



Licensing Committee

Date: MONDAY, 15 JULY 2013

Time: 1.45pm

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

Members:

Marianne Fredericks (Chairman)	Sophie Fernandes
Edward Lord (Deputy Chairman)	Michael Hudson
Alex Bain-Stewart	Graham Packham
Deputy John Barker	Judith Pleasance
Jamie Ingham Clark	Chris Punter
Revd Dr Martin Dudley	Tom Sleigh
Peter Dunphy	James Tumbridge
Kevin Everett	

Enquiries: Rakesh Hira
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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. **PUBLIC MINUTES**

To agree the public minutes of the meeting held on 15 May 2013 (copy attached).

For Decision
(Pages 1 - 6)

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

For Information

a) Cos Bar, 148 Queen Victoria Street, London, EC4V 4BY - 21 May 2013
(Pages 7 - 16)

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

The Comptroller & City Solicitor to be heard.

For Information

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

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

For Information
(Pages 17 - 26)

7. **SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES**

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

For Decision
(Pages 27 - 32)

8. **REVENUE OUTTURN 2012/13**

Joint report of the Chamberlain and the Director of Markets & Consumer Protection (copy attached).

For Information
(Pages 33 - 34)

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

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

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Agenda Item 3

LICENSING COMMITTEE

Wednesday, 15 May 2013

Minutes of the meeting of the Licensing Committee held at Guildhall, EC2 on
Wednesday, 15 May 2013 at 1.45pm

Present

Members:

Alex Bain-Stewart
Deputy John Barker
Jamie Ingham Clark
Peter Dunphy
Kevin Everett
Marianne Fredericks

Michael Hudson
Deputy Edward Lord
Judith Pleasance
Tom Sleigh
James Tumbridge

In Attendance

Graham Packham

Officers:

Simon Murrells	- Assistant Town Clerk, Town Clerk's Department
Rakesh Hira	- Town Clerk's Department
Ignacio Falcon	- Town Clerk's Department
Paul Chadha	- Comptroller & City Solicitor's Department
Jenny Pitcairn	- Chamberlain's Department
David Smith	- Director of Markets & Consumer Protection
Jon Averbs	- Markets & Consumer Protection Department
Steve Blake	- Markets & Consumer Protection Department
Peter Davenport	- Markets & Consumer Protection Department
Julie Gibbs	- Markets & Consumer Protection Department

Deputy John Barker took the Chair

1. APOLOGIES

Apologies were received from Dr Martin Dudley and Chris Punter.

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

There were none.

3. ORDER OF THE COURT OF COMMON COUNCIL

The Order of the Court of Common Council, 25 April 2013, appointing the Committee and approving its Terms of Reference was received.

4. **ELECTION OF CHAIRMAN**

Members proceeded to elect a Chairman pursuant to Standing Order No. 29. The Town Clerk read out a list of Members eligible for the Chair, and Marianne Fredericks, being the only Member indicating her willingness to serve was duly elected Chairman for the ensuing year, and took the Chair.

5. **ELECTION OF DEPUTY CHAIRMAN**

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

Deputy Edward Lord, the Immediate Past Chairman, exercised his right to be Deputy Chairman and was duly elected.

LATE CHAIRMAN – VOTE OF THANKS

RESOLVED UNANIMOUSLY –

THAT the Members of this Committee take great pleasure in expressing to

DEPUTY EDWARD LORD OBE JP

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

HE has been very active in the work of the Committee and has shown great leadership in steering the Committee through a period of change in legislation affecting licensed premises, including the provision of a new licensing regime for Sexual Entertainment Venues, the introduction of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012.

Under Mr Lord's chairmanship, the City Corporation through its Licensing Committee undertook its responsibilities as a licensing authority with diligence and vision, evidenced in the thorough review of the City Corporation's Statements of Licensing Policy under the Licensing Act and of its Licensing Principles under the Gambling Act.

HE has shown exceptional foresight in promoting the introduction of a ground-breaking Code of Practice and a risk matrix for licensed premises and the comprehensive Pool of Conditions list for use in Premises Licences.

During his tenure, over fifty licensing hearings took place, including eight reviews, and he paid particular attention to improving the format of Licensing (Hearing) Sub Committee reports. He also showed an active interest in the Olympic preparedness of licensed premises in the City ahead of the London 2012 Games.

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

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

Deputy Edward Lord thanked his colleagues for their support over the time he served as Chairman and wished both Members and officers well for the future.

WELCOME TO NEW MEMBERS

The Chairman welcomed Deputy John Barker, Michael Hudson, Jamie Ingham Clark, Tom Sleight and Judith Pleasance to the Committee and thanked Deputy Doug Barrow, Deputy Revd Stephen Haines, Dr Peter Hardwick, Stephen Quilter, Jeremy Simons and Simon Walsh for their contributions to the work of the Committee.

6. APPOINTMENT OF SUB COMMITTEE CHAIRMEN AND REFERENCE SUB COMMITTEE

The Committee proceeded to appoint the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for the ensuing year. Following a ballot three Sub Committee Chairmen were elected in addition to the Chairman, Deputy Chairman and Past Grand Committee Chairmen.

RESOLVED – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2013/14 comprise of the following Members:

Chairman, Marianne Fredericks
Deputy Chairman, Deputy Edward Lord
The Revd Dr Martin Dudley
Peter Dunphy
James Tumbridge and;
Past Grand Committee Chairmen

7. PUBLIC MINUTES

The public minutes of the meeting held on 14 January 2013 were approved as a correct record.

Matters Arising

Code of Practice Launch

The Chairman thanked officers and those who attended the Code of Practice Launch event on 9 April 2013.

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

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

8.1 **The Pelt Trader, Arch 3, Dowgate Hill, London, EC4N 6AP - 11 February 2013**

8.2 **Bird of Smithfield, 26 Smithfield, London, EC1A 9LB - 12 March 2013**

8.3 **Amber, City Point, 1 Ropemaker Street, London, EC2Y 9AS - 24 April 2013**

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

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

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

A report of the Director of Markets and Consumer Protection detailed the premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 January 2013 to 31 March 2013. The report also provided a summary of the enforcement action taken under the Licensing Act 2003 between 1 January 2013 and 31 March 2013.

A discussion took place on the conditions placed on the premises licences granted under delegated authority. In response to a question by a Member the Licensing Manager explained that a number of conditions were offered by the applicant in question and a compromise had been reached on the number of conditions placed on the premises licence.

Members emphasised that the conditions placed on premises licences should be minimal, effective and enforceable.

In relation to a question raised by a Member on the breakdown of complaints the Licensing Manager explained that reports would contain more detail in the future.

RECEIVED

11. **GAMBLING ACT - ANNUAL REVIEW OF FEES**

A report of the Director of Markets and Consumer Protection which explained that the City Corporation was required to set annual fees for those premises requiring a licence under the Gambling Act 2005 was considered. The report outlined recent case law which indicated that the process for setting fees must be robust and that income received through the licensing process could not exceed the cost of obtaining income.

The Licensing Manager explained that the proposed fees would result in a small reduction of income compared with previous years however once all licensing activities were carried out by the licensing service the net result would not affect budget income targets.

In response to a question by a Member it was noted that a profit could not be made from the income generated from the annual fee.

RESOLVED – That Members agree the proposed fees for 2013/14 (as set out in Appendix 2 of the report).

12. DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2013-2016

A report of the Director of Markets and Consumer Protection detailed the Business Plan for 2013-16 for the Department of Markets & Consumer Protection. The Business Plan identified some of the key achievements from the past year and set out what the Department aimed to achieve for this year, the standards that will be attained and where this fit in with the corporate plans.

Members proceeded to discuss the report and in particular the key performance indicators (KPI's) set for 2013/14. It was noted that the performance indicator (PI1) would be amended from 75% to 90% and would therefore read as follows:

'To ensure that, within 12 months, 90% of premises entering the red or amber zone are brought back to the amber or green zone respectively'.

Members requested that the Committee be informed in future on the KPI's set for previous years and the monitoring and performance of the current KPI's.

RESOLVED – That Members approve the contents of the report and the appendix subject to the above amendment.

13. TABLES AND CHAIRS

The Director of Markets and Consumer Protection explained that a report would be produced detailing the overlaps, if any, of the various licensing activities undertaken to look at whether any changes or improvements could be made.

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

City Police

In response to a question by the Deputy Chairman, the Director of Markets & Consumer Protection undertook to speak to the Commissioner on the role and legal duties of the City Police in relation to licenced premises.

15. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Training Session

The Chairman thanked Members who attended the morning training session which was provided by a solicitor from Poppleston Allen. It was noted that further training courses would be arranged for Members.

Licensing Handbook

It was noted that a handbook containing relevant information for Licensing (Hearing) Sub Committees would be created and provided to Members of the Committee.

Licensing Committee Dinner

The Chairman and Deputy Chairman thanked all Members who attended the recent Licensing Committee dinner.

The meeting ended at 2.50pm

Chairman

**Contact Officer: Rakesh Hira
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rakesh.hira@cityoflondon.gov.uk**

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 21 MAY 2013

APPLICANT: CHARMED LONDON LTD
PREMISES: COS BAR, 148 QUEEN VICTORIA STREET, LONDON,
EC4V 4BY

PRESENT

Sub Committee:

Marianne Fredericks CC (Chairman)
Rev Dr Martin Dudley CC
Peter Dunphy CC

City of London Officers:

Rakesh Hira – Town Clerk’s Department
Alistair MacLellan – Town Clerk’s Department
Paul Chadha – Comptroller & City Solicitor’s Department
Peter Davenport – Markets & Consumer Protection Department
Steve Blake – Markets & Consumer Protection Department

Applicant:

Represented by Alice Hawker and supported by Terence O’Sullivan (Part-Owner, Cos Bar) and Charlotte Cantillon.

Representations of objection:

Chris Boden CC
Bernadette Smith

In attendance:

Jamie Ingham Clark CC
Michael Hudson CC
Graham Packham CC
Ikuko Kurahone

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public Hearing was held at 10.30am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises ‘Cos Bar, 148 Queen Victoria Street, London, EC4V 4BY’.

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

Appendix 1: Copy of Application

- Appendix 2: Current Premises Licence
- Appendix 3: Current Conditions
- Appendix 4: Conditions Consistent with the Operating Schedule
- Appendix 5: Representations from Other Persons (22)
- Appendix 6: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales
- Appendix 7: Current Plan of Premises

In addition the following documents, which were circulated to all parties prior to the Hearing, were also considered:

- Two letters dated 1 May 2013 from Charlotte Cantillon (on behalf of Cos Bar) to all parties making a representation.
 - Letter dated 13 May 2013 from Charlotte Cantillon (on behalf of Cos Bar) to all parties making a representation.
- 2) The Hearing commenced at 10:30am.
 - 3) The Chairman opened the Hearing by introducing herself, the other Members of the Sub Committee, the officers present and the nature of the application.
 - 4) It was noted that no Members of the Sub Committee had any declarations.
 - 5) The applicant sought a variation to the current premises licence to extend the terminal hour on Friday and Saturday from 01:00 hours to 03:00 hours as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Sun-Thu 10:00 – 00:00	Sun-Thu 10:00 – 00:00
	Fri-Sat 10:00 – 01:00	Fri-Sat 10:00 – 03:00
Exhibition of films, Indoor Sports Events	Sun-Thu 10:00 – 00:00	Sun-Thu 10:00 – 00:00
	Fri-Sat 10:00 – 01:00	Fri-Sat 10:00 – 01:00

Recorded Music	No Restrictions	Sun-Thu 00:00	10:00 –
		Fri-Sat 03:00	10:00 –
Live Music	Not currently licensed	Sun-Thu 00:00	10:00 –
		Fri-Sat 03:00	10:00 –
Anything of a similar description to live and recorded music	Not currently licensed	Sun-Thu 00:00	10:00 –
		Fri-Sat 03:00	10:00 –
Late Night Refreshment	Sun-Thu 10:00 – 00:00 Fri-Sat 10:00 – 01:00	Sun-Thu 23:00 – 00:00 Fri-Sat 03:00	23:00 –
		Only licensable from 23:00 although from 10:00 on application	
Provision of facilities for dancing	Not currently licensed	No longer a licensable activity.	

- 6) The Chairman invited Ms Hawker to provide an outline of the application and the concessions proposed. She highlighted that Cos Bar management had written to those who had made representations and after meeting with Deputy Edward Lord CC were content with adding further conditions to the premises licence. These were, in addition to those listed on the Operating Schedule, to only use the house speakers for amplified music, directing smokers to the Queen Victoria Street exit and to remove the variation for the extended hours on Fridays. Ms Hawker explained that customers who came on a Saturday night to Cos Bar would predominately be those who wanted to attend a particular event and not local businesses or City workers.
- 7) Mr Boden, who spoke on behalf of other persons making representations too, explained that whilst the management of Cos Bar were competent and reasonable, the variation would result in increased noise and a disturbance to local residents. He pointed out that in line with the City Corporation's Licensing Policy an acoustics assessment should have been carried and as it had not been it was difficult to ascertain if there would *not* be a noise nuisance.
- 8) Mr Boden explained that there was also the question of the cumulative impact on the local area, given that there were three other licensed premises in the immediate vicinity open till late hours. Mrs Smith noted

that she had purchased her property eight years ago on the understanding that it was adjacent to licensed premises, however, the current application for extended hours went beyond what she had expected.

- 9) Mrs Smith pointed out that as she lived in the adjoining building she could hear the hand dryers being used in Cos Bar during the night and that as she was pregnant this would cause particular noise nuisance in the future with the proposed extended hours of operation. Ms Hawker explained the layout of the premises highlighting that there was a hall way between the bar area and the toilets.
- 10) In response to a question from a Member of the Sub Committee regarding complaints about Cos Bar it was noted that there had been no formal complaints made to Environmental Health and that there had been one informal complaint from Deputy Edward Lord CC in February 2013 which had been speedily dealt with. Ms Hawker highlighted that to resolve the speaker issue the premises would only use house speakers and not those brought by the promoter.
- 11) Ms Hawker stressed that in the past, Cos Bar has successfully run a number of promoted events and that it wanted to add to this success. She noted that they had carried out pre-application consultation with the Responsible Authorities, and that they had engaged with residents when practical criticism had arisen. She emphasised that the programme of 27 promoted events until 02:30/03:00 hours on a Friday/Saturday night had passed successfully and without complaint and that the Responsible Authorities had not been aware that a late night event had taken place at all.
- 12) In response to a question by a Member of the Sub Committee relating to Temporary Event Notices (TENs), Ms Hawker explained that the application sought had been submitted as TENs had been used and a more permanent solution to host late night events was now requested.
- 13) Ms Hawker emphasised that Cos Bar had a good history since it had opened over seven years ago and was looking forward to actively engaging in the City Corporation's Traffic Light Scheme. In relation to the comments made by Mr Boden on producing an acoustics report it was noted that this was only required when a new premises licence was sought and that it was not necessary or proportionate to carry this out for this application. Ms Hawker pointed out that the variation should be considered on its own merits.
- 14) In response to a question by a Member of the Sub Committee relating to the dispersal of customers, Ms Hawker reported that customers generally walked to Queen Victoria Street to arrange for a taxi and not always to Carter Lane.

- 15) It was noted that when promoted events took place the bar would close at 02:00 hours and the premises would be closed at 02:30 hours with staff leaving approximately 20 minutes after this. SIA registered door staff were employed and assisted in dispersing customers.
- 16) Ms Hawker explained that the applicant would be content with removing Live Music as a licensable activity from the application if this assisted the Sub Committee.
- 17) In response to a question by a Member of the Sub Committee on the advertisement of the notice of variation, Ms Hawker explained that an advert was placed in the Evening Standard, two letters were sent from Cos Bar to residents and some residents would have received an email from Andrew Green in the Markets & Consumer Protection Department.
- 18) Mr O'Sullivan pointed out that due to the refurbishment of Blackfriars Station there had been a drop in trading of approximately 30 – 35% and that the business had not recovered and therefore it would be detrimental if the variation was not granted.
- 19) It was noted that the regular promoted events which took place on Saturday's included a Latino night and a professional lesbian night which had both been running successfully for over a year with no problems or complaints.
- 20) In response to a question from Mr Boden on noise vibration, Ms Hawker said that they felt it best if they reacted to noise nuisance issues as they arose and that at that point a noise or vibration assessment could take place.
- 21) It was noted that the Notice displayed on the premises outside Cos Bar was on white background and not blue, as required, however the Sub Committee were content with proceeding with considering the application as a Notice had been placed in the newspaper, viewable on the City Corporation web pages and was widely known to the local residents as 22 objections had been submitted.
- 22) All parties were given an opportunity to sum up and then 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.
- 23) The Chairman said that a full decision would be circulated in due course and thanked all parties for attending.

The meeting closed at 11.57am

Chairman

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

Decision letter circulated to all parties on 28 May 2013

1. This decision relates to an application made by Charmed London Ltd for a variation to a premises licence in respect of the premises 'Cos Bar, 148 Queen Victoria Street, London, EC4V 4BY'.

The application sought to extend the current terminal hour on Friday and Saturday from 01:00 hours to 03:00 hours as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Sun-Thu 10:00 – 00:00 Fri-Sat 10:00 – 01:00	Sun-Thu 10:00 – 00:00 Fri-Sat 10:00 – 03:00
Exhibition of films, Indoor Sports Events	Sun-Thu 10:00 – 00:00 Fri-Sat 10:00 – 01:00	Sun-Thu 10:00 – 00:00 Fri-Sat 10:00 – 01:00
Recorded Music	No Restrictions	Sun-Thu 10:00 – 00:00 Fri-Sat 10:00 – 03:00
Live Music	Not currently licensed	Sun-Thu 10:00 – 00:00 Fri-Sat 10:00 – 03:00
Anything of a similar description to live and recorded music	Not currently licensed	Sun-Thu 10:00 – 00:00 Fri-Sat 10:00 – 03:00
Late Night Refreshment	Sun-Thu 10:00 – 00:00 Fri-Sat 10:00 – 01:00	Sun-Thu 23:00 – 00:00 Fri-Sat 23:00 – 03:00 Only licensable from 23:00 although from 10:00 on application
Provision of facilities for dancing	Not currently licensed	No longer a licensable activity.

2. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant, a local resident and those representing local residents.
3. In reaching the decision the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2011.
4. Furthermore, the Sub Committee took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary to impose

conditions on the granting of the application in order to promote one (or more) of the licensing objectives.

5. In determining the application the Sub Committee first and foremost put the promotion of the licensing objectives at the heart of their decision. In this instance, the most relevant of those objectives being the prevention of public nuisance.
6. In reaching its decision the Sub Committee took into account the nature of the operation proposed by the applicant. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application. In this respect the Sub-Committee took into consideration the fact that there had been no representations from the responsible authorities and that the additional conditions suggested by the City of London Police had been accepted by the applicant. Furthermore, it was noted that the applicant had operated a number of late night events under temporary event notices without any complaints from local residents. With regards to the assertion that noise from the provision of regulated entertainment could give rise to nuisance in the adjoining residential property, the Sub-Committee was of the view that there was sufficient physical separation between the part of the licensed premises where regulated entertainment would take place and the adjoining property. Whilst acknowledging the representations from residents in the Carter Lane area in respect of potential for public nuisance resulting from this application, the Sub Committee was not convinced that the proposed extension of hours would adversely affect these residents.
7. The Sub Committee then considered whether it was necessary and appropriate to impose any conditions upon the licence, to promote the relevant licensing objectives and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.
8. It was the Sub Committee's decision to grant the variation to the premises licence, subject to amending the application, as offered by the applicant, as follows:
 - Extending the terminal hour on Saturday **only** from 01:00 hours to 03:00 hours.
 - Removing Live Music as a licensable activity from the application.
 - No off-sales for the Sale of Alcohol or Late Night Refreshment.
9. The Sub Committee decided to impose the following conditions:
 - The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, will be covered enabling facial identification of every person entering

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

- The premises licence holder shall advise the Police of any promoted event* that is to take place at the premises by completing a Risk Assessment form (696) provided by the Police and submitting this to the City of London Police Licensing Office, and the Metropolitan Police Clubs and Vice Unit (SCD9), at least 14 days before the event. A further debrief form provided by the Police must be completed by the premises licence holder and submitted to the Police not more than seven days after the event.

**A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 11:00pm and 7:00am by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.*

- An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of customers
 - (c) Any incidents of disorder (disturbance caused either by one person or a group of people)
 - (d) Seizure 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 licenced to sell it.
 - Amplified music shall only be played through the premises' own amplification system and the use of other means of sound amplification is prohibited.
 - Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
 - 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.
10. The Sub Committee noted the applicant's offer to direct patrons wishing to go outside the premises to smoke towards the Queen Victoria Street exit and refuse re-entry to those who did not. The Sub Committee was also of the opinion that the promoter, or promoters, should be made aware of the conditions placed on the premises licence prior to running an event.

11. The Sub Committee considered the existing conditions, set out at Annex 2 (Conditions consistent with the Operating Schedule) and was of the opinion that these be revoked and replaced with the above conditions.
12. The Sub Committee noted the applicant's enthusiasm to address issues relating to litter around the premises and door staff through the City of London's Code of Good Practice for Licensed Premises.
13. If the Sub Committee was wrong and the conditions prove insufficient to prevent a public nuisance associated with these premises, all parties are reminded that any responsible authority, business, resident or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.
14. If any party is dissatisfied with the decision, he or she is reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

Committee(s):	Date(s):
Licensing Committee	15 July 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
<p>Summary:</p> <p>This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 April 2013 to 30 June 2013. 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 gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 April 2013 and 30 June 2013. This report also presents the first data from the ‘traffic light’ risk scheme introduced within the City of London on 1 April 2013. The data covers the period 1 April 2013 to 31 May 2013.</p>	

Main Report

Premises Licence Applications

1. Pursuant to the instructions from your committee, I attach for your information a list detailing ‘premises licence’ applications (Appendix I) and variations (Appendix II) granted by the Licensing Service between 1 April 2013 and 30 June 2013.
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 April 2013 to 30 June 2013.
7. Licensing Officers undertake routine enforcement visits checking on premises licence conditions where there are concerns, e.g. closing times, compliance with Temporary Event Notices and managing numbers of people consuming alcohol outside venues, and also in response to complaints. The Departmental Policy Statement on Enforcement is followed prior to escalating action and taking legal proceedings.
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 add to the top level premises list that that comprises those premises that have accrued the most points under the 'traffic light' risk scheme. These are then targeted by relevant enforcement officers.
10. This report introduces for the first time data produced from the 'traffic light' risk scheme for the months of April and May 2013. Six premises have accrued a sufficient number of points to turn 'Red' and six premises a sufficient number to turn 'Amber'. Further details can be seen in Appendix V.
11. 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.

12. 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.
13. 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

14. 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.
15. 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

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

Background Papers:

None

Contact:

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New Licence Applications Issued by way of Delegated Authority (Apr-Jun 2013)

Name	Address	Ward	Details
Marubeni Sports Club	95 Gresham Street	Coleman Street	A, (f) 23:00
L'Antipasto City	2 Botolph Alley	Bridge & Bridge Without	A 10:30
Wahaca	1 New Change	Bread Street	A, L, (f) 00:00
Bar Works	26 Farringdon Street	Farringdon Within	A, L, (b),(e),(f),(g) 03:00
Skygarden	20 Fenchurch Street	Bridge & Bridge Without	A, L, (f), 00:00

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 | |
| (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	1
Bridge/Bridge w/o	2
Coleman Street	1
Farringdon Within	1

Licence Variations Issued by way of Delegated Authority (Apr-Jun 2013).

Name	Address	Ward	Details
The Gallery	10-11 Austin Friars	Broad Street	• Variation of layout
Hamilton Hall	32 Upper Concourse, Liverpool Street Station	Bishopsgate	• Variation of layout
HMS President	Victoria Embankment	Farringdon Without	• Extension of terminal hour for alcohol sales on Sunday from 22:30 to 02:00 plus removal of a number of outdated conditions.
Artigiano	70 St Pauls Churchyard	Bread Street	• Increase in hours of licensable activities from Wed-Fri to every day and from a terminal hour of 22:30 to 23:00.
Mermaid Theatre	Puddle Dock	Castle Baynard	• Variation of layout and major refurbishment

Total Variations = 5

Number of Licences by Ward Order

WARD	No.
Bishopsgate	1
Bread Street	1
Broad Street	1
Castle Baynard	1
Farringdon Without	1

Personal Licences Issued by way of Delegated Authority

01 Apr 2013 – 30 Jun 2013 6

**Enforcement Action Carried out Under the Licensing Act 2003
1 April 2013 - 30 June 2013**

Total Number of Inspections	56
Number of Warning Letters	12
Number of Premises advised	14
Number of simple cautions	0
Number of suspension notices	18
Paid prior to suspension	10
Licence lapsed*	3
'Dead' Suspensions**	2
'Live' Suspensions***	3

*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
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Breakdown of Complaints:

<u>Complaint type/description</u>	<u>Date Received</u>	<u>Ward</u>	<u>Outcome</u>
Mumbai Square, 7 Middlesex Street			
Amplified music	12/05/2013	Portsoken	Resolved informally
Pause, Basement Retail Unit, 80 Leadenhall Street			
Noise - People on street	02/06/2013	Aldgate	Resolved informally
Noise - People on street	11/06/2013	Aldgate	Resolved informally
Noise - People on street/ Amplified music	21/06/2013	Aldgate	Case still in progress
Amplified music	28/06/2013	Aldgate	Case in progress
Rabobank International, 1 Queenhithe			
Noise Complaint/Noise-Entertainment	17/05/2013	Vintry	Resolved informally

1 Lombard Street, Restaurant, 1 Lombard Street				
Early AM Deliveries / Street cleaning	07/06/2013	Walbrook		Resolved informally
Early AM Deliveries / Street cleaning	12/06/2013	Walbrook		Case still in progress
Clause, 1 Lovat Lane				
Amplified Music	19/05/2013	Bridge & B/W		Resolved informally
The Grange City Hotel, 8-14 Cooper's Row				
Early AM deliveries	24/06/2013	Tower		Case still in progress
Gilt London, 14 New London Street				
People noise on street	12/04/2013	Tower		Resolved informally
Kings Stores Public House, 14 Widgate Street				
Amplified music	16/05/2013	Bishopsgate		Resolved informally
Slug And Lettuce, 5-11 Fetter Lane				
Amplified music	31/05/2013	Castle Baynard		Resolved informally
Wood Street Bar and Restaurant, 53 Fore Street				
People noise outside / breach of licence condition	28/05/2013	Cripplegate		Case still in progress
People noise outside / breach of licence condition	28/05/2013	Cripplegate		Case still in progress
Neo Pizzeria, 131 Aldersgate Street				
People noise on street	07/04/2013	F'don Within		No action possible
People noise on street	02/06/2013	F'don Within		Resolved informally
People noise on street	02/06/2013	F'don Within		No action possible
Noise from bottle disposal at night	23/06/2013	F'don Within		Case still in progress
People noise on street	05/06/2013	F'don Within		Case still in progress
Jamies, 1 Alban Highwalk				
Amplified Music	06/04/2013	Bassishaw		Resolved informally
Natural Kitchen, 7 Pepys Street				
Noise and ASB from people in street using tables and chairs	11/04/2013	Tower		Resolved informally
The Pelt Trader, Arch 3, 23 Dowgate Hill				
People noise on street	20/06/2013	Dowgate		Case still in progress
People noise on street	19/06/2013	Dowgate		Case still in progress
Bird of Smithfield, 26 Smithfield Street				
Amplified music	10/05/2013	F'don Within		Resolved informally
Amplified radio noise	15/06/2013	F'don Within		Resolved informally

Conditions Applied to Licences Granted by way of Delegated Authority

Marubeni

None

L'Antipasto City

None

Wahaca

1. The premises shall install and maintain a CCTV system. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
3. 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.
4. A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 21 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Bar Works

1. The premises shall maintain a CCTV system that ensures the entry point is covered to enable frontal identification of every person entering. The CCTV cameras shall continually record whilst the premises are open to the public and the 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. 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:
 - all crimes reported to the venue
 - all ejections of customers
 - any incidents of disorder (disturbance caused either by one person or a group of people)
 - seizures of drugs or offensive weapons
 - any refusal of the sale of alcohol during the hours the premises is licensed to sell it
3. 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.
4. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

5. A Challenge 21 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 21 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Skygarden

None

The Gallery

None

Hamilton Hall

None

HMS President

None

Artigiano

None

Mermaid Theatre

None

Premises obtaining sufficient points on the Risk Scheme to reach Red or Amber.

RED (20 penalty points or at least 10 from one licensing objective)

Premises 1 - Billingsgate (Crime and Disorder – 13. GBH, Drunkenness, Public Order, Common Assault, ABH)	13
Premises 2 - Walbrook (Crime and Disorder – 12. Affray, Common Assault, Theft, ABH, ABH)	12
Premises 3 - Cordwainer (Crime and Disorder – 11. Drunkenness, Common Assault, Common Assault, ABH, ABH)	11
Premises 4 - Cordwainer (Crime and Disorder – 10. GBH, GBH)	10
Premises 5 – Castle Baynard (Crime and Disorder – 10. Affray, Possession of drugs, GBH)	10
Premises 6 - Cheap (Crime and Disorder – 10. ABH, Possession of Drugs, Possession of Drugs, ABH)	10

AMBER (11 penalty points or at least 6 from one licensing objective)

Premises 7 – Bread Street (Crime and Disorder – 9. Affray, ABH, Robbery)	9
Premises 8 - Bishopsgate (Crime and Disorder – 8. Affray, GBH)	8
Premises 9 - Bishopsgate (Crime and Disorder – 6. ABH, Common Assault, Drunkenness) (Public Safety – 2. Fire safety deficiency)	8
Premises 10 – Castle Baynard Crime and Disorder – 7. GBH, Public Order)	7
Premises 11 – Bread Street (Crime and Disorder – 7. Possession of offensive weapon, Affray)	7
Premises 12 - Aldgate (Crime and Disorder – 6. GBH, Drunkenness)	6

Aldgate	1	Bread Street	2	Cordwainer	2
Billingsgate	1	Castle Baynard	2	Walbrook	1
Bishopsgate	2	Cheap	1		

Committee(s):	Date(s):
Licensing	15 July 2013
Subject: Sex Establishments – Annual Review of Fees	Public
Report of: Director of Markets and Consumer Protection	For Decision
<p><u>Summary</u></p> <p>The City of London Corporation has to set annual fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment. The report outlines recent case law which has indicated that the process for setting the fees must be robust and that income received through the licensing process cannot exceed the cost of administering that process.</p> <p>The matters considered by the licensing service in setting the proposed fees are discussed and include all aspects, other than enforcement costs of unlicensed activity which case law currently excludes, within the licensing process.</p> <p>The proposed fees are less than have previously been set due to consultation costs, and the process for producing a Sex Establishment Venue (SEV) Policy, no longer being included. The new fees will not affect budget income targets as we currently do not have any premises that have a Sex Establishment Licence.</p> <p>Recommendations</p> <p>It is recommended that your Committee:-</p> <ul style="list-style-type: none"> • Agree the proposed fees for 2013/14 as set out in Appendix 1. 	

Main Report

Background

1. The Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, as amended by s.27 of The Policing and Crime Act 2009 sets out the statutory provisions for setting Sex Establishment fees.
2. A Sex Establishment is defined as a Sex Shop, Sex Cinema or Sexual Entertainment Venue (primarily lap dancing clubs). A premises is not a Sexual Entertainment Venue if any relevant entertainment is only provided on eleven or less occasions during a twelve month period and, each of the occasions are at least one month apart.
3. The City of London Licensing Authority must determine the appropriate fees for the granting, renewal, transfer and variation of a licence. Any fee set must be 'reasonable'.

4. Licences are valid for 12 months from the date of grant unless surrendered or revoked. A process similar to the granting of a new licence is to be followed for each renewal including consultation.
5. A high court case held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. This decision was subsequently upheld by the Court of Appeal on 24 May 2013. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.
6. Mr Justice Keith stated in the case ‘... [*in relation to*] the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed. And when you talk about the cost of those procedures, you are talking about the administrative costs involved, and the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating their compliance with the terms of their licence (in the case of applications for the renewal of a licence). There is simply no room for the costs of the ‘authorisation procedures’ to include costs which are significantly in excess of those costs.’ Therefore enforcement costs against unlicensed operators cannot be recouped.
7. A number of important principles were established in the Hemming case:
 - That where a local authority profits from licence fees in that its expenditure is exceeded by its fee income, it must carry the surplus forward in determining the fee for future years;
 - That in authorisation schemes covered by the Provision of Services Regulations 2009, which Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 is, enforcement costs relating to unlicensed premises may not be recharged to licensed operators.

The Court of Appeal reiterated the overriding principle:

- Charges which a council imposes on applicants/licensees must be proportionate and reasonable in the circumstances to the fees or costs payable i.e. The fees must not exceed the costs of administering the process

Current Position

8. In order to avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that are undertaken in order to administer the application, renewal, transfer and variation of a licence and the costs of investigating compliance with any licence conditions.

9. A comparison between the current fees and the proposed fees can be seen as Appendix 1. The proposed fees have been based on full costs recovery without considering the cost of enforcement of unlicensed premises.
10. In determining the proposed fee structure for sex establishment licences the following factors have been taken into account:
 - Officer time spent on processing applications including site inspections, consultations and the issue of any licence
 - Officer time spent on the development and maintenance of processes and guidance notes
 - Training of staff as necessary
 - A percentage of the service costs such as accommodation and equipment
 - Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence
11. Costs associated with the enforcement of unlicensed ‘sex establishments’ have not been taken into account in setting the proposed fee structure.
12. In 2011 Fees were set for the granting of a SEV licence as £23,200 with a refundable portion of £3,200 if the application was not granted. The large percentage of the retainable portion was to cover the costs of the consultation exercise and the production of a SEV Policy. Much of this can no longer be taken into account and the costs of administering the licensing process have now reduced.
13. In 2011/12 the cost of a sex shop or sex cinema licence was £13,500. The basis of this fee and the precise nature of annual increases are not known although the fee has not changed since that date.
14. There are currently no fees for the renewal, transfer or variation of a sex establishment licence. There are currently no sex establishment licences issued within the City of London.

Proposals/Options

15. Adopting the proposed fees set out in Appendix 1 will avoid any legal challenge similar to that experienced by Westminster City Council. Income received from setting the new fees will meet the requirements of the principles set out in paragraph seven and all other statutory obligations.

Fees set lower than those recommended will not cover the costs of administering the licensing process.

Fees set higher than those recommended will result in the receipt of fees greater than the cost of administering the process. This surplus will have to be carried forward into 2014/15 and taken into consideration when fees are set for that year i.e. the fees for that year will have to be reduced. Ignoring the surplus could result in the City Corporation being taken to court.

Implications

15. Setting the recommended fees may result in a number of applications for sex establishments being received. The new fees will not be a deterrent to those wishing to apply. Any application will be heard by a sub-committee of this Committee who would follow the principles laid down in the SEV Policy.
16. There is currently no policy pertaining to other sex establishments i.e. sex shops, sex cinemas. This would need to be rectified at the next Committee in October 2013.
17. Setting the recommended sex establishment fees will not have a detrimental effect on the licensing budget as there are currently no sex establishments and thus no income.
18. Setting fees above or below those recommended will have the implications as set out in paragraph fifteen above.

Appendices

Appendix I – Proposed fees

Background Papers:

Transcript of (*R (Hemming and Others) v Westminster City Council*)
City of London SEV Policy

Contact: *Peter Davenport*
Licensing Manager
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Proposed Sex Establishment Fees for 2013/14

Application Type	Estimated number	Current Fee	Proposed Fee	Income Forecast
New sex shop / sex cinema application	0	£13,500	£4,910	£0.00
Renewal of sex shop / sex cinema licence	0	n/a	£4,560	£0.00
Variation of sex shop / sex cinema licence	0	n/a	£3,860	£0.00
Transfer of sex shop / sex cinema licence	0	n/a	£470	£0.00
New sexual entertainment venue application	0	£23,200	£6,640	£0.00
Renewal of sexual entertainment venue licence	0	n/a	£6,290	£0.00
Variation of sexual entertainment venue licence	0	n/a	£3,860	£0.00
Transfer of sexual entertainment venue licence	0	n/a	£2,700	£0.00
Change of details	0	n/a	£40	£0.00
Copy of licence	0	n/a	£30	£0.00
Total				£0.00

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Agenda Item 8

Committee(s):	Date(s):
Licensing	15 July 2013
Subject: Revenue Outturn 2012/13	Public
Report of: The Chamberlain Director of Markets and Consumer Protection	For Information

Summary

This report compares the revenue outturn for the services overseen by your Committee in 2012/13 with the final agreed budget for the year. Overall total net income during the year was £5,000 whereas the total agreed expenditure budget was £37,000 representing an underspending of £42,000 as set out below:

Summary Comparison of 2012/13 Revenue Outturn with Final Agreed Budget			
	Final Approved Budget £000	Revenue Outturn £000	Variations Increase/ (Reduction) £000
Direct Net Expenditure			
Director of Markets and Consumer Protection	(126)	(196)	(70)
Capital and Support Services	163	191	28
Overall Totals	37	(5)	(42)

The underspend was largely due to an increase in licence application fee income (£58,000).

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

Recommendations

- It is recommended that this revenue outturn report for 2012/13 and the proposed carry forwards of underspendings to 2013/14 are noted.

Main Report

Revenue Outturn for 2012/13

1. Actual net income for your Committee's services during 2012/13 totalled £5,000, an underspend of £42,000 compared to the final approved expenditure budget of £37,000. A summary comparison with

the final agreed budget for the year is tabulated below. In this and subsequent tables, figures in brackets indicate income or in hand balances, increases in income or decreases in expenditure.

Summary Comparison of 2012/13 Revenue Outturn with Final Agreed Budget				
	Final Approved Budget £000	Revenue Outturn £000	Variation Increase/ (Reduction) £000	Variation Increase/ (Reduction) %
Local Risk				
Expenditure	366	354	(12)	(3.3)
Income	(492)	(550)	(58)	(11.8)
Total Director of Markets and Consumer Protection	(126)	(196)	(70)	(55.6)
Capital and Support Services	163	191	28	17.2
Overall Totals	37	(5)	(42)	(113.5)

2. The most significant local risk variation was an increase of £58,000 in licence fee income mainly as a result of an increase in the volume of applications received.
3. The increase in capital and support services was mainly due to a higher than anticipated apportionment of the Comptroller and City Solicitor's costs, (£22,000).

Local Risk Carry Forward to 2013/14

4. The Director of Markets and Consumer Protection has a local risk underspending of £70,000 on the activities overseen by your Committee. The Director also had local risk underspendings totalling £295,000 on activities overseen by other Committees. The Director is proposing that his total eligible underspend of £310,000 be carried forward, of which £35,000 relates to activities overseen by your Committee for the following purposes:
 - £20,000 for a part-time contract Licensing Officer for 6 months to administer and maintain the Premises Licensing Code of Practice and Safety Thirst Scheme; and
 - £15,000 for a temporary Administrative Officer for 6 months to complete the transfer of all premises licence files into electronic files.

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