



## Licensing Committee

**Date:** WEDNESDAY, 15 JULY 2020  
**Time:** 2.30 pm  
**Venue:** VIRTUAL PUBLIC MEETING (ACCESSIBLE REMOTELY)

### SUPPLEMENTARY AGENDA

6. **REOPENING THE HOSPITALITY SECTOR: ALFRESCO EATING AND DRINKING UNDER THE BUSINESS AND PLANNING ACT 2020**  
Report of the Director of Markets and Consumer Protection.  
**For Information**  
(Pages 1 - 26)
9. **CRIMES AT LICENCED PREMISES**  
Report of the Chief Superintendent, City of London Police.  
**For Information**  
(Pages 27 - 30)
10. **LATE NIGHT LEVY FINANCE REPORT**  
Oral update - Chief Superintendent, City of London Police, to be heard.  
**For Information**

**John Barradell**  
**Town Clerk and Chief Executive**

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<b>Committee(s)</b>	<b>Dated:</b>
Planning and Transportation Committee	14 07 2020
Licensing Committee	15 07 2020
<b>Subject:</b> Business and Planning Bill 2020	<b>Public</b>
<b>Report of:</b> Jon Avern, Director of Markets and Consumer Protection	<b>For Decision</b> (Planning and Transportation)
<b>Report author:</b> Peter Davenport – Licensing Manager	
	<b>For Information</b> (Licensing)

### Summary

On 25 June 2020, the Government announced urgent relaxations to licensing and planning laws to support the hospitality sector. The new Business and Planning Bill 2020 (the Bill) introduces significant changes designed to help food and alcohol licensed premises begin trading and start to bounce back from the pandemic lockdown now that the Government has introduced proposals to ease restrictions placed on premises, by removing short term obstacles that could get in their way.

Falling within the remit of the Planning and Transportation Committee, the Bill introduces a fast track procedure for the introduction of a Pavement Licence with a decision made within 14 days of receipt of an application. The Pavement Licence permits certain businesses to place furniture, such as tables and chairs, on the highway for their customers to buy, or consume, their food and drink.

The Bill also amends the Licensing Act 2003 to allow eligible holders of an on-sales licence an automatic grant of the off-sales permission. This aspect falls within the remit of the Licensing Committee, who will receive this report for information-

This report outlines a new 'Al Fresco' Policy aimed at facilitating the introduction of these changes setting the new Pavement Licence fee at £100 and for a duration of 3 months at a time.

### Recommendation(s)

Members are asked to:

1. Agree the Al Fresco Eating and Drinking (Business and Planning Act 2020) Policy produced as Appendix 1 to this report.
2. Agree the 3-month Pavement Licence period as outlined in paragraphs 15 and 16 of this report.
3. Agree the fee of £100 for a Pavement Licence application as outlined in paragraphs 17 to 18 of this report.
4. Note the need for an urgency report once the Bill receives Royal Assent to grant delegated authority to the Director of Markets and Consumer Protection.

## **Main Report**

### **Background**

1. The Business and Planning Bill was introduced into the House of Commons on 25 June 2020. It introduces a range of measures to help businesses adjust to new ways of working and getting the UK economy moving again, following Government restrictions aimed at reducing the spread of coronavirus (COVID-19).
2. The main purposes of the Bill, of relevance to the Licensing service, are to make it easier for premises serving food and drink to:
  - Seat and serve customers by introducing a new Pavement Licence (the 'Licence') and,
  - To serve customers outdoors through temporary changes to alcohol licensing relaxing the current law on the supply of take away food and drink.
3. It should be noted that the Bill has not yet received Royal Assent, which is predicted to be later this month. Due to the short timescales for the preparation of the Policy and to develop processes, whilst giving appropriate Member oversight, there may be the need for minor amendments to take account any changes prior to Royal Assent. Although not anticipated, any significant changes will be addressed through an urgency report. In addition, there will be the need for an urgency report once the Bill receives Royal Assent to grant delegated authority to the Director of Markets and Consumer Protection.
4. Now cafes, pubs and restaurants are permitted to open, current social distancing guidelines will have considerable impact on their capacity to accommodate customers.
5. In order to support businesses, the Bill introduces a fast-track process for businesses to obtain permission from the local authority for the placement of furniture such as tables and chairs on the pavement adjacent to their premises. This permission is known as a pavement licence.
6. This differs from the present system for placing tables and chairs on the highway, which is to obtain a tables and chairs licence as set out in Part 7A of the Highways Act 1980.
7. The Bill also amends the Licensing Act 2003 to allow eligible holders of an on-sales licence an automatic grant of the off-sales permission until the end of September 2021.
8. Currently any premises with permission to sell alcohol for consumption on the premises only, would need to apply to the licensing authority for a variation of their licence in order to accommodate selling alcohol off the premises.

## **Alfresco Eating and Drinking Policy**

9. In order to facilitate the introduction of the Bill the Licensing Service have drafted a proposed new 'Alfresco Eating and Drinking (Business and Planning Act 2020)' Policy (the 'Policy'), shown at Appendix 1.
10. With regard to Pavement Licences, the Policy looks at the application and determination process, licence conditions and possible enforcement action where necessary.
11. With regard to the temporary changes to alcohol licensing, the Policy looks at the scope of the Bill, eligibility of premises and the new review procedure.
12. The Policy may be subject to minor changes prior to publication following the second reading in the House of Lords before the Bill is enacted.

## **Pavement Licences**

13. Businesses within the City of London can apply to the City Corporation for a licence allowing them to place furniture, such as tables and chairs, on the highway for their customers to buy, or consume, their food and drink. The furniture has to be placed adjacent to the premises and would be subject to the conditions as stated in Appendices A-C of the Policy.
14. Details of eligibility and how to apply for a licence can be found in Part A of the Policy. It should be noted that the overriding factor in deciding whether or not to grant a licence is the safety of pedestrians, customers and staff. To that end the Policy has adopted a decision made by the Planning and Transportation Committee on the 23 June 2020 regarding five key principles to be considered when looking at assisting businesses in resurrecting their tables and chairs licences. The five key principles are:
  - To put safety first
  - To recognise the need to nurture a thriving economy in our City
  - No privatisation of public space
  - Having regard for space required to queue outside premises
  - Having regard to new or existing public seating nearby
15. The new statutory provisions for pavement licensing expire on 30 September 2021. Within that timeframe, a Licence can be granted for between 3 months up until the licensing expiry date in 2021. The Policy states that a licence issued by the City Corporation will last for a period of 3 months with the potential to re-apply if safe and appropriate to do so.
16. The decision to set the licence period to the minimum length of 3 months was based on the fact that the City of London's streets are undertaking a period of change in terms of both pedestrian numbers and temporary highway changes. The 3-month Licence period gives businesses the ability to trade whilst retaining maximum flexibility to adapt those changes and to ensure the safety of residents, workers and visitors as people gradually return to the City of London.
17. The Bill permits a Local Authority to charge a fee of up to £100. In order to determine the fee, the approximate cost of all aspects of receiving an application, checking for accuracy, dealing with any representations and making a

deliberation have been calculated in the table below. These costs apply to an initial application. For a re-application the majority of processes would still apply but, in certain circumstances, a site visit may not be required, in which case the total cost would be reduced to £140.

Administrative Process	Time spent (decimal minutes)	Cost
Application queries from applicant	0.17	£13.85
Received application online/download	0.08	£6.00
Check application is valid	0.17	£13.85
Check GIS for highway status	0.08	£6.52
Log application on M3, publish on web	0.58	£40.80
Consult with internal teams/police	0.08	£6.00
Check site notice compliance	0.08	£6.00
Site visit for measurements (averaged out across applications)	0.5	£40.74
Respond to representations (averaged out across applications)	0.17	£13.85
Determine application	0.25	£20.37
Prepare/email licence, update M3	0.17	£12.76
	<b>2.33</b>	<b>£180.74</b>

18. As the costs of administering a licence (whether for an initial application or a re-application) exceeds £100, it is proposed that for the City Corporation this fee shall be the maximum of £100. The fee is to be charged for an initial application and any subsequent re-application where applicable
19. Any person can make a representation against an application for a pavement licence within 7 days commencing the day after the application is made. These representations will be taken into consideration when deciding whether to grant a licence. Any deliberation on the application has to be made within a further 7 days following the period for representations. Failure to make a deliberation within this timeframe will result in the licence automatically being granted.
20. Opportunities to apply for a pavement licence will be promoted proactively by engaging with trade bodies, directly with premises using existing contacts, and the solicitors that represent the trade. The City's media team has issued press releases and social media will be used.
21. Each location will be reviewed on a case by case basis, but it is acknowledged that opportunities may be limited due to access requirements, safety issues with the placing of Tables & Chairs in the carriageway and cost implications of providing suitable protection and separation from motor vehicles. For Tables & Chairs permitted by a Pavement License we would expect these costs to be met by the Licensee, as the Tables & Chairs are for the exclusive use of that business.
22. Where the re-allocation of carriageway space to licenced Tables & Chairs is not possible the City will consider the potential for the alternative provision of seating

for public use including for takeaway from any nearby premises, subject to funding. Any removable seating would be taken in, stored and placed out by the local businesses by agreement. We will prioritise locations where there is a cluster of businesses seeking Pavement Licences

### **Alcohol Licensing**

23. This falls within the remit of the Licensing Committee, who will receive this report for information.
24. Details relating to the scope of the amendments, eligibility criteria and new review procedures can be found in Part B of the Policy. The statutory provisions for alcohol licensing expire on 30 September 2021. The option to provide 'take-aways' is not available to those premises where, within the previous three years of the Bill becoming legislation, the premises were refused this option. This would normally be by way of the premises being reviewed or following a hearing.
25. The Bill introduces a new procedure for a responsible authority to apply for an 'off-sales' review. The review must be based on one of the four licensing objectives and will be similar in timescales to a summary review i.e. any interim steps must be made within 48 hours and a full review held within 28 days of the review application being made.
26. In considering such a review the licensing authority can only take into account the automatic extension of off-sales itself, and whether that should be removed. The licence cannot be revoked under this procedure. A licence holder has the right of appeal to a Magistrates' Court against a decision to remove the automatic off-sales extension. Further details can be found in the Policy.

### **Corporate & Strategic Implications**

27. The proposals within this report will help to meet one of the overriding aims contained within the Corporate Plan 2018-23 namely to 'Contribute to a Flourishing Society' by way of making people safe and feel safe.

### **Financial Implications**

28. With regard to Pavement Licences, it is not possible to calculate the exact financial implications as both the number of applications likely to be received and the effect, if any, on existing tables and chairs licences, are difficult to predict. Initial forecasts are that uptake will be low.
29. The approval of the maximum fee of £100 will result in a net cost to the authority of approximately £80 per application and £40 per re-application.
30. With regards to alcohol licensing there will be no effect on the licensing budget for 2020/21 unless there are a significant number of reviews.

## **Appendices**

### **Appendix 1**

Al Fresco Eating and Drinking (Business and Planning Act 2020) Policy

### **Background Papers**

Planning and Transportation Report 23 June 2020 – ‘Tables and Chairs – Assessment criteria, financial implications and processes in response to COVID-19 lockdown and easing thereof’.

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# **City of London**

## **Reopening the hospitality sector Alfresco eating and drinking under the Business and Planning Act 2020**

## Contents

Section	Title	Page
	<b>Introduction</b>	3
	<b>Part A – Pavement Licensing</b>	
<b>Section 1</b>	<b>Scope for Pavement Licensing in the City of London</b>	4
<b>Section 2</b>	<b>Pavement Licence: Definitions</b>	6
<b>Section 3</b>	<b>Pavement Licence: Application Process</b>	7
<b>Section 4</b>	<b>Pavement Licence: Determination</b>	9
<b>Section 5</b>	<b>Pavement Licence: Conditions</b>	10
<b>Section 6</b>	<b>Pavement Licence: Enforcement/Revocation</b>	11
	<b>Part B – Alcohol Licensing</b>	
<b>Section 7</b>	<b>Premises Licence: Automatic Off-Sale Extension</b>	12
<b>Section 8</b>	<b>Premises Licence: Review Procedures</b>	13
<b>Section 9</b>	<b>City of London: Managing Outside Drinking</b>	14
	<b>Appendices</b>	
<b>Appendix A</b>	<b>Pavement Licence: City of London Standard Conditions</b>	15
<b>Appendix B</b>	<b>Pavement Licence: Default No Obstruction Conditions</b>	17
<b>Appendix C</b>	<b>Pavement Licence: National Conditions</b>	18
<b>Appendix D</b>	<b>Pavement Licence: Site Notice Template</b>	19

## Introduction

The Covid-19 pandemic has affected businesses across the economy, particularly the hospitality sector, causing many of them to cease trading for several months while others have had to significantly modify their operations.

On 25 June 2020, the Government announced urgent relaxations to licensing and planning laws to support the hospitality sector. The new Business and Planning Act 2020 (the Act) introduces significant changes designed to help food and alcohol licensed premises survive and then bounce-back from the pandemic lockdown by removing short term obstacles that could get in their way.

As lockdown restrictions are lifted but social distancing guidelines remain in place, the Act makes it easier for premises serving food and drink such as bars, restaurants, cafes and pubs, to seat and serve customers outdoors through temporary changes to licensing and planning procedures. These temporary measures to boost the economy will last until the end of September 2021.

The measures in the Act include a temporary fast-track process for these businesses to obtain permission, in the form of a 'pavement licence', from the City of London Corporation (the City Corporation) for the placement of furniture such as tables and chairs on the pavement adjacent to their premises. This will enable them to maximise their capacity whilst adhering to social distancing guidelines.

The Act also modifies the provisions of the Licensing Act 2003 to automatically vary most premises licences with alcohol on-sales to allow for off-sales.

As the economy starts to re-open, the City Corporation welcomes the Act and acknowledges the importance of helping businesses adjust to new ways of working and to succeed in new and challenging conditions over the coming months. Public safety remains at the heart of the City Corporation's consideration and it has adopted measures to provide safer spaces for people walking and cycling, and queuing outside shops and offices to socially distance whilst balancing that with the need to support businesses in their return to work.

The City Corporation has adopted five principles which it will apply in considering applications under the new Act:

- To put safety first
- To recognise the need to nurture a thriving economy in the City
- No privatisation of public space
- Having regard to space required to queue outside premises
- Having regard to new or existing public seating nearby

*"The resumption of outdoor dining is a welcome shift, but it is vital that the return of social spaces continues to be safe for all workers, residents and visitors to the City. We are ready to support the safe, sustainable and gradual return of people to the City, as it again becomes the thriving world-class centre for business"* **Alistair Moss, Chairman of Planning and Transportation Committee**

*"A world-class hospitality offering is a fundamental and increasingly important element of the Square Mile. We know that the outdoors is playing a leading role in the 'new normal' so it is vital that The City Corporation has shown tremendous initiative by adopting these changes early so we are prepared to welcome people and businesses as soon as it is safe for them to return"*

**Sophie Fernandes, Chairman of Licensing Committee**

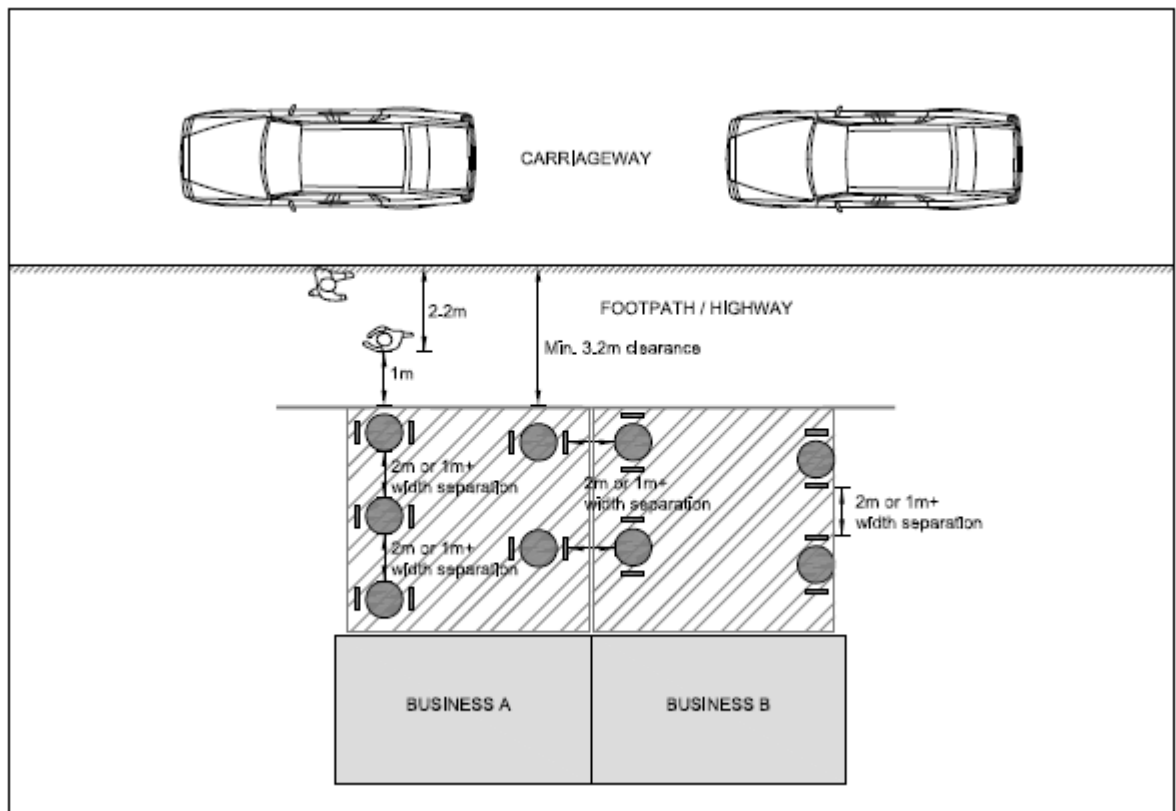
# **Part A: Pavement Licensing**

## **Section 1**

### **1. Scope for pavement licensing in the City of London**

- 1.1. There will be an increased demand for outside space by businesses wanting to place tables and chairs on the highway and this must be balanced with the need to enable social distancing for pedestrians.
- 1.2. The City Corporation will support businesses in their Covid-19 recovery as much as it can to ensure that they reopen in a safe manner as soon as possible.
- 1.3. Balanced with that, the City Corporation must provide residents, workers and visitors to the City with a safe and comfortable environment when travelling into and within the Square Mile, particularly when travelling on foot, by bike and on public transport whilst social distancing measures are still in place.
- 1.4. With a unique street layout, often comprising of narrow lanes following their original medieval design, surrounded by large high-rise buildings and with high volumes of pedestrians, the Square Mile faces a number of challenges which are not present in other areas of London.
- 1.5. In considering whether to issue a pavement licence, the City Corporation will have in mind environmental and public safety considerations, together with other relevant policies including the five key principles agreed at Planning and Transportation Committee on 23 June 2020:
  - i) To put safety first
  - ii) To recognise the need to nurture a thriving economy in our City
  - iii) No privatisation of public space
  - iv) Having regard for space required to queue outside premises
  - v) Having regard to new or existing public seating nearby
- 1.6. When considering whether to grant a pavement licence, the City Corporation will, having regard to those five principles, assess a variety of factors including
  - a) Public health and safety including compliance with current social distancing guidelines, crowd management, queue management, proximity to existing public seating or new public seating areas provided as part of the COVID-19 recovery programme, queues likely to be forming from nearby businesses
  - b) Public amenity including the potential to create nuisance to neighbouring occupiers by generating anti-social behaviour and litter
  - c) Accessibility including the width of the highway, pedestrian footfall, especially at peak times, suitable access to all members of the public using the highway, the presence of existing street furniture, the number of other permissions issued for areas in or near the proposed permitted area
  - d) Policy changes brought in during the pandemic that particularly affect pedestrian and traffic movement
  - e) The potential to safely reallocate carriageway to provide space for tables and chairs that are privately managed but clearly signed as available for public use

- 1.7. **Unobstructed footway width:** The City Corporation has determined through its Tables and Chairs Policy that a minimum width of 2.2 metres must be maintained on all footways for pedestrian use. This means that where a business occupies pavement space with furniture, there must be a minimum of 2.2 metres of unobstructed space between the edge of the furniture and the edge of the pavement or to the edge of another obstruction (eg. bike rack). This is without social distancing measures in place. **With social distancing measures in place of 1m+, the minimum width of 3.2 metres of unobstructed space must be maintained on all footways for pedestrian use.** This will enable the 2.2 metre width for pedestrians plus a 1 metre distance between pedestrians and people seated at tables and chairs outside the premises.
- 1.8. **City Streets:** Many City streets are too narrow to accommodate pavement licences whilst meeting the minimum restrictions set out in paragraph 1.7 above.
- 1.9. Applications should only be made in respect of City streets which are wide enough to accommodate furniture and maintain a 3.2 metre width for pedestrians passing in either direction. This illustration sets out the City Corporation's requirements:



1.10. **Duration of licence**

- The City's streets are undertaking a period of change in terms of both pedestrian numbers and temporary changes to the highway to deliver the City Corporation's Covid-19 transport recovery plan. To ensure the safety of residents, workers and visitors as people return to the Square Mile it is proposed that each pavement licence will be issued for a period of 3 months with the potential to re-apply if safe and appropriate to do so.
- The statutory provisions for pavement licensing expire on 30 September 2021 and the final date for making an application is 16 June 2021.

## Section 2

### 2. Pavement Licence: Definitions

2.1. **Pavement licence:** A pavement licence is a licence granted by the City Corporation, or deemed to have been granted, which allows the licence-holder to place removable furniture on part of a relevant highway adjacent to the premises in relation to which the application was made. A licence permits the holder to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by persons for consumption of food or drink supplied from, or in connection with the use of the premises.

2.2. **Eligible persons / businesses:** A person (includes a body corporate) who uses or proposes to use any premises (a) as a public house, wine bar or other drinking establishment, or (b) for the sale of food or drink for consumption on or off the premises can apply for a licence. Eligible businesses include public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

2.3. **Eligible locations:** Licences can only be granted in respect of highways listed in Part 7A of the Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. In the City of London this includes the footpaths, certain carriageways and city walkways. Highways maintained by Network Rail or over Crown land are exempt so a licence cannot be granted.

2.4. **Furniture:** Furniture which may be used is:

- a) counters or stalls for selling or serving food or drink;
- b) tables, counters or shelves on which food or drink can be placed;
- c) chairs, benches\* or other forms of seating that meet accessibility standards; **\*please note benches generally do not meet accessibility standards and permission for these will likely not be granted by the City Corporation.**
- d) umbrellas, barriers\*, heaters\* and other articles used in connection with the outdoor consumption of food or drink; **please note it is the City Corporation's policy not to permit barriers and heaters in the City of London as they provide additional obstructions in our narrow streets.**

The furniture must be removable, which in principle means it is not a permanent fixed structure, is able to be moved easily and stored away every evening.

### 2.5. Other consents (food and alcohol) / Planning Permission / Street Trading

- a) **Other consents:** The grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply; food businesses must be registered with the City Corporation and alcohol sales must only be made in accordance with a premises licence granted under the Licensing Act 2003. A sale of alcohol may only be made within the area

defined in the plan attached to an alcohol premises licence and does not extend to the area covered by a pavement licence.

- b) **Planning Permission:** A pavement licence when granted, or deemed to be granted, benefits the licence holder with deemed planning permission to use the land for anything done pursuant to the licence whilst the licence is valid.
- c) **Street Trading:** Anything done by the licence holder under the terms of a pavement licence will not be street trading for the purpose of the City of London (Various Powers) Act 1987 as amended by the City of London (Various Powers) Act 2013.

## Section 3

### 3. Pavement Licence: Application Process

#### 3.1. Existing Tables and Chairs licence or pending application

- a) **Existing licence:** During the lockdown period, the City Corporation suspended all existing tables and chairs licences granted under Part 7A of the Highways Act 1980. These licences will only be reinstated where it is safe to do so taking into account environmental and public safety considerations together with other relevant policies including the City Corporation's 5 key principles. If an application for a pavement licence is made and subsequently granted, the tables and chairs licence will have no effect whilst the pavement licence is in force.
- b) **Pending application:** If an application for a tables and chairs licence under the Highways Act 1980 has already been made but not determined, the applicant may proceed with that application which will be determined taking into account environmental and public safety considerations together with other relevant policies including the City Corporation's 5 key principles. However, an applicant may opt to make a fresh application for a pavement licence under the new process. If an application for a pavement licence is submitted, the application for a tables and chairs licence is treated as withdrawn. If a fee has been paid in connection with that application, no further fee is payable in connection with the application for a pavement licence.

#### 3.2. Submission of an application for pavement licence

An application for a pavement licence must be made to the City Corporation using our online platform at [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk). The following information will be collected as part of the application:

- a) Applicant details including name and address
- b) Business premises details including trading name, address and type of business use
- c) Details of the area of highway to be used by the business

- d) A location plan of the premises with the proposed area of highway to be used shown by a red line, so the application site can be clearly identified, together with:
- The positions and number of proposed tables and chairs, together with any other furniture to be placed on the highway
  - The plan does not have to be to scale but it must include clear measurements of, for example, furniture, pathway width/length, building width and any other fixed item in the proposed area **and should indicate distance between furniture in accordance with the relevant COVID-19 risk assessment for the business. Please see illustration in paragraph 1.9 above.**
  - Fire exits of premises as well as those of neighbouring properties if affected by the area of highway to be used.
- e) Description of and photos or brochure images showing the proposed type of furniture and information on potential siting of it within the area applied;
- f) Proposed hours of highway use for the placing of furniture
- g) Evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- h) A declaration that the applicant has a current certificate of public liability insurance against the insured's legal liability for death of or bodily injury to or disease contracted by a third party and/or loss of or damage to a third party properly arising out of or in the course of or in connection with the carrying out of the insured's business at the application premises and pavement licence site:
- Inclusion of an indemnity to Principals Clause operative at the request of the insured.
  - A minimum limited of indemnity for any one occurrence of £5,000.000
- i) The application fee of £100

**An application will only be deemed valid when submitted in the correct manner as set out above, with all sections of the form completed and it is submitted with all required documents and the fee.**

### 3.3. Consultation

- a) The applicant is encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal
- b) A public consultation period of 7 days will commence the day after a **valid application** is made to the City Corporation. Bank holidays, Christmas day



and Good Friday will not be counted as part of the 7 days. The consultation will consist of the following:

- The City Corporation will publish the application on its website for the duration of the 7-day consultation period. The last date for representations will be made clear and representations will not be accepted after this date.
- The applicant must fix a notice of the application to the premises so that it is readily visible and can be read easily by members of the public for the duration of the 7-day consultation period. **The applicant must email the City Corporation evidence that the notice has been fixed.**
- In addition to the statutory consultation with the Highways Authority (where the authority is not the City Corporation), the following will also be consulted: City of London Police, City of London Pollution Control Team, City of London Commercial Environmental Health Team, Access Team, City Surveyors, Street Environment Team, Planning & Transportation Team
- Applications will also be added to the licensing application bulletin email for wider distribution.

During the consultation period, representations relating to the application may be made by any person. The City Corporation must take into account any representations received during the public consultation period when determining the application.

## Section 4

### 4. Pavement Licence: Determination

4.1. In determining an application for a pavement licence, the City Corporation will take into consideration a range of factors including the criteria set out in Section 1 and the conditions set out in Section 5. A site assessment may be carried out by an authorised officer to ensure that no obstruction to the highway would be caused by licensing the proposed site.

4.2. Any representations made during the consultation period will be taken into consideration. Representations that do not relate directly to the granting of a pavement licence may be given less weight when determining an application. Representations received outside the consultation period will be disregarded.

4.3. The City Corporation may

- a) grant the licence in respect of any or all of the purposes specified in the application,
- b) grant the licence for some or all of the part of the highway specified in the application, or
- c) reject the application.

Any licence granted will be subject to the City Corporation's published standard conditions. Where a standard condition covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

- 4.4. The City Corporation must determine an application within a 7-day determination period. Decisions will be communicated to the applicant by way of email before the determination period ends.
- 4.5. If the City Corporation does not determine an application by the end of the 7-day determination period, the licence is deemed to be granted by the City Corporation.
- 4.6. Any pavement licences granted by the City Corporation will be valid for a period of 3 months subject to no licence extending beyond 30 September 2021. Any pavement licence deemed to be granted will be valid for one year commencing the day after the determination period ends and subject to no licence extending beyond 30 September 2021.
- 4.7. A person may apply for further pavement licences in respect of the same premises, provided that the determination period for any previous application made has ended.
- 4.8. A licence holder may surrender a pavement licence at any time by email notification to the City Corporation at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) . There is no refund of the fee where a licence is surrendered.
- 4.9. The City Corporation will reject a pavement licence where the site is deemed unsuitable or unsafe having applied the criteria set out in Section 1, the conditions in Section 5 cannot be met, or if representations are made which raise issues that cannot be mitigated by way of conditions. There is no refund of the fee where an application is rejected. There is no statutory right of appeal against a decision to reject an application. If an applicant is aggrieved by a decision to reject an application for a pavement licence, they can make a complaint to the Director of Port Health and Public Protection at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) setting out clear reasons for the complaint. The Director will consider the complaint within 14 days. Alternatively, an applicant may wish to make an application for a tables and chairs licence under Part 7A of the Highways Act 1980 which includes an arbitration process for contested applications.

## **Section 5**

### **5. Pavement Licence: Conditions**

- 5.1. All conditions set out in this section will apply to any pavement licence granted or deemed to have been granted by the City Corporation.
- 5.2. The City Corporation may impose additional conditions to a pavement licence as it considers reasonable and appropriate to a particular case, with the exception of licences deemed to be granted which are subject only to conditions published before the application was made.

- 5.3. **City of London Standard Conditions:** The City Corporation's standard conditions applicable to all pavement licences granted or deemed granted are attached as Appendix B.
- 5.4. **Default Condition as set out Section 3(6) and 5(4) of the Act:** The default 'no obstruction' condition is set out in Appendix C.
- 5.5. **National Conditions as published by the Secretary of State:** The Secretary of State may publish national conditions in exercise of his powers under [clause 5(6)] of the Business and Planning Act 2020. These conditions are attached as Appendix C.

## **Section 6**

### **6. Pavement Licence: Enforcement/Revocation**

- 6.1. If the licence-holder breaches any condition of a pavement licence the City Corporation may:
- a) Serve a notice on the licence holder requiring measures to be taken to remedy the breach as specified within the notice and within a specified time scale. If the licence holder fails to comply with the notice, the City Corporation may take the steps itself and recover the costs of doing so from the licence holder
  - b) Revoke the licence (whether or not a remediation notice has been issued)
- 6.2. The City Corporation may also revoke the licence in the following circumstances:
- Where:
- a) There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
  - b) there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated and litter is not being cleaned up;
  - c) the highway is being obstructed (other than by anything permitted by the licence);
  - d) it comes to light that the applicant provided false or misleading statements in their application; or
  - e) the licence holder did not comply with the requirement to affix the notice to notify the public for the relevant period.

## Part B: Alcohol Licensing

### Section 7

#### 7. Automatic Off-Sales Extension

7.1. The Business and Planning Act 2020 (the Act) modifies the provisions in the Licensing Act 2003 to provide automatic extensions to the terms of premises licences with alcohol on-sales to allow for off-sales (subject to exemptions in paragraph 7.9 below). It is a temporary measure to boost the economy, with provisions lasting until the 30 September 2021.

7.2. The measures make it possible for licensed premises that have only an on-sales licence to sell alcohol for consumption off the premises. This allows businesses to trade whilst keeping social distancing measures in place inside.

7.3. The measures also make it possible for licensed premises that have off-sales with certain restrictions to sell alcohol without those restrictions applied.

7.4. There is no need for an application to be made and no fee to be paid.

**7.5. Premises with alcohol licences that currently only permit on-sales:** Licensees who have a premises licence that only permits on-sales automatically benefit with off-sales permission during the same hours permitted for on-sales. Off-sales are permitted in open containers and allow deliveries of alcohol to residential or work buildings. If longer hours are required for off-sales (than the on-sales), an application to vary the licence must be made in accordance with Section 34 of the Licensing Act 2003.

**7.6. Premises with alcohol licences that currently permit on-sales and off-sales with restrictions:** Licensees who have a premises licence that permits on-sales and off sales with certain restrictions will have those restrictions automatically suspended. There are three types of restrictions (conditions) that are suspended:

- a) Restrictions on times for off-sales. Off-sales can now mirror the times for on-sales. This would apply, for example, if the times of off-sales in a beer garden (which was outside the red line plan - hence "off" the premises) were limited by condition, and more restrictive than the hours for sales inside the premises.
- b) Restrictions on selling alcohol for off-sales in an open container. Open containers are now automatically permitted, and any condition requiring off sales to be in sealed containers only is disapplied.
- c) Restrictions on deliveries to the door (of office or residential properties). Home (office) deliveries are now automatically permitted, without any additional conditions.

**7.7. Premises with alcohol licences that currently permit on-sales and off-sales without restrictions**

7.8. These licences are unaffected

- 7.9. **Exemptions to the automatic extension of off-sales:** Licensees who have had an application for an off-sales permission refused or had their off-sales permission excluded by variation or at review within the last three years, will be excluded from this automatic licence extension. This is a safeguard to ensure that where it has recently been decided that the licensee should not have the permission, they do not receive it through the Business and Planning Act 2020. If those premises want to benefit from off-sales, or have off-sales without restriction, they must apply to vary their premises licence in accordance with Section 34 of the Licensing Act 2003.

## **Section 8**

### **8. Review Procedures**

- 8.1. If any premises cause particular problems in operating under the automatic extension of off-sales, then any responsible authority (the Police, Environmental Health, Licensing Authority, Trading Standards and others) can apply to the City Corporation for a review of the new automatic off-sales permission. The review application must be based on one or more of the four licensing objectives. The review application works in a similar way to the existing summary review application, so it is a fast-track review application. The Licensing Authority has the power to consider it quickly, and apply interim steps, within 48 hours, just like a regular summary review.
- 8.2. In considering such a review, the Licensing Authority can only take into account the automatic extension for off-sales itself, and whether that should be removed. The licence cannot be revoked under this procedure
- 8.3. The Licensing Authority can remove the automatic right to have off-sales, or can reimpose conditions, such as time limits in beer gardens, or restrictions on home deliveries, in the off-sales review. The licensing authority can apply interim steps without the licence holder being present, but the licensee has the right to be heard to review interim steps, and there is a mandatory fully review hearing 28 days after the off-sales review application by the responsible authority. At this full review, only the off-sales provision may be considered and not the rest of the licence.
- 8.4. A licence holder has a right of appeal against a decision to remove the automatic extension of off-sales to a Magistrates Court.

## Section 9

### 9. City of London: Managing Outside drinking

9.1. With the temporary relaxation of licensing and planning laws until 30 September 2021, more pubs, bars, restaurants and cafes in the City of London will take advantage of being able to serve customers outdoors. As a result, there is the potential for an increase in noise and anti-social behaviour. It is essential that licence holders have provisions in place to manage their outside drinking and eating areas in order to lessen the impact on neighbouring residents and other businesses.

9.2. Licence holders are responsible for managing their customers consuming alcohol outside their premises. It is good practice to have a documented policy on managing outside drinking to include but not limited to:

- a) **Social distancing:** The government has produced guidelines to assist businesses in returning to work during the COVID-19 pandemic. The guidelines are constantly evolving and changing and licence holders are responsible for keeping risk assessments up to date to ensure the safety of their customers.
- b) **Noise from patrons:** Customers smoking, eating and drinking in outdoor areas including the public highway should be monitored by staff to prevent public nuisance. Licence holders should display prominent signs asking customer to be respectful of neighbouring property owners and to keep noise to a minimum.
- c) **Obstruction:** Customers must not be allowed to obstruct the highway or the doorways of neighbouring residential, commercial or office premises. Customers queueing to enter premises must be managed to prevent any such obstruction. Customers must not be permitted to congregate on the carriageway causing obstruction to vehicular traffic. Pedestrians must have unobstructed access to the highway and should not be forced to step into the road to pass by.
- d) **Customer safety:** Licence holders may wish to use toughened or polycarbonate glass in outside areas. Staff should monitor outside areas and collect empty glassware regularly. Spillages and or broken glass must be swept away immediately.
- e) **Litter:** Outside areas should be monitored regularly by staff and any litter generated by customers including food wrappers and cigarette butts should be cleaned up regularly and at the end of each evening.
- f) **Theft of personal belongings:** With more customers using external areas, there is more potential for opportunist theft of personal belongings. Licence holders may wish to use chelsea hooks on external furniture, display external signage warning customers of the risk of bag thefts and pick-pocketing. Staff monitoring outside areas should be vigilant at all times and remind customers to look after their personal belongings.
- g) **Threat from terrorist action – text to be provided**

**City of London Pavement Licence  
Standard Conditions**

These standard conditions are made pursuant to Section 5(2) of the Business and Planning Act 2020, to the extent that these conditions do not prevent the obstructions specified in section 3(6) of the Act the licence is deemed to be granted subject to the statutory no-obstruction condition.

The term 'furniture' used hereinafter means counters or stalls for selling or serving food or drink; tables, counters or shelves on which food or drink can be placed; chairs or other forms of seating; umbrellas, and other articles such as parasols or planters used in connection with the outdoor consumption of food or drink.

1. This licence must be displayed in a prominent position during any period that furniture is placed on the highway.
2. The placing of furniture and seating of customers should comply with government Covid-19 Secure Guidelines and the licence holder must have an appropriate risk assessment in place for their business operation
3. This licence only permits the area of the highway (the authorised area) and the items of furniture specified on the licence to be used. All furniture is to remain within the authorised area whilst it is in use on the highway.
4. All customers in the authorised area must be seated at all times save for access to and egress from the seating area.
5. The furniture must be removed from the authorised area by the licence holder by 23:00 unless otherwise specified on the licence, or at any time when requested to do so by an officer of the City Corporation or City of London Police. The furniture must be stored off the highway every evening.
6. Furniture must not be placed in any position where it will obstruct a designated fire escape route.
7. The authorised area must be supervised at all times whilst the licence is in use. The licence holder must ensure there are sufficient staff to supervise and control the authorised area to:
  - a. deter and prevent noise nuisance and/or antisocial behaviour
  - b. ensure the safety of customers and staff in line the Covid-19 risk assessment
  - c. ensure that the area is kept clean, tidy and free of litter
  - d. food and drink must be cleared from unoccupied tables
8. The licence holder must clean the authorised area regularly to prevent staining by anything done pursuant to the licence.
9. The licence holder shall be liable for any damage to the authorised area which the City Corporation considers reasonably attributable to anything done pursuant to the licence and shall reimburse the costs of the City Corporation or its Agents in repairing the same.

10. The licence holder shall be liable for and shall indemnify the City Corporation, their Servants and Agents against:-
- a) any expense, liability, loss, claim or proceedings whatsoever arising under statute or at common law in respect of personal injury to or the death of any person whomsoever, and
  - b) any expense, liability, loss, claim or proceedings in respect of any injury, loss or damage whatsoever to any person whomsoever or to any property real or personal, arising from the use of the Public Footway for the permitted purpose.
- Without limiting the obligation hereunder, the licensee will effect insurance against the matters referred to in 11(i) to the satisfaction of the Chamberlain of London and will produce to the Chamberlain the policies of insurance so effected and the current premium renewal receipts relative thereto at such times as the Chamberlain shall reasonably require.
11. No advertising material may be attached to, or form part of, any of the furniture.
12. No supplemental lighting may be used in connection with the furniture.



**Pavement Licence: Default No Obstruction Condition**

Anything done by the licence-holder pursuant to the holder, or any activity of other persons which is enabled by the licence, must not have one of the specified statutory effects debarring grant of the licence, namely the effect of:

- (a) preventing traffic, other than vehicular traffic, from
  - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
  - (ii) passing along the relevant highway, or
  - (iii) having normal access to premises adjoining the relevant highway,
- (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

## National Conditions as published by the Secretary of State

The following National Conditions apply to every pavement licence granted or deemed granted by the City of London.

1. Clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility:
  - a. A clear width of **2000mm** allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints **1500mm** could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be **1000mm** clear space. The maximum length of restricted width should be **6 metres** (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width they should be grouped in a logical and regular pattern to assist visually impaired people.

It is also recommended that there should be minimum widths of **3000mm** at bus stops and **3500mm** to **4500mm** by shops though it is recognized that available space will not always be sufficient to achieve these dimensions.

## PUBLIC NOTICE

### Business and Planning Act 2020 Application for a Pavement Licence

I/We (*name of applicant*), \_\_\_\_\_

do hereby give notice that on (*date of application*) \_\_\_\_\_

have applied to the City Corporation for a 'Pavement Licence' at:

(*postal address of premises*)

known as (*trading name of premises*)

The application is for: (*brief description of application eg. outdoor seating to the front of the premises for serving food and drink*)

A copy of my application and associated documents including plan and details of furniture can be viewed on the City Corporation's website at [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk). Any person wishing to make representations to this application may do so by email at: [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk)

by: (*date*) \_\_\_\_\_

(*this must be 7 days from the date of the application not including bank holidays*)

Signed .....

Dated .....

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## CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY

<b>Committee(s):</b> Licensing Committee	<b>Date(s):</b> 15/07/2020
<b>Subject:</b> Crimes at Licensed Premises	<b>Public</b>
<b>Report of:</b> T/Chief Superintendent Duffy	<b>For Information</b>
<b>Report author:</b> Inspector Northmore	

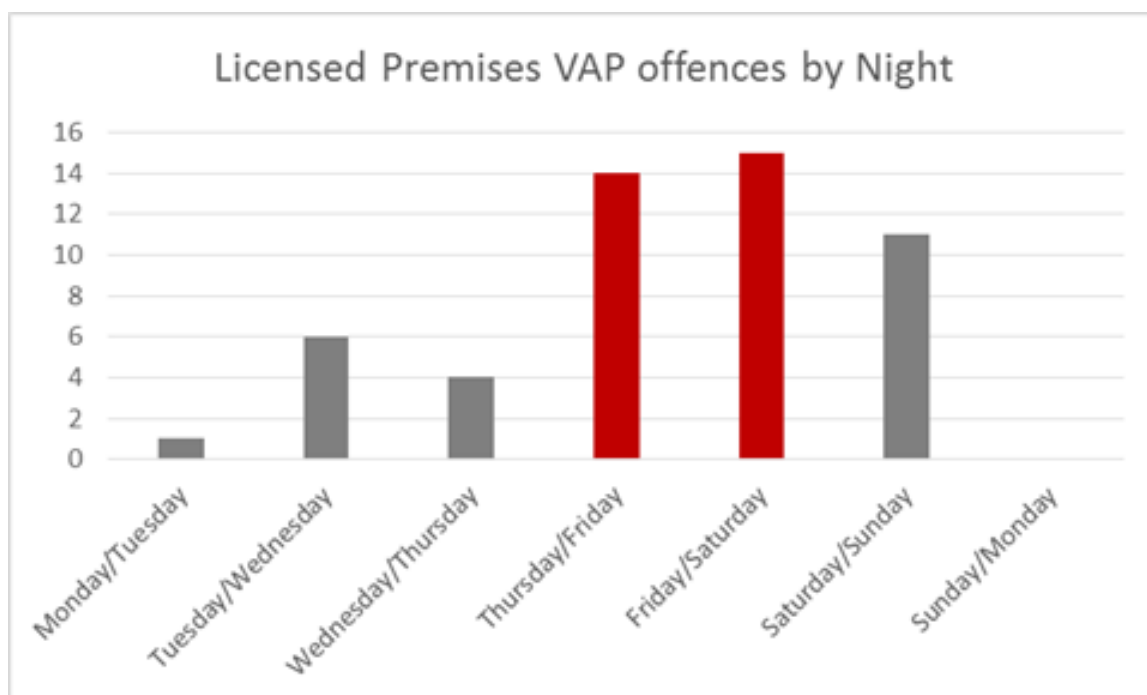
### Summary

This is a report from the City of London Police for the Licensing Committee to update on crimes committed linked to Licensed Premises from April 2020 – June 2020 and a yearly update comparing 2018 to 2019.

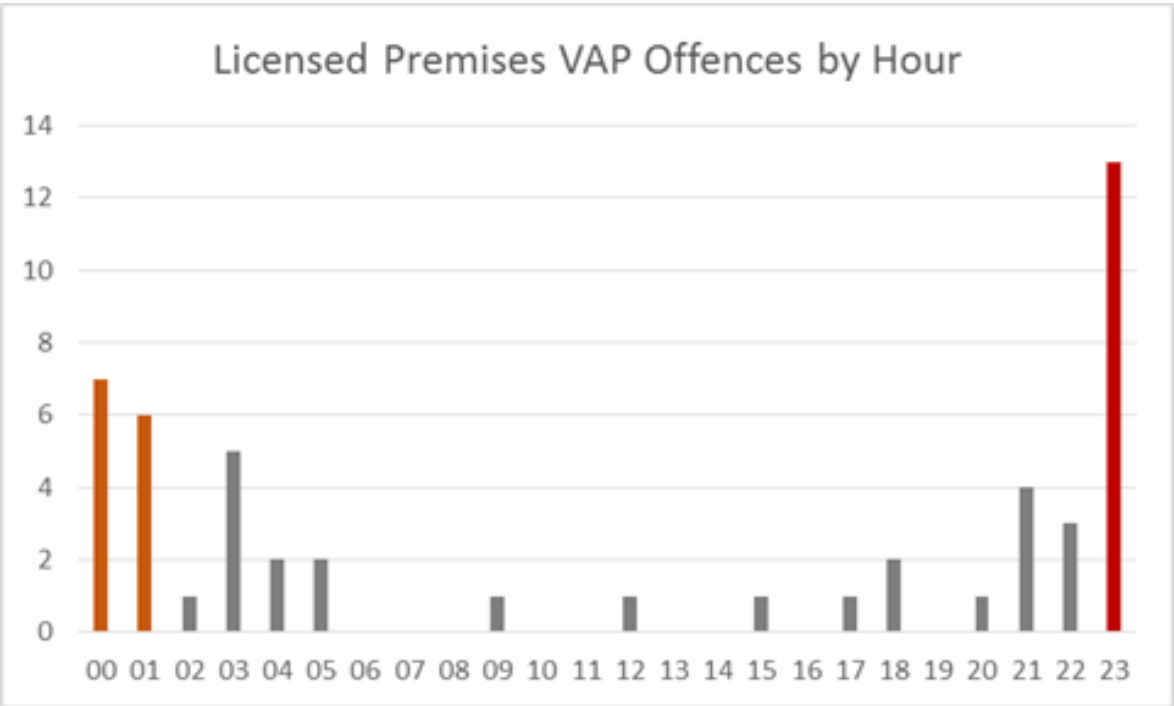
This report does not include the period of lock down due to Covid19. To date, during the lock down period, all the licensed premises in the City of London have been closed and there have not been any licensed premises related incidents at the time of writing for this quarter.

### Recommendation(s)

- Note the report.



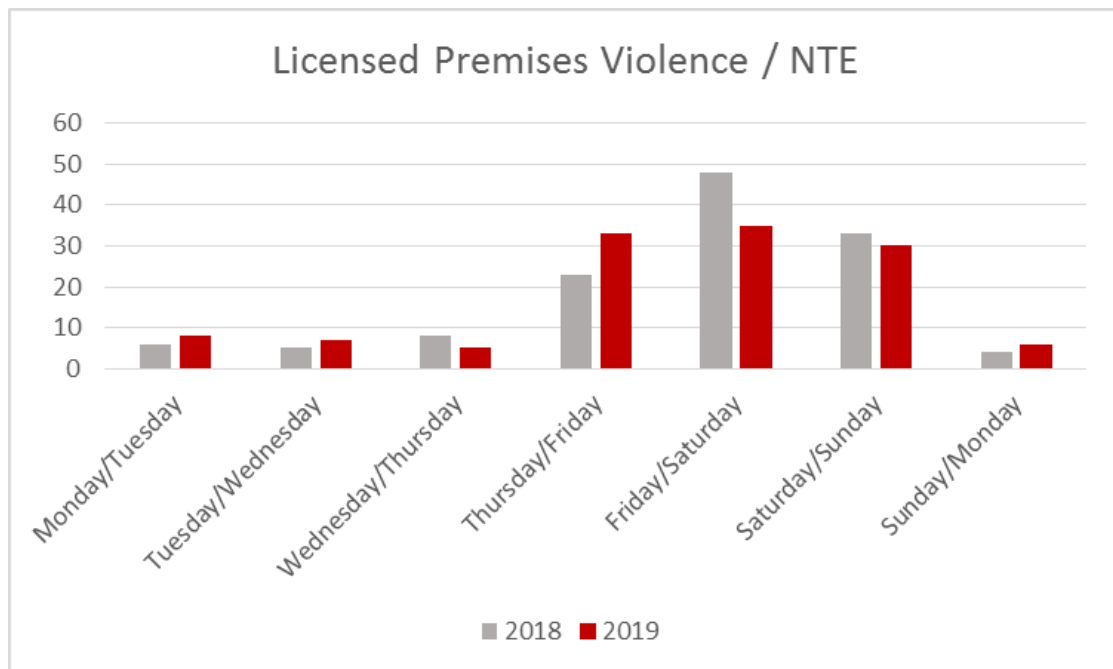
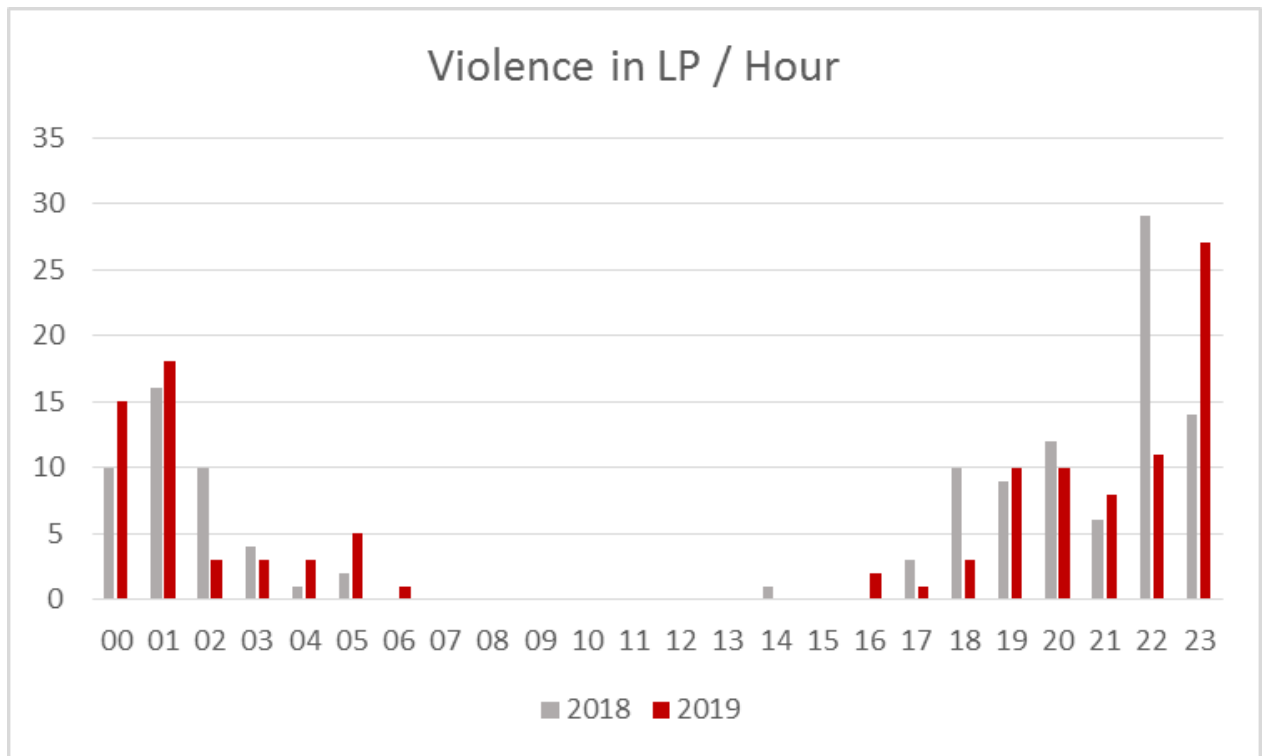
Offending continued to be predominantly during NTE hours (92.7%) – with Thursday and Friday nights accounting for 52.7%



Offending between 2300-0000 accounts for 26% of VAP crime in LP during this period, increasing to 52% between 2300-0200.

Violent Crime

**CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY**



**CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY**

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

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

**T/Chief Inspector J Wynne**  
Communities & Partnerships

T: 0207 601 2402

E: [jesse.wynne@cityoflondon.police.uk](mailto:jesse.wynne@cityoflondon.police.uk)

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