevention of public nuisance

This section provides guidance on good practice for the prevention and management of public nuisance 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 noise and other public nuisance issues from their premises after a licence has been granted.

Excessive noise and nuisance from licensed premises is a major concern for residents living in the area. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing public nuisance from their premises.

All applications for new licences and variations should address the steps proposed to prevent public nuisance. Where entertainment or other potentially noisy activity is planned, a noise assessment should be carried out. For some premises, the assessment will need to be carried out by a suitably qualified consultant.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the structure and layout of the premises and equipment both internally and externally, to ensure that the premises are fit for purpose. Sound attenuation measures can include wall linings, acoustic curtains and acoustic treatment to mechanical ventilation or air conditioning systems. Consideration should also be given to historical noise problems at the premises with measures put in place to prevent them from recurring.

Licence holders should have clear documented policies and procedures in place which identify all public nuisance risks associated with their premises and measures implemented to prevent, manage and respond to those risks. Licence holders should also engage with local residents on a regular basis to ensure that they are being good neighbours and dealing with problems as they arise.

Risk	Good practice measure
<p>Music, singing and speech noise breakout from the premises</p>	<p>PN1 (a) A noise management policy should be in place that sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises.</p> <p>(b) The policy should be based on the findings of an acoustic consultant's assessment.</p> <p>(c) All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority.</p> <p>(d) DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance.</p> <p>(e) Use an approved list of DJs, event promoters or other entertainment providers who have signed up to the policy.</p>

speech noise breakout from the premises (cont)

PN2 (a) Windows and doors should be kept closed whilst the premises licence is in use to prevent noise breakout. Ventilation should be provided by mechanical means.

(b) Windows should be sound insulated.

(c) Emergency exits should be sealed acoustic doors.

(d) A lobbied area should be provided at the entrance and exit to the premises.

(e) Doors should be fitted with self closing devices.

PN3 (a) A sound limiting device should be installed, set and sealed at a level approved by an acoustic consultant.

(b) The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events.

(d) Only the premises licence holder or a nominated deputy and the designated premises supervisor should have access to the sound limiting device.

PN4 (a) Locate entertainment facilities such as DJ booth, stage and loud speakers away from doors and windows.

(b) Rubber speaker mounts can be used to minimise structure borne noise.

PN5 (a) Methods for monitoring noise should be included in a noise policy. Methods could range from simple perimeter checks and listening tests by the licence holder/staff to a detailed measurement taken by a qualified consultant using sound measuring equipment.

(b) Noise monitoring should actively be carried out on a regular basis and in particular when a new form of entertainment is introduced at the premises, when alterations are made to the premises or when a complaint is made directly to the venue.

PN6 (a) A log book should be kept of any noise monitoring carried out, the findings and any remedial action taken. The log should indicate whether it was routine noise monitoring or the result of a complaint.

(b) The log book should be made available for inspection by the licensing authority or environmental health responsible authority.

Music, singing and speech noise breakout from the

PN7 A contact telephone number should be made available to local residents which they can use to report noise

<p>premises (cont)</p>	<p>disturbances to a responsible person at the venue as and when they occur. The phone line should be available at all times the licence is in use.</p>
<p>Noise and nuisance from customers arriving and leaving the premises</p>	<p>PN8 (a) Reduce the potential for excessive queue lines with a well-managed and efficient door policy.</p> <p>(b) Long queues should be avoided and any queues should be directed away from residential properties.</p> <p>(c) Queues should be actively managed by door staff, especially later in the evening, to keep noise to a minimum. Rowdy behaviour from people queuing to get in should not be tolerated. Door staff should refuse entry to anyone behaving in an anti-social way.</p> <p>(e) Restrict admittance or re-admittance to the premises after 11pm.</p> <p>PN9 (a) A customer dispersal policy can minimise noise disturbance to local residents from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening.</p> <p>(b) A gradual change in music style and reduction in volume, for example quiet or mellow music towards the end of an evening and increasing lighting levels can help to reduce the potential for rowdy behaviour.</p> <p>(c) 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>PN10 (a) Display prominent notices close to the exit doors, requesting patrons to leave the premises quickly and quietly.</p> <p>(b) Display notices in car parks reminding patrons that they are in a residential area and to leave quickly and quietly and not to slam doors, rev engines, sound horns or play loud music.</p> <p>(c) Make announcements at the end of an evening, requesting patrons to leave the premises and area quickly and quietly.</p>
<p>Noise and nuisance from customers arriving and leaving the premises (cont)</p>	<p>PN11 (a) Provide a free taxi phone service and an internal waiting area for customers to prevent noise disturbance to neighbours.</p> <p>(b) Steps should be taken to ensure that any taxi operators used and all their drivers are aware that they should arrive and</p>

	depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.
Noise and nuisance from customers using external areas such as beer gardens or forecourts	<p>PN12 Display prominent signs in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.</p> <p>PN13 Restrict the use of external areas after 10pm if premises are in a residential area.</p> <p>PN14 (a) Door supervisors or staff should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.</p> <p>(b) For private forecourts, a physical barrier such as a rope should be used to mark the boundary of the area outside the premises where customers are allowed.</p> <p>(c) Limit the number of smokers permitted outside at any one time after a certain time.</p> <p>(d) Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time.</p> <p>(e) Locate smoking areas away from residential premises.</p> <p>(f) Do not permit customers to congregate on and block the public highway to passers by.</p>
Noise from staff and entertainment providers leaving the premises	PN15 Staff and performers who depart late at night or in the early hours of the morning when the business has ceased trading, should conduct themselves in such a manner as to avoid causing disturbance to nearby residents. This includes the loading and unloading of artists' equipment.
Noise and disturbance caused by deliveries, collections and waste disposal	PN16 Commercial deliveries, collections and storage/ disposal of waste , including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted to normal working hours between 8am and 6pm Monday to Friday.
Litter and waste around the premises	PN17 (a) Flyers should not be distributed outside the premises by the licence holder or any staff employed by the licence holder.

	<p>(b) Licence holders should ensure that promoters of events at their premises do not distribute flyers outside the premises.</p> <p>PN18 (a) Procedures should be in place for the prompt collection of street litter generated by the premises for example flyers, cigarette butts or food wrappers.</p> <p>(b) Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.</p> <p>(c) Use wall or floor mounted cigarette bins in designated smoking areas for customers.</p>
<p>Disturbance from external lighting</p>	<p>PN19 External lighting for the premises should be turned off after the premises are closed to the public.</p>
<p>Noise or odours from plant and machinery</p>	<p>PN20 Plant and machinery should not cause nuisance to local residents by way of noise, odours or vibration. Acoustic measures such as screening, enclosures, anti-vibration mounts, silencers or timing clocks should be used if necessary.</p>

Protection of children from harm

This section provides guidance on good practice for the protection of children from harm 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 protection and management of children from harm at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks of harm to children attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing the well being of children at their premises.

All applications for new licences and variations should address the steps proposed to protect children from harm and this is best achieved through a premises risk assessment.

Licence holders should have clear documented policies and procedures in place which identify all age restricted risks at their premises and measures implemented to prevent, manage and respond to those risks.

Risk	Good practice measure
<p>Children accessing licensed premises</p>	<p>CH1 (a) A documented policy setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premises including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises.</p> <p>(b) All staff including door staff and bar staff should be trained on the policy.</p> <p>CH2 (a) Restrict access to children depending on the nature of the business and / or circumstances.</p> <p>(b) The admission of children can be restricted up until a specified time in the evening.</p> <p>(c) The admittance of children can only be permitted if they are accompanied by an adult.</p>
<p>Underage sales of alcohol</p> <p>Underage sales of</p>	<p>CH3 (a) Operate a strict ‘No ID – No Sale’ policy. ‘Challenge 21’ scheme serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.</p> <p>(b) A ‘Challenge 25’ scheme gives staff additional support and</p>

<p>alcohol (cont)</p>	<p>encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.</p> <p>(c) Only accept photographic driving licences, passports or PASS (Proof of Age Standards Scheme) cards approved as means of ID. If you accept other forms of ID such as EU National ID cards, these must bear a photograph, date of birth and holographic mark.</p> <p>(d) Use till prompts to remind staff to ask for proof of age.</p> <p>(e) Prominently advertise the scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.</p> <p>CH4 Display posters at the premises stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales).</p> <p>CH5 Adverts or promotions for alcohol should not appeal to young persons.</p> <p>CH6 (a) Keep a refusals book (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.</p> <p>(b) The book should contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused.</p> <p>(c) The book should be made available to Police and authorised officers on request</p> <p>(d) The book should be reviewed on a regular basis to see if any patterns emerge.</p> <p>CH7 (a) Staff training in the age related sections of the Licensing Act 2003 should be provided to all door, bar and till staff. This includes the ability to competently check customers' identification where necessary.</p> <p>(b) A record should be kept of the date and name of person trained.</p>
<p>Access to age restricted films</p>	<p>CH8 (a) Adequate provisions for restricting children from viewing age restricted films should be in place at the premises.</p> <p>(b) Staff should be trained to check ages at point of sale and prior to entry to a screening room to ensure that admission of</p>

	children to films is in accordance with the recommendations of the British Board of Film Classifications (BBFC).
Access to age restricted gaming machines	CH9 Age restricted gaming or vending machines should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.
Access to entertainment of an adult nature	<p>CH10 (a) Children under the age of 18 should be excluded from the premises or part of the premises when specified activities such as adult entertainment are taking place.</p> <p>CH11 Adverts for entertainment of an adult nature should not be displayed externally on the premises or in any part of the premises internally where they can be seen by young persons.</p>

Useful Contacts

City of London Licensing Authority

Markets and Consumer Protection
PO Box 270, Guildhall
London EC2P 2EJ

Telephone: 020 7332 3406

Email: licensing@cityoflondon.gov.uk

City of London Police licensing team

Walbrook Wharf
78-83 Upper Thames Street
London EC4R 3TD

Telephone: 020 7601 2736

Email: licensingoffice@cityoflondon.pnn.police.uk

Environmental Health

Department of Markets and Consumer Protection (Pollution)
City of London Corporation
PO Box 270, Guildhall
London EC2P 2EJ

Telephone: 020 7606 3030

Email: publicprotection@cityoflondon.gov.uk

Planning

Department of the Built Environment
PO Box 270, Guildhall
London EC2P 2EJ

Telephone: 020 7332 1710

Email: plans@cityoflondon.gov.uk

Health and Safety Executive

<http://www.hse.gov.uk>

Institute of Acoustics

<http://www.ioa.org.uk>

Secured by Design

www.securedbydesign.com

Information sources used in the preparation of this guide:

Association of Licensed Multiple Retailers (ALMR)
(incorporating BEDA – Bar Entertainment and Dance Association)
<http://www.almr.org.uk>

Best Bar None
<http://bbnuk.com>

British Beer and Pub Association (BBPA)
(Licensed Property: Noise Control, Managing Safety in Bars, Clubs and Pubs)
<http://www.beerandpub.com>

British Institute of Innkeeping (BII)
<http://www.bii.org>

City of London Corporation licensing
(Statement of Licensing Policy 2011)
<http://www.cityoflondon.gov.uk>

City of London police licensing
<http://www.cityoflondon.police.uk>

Department for Communities and local government (DCLG)
<http://www.communities.gov.uk>

Drinkaware
<http://www.drinkaware.co.uk>

Health and Safety Executive
<http://www.hse.gov.uk>

Home Office (alcohol and drugs)
(Home Office guidance issued under S182 of the Licensing Act 2003, Home Office practical guidance for preventing and dealing with alcohol related problems, Alcohol Strategy 2012)
<http://www.homeoffice.gov.uk/drugs/>

Institute of Acoustics
<http://www.ioa.org.uk>

London Drug Policy Forum
(Safer Nightlife, Drugs at the Door)
<http://www.cityoflondon.gov.uk>

Metropolitan police licensing: Safe and Sound 2012 publication

National Counter Terrorism Security Office (NaCTSO)
(Security advice for bars, pubs and nightclubs)
<http://www.nactso.gov.uk>

The Portman Group
<http://www.portmangroup.org.uk>

Activities Exempt from the Licensing Requirement

- (1) Film exhibitions for the purposes of advertisement, information, education etc.
- (2) Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery.
- (3) Music whether live or recorded, which is incidental to other activities which do not require a licence.
- (4) Live music as follows:
 - i. amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
 - ii. amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
 - iii. unamplified live music between 8am and 11pm in all venues
- (5) Use of television or radio receivers for the simultaneous reception and playing of a programme.
- (6) Any entertainment or entertainment facilities at a place of public religious worship.
- (7) Entertainment at garden fetes or similar functions unless there is an element of private gain.
- (8) Morris dancing or any dancing of a similar nature or a performance of un-amplified live music as a part of such a performance.
- (9) Entertainment on road vehicles in motion.

Mandatory Conditions**Alcohol**

- (1) There shall be no sale or supply of alcohol when there is no Designated Premises Supervisor (DPS) in respect of this premises licence or at a time when the DPS does not hold a personal licence or when his/her licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (4) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - i) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - a) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol)
 - b) drink as much alcohol as possible (whether within a time limit or otherwise)
 - ii) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
 - iii) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
 - iv) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - a) the outcome of a race, competition or other event or process
 - b) the likelihood of anything occurring or not occurring
 - v) selling or supplying alcohol in association with promotional posters or flyers on, or in the area around the premises which can reasonably be

considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner

- (5) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- (6) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- (7) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (8) The policy must require individuals who appear to the responsible person to be under 18 (or such age specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- (9) The responsible person shall ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i) Beer or Cider: ½ pint
 - ii) Gin, Rum, Vodka or Whisky: 25ml or 35ml
 - iii) Still wine in a glass: 125ml

Customers must be made aware of the availability of the above measures.

Door Supervisors

- (10) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Relevant Authority.

Films

- (11) Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification body designated as the authority under s4 Video Recordings Act 1984.

Clubs

- (12) A Club Premises Certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:
 - i) the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the certificate, to members of the club for consumption on the premises

- ii) the alcohol supplied for consumption off the premises must be in a sealed container
- iii) the supply of alcohol for consumption off the premises must be made to a member of the club

Responsible Authorities

- ❖ **Licensing Authority**
Markets and Consumer Protection
PO Box 270, Guildhall
London EC2P 2EJ
- ❖ **Police**
City of London Police, Licensing Office,
78 -83 Upper Thames Street
London EC3R 3TD
- ❖ **Fire and Rescue**
London Fire & Emergency Planning Authority,
Fire Safety Regulation: North East Area 2
London Fire Brigade
169 Union Street
London SE1 0LL
- ❖ **Primary Care Trust**
City and Hackney Primary Care Trust
Director of Public Health
Clifton House, 75-77 Worship Lane
London EC2A 2DU
- ❖ **Environmental Health**
Department of Markets and Consumer Protection (Pollution)
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ
- ❖ **Planning**
Department of the Built Environment
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ
- ❖ **Child Protection**
Department of Community & Children's Services
City of London Corporation
PO Box 270, Guildhall,
London EC2P 2EJ
- ❖ **Trading Standards**
Department of Markets and Consumer Protection (Trading Standards)
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ

❖ **Public Safety**

Department of Markets and Consumer Protection (Food),**
City of London Corporation
PO Box 270, Guildhall,
London EC2P 2EJ

** In respect of City of London Corporation owned premises, the Responsible Authority for public safety as listed above will be substituted for the HSE address below:

Health and Safety Executive,
Rose Court, 2 Southwark Bridge,
London SE1 9HS

- ❖ Adjoining Local Authorities where premises cross over a boundary (appropriate address as applicable).

Additional notifications will be required if the “premises” is a moving vessel (e.g. pleasure boat on the Thames). These are listed below:-

❖ **Maritime & Coastguard Agency**

Orpington Marine Office
Central Court
1B Knoll Rise
Orpington
Kent
BR6 0JA

❖ **Port of London Authority**

Harbour Master (Upper District)
Bakers' Hall
7 Harp Lane
London
EC3R 6LB

❖ **Metropolitan Police**

Thames Division
98 Wapping High Street
London
E1 9NE

The actual applications together with a cheque for the required fee made payable to “City of London Corporation” should be sent to:-

Department of Markets and Consumer Protection
Licensing Office
City of London Corporation,
PO Box 270, Guildhall,
London EC2P 2EJ

Revisions to Licensing Policy

- Paragraph 3: Add 'LDF' in line 5.
- Paragraph 6: Replace 'enables' in line one and replace with 'gives'. Add 'authority' after 'City Corporation'.
- Paragraph 26: Addition of 'planning Department' in line 5
- Paragraph 33: Change 'an' to 'can' in line 5
Add second paragraph commencing, 'The costs falling...'.
Paragraph 36: Add second paragraph commencing, 'A similar situation...'.
Paragraph 39: Add 'strongly' in line 1
Paragraph 43: Rewritten to change emphasis from promoters of promoted events to DJ's
Paragraph 49: Addition of 'Temporary Event Notices' in line 2
Paragraph 65(iv): Addition of 'however' in line 1 of second paragraph
Change 65(iv)(e) to 65(v)
Add to 65(iv)(a) 'Particularly when a promoted event is to take place'.
Paragraph 70: Addition of text in line 10 from, 'although, it must be realised...'.
Paragraph 72: Addition of second sentence.
Paragraph 78: Addition of text in line 3 from, 'albeit this may...'.
Paragraph 92: Rewritten to make it compulsory for festival organisers to submit unclassified films to the City Corporation for classification.
Paragraph 104: Addition of second sentence commencing, 'Applicants attention will be....'.
Paragraph 106: Addition of last sentence commencing, 'Under these circumstances...'.
Page 51: Addition of Planning to useful contacts
Page 57: Change Department of Planning to Department of the Built Environment
In addition, those comments in Response 4 in relation to the Code of Practice have been incorporated in their entirety.

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Consultees for Licensing Policy 2013

1. Aldermen and Common Councilmen
2. London Chamber of Commerce
imason@londonchamber.co.uk
3. British Institute of Inn keeping (BII)
deniset@bii.org
4. Association of Licensed Multiple Retailers (ALMR)
info@almr.org.uk
5. British Beer and Pub Association
contact@beerandpub.com
6. Various licensing solicitors
7. Chief Officer of Police for the City of London
staffoffice@cityoflondon.police.uk
8. Other local/licensing authorities
London Borough of Camden
licensing@camden.gov.uk

London Borough of Islington
licensing@islington.gov.uk

London Borough of Westminster
licensing@westminster.gov.uk

London Borough of Hackney
licensing@hackney.gov.uk

London Borough of Tower Hamlets
licensing@towerhamlets.gov.uk

London Borough of Southwark
licensing@southwark.gov.uk

Inner Temple – Sub Treasurer

Middle Temples – Under Treasurer

9. Residents' Associations

Barbican

gdavidgraves@aol.com

Avondale Square

asrase1@yahoo.co.uk

Collinson Court

southwarkresidents@hotmail.co.uk

York Way Estate

tony.chandler@cityoflondon.gov.uk

Middlesex Street Estate

jonathan.norgan@cityoflondon.gov.uk

Golden Lane Estate

ian.dowsett@cityoflondon.gov.uk

Mais House

housing.advice@cityoflondon.gov.uk

10. Responsible Authorities/other services

Trading Standards

nora.walsh@cityoflondon.gov.uk

Environmental Health – Pollution Team

tony.bride@cityoflondon.gov.uk

Environmental Health – Food Team

peter.brett@cityoflondon.gov.uk

Planning

susan.bacon@cityoflondon.gov.uk

annie.hampson@cityoflondon.gov.uk

Community Safety

ian.harrison@cityoflondon.gov.uk

Street Enforcement

doug.wilkinson@cityoflondon.gov.uk

Fire & Rescue

malcolm.boden@london-fire.gov.uk

nigel.bedford@london-fire.gov.uk

NHS

rod.watson@elc.nhs.uk

Child Protection

contact.centre@cityoflondon.gov.uk

Maritime & Coastguard Agency

bryan.hopkins@mca.gov.uk

Port of London Authority

HSE

cat@hse.gsi.gov.uk

Parking Enforcement

suzanne.onodi@cityoflondon.gov.uk

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Committee(s):	Date(s):	
Licensing Court of Common Council	14 January 2013 17 January 2013	
Subject: Gambling Act 2005: Review of Statement of Licensing Principles		Public
Report of: Director of Markets and Consumer Protection		For Decision

Summary

The Gambling Act 2005 requires all licensing authorities to produce and publish a Statement of Licensing Principles. As prescribed by the statutory timetable the City Corporation produced its first such statement at the time the Act came into force in January 2007.

The legislation requires that all authorities review their policy at three yearly intervals. This report was last reviewed in January 2010 and therefore is required to be reviewed by January 2013.

Since the production of the current licensing statement three years ago the guidance issued to licensing authorities has been revised. The revised text has been sent out for consultation which finished on Wednesday 19 December 2012.

Four responses have been received albeit two of them having no comment to make. The remaining concerns and comments have been taken into account in a revised policy text attached to this report.

Recommendations

It is recommended that your Committee:-

- Consider the recommended amendments to the draft 2013 Statement of Licensing Principles in light of the consultation responses and determine the final text.
- Recommend the policy document to Common Council for their approval.

Main Report

Background

1. The Gambling Act 2005 (the 'Act') requires licensing authorities to prepare and publish a statement of licensing principles (the 'policy') that they will apply in exercising their functions under the Act. The legislation further prescribes that the policy shall remain valid for a period of three years, after which it must be reviewed and re-published.

2. The current policy was published in January 2010. It is therefore now necessary for the City Corporation to prepare the publication of its policy to run for three years from January 2013.
3. The City's current policy was largely based on a concise template drafted by the Local Authority Coordinating Body on Regulatory Services (now Local Government Regulation) with additions to specifically suit the City of London and amended to reflect Government changes to published guidance. By using this template the Corporation has ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.
4. During the period that the City's policy has been current there has been no evidence of any deficiency in its content. The text of the current Policy was amended to reflect minor legislative changes since its last adoption. The amended text was put before this Committee on 22 October 2012 and agreed for consultation.

Consultation

5. The consultation period ran from 7 November 2012 to 19 December 2012. During that period the licensing service received four responses. Three of the responses were from Members and one from a Responsible Authority. Two of the responses were 'no comment'. The remaining two are attached as Appendix 2.
6. The comments received have been examined and a revised text of the Statement of Licensing Principles 2013 has been produced to take into account their concerns and general points where felt necessary. A copy of the revised text, and that proposed to be agreed to be put before Common Council, is attached as Appendix 1. A note as to how the text has altered since being sent out for consultation can be seen as Appendix 3.
7. In order to comply with the statutory process the Corporation must consult with the following:
 - The Chief Officer of Police for the City of London
 - Persons representing the interests of persons carrying on gambling businesses within the City
 - Persons representing the interests of persons who may be affected by the City exercising its functions under the Act

The City Corporation has fulfilled these statutory obligations as far as its area of jurisdiction is concerned. A complete list of persons consulted can be seen as Appendix 4.

Corporate & Strategic Implications

8. The proposals within this report will meet one of the overriding objectives contained within the service's business plans to meet the legal requirements of relevant legislation.

Implications

9. There are no direct financial or risk implications for the Corporation's services associated with this report. Costs for the publication of the new policy can be met within current budget.

Background Papers:

Previous Statement of Licensing Principles - January 2010

Statement of Licensing Principles 2013 sent for consultation

Guidance to licensing authorities 4th edition – September 2012 (Gambling Commission)

Appendices

Appendix 1: Statement of Licensing Principles – 2013

Appendix 2: Responses received during consultation period

Appendix 3: Amendments made to text of consultation document

Appendix 4: List of consultees

Contact: *Peter Davenport* | peter.davenport@cityoflondon.gov.uk | x 3227

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CITY OF LONDON CORPORATION

GAMBLING ACT 2005

STATEMENT OF LICENSING PRINCIPLES

January 2013

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All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in September 2012.

FOREWORD

[To be added]

PART A

GENERAL

1. The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 It should be noted that the Gambling Commission has stated:
‘The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.’

1.3 The City of London Corporation is aware that, as per Section 153, in making decisions about premises licences and provisional statements it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice [under section 24 of the Act]
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the licensing authority’s statement of policy.

2. Introduction

2.1 The City of London Corporation provides local government services for the financial and commercial heart of Britain, the “Square Mile”. It is committed to maintaining and enhancing the status of the business City as the world’s leading international financial and business centre through the policies it pursues and the high standard of services it provides. Its responsibilities extend far beyond the City boundaries in that it also provides a host of additional facilities for the benefit of the nation. These include open spaces such as Epping Forest and Hampstead Heath and the Barbican Arts Centre.

2.2 The City of London combines its ancient traditions and ceremonial functions with the role of a modern and efficient local authority, looking after the needs of its residents, businesses and over 320,000 people who come to work in the “Square Mile” every day. Among local authorities the City of London is unique; not only is

it the oldest in the country but it operates on a non-party political basis through the Lord Mayor, Aldermen and Members of the Court of Common Council. The Lord Mayor, in particular, has an important role as the principal ambassador of the City of London Corporation and the Business City, supporting and promoting the City generally and particularly as the world's leading international financial and business centre both at home and abroad; consulting widely within the City community on business needs.

- 2.3 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from 'time to time' and any amended parts re-consulted upon. The statement must then be re-published.
- 2.4 The City of London Corporation consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided below.
- 2.5 The Gambling Act requires that the following parties are consulted by licensing authorities:
- the Chief Officer of Police;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.6 List of persons this authority consulted:
- A full list of consultees can be seen as Appendix 1 to this Statement.
- 2.7 Our consultation took place between 7 November 2012 and 19 December 2012.
- 2.8 The full list of comments made and the consideration by the City of London Corporation of those comments is available by request to the contact details at the end of this document.
- 2.9 The policy was approved at a meeting of the Court of Common Council on 17 January 2013 and was published via our website. Copies were placed in the public libraries in the City of London as well as being available at the Guildhall.
- 2.10 Should you have any comments as regards this policy statement please send them via e-mail or letter to the contact details at the end of this document.
- 2.11 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply

for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

- 3.1 In producing the final statement, the City of London Corporation declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and all responses from those consulted on the statement.
- 3.2 In producing the final statement the City of London Corporation gave appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the Corporation took into account the following factors:
- who is making the representations (what is their expertise or interest)
 - relevance of the factors to the licensing objectives
 - how many other people have expressed the same or similar views
 - how far the representations relate to matters that the licensing authority should be including in its policy statement

4. Responsible Authorities

- 4.1 The City of London Corporation is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the City of London Corporation's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Director of Community and Children's Services for this purpose.
- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the City of London Corporation's website at: www.cityoflondon.gov.uk

5. Interested Parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

'For the purposes of this Part a person is an interested party in relation to an

application for or in respect of a premises licence if, in the opinion of the City of London Corporation which issues the licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b).'

5.2 The City of London Corporation is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- each case will be decided upon its merits
- this authority will not apply a rigid rule to its decision making
- it will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.15
- it will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices

5.3 Interested parties can be persons who are democratically elected such as Aldermen, Common Councilmen and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the elected representative represents the ward likely to be affected, either directly or indirectly. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

5.4 If individuals wish to approach Aldermen & Common Councilmen to ask them to represent their views then care should be taken that they are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Section as detailed at the end of the document.

5.5 Where an application is made for a premises licence an interested party, as detailed in paragraph 5.3 of this document, or a responsible authority may make representations in writing to the City of London Corporation. Such representations must be made within such period as the Government set and must relate to the licensing objectives.

5.6 Where a licence is held an interested party or a responsible authority may apply for a review. Applications for review must be made in a manner and format which complies with The Gambling Act 2005 (Premises Licences) (Review) Regulations

2007.

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that the City of London Corporation applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The City of London Corporation will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 The City of London Corporation's principle is that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:
- proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - consistent: rules and standards must be joined up and implemented fairly;
 - transparent: regulators should be open, and keep regulations simple and user friendly;
 - targeted: regulation should be focused on the problem, and minimise side effects.
- 7.3 Following the Gambling Commission's Guidance for local authorities the City of London Corporation will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 7.4 The City of London Corporation has adopted and implemented a risk-based inspection programme, based on;
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission, in particular at Part 36
 - The principles set out in this statement of licensing policy
- 7.5 The main enforcement and compliance role for the City of London Corporation in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the City of London Corporation but will be notified to the Gambling Commission.
- 7.6 The City of London Corporation will also keep itself informed of developments as regards the work of the Department of Business Innovation and Skills in its consideration of the regulatory functions of local authorities.
- 7.7 Bearing in mind the principle of transparency, the City of London Corporation's enforcement/compliance protocols/written agreements will be available upon request from the Licensing Section detailed at the end of this document.

8. Licensing Authority Functions

- 8.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
 - issue Provisional Statements
 - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities through issuing Club Gaming Permits and/or Club Machine Permits
 - issue Club Machine Permits to Commercial Clubs
 - grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register small society lotteries below prescribed thresholds
 - issue Prize Gaming Permits
 - receive and Endorse Temporary Use Notices

- receive Occasional Use Notices
- provide information to the Gambling Commission regarding details of licences issued (see section 6 above concerning Exchange of Information)
- maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B

PREMISES LICENCES

1. General Principles

- 1.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 The City of London Corporation is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it considers such use to be:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and,
 - in accordance with the authority's statement of licensing policy.
- 1.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities 'moral objections to gambling are not a valid reason to reject applications for premises licences' (except as regards any 'no casino resolution' - see section 4 below concerning Casinos) and also that unmet demand is not a consideration for a licensing authority.
- 1.4 Definition of "premises". In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether

different parts of a building can properly be regarded as being separate premises will depend on the circumstances.

The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

1.5 The City of London Corporation takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

The City of London Corporation will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

1.6 Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.61 - 7.66 of the Guidance.

- 1.7 Multiple Premises - The City of London Corporation recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will normally contact first should any compliance queries or issues arise.
- 1.8 Location - The City of London Corporation is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.60 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.67 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 1.9 Duplication with other regulatory regimes - The City of London Corporation will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

- 1.10 Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the City of London Corporation has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 1.11 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - The City of London Corporation is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's

Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The City of London Corporation is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

- 1.12 Ensuring that gambling is conducted in a fair and open way - The City of London Corporation has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 1.13 Protecting children and other vulnerable persons from being harmed or exploited by gambling - The City of London Corporation has noted that the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The City of London Corporation will, therefore, consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 1.14 The City of London Corporation will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 1.15 As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that 'it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.' The City of London Corporation will consider this licensing objective on a case by case basis.
- 1.16 Conditions - Any conditions attached to licences will be proportionate and will be:
 - relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises;
 - reasonable in all other respects.

- 1.17 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the City of London Corporation will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The City of London Corporation will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 1.18 The City of London Corporation will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance. The Secretary of State has prescribed the categories of gaming Machine and current details of the stakes and prizes of each category are available on the City of London's website in the licensing section.
- 1.19 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years of age.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

- 1.20 As per the Gambling Commission's Guidance, the City of London Corporation will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.21 It is noted that there are conditions which the licensing authority cannot attach to premises licences as follows:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, winnings or prizes.

1.22 Door Supervisors – The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether they need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as in the Guidance, Part 33).

2. Adult Gaming Centres

2.1 The City of London Corporation will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that people under 18 years of age do not have access to the premises.

2.2 The City of London Corporation will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

2.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. Licensed Family Entertainment Centres

- 3.1 The City of London Corporation will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that people under 18 years of age do not have access to the adult only gaming machine areas.
- 3.2 The City of London Corporation will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
 - CCTV
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours
 - self-barring schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare.
 - measures / training for staff on how to deal with suspected truant school children on the premises
- 3.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 3.4 The City of London Corporation will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The City of London Corporation will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

- 4.1 No Casinos resolution – The City of London Corporation has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the City of London Corporation decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Court of Common Council.

5. Bingo Premises

- 5.1 The City of London corporation notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

- 5.2 Guidance further states:-

18.6 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting Premises

- 6.1 Betting machines – The City of London Corporation will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 years of age to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

- 6.2 While the City of London Corporation has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will normally consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

7. Travelling Fairs

- 7.1 It will fall to the City of London Corporation to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 7.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

7.3 It has been noted that the 27 days statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The City of London Corporation will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

8. Provisional Statements

- 8.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 8.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 8.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 8.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 8.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 8.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

9. Reviews:

9.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives;
- in accordance with the authority's statement of licensing policy.

Consideration will also be given as to whether the request for a review is frivolous, vexatious or substantially the same previous representations or requests for review.

9.2 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

9.3 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and

(d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

- 9.4 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 9.5 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART C

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

1. **Unlicensed Family Entertainment Centre (FEC): Gaming Machine Permits (Statement of Principles on Permits - Schedule 10, Paragraph 7)**
- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

The Gambling Commission's Guidance for local authorities also states:

'In its Licensing Authority Statement of Policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given

that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues.

1.3 Guidance also states:

‘An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and
- that staff are trained to have a full understanding of the maximum stakes and prizes.’

1.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.

1.5 Statement of Principles - The City of London Corporation will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

2. Alcohol Licensed Premises: Gaming Machine Permits - Schedule 13, Paragraph 4(1)

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);

- the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 2.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and ‘such matters as they think relevant.’ The City of London Corporation considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that people under 18 years of age do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits: Statement of Principles on Permits - Schedule 14, Paragraph 8 (3)

- 3.1 The Gambling Act 2005 states that a licensing authority may ‘prepare a statement of principles that they propose to apply in exercising their functions under this Schedule’ which ‘may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit’.
- 3.2 The City of London Corporation has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;

- and that the gaming offered is within the law.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize);
 - participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D).

4.2 Gambling Commission Guidance states:

‘...members’ clubs must have at least 25 members and be established and conducted ‘wholly or mainly’ for purposes other than gaming, unless the gaming is restricted to bridge and whist. Members’ clubs must be permanent in nature, but there is no need for a club to have an alcohol licence....’

4.3 The Commission Guidance also notes that ‘licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant’s premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the

- applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the Police.’

4.4 There is also a ‘fast-track’ procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission’s Guidance for local authorities states ‘Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced.’ and ‘The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.’

4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

5.1 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that ‘The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place’. In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.’

6. Occasional Use Notices:

6.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The City of London Corporation will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

City of London Corporation
Licensing Section
P O Box 270
Guildhall
London EC2P 2EJ

Tel: 0207 332 3406

Email: licensing@cityoflondon.gov.uk

Consultees for Gambling Policy 2013

1. Aldermen and Common Councilmen
2. London Chamber of Commerce
imason@londonchamber.co.uk
3. Association of British Bookmakers
mail@abb.uk.com
4. Gambling Commission
info@gamblingcommission.gov.uk
5. GAMCARE
info@gamcare.org.uk
6. HM Revenue & Customs
nrubetting&gaming@hmrc.gsi.gov.uk
7. Chief Officer of Police for the City of London
staffoffice@cityoflondon.police.uk
8. Other local authorities
London Borough of Camden
licensing@camden.gov.uk

London Borough of Islington
licensing@islington.gov.uk

London Borough of Westminster
licensing@westminster.gov.uk

London Borough of Hackney
licensing@hackney.gov.uk

London Borough of Tower Hamlets
licensing@towerhamlets.gov.uk

London Borough of Southwark
licensing@southwark.gov.uk

9. Residents' Associations
Barbican
gdauidgraves@aol.com

Avondale Square
asrase1@yahoo.co.uk

Collinson Court
southwarkresidents@hotmail.co.uk

York Way Estate
tony.chandler@cityoflondon.gov.uk

Middlesex Street Estate
jonathan.norgan@cityoflondon.gov.uk

Golden Lane Estate
ian.dowsett@cityoflondon.gov.uk

Mais House
housing.advice@cityoflondon.gov.uk

10. Responsible Authorities/other services
Trading Standards
nora.walsh@cityoflondon.gov.uk

Environmental Health – Pollution Team
tony.bride@cityoflondon.gov.uk

Environmental Health – Food Team
peter.brett@cityoflondon.gov.uk

Planning
susan.bacon@cityoflondon.gov.uk

annie.hampson@cityoflondon.gov.uk

Community Safety

ian.harrison@cityoflondon.gov.uk

Street Enforcement

doug.wilkinson@cityoflondon.gov.uk

Fire & Rescue

malcolm.boden@london-fire.gov.uk

nigel.bedford@london-fire.gov.uk

NHS

rod.watson@elc.nhs.uk

Child Protection

contact.centre@cityoflondon.gov.uk

Questionnaire on Statement of Licensing Principles (Gambling Policy) 2013

Introduction

The City of London Corporation is required to review its statement of licensing principles (gambling policy) every three years. This review is now due. With the exception of minor administrative amendments to reflect current Government guidance, there are no further revisions in the proposed policy at this stage.

This questionnaire provides you with an opportunity to give us your views on the City of London Corporation's draft Statement of Licensing Principles (Gambling Policy) 2013 before it is published.

Completing this questionnaire

Please read the draft statement of licensing principles before you complete this questionnaire. If you require additional space for your comments, please use extra paper and submit it with the questionnaire. You must ensure that all comments are received by the City of London Corporation by 19 December 2012.

It should be noted that the Gambling Act 2005 statutory guidance prevents licensing authorities from considering irrelevant matters such as demand for gambling premises, moral considerations and whether premises have planning permission.

Gambling policy Part A: General

Q1: How useful did you find Part A of the policy, which sets out the legislative framework of the gambling licensing system and the functions of the licensing authority? Is there anything missing or something that needs to be explained better?

It is critical that the Corporation of London reflects the affect on workers in the City, particularly those in the Financial Services Industry, from the start of the Recession. Extensive redundancies have caused poverty bringing stress and depression to those most vulnerable and their families. Such people require support and protection.

Licensing Objectives

The licensing objectives under the Gambling Act 2005 are set out in paragraph 1 of Part A of the policy. In carrying out responsibilities under the Act, the City of London Corporation must have regard to and uphold these licensing objectives.

Q2: Is there anything further that the City of London Corporation can do to uphold the licensing objectives?

Consideration to be given as to how people in the City can understand that gambling and games of chance, in desperate measures to reduce financial hardship, will increase, ultimately, their dependence.

Gambling policy Part B: Premises licences

Q3: How useful did you find Part B of the policy, which sets out the general principles for making decisions about premises licences? Is there anything missing or something that needs to be explained better?

The City of London to produce literature, notices and posters to be displayed in licensed premises, offering advice to potential gamblers on sources of assistance

Gambling policy Part C: Permits, Temporary and Occasional Use Notice

Q4: How useful did you find Part C of the policy, which provides an overview of the types of permits available to premises. Is there anything missing or something that needs to be explained better?

Quarterly reviews of licensed gambling premises to ensure all precautions to prevent financial hardship are in place. The premises to be "utilitarian", without any form of entertainment ^{or} and licence to serve alcohol / catering.

General feedback

Q5: Do you have any other general comments on the policy?

- 1) To ensure all premises providing gambling are licensed as being appropriate.
- 2) The above with the knowledge that suicides in the City of London are given prominent media cover, particularly those from No 1, Poultry.
- 3) Gambling is not good publicity for the City, having caused bank failures.

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Dear Peter

I read it straight through, without comparing what we had last time. I thought this would give me a better picture of how the Draft reads.

Listing all I saw, including typos, which I guess may be helpful for you in getting the final document drawn up:-

P.1 Contents as well as needing to insert page numbers, Part B 3 you have L.F.E.Centres Part C 1 you have U.F.E.Centre (i.e. a singular). Should part C be 'Centres'?

P.3 1.3 final bullet why is licensing in a bracket?

P.4 2.6 are you going to list all categories of those to who the consultation was addressed, or only those who respond? If you have a poor response rate, the latter may not look too good

Consultation looks to be between 13th November (when you e-mailed Members) and 19th December. It's only 5 weeks, and I have somewhere in my mind that consultation periods are 6 weeks min.

2.11 line 2 ?person able to.? I think omit the 'able to'.

P.5 3.1 final full line you say 'any responses' should this be 'all responses'?

P.11 1.5 bullet 1 Do we need Vulnerable persons in here as well as children? ,

With the above little items of detail, I reckon it reads quite well. The legal introduction is essential, I suggest, as then those with licenses, or applying for a L. cannot say they didn't know that was the law.

Also, I wonder, in 5.3 on P.6, line 4 could you be a little less positive than 'elected representative represents the ward likely to be affected' I think of Revolution at 144 Leadenhall St, which is in Lime St. but an early licensing appeal was lead by a resident in Aldgate, and the appeal against the removal of conditions recently was also lead by another Aldgate Resident. It's the impact, not the location of the establishment, that is crucial. I know that is a licensing case, but similar circumstances could prevail in Gambling.

A bit of a miscellany, but maybe something of use.

Regards

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Revisions to Gambling Statement

- 1 Minor typographical/grammatical errors
- 2 Addition of an appendix to the main policy document listing the consultees in full. Previous practice has been to summarise the consultees within the body of the document.
- 3 Addition of text to Page 6, paragraph 5.3, line 4 ‘...either directly or indirectly.’

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1. Aldermen and Common Councilmen
2. London Chamber of Commerce
imason@londonchamber.co.uk
3. Association of British Bookmakers
mail@abb.uk.com
4. Gambling Commission
info@gamblingcommission.gov.uk
5. GAMCARE
info@gamcare.org.uk
6. HM Revenue & Customs
nrubetting&gaming@hmrc.gsi.gov.uk
7. Chief Officer of Police for the City of London
staffoffice@cityoflondon.police.uk
8. Other local authorities
London Borough of Camden
licensing@camden.gov.uk

London Borough of Islington
licensing@islington.gov.uk

London Borough of Westminster
licensing@westminster.gov.uk

London Borough of Hackney
licensing@hackney.gov.uk

London Borough of Tower Hamlets
licensing@towerhamlets.gov.uk

London Borough of Southwark
licensing@southwark.gov.uk

9. Residents' Associations

Barbican

gdavidgraves@aol.com

Avondale Square

asrase1@yahoo.co.uk

Collinson Court

southwarkresidents@hotmail.co.uk

York Way Estate

tony.chandler@cityoflondon.gov.uk

Middlesex Street Estate

jonathan.norgan@cityoflondon.gov.uk

Golden Lane Estate

ian.dowsett@cityoflondon.gov.uk

Mais House

housing.advice@cityoflondon.gov.uk

10. Responsible Authorities/other services

Trading Standards

nora.walsh@cityoflondon.gov.uk

Environmental Health – Pollution Team

tony.bride@cityoflondon.gov.uk

Environmental Health – Food Team

peter.brett@cityoflondon.gov.uk

Planning

susan.bacon@cityoflondon.gov.uk

annie.hampson@cityoflondon.gov.uk

Community Safety

ian.harrison@cityoflondon.gov.uk

Street Enforcement

doug.wilkinson@cityoflondon.gov.uk

Fire & Rescue

malcolm.boden@london-fire.gov.uk

nigel.bedford@london-fire.gov.uk

NHS

rod.watson@elc.nhs.uk

Child Protection

contact.centre@cityoflondon.gov.uk

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Committee(s):	Date(s):	
Licensing	14 January 2013	
Subject: Late Night Levy Consultation Proposals	Public	
Report of: Director Markets and Consumer Protection	For Decision	
<p><u>Summary</u></p> <p>The Police Reform and Social Responsibility Act 2011 has introduced the power for licensing authorities to impose a late night levy in the City. Within the legislation there is a proposal to consult on various matters relating to a proposed levy prior to its introduction.</p> <p>This report expands on an introductory report put before this committee on 22 October 2012 now that regulations have been introduced. The report seeks agreement from Members to consult on the proposal to introduce a late night levy and outlines the proposed areas for consultation and those persons it is felt should be included as consultees.</p> <p>Recommendations</p> <p>That Members,</p> <ul style="list-style-type: none"> • agree the areas which should be consulted upon (set out in paragraphs 10-15) ; • agree the list of consultees (in paragraphs 7 and 8). 		

Main Report

Background

1. The Police Reform and Social Responsibility Act 2011 (PRSRA) has introduced the power for licensing authorities to impose a late night levy (the levy) on the whole of their area. The Late Night Levy (Application and Administration) Regulations 2012 were published in October 2012 and specifies the levy bands, how a local authority must spend its proportion of the late night levy payments and other administrative functions. The Late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012 were also published in October 2012 and define circumstances where the levy can either be reduced or exempted.
2. The levy enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It will be a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area.

However, the licensing authority can also choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from the above regulations.

3. The aim of the levy is to empower local areas to charge businesses that supply alcohol late into the night for the extra enforcement costs that the night-time economy generates for police and licensing authorities. The rationale behind this is that the Government in The Coalition Agreement included the commitment to permit local councils to charge more for late night licences to pay for additional policing. The Government consider it right that businesses which profit by selling alcohol in the night-time economy should contribute towards these costs, rather than relying on other taxpayers in the community to bear the full costs.
4. If a licensing authority chooses to introduce the levy in their area, all licensed premises which are authorised to supply alcohol in the levy period will be affected unless exempted. Premises that do not wish to operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced to alter their hours so as to avoid the levy.
5. The City Police has to receive at least 70% of the net levy revenue (the 'specified proportion'), the precise proportion to be decided by the licensing authority. The net levy being the amount raised through levy payments less deductions by the local authority for such items as the collection of payments, procedure for the implementation of the levy, publication of its statutory statement and its application of its proportion of the levy revenue (the 'non-specified proportion').
6. The licensing authority must apply the non-specified proportion of the net amount of levy payments to arrangements for:
 - a. The reduction or prevention of crime and disorder
 - b. The promotion of public safety
 - c. The reduction or prevention of public nuisance
 - d. The cleaning of any relevant highway or relevant land in its area

Consultation

7. The licensing authority must consult the following prior to the introduction of a late night levy and any decision relating to the permitted exemption or reduction categories, the size of the specified proportion, and the period which is to apply to the levy;
 - a. The City of London Police,
 - b. The City of London Commissioner of Police, and

- c. Holders of relevant late night authorisations
8. The licensing authority will also place the consultation document on its website and circulate directly to the following;
- a. All Alderman and Common Councilmen;
 - b. Minimum of six local residents or resident groups who have shown an interest in licensing matters previously
 - c. Adjacent local authorities
9. In addition to consulting on whether or not the City Corporation should introduce a levy the consultation will cover the areas set out in paragraphs 10-15 below. Each of the areas will suggest a default position, and offer consultees the opportunity of supporting that position or electing alternative options.
10. **Date of Commencement** – It will be suggested that the introduction of a late night levy will commence on 1 October 2013. Alternative options will be either 1 January 2014 or 1 April 2014.
11. **The Supply Period** – It will be suggested that the levy will apply to all premises that has a licence to sell alcohol between the hours of 01:00 and 06:00 in line with the suggestion from the City of London Police. An indication of the amount that this could raise is given in Appendix 1. Consultees will be asked to suggest their preferred option for the commencement of the supply period in hourly intervals from 00:00. There will also be an option for consultees to suggest changes to the supply period where they feel it should constitute a non-standard period e.g. between 02:30 and 04:00.
12. **Exemption categories** – Regulations state that certain categories of premises can be exempted from paying a levy. These are:
- a. Premises with overnight accommodation
 - b. Theatres and cinemas
 - c. Bingo halls
 - d. Community Amateur Sports Clubs
 - e. Community premises
 - f. Country village pubs
 - g. Business Improvement Districts
 - h. Premises authorised to sell alcohol between 00:00 and 06:00 on 1st January every year (but not between those times on any other day of the year).

A list of the above options will be supplied to consultees with an option to select any they feel should apply.

13. **Reduction categories** – Regulations state that certain categories shall apply for the reduction of the levy. These categories include premises which are members of best practice schemes established for the purpose of reducing crime and disorder and which require active participation by their members and premises which are entitled to small business rate relief.

It will be suggested to consultees that the rate of reduction shall be linked to compliance with the City Corporation's Code of Practice/risk assessment scheme whereby any premises remaining within the Green (best) category throughout a particular year will be eligible for a reduction of 30% from the levy payment. Consultees will be have the option of selecting other reduction categories for premises entitled to small business rate relief and a reduced percentage reduction if the premises 'stray' into the amber category.

Consultees will also have the option to suggest any other combination of percentage relief and category of risk.

14. **Percentage of specified proportion to Police** – It will be suggested that 70% of the net levy revenue be paid to the Police and used for the following purposes:

- a. To cover the costs associated with licensing hearings, advice and objections to TEN's etc, which is estimated as being between £20,000 and £30,000 per annum.
- b. To fund two additional officers to run an effective enforcement team within the Police Licensing department. This would be in addition to the staff already employed and used for actively targeting the top twenty identified premises.
- c. To fund an additional post within the Metropolitan Clubs Focus Desk, to fill a post currently filled by an officer on temporary attachment. This post is pivotal in the identifying of problem promoters and premises. The post provides extensive background knowledge and intelligence on any promoted events within the City of London.
- d. To fund covert operations to detect offences and as a consequence supply high-grade evidence of licensing offences allowing early intervention.
- e. To fund an additional permanent post within the existing Police Licensing Team to cover annual leave and sickness etc.
- f. To fund Police Community Support Officers to work after midnight until 06:00, Thursday to Saturday, allowing them to patrol areas identified as "hotspots" for Anti-Social Behaviour and

issue fixed penalty notices for urination and littering particularly in areas around licensed premises. These would also be utilised to cover rough sleepers.

Consultees will be given the option of stating how they think this money should be spent and/or whether they agree with the Police proposals.

15. In addition to the above statutory areas that require consultation consultees will be given the option of commenting on how the non-specified proportion i.e. that retained by the local authority, will be spent.

It will be suggested that the non-specified proportion will be spent on the appointment of an additional licensing officer to administer the Code of Practice/risk assessment scheme and to increase the percentage of time spent by the licensing service on ensuring licensed premises adhere to legislative requirements particularly where they have a direct effect on crime and disorder.

Proposals

16. It is proposed that subject to agreement by this committee a consultation document will be drawn up and sent to the list of consultees. The consultation will run from 1 March to 31 May 2012. At the conclusion of the consultation period a further report will be submitted to Grand Committee with the results of the consultation. It is at this stage that Members will have to make a decision as to whether or not to introduce a levy and if so when and how. The final decision will have to be agreed by Court of Common Council.

Corporate & Strategic Implications

17. The possible use of the levy encompasses two key policies in the Corporate Plan 2012 -2016; KPP1 'Supporting and promoting the international and domestic finance and domestic business sector' and KPP2 'seeking to maintain the quality of our public services whilst reducing our expenditure and improving our efficiency'. The consideration of use of the levy also fits with one of the City Corporation's three strategic aims 'to provide modern, efficient and high quality services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes'.

Implications

18. Legislation dictates how a levy is to be introduced, requirements for consultation and notices to be displayed at the appropriate time. Thereafter, on an annual basis, a licensing authority must publish before

the beginning of the year a statement of its estimate of the amount of deductions permitted under regulation to be made in respect of the year. At the end of the year, a statement of the net amount of levy payments for the year showing actual deductions.

The cost of administering a levy will be met from its gross revenue. In addition, the non-specified proportion to be retained by the local authority can be used to help reduce or prevent crime and disorder related to incidents concerning the supply of alcohol.

Background Papers:

Licensing Committee Report – 22 October 2012 entitled ‘Late Night Levy and Early Morning Restriction Orders’.

Appendices

Appendix 1: Table of Potential Revenue

Contact:

Peter Davenport | peter.davenport@cityoflondon.gov.uk | x3227

Premises Rateable
Band

Time Premises Trade To On At Least
One Occasion Each Week

01:00 02:00 03:00 04:00 05:00 06:00

01:00 02:00 03:00 04:00 05:00 06:00

A	1	1	5	0	0	0	
B	6	2	3	4	1	0	
C	56	43	16	1	0	2	
D	13	11	11	0	0	3	
D (multiplier)	2	5	3	1	1	0	
E	32	25	12	2	0	1	
E (multiplier)	6	8	5	7	1	0	
If Levy applied after:	00:00	Fee payable would be:				474,949	
If Levy applied after:	01:00	Fee payable would be:				301,917	
If Levy applied after:	02:00	Fee payable would be:				144,435	
If Levy applied after:	03:00	Fee payable would be:				57,171	
If Levy applied after:	04:00	Fee payable would be:				16,044	
If Levy applied after:	05:00	Fee payable would be:				8,106	

A	299	299	299	1495	0	0	0
B	768	4608	1536	2304	3072	768	0
C	1259	70504	54137	20144	1259	0	2518
D	1365	17745	15015	15015	0	0	4095
D (multiplier)	2730	5460	13650	8190	2730	2730	0
E	1493	47776	37325	17916	2986	0	1493
E (multiplier)	4440	26640	35520	22200	31080	4440	0

173,032 157,482 87,264 41,127 7,938 8,106

Premises Rateable Band	Time Premises Trade To On At Least One Occasion A Week					
	01:00	02:00	03:00	04:00	05:00	06:00
A	1	1	5	0	0	0
B	6	2	3	4	1	0
C	56	43	16	1	0	2
D	13	11	11	0	0	3
D (Multiplier)	2	5	3	1	1	0
E	32	25	12	2	0	1
E(Multiplier)	6	8	5	7	1	0

Premises Rateable Band	Individual Fee Per Premises In Band	Total Fees Per Lastest Trading Times					
		01:00	02:00	03:00	04:00	05:00	06:00
A	299	299	299	1495	0	0	0
B	768	4608	1536	2304	3072	768	0
C	1259	70504	54137	20144	1259	0	2518
D	1365	17745	15015	15015	0	0	4095
D (multiplier)	2730	5460	13650	8190	2730	2730	0
E	1493	47776	37325	17916	2986	0	1493
E (multiplier)	4440	26640	35520	22200	31080	4440	0
Total		173,032	157,482	87,264	41,127	7,938	8,106

Possible Incomes If Levy Set At Various Times

If Levy applied after:	00:00	Fee payable would be:	474,949
If Levy applied after:	01:00	Fee payable would be:	301,917
If Levy applied after:	02:00	Fee payable would be:	144,435
If Levy applied after:	03:00	Fee payable would be:	57,171
If Levy applied after:	04:00	Fee payable would be:	16,044
If Levy applied after:	05:00	Fee payable would be:	8,106

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