



## Licensing Committee

**Date:** MONDAY, 20 OCTOBER 2014  
**Time:** 1.45 pm  
**Venue:** COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

**Members:**

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

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

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

**NB:** Part of this meeting could be the subject of audio video recording

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 21 July 2014.

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

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

**For Information**

a) Badolina, 210 Bishopsgate, London, EC2M 4NR (Pages 9 - 16)

b) Kyber, 4 Burgon Street, London, EC4V 5DR (Pages 17 - 24)

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

The Comptroller & City Solicitor to be heard.

**For Information**

6. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS & CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**

Report of the Director of Markets and Consumer Protection.

**For Information**  
(Pages 25 - 36)

7. **UPDATE ON THE LATE NIGHT LEVY**

Oral report by the Licensing Manager.

**For Information**

8. **UPDATE ON SAFETY THIRST**

Oral report by the Licensing Manager.

**For Information**

9. **REVENUE BUDGETS - 2015/16**

Joint report of the Chamberlain and the Director of Markets and Consumer Protection.

**For Decision**  
(Pages 37 - 44)

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

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

12. **EXCLUSION OF THE PUBLIC**

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

**For Decision**

13. **LICENSING RISK SCHEME**

Report of the Director of Markets and Consumer Protection.

**For Information**  
(Pages 45 - 72)

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

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

This page is intentionally left blank

## LICENSING COMMITTEE

Monday, 21 July 2014

Minutes of the meeting of the Licensing Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Monday, 21 July 2014 at 1.45 pm

### Present

#### Members:

Alex Bain-Stewart	Marianne Fredericks
Jamie Ingham Clark	Michael Hudson
Peter Dunphy	Edward Lord
Kevin Everett	Graham Packham
Sophie Fernandes	Judith Pleasance

#### In Attendance

Deputy John Bennett

#### Officers:

Rakesh Hira	Town Clerk's Department
Saimah Tahir	Town Clerk's Department
Paul Chadha	Comptroller & City Solicitor's Department
Jenny Pitcairn	Chamberlain's Department
Philip Saunders	Remembrancer's Department
David Smith	Director, Markets & Consumer Protection Department
Steve Blake	Markets & Consumer Protection Department
Peter Davenport	Markets & Consumer Protection Department

#### 1. APOLOGIES

Apologies were received from Deputy John Barker, Revd Dr Martin Dudley, Christopher Hayward, Chris Punter and James Tumbridge.

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

There were no declarations.

#### 3. ORDER OF THE COURT OF COMMON COUNCIL

The Order of the Court of Common Council, of 1 May 2014, appointing the Committee and approving its Terms of Reference was received.

#### 4. ELECTION OF CHAIRMAN

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

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

**RESOLVED** – That Marianne Fredericks be declared Chairman for the ensuing year.

5. **ELECTION OF DEPUTY CHAIRMAN**

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

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

**RESOLVED** – That Peter Dunphy be declared Deputy Chairman for the ensuing year.

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.

**RESOLVED** – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2014/15 comprise of the following Members:

Marianne Fredericks  
Peter Dunphy  
Alex Bain-Stewart  
Jamie Ingham Clark  
Revd Dr Martin Dudley  
Kevin Everett, Past Grand Committee Chairman  
Edward Lord, Past Grand Committee Chairman

7. **PUBLIC MINUTES**

The public minutes of the meeting held on 28 April 2014 were approved subject to the following amendments:

**Department of Markets & Consumer Protection Business Plan 2014-2017**

The reference to increased revenue as a measure of success for the late night objective would be removed, not amended.

Matters Arising

It was noted that the final 30% allocation of the monies generated by the late night levy had not as yet been decided by the Chairman and Deputy Chairman in consultation with the Director of Markets and Consumer Protection.

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

In relation to a recently held Hearing for the premises Badolina, 210 Bishopsgate, London, EC2M 4NR, it was pointed out that the Sub Committee resolved that the Chairman would raise the issue of anti-social behaviour by homeless people in the Bishopsgate area with the Community & Children's Services Department.

**RESOLVED:** That Members note the public minutes of the following Licensing (Hearing) Sub Committee meeting.

8.1 **Unit 3, 200 Aldersgate Street, London, EC1**

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

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

He explained that there was currently a Tower Hamlets case which was going through the courts relating to the decisions following a Summary Review Hearing and whether the interim measures stay in place both until the full Review Hearing and until the appeal was heard at a Magistrates Court. The outcome would be known in due course and an update would be provided to the Committee.

The Chairman noted that it would be helpful for a training course to be provided to Members on Summary Review Hearings and relating to objections for Temporary Event Notices.

10. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**

The Committee received a report of the Director of the Markets and Consumer Protection informing Members of premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 April 2014 to 30 June 2014. The report also presented data from the 'traffic light' risk scheme covering the period 1 June 2013 to 31 May 2014.

The Chairman pointed out that the response time to call outs was close to 20 minutes, which residents had been pleased with.

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

11. **DEREGULATION BILL**

A report of the Remembrancer summarised the provisions in the Deregulation Bill that were most relevant to this Committee. The report explained that in relation to the Bill the main points of interest included:

- Imposing an obligation on non-economic regulators to have regard to promoting economic growth;
- Liberalising rules relating to Temporary Event licensing; and
- Changing the duration of a personal alcohol sales licence

The Remembrancer explained that the Bill proposed an increase in the maximum number of Temporary Event Notices (TENs) which could be applied for from 12 to 15 per year. There was a proposal to revoke the requirement to renew personal alcohol sales licences and for them to instead continue indefinitely. There was also a proposal to liberalise late night refreshment licensing to give powers to licensing authorities the powers to exempt the sale of hot food and drink without obtaining a late night licence in certain circumstances.

In response to a question from a Member, the Remembrancer explained that the Bill has had various amendments but not in relation to the above points.

It was agreed that the Licensing Department would arrange training courses for Members relating to personal licence holders and licensing practitioners. Members would also be advised about any other training sessions relating to the Night Time Economy

**RESOLVED** – That the contents of the report be noted.

## 12. **UPDATE ON MANDATORY CONDITIONS**

The Licensing Manager provided a verbal update on mandatory conditions explaining that the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 amended the mandatory conditions made under s.19A of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

In relation to prohibiting drinks which were conducted in a way which carried a significant risk of undermining one or more of the licensing objectives the caveat would be removed in relation to promotions which consisted of the following:

- Games or other activities requiring or encouraging individuals to drink a quantity of alcohol within a time limit or to drink as much as possible;
- Dispensing alcohol directly into the mouth (the so-called ‘dentist’s chair’);  
or
- Selling alcohol in association with promotional posters or flyers that condone, encourage or glamorise anti-social behaviour or drunkenness.

He reported that this meant that any such promotions would be forbidden. The caveat would however be retained in relation to promotions which consisted of:

- Providing unlimited or unspecified quantities of alcohol free or for a fixed or discounted price to the public or a group defined by a particular characteristic; or
- Providing free or discounted alcohol or any other thing as a prize to encourage or reward the purchase or consumption of alcohol over a period of 24 hours or less.

Reference was also made to dispensing alcohol directly into the mouth of an individual, free tap water, the age verification policy and other smaller measures.



The various changes would be updated on the City Corporation's public facing web pages.

**RESOLVED** – That the update be noted.

13. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2014/15**

The Committee considered 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. The report outlined recent case law which indicated that the process for setting the fees must be robust and that income received through the licensing process could not exceed the cost of obtaining that income.

The report set out that the matters considered by the licensing service in setting the proposed fees were discussed and included all aspects, other than enforcement costs which case law currently excluded, within the licensing process. The proposed fees will result in similar income compared with previous years.

It was noted that the fees were the same as last year and had not been increased.

**RESOLVED** – That Members approve the fees for 2014/15 set out at Appendix 2 (column four) of the report.

14. **UPDATE ON THE LATE NIGHT LEVY & SAFETY THIRST**

The Assistant Director provided a verbal update on the Late Night Levy and Safety Thirst. He explained that letters had been sent to those premises which would be affected by the late night levy and informing them that they may apply for a free minor variation to their licence, if they wished to do so.

He reported that 14 applications, out of a possible 293 premises, had been received to vary their premises licence.

The Chairman explained that Members should note that if asked the minor variation would be processed free of charge and that it had been brought to her attention that some organisations were writing to licensees offering to arrange a variation for a fee of £175.

A discussion took place on the Safety Thirst Award Scheme and it was noted that the event would take place on 8 October 2014 with invitations being circulated to Members of this Committee. It was noted that information on the scheme would be circulated to Members prior to the next Committee meeting.

**RESOLVED** – That the update be noted.

15. **TABLES & CHAIRS POLICY**

The Committee considered a report of the Director of Markets and Consumer Protection which set out that the Highways Act 1980 permitted an individual or corporate body to seek permission to place tables and chairs on the highway in order to facilitate their business. The report highlighted that the City Corporation's licensing team administered the process and enforced the provisions of the Highways Act relevant to the granting of permission and the use of such tables and chairs. In order to assist the licensing team a number of guidelines were used relating primarily to the health and safety implications of obstructing the highway. These guidelines were out of date and incorporated in an updated policy which was attached as an appendix to the report.

**RESOLVED** – That the contents of the report be noted.

16. **STREET TRADING POLICY**

The Committee considered a report of the Director of Markets and Consumer Protection which set out that the City of London (Various Powers) Act 2013 made changes to the long established street trading regime within the City of London. The City Corporation would have the authority to issue temporary street trading licences so that commemorative and seasonal events would be able to include a street trading element. The report outlined the following:

- Explained the legislation affecting street trading in the City of London;
- Set out the City Corporation's policy in respect of the regulation of street trading, including its enforcement; and
- Offered guidance as to the procedure to be followed in seeking a street trading licence

The report also outlined matters considered by the licensing service in setting the proposed temporary licence fees which followed legally established guidelines. The fees set out in the policy were designed to cover the costs associated with the licensing process. Authorities, including the City Corporation, were not able to include the costs of enforcement against unlicensed street traders within their fees.

It was noted that minor amendments would be made to the policy relating to the consistency of a minimum width of unobstructed footway of '2.2 metres' between the edge of a permitted areas and the edge of the footway.

A Member pointed out that it was important to ensure that high street traders were no affected by street traders.

The Chairman thanked officers for their hard work on both the Street Trading and Tables and Chairs policies.

**RESOLVED** – That the contents of the report be noted.

**17. REVENUE OUTTURN 2013/14**

A report of the Chamberlain compared the revenue outturn for the services overseen by this Committee in 2013/14 with the final agreed budget for the year. Overall total net expenditure during the year was £99,000 whereas the total agreed budget was £174,000 representing an underspending of (£75,000). The underspend was largely due to an increase in licence application fee income (£62,000).

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

**RESOLVED** – That the contents of the report be noted.

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

**Chuggers and Charity Collection**

It was noted that information on the protocol in relation to ‘chuggers’ and charity collection in the City of London would be circulated to Members.

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

There were no urgent items.

**20. EXCLUSION OF THE PUBLIC**

**RESOLVED** – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Local Government Act as follows:-

<b>Item</b>	<b>Paragraph</b>
<b>21</b>	<b>7</b>
<b>22-23</b>	<b>-</b>

**21. NON PUBLIC MINUTES**

The non-public minutes of the meeting held on 28 April 2014 were approved as a correct record.

**22. NON PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

One question was raised relating to the traffic light scheme.

**23. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT WHILST THE PUBLIC ARE EXCLUDED**

There were no urgent items.

**The meeting ended at 2.49 pm**

-----  
Chairman

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

## MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 16 JULY 2014

**APPLICANT:** OLIVE GRILL LTD  
**PREMISES:** BADOLINA, 210 BISHOPSHATE, LONDON, EC2M 4NR

### PRESENT

#### **Sub Committee:**

Revd. Dr Martin Dudley (Chairman)  
Sophie Fernandes  
Graham Packham

#### **City of London Officers:**

David Arnold – Town Clerk’s Department  
Natasha Dogra – 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 Niall McCann – Solicitor, Joelson Wilson LLP.  
Witnesses:  
Uri Dinay – Director of Olive Grill Ltd.

#### **Those making representations:**

Daniel Bell, Assistant Manager of the Woodin’s Shades  
Debra Cowland, Environmental Health Officer at the City of London Corporation

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

- 1) A public hearing was held at 10:00 am in the Committee Rooms, West Wing, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises ‘Badolina, 210 Bishopsgate, London, EC2M 4NR’.

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: Conditions consistent with the Operating Schedule

Appendix 3: Representations from responsible authorities

Appendix 4: Representations from other persons (3)

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

Appendix 6: Plan of Premises

In addition the following document, which was circulated to all parties prior to the Hearing, was also considered:

- Letter from the Applicant entitled 'Badolina New Premises Licence – Statement of Case'.
- 2) The Hearing commenced at 10:00 am.
  - 3) The Chairman opened the Hearing by introducing himself, 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 Chairman outlined the procedure which would be followed.
  - 6) The Chairman invited Mr McCann to speak first regarding Olive Grill Ltd.'s application for a Supply of Alcohol licence. Mr McCann explained that the premises could seat up to 12 customers, with 6 seats inside the premises and 6 seats outside. Customers who chose to eat at the premises consumed their food quickly with a soft drink; the intention of this application was to give customers the option to replace the soft drink with an alcoholic drink. Mr McCann reported that 25-30 bottled drinks would be kept in a locked fridge behind the service desk and the sale of draught beers was unlikely.
  - 7) In response to a question from the Panel, the Director of Olive Grill Ltd. advised that 90% of their customers take away their food and drink between 11:00 am and 3:00 pm whereas 50% of customers choose to eat at the premises between 3:00 pm and 11:00 pm. The Panel informed Mr McCann that alcohol could not be consumed at the tables and chairs outside the entrance to the premises as this area was not defined part of the licenced premises.
  - 8) Mr McCann explained that the applicant had considered the Code of Good Practice for Licensed Premises and were happy to adopt all practices relevant to the premises, which included the following measures: G1, CD1-4, CD9, CD12, CD16, CD18, CD24-25, CD30, CD36-39, PS1-3, PS7-16, PS18-19, PS22, PN16-20, and CH3-7.

- 9) The Chairman invited those with representations any questions to Mr McCann about the proposed Supply of Alcohol licence. In response to a question from Daniel Bell regarding the difficulty in preventing customers from leaving the premises with alcohol in unsealed containers, Mr McCann advised that small size of the premises would allow staff to be vigilant with the removal of customers consuming alcohol on the tables and chairs outside. He added that staff would be trained in this area and that signage would be installed to advise customers that consumption of alcohol outside the premises was prohibited.
- 10) The Chairman invited Debra Cowland to outline her representation to the proposed Supply of Alcohol licence at Badolina. Ms Cowland explained that her representation was based on the increased risk of public nuisance, such as public urination, if the Supply of Alcohol licence was granted to a premises without toilet facilities. She also outlined her concern for members of staff who would have to travel to the toilet facilities at Liverpool Street if the licence was granted. The arrangement for staff use the facilities at the Woodin's Shades opposite the premises would not continue if the licence was granted due to the Woodin's Shades' own representations to the application.
- 11) Daniel Bell was invited to speak regarding the Woodin's Shades' representations to the application for a Supply of Alcohol licence. Mr Bell explained that their primary concern was with the effect the sale of alcohol at Badolina would have on the increase of antisocial behaviour from the homeless population on and around Bishopsgate. He advised that the Woodin's Shades employed door staff every day but still suffered from an average of one or two minor incidents involving homeless people per night. Mr Bell expected that these incidents would increase if the licence was granted because homeless individuals could take open alcohol containers from the tables outside Badolina and return to the Woodin's Shades to drink them. He also advised that the supply of alcohol at Badolina would increase public nuisance as inebriated customers who had been refused service at the Woodin's Shades could walk across the road to buy more alcohol before returning to the pub.
- 12) In response to a question from the Panel, Mr Bell confirmed that the current relationship that involved the Woodin's Shades allowing staff from Badolina to use their toilet facilities would likely cease if the Supply of Alcohol licence was granted.
- 13) The Chairman invited Mr McCann to make his submissions on behalf of the Applicant. In response to Debra Cowland's representations, Mr McCann explained that her concern for members of staff having access to toilet facilities were not a relevant licencing issue and that Olive Grill Ltd. would pay the 30p charge for staff to use the facilities at Liverpool Street Station. He added that there was limited space and time spent in the premises for customers to have more than one drink so public urination due and antisocial behaviour due to alcohol consumption was

unlikely. Moreover, he confirmed that a vast majority of alcohol sales would be for customers to take away.

- 14) Ms Cowland responded by suggesting that the proximity of the Liverpool Street Station toilet facilities was unreasonable for the busy serving staff at Badolina. The Chairman added that this was not a relevant licencing issue for this application.
- 15) In response to Daniel Bell's representations, Niall McCann explained that a Supply of Alcohol licence would not worsen the effect of antisocial behaviour from homeless people Bishopsgate was a busy area where one could obtain food and drink from any number of businesses already.
- 16) Daniel Bell responded by explaining that the opportunity for homeless people and those who had been refused service at the Woodin's Shades to finish opened alcohol containers would lead to an increase in antisocial behaviour. The Chairman added that no one would be able to control where customers went once they left either premises.
- 17) There were no questions from the Applicant or Sub Committee for those making representations.
- 18) In response to a question from the Chairman, the Applicant advised that signage would be installed and staff would be on site at all times to eliminate the consumption of alcohol at the tables and chairs outside the premises. Mr McCann added that the Director of Olive Grill Ltd. sold alcohol at another similar premises and did not have a problem with customers consuming alcohol in un-licensed areas outside the premises.
- 19) There were no further questions from those making representations for the Applicant or Sub-Committee.
- 20) The Chairman explained that a full decision would be circulated within five working days and that if the Sub Committee reached a decision this would be announced today.

*All parties returned to the room*

- 21) The Chairman thanked those who had remained to hear the decision of the Sub Committee. He explained that the full decision would be circulated to all parties however the application had been granted with the conditions consistent with the Operating Schedule. The three conditions to the grant of the licence were as follows: there shall be no sale of alcohol in unsealed containers for consumption off the premises; the supply of alcohol at the premises shall only be to a person seated taking a table meal and for the consumption by such a person as ancillary to their meal; and 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 to record a) all ejections of patrons, b)



any incidents of disorder (disturbance caused by one or more persons), and c) any refusal of the sale of alcohol.

- 22) The Chairman noted the concerns in Daniel Bell's representation regarding the risk of anti-social behaviour by homeless people in the Bishopsgate area. He advised that these concerns would be reported to the Licensing Committee to be passed onto the Community and Children's Services Committee.
- 23) The Chairman thanked all parties for attending.

**The meeting closed at 11:00am**

-----  
Chairman

**Contact Officer: David Arnold**

**Tel. no. 020 7332 1174**

**E-mail: [david.arnold@cityoflondon.gov.uk](mailto:david.arnold@cityoflondon.gov.uk)**

**Copy of Decision letter circulated to all parties on 1 August 2014**

**Applicant:** Olive Grill Ltd.  
**Application:** New Premises Licence  
**Premises:** Badolina, 210 Bishopsgate, London, EC2M 4NR  
**Date of Hearing:** Wednesday 16 July 2014 at 10:00 am

*I write to confirm the decision of the Licensing (Hearing) Sub Committee at the hearing on 16 July 2014 in relation to the above-mentioned application. The Sub Committee's decision is set out below.*

1. This decision relates to an application made by The Olive Grill Ltd. for a new premises licence in respect of the premises 'Badolina, 210 Bishopsgate, London, EC2M 4NR'.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Monday to Sunday: 11:00 – 23:00 hours

2. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by those making representations and the Applicant. There were a number of issues and concerns which were raised both in the written representations and orally however it was noted that these were matters not relating to licensing.
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 2013.
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 and appropriate 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. The representations focused on the potential for public nuisance resulting from non-clientele accessing unconsumed

alcoholic drinks from the outside seating area and the lack of toilet facilities for staff and patrons at the premises.

6. The Sub-Committee took into account the representations regarding the potential for public nuisance from the premises but concluded that the premises could, with the imposition of suitable conditions, operate without causing nuisance to local businesses. Furthermore the Sub-Committee, mindful of the provisions of paragraph 10.9 in the statutory guidance, determined that the lack of toilet facilities available to customers or staff would be more appropriately address under alternative legislation.
7. It was the Sub Committee's decision to therefore grant the premises licence, subject to the conditions consistent with the Operating Schedule set out below:
  - There shall be no sale of alcohol in unsealed containers for consumption off the premises
  - The supply of alcohol at the premises shall only be to a person seated taking a table meal and for the consumption by such a person as ancillary to their meal
  - 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 will record a) the ejections of patrons, b) any incidents of disorder (disturbance caused by one or more persons) and c) any refusal of the sale of alcohol.
8. The Sub Committee noted the Applicant's intention to comply with the following measures from the Code of Good Practice for Licensed Premises (available via the link at the bottom of this letter): G1, CD1-4, CD9, CD12, CD16, CD18, CD24-25, CD30, CD36-39, PS1-3, PS7-16, PS18-19, PS22, PN16-20, and CH3-7.
9. 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.
10. If any party is dissatisfied with this decision, he or she is reminded of the right to appeal, within 21 days of the date of this letter, 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.

Yours faithfully

**David Arnold**

Clerk to the Licensing (Hearing) Sub Committee

**Useful Numbers/Websites:**

An 'Out of Hours' noise response service is available 24 hours a day by telephone:  
0207 6063030

Licensing Policy and Code of Good Practice for Licensed Premises:  
<http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Licensing-policy.aspx>

## MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 25 JULY 2014

**APPLICANT:** Mr Bashir Ahmed  
**PREMISES:** KYBER, 4 BURGON STREET, LONDON, EC4V 5DR

### PRESENT

#### **Sub Committee:**

Peter Dunphy CC (Chairman)  
Sophie Fernandes CC  
Jamie Ingham Clark CC

#### **City of London Officers:**

Georgina Denis – Town Clerk’s Department  
Saimah Tahir – Town Clerk’s Department  
Paul Chadha – Comptroller & City Solicitor’s Department  
Peter Davenport – Markets & Consumer Protection Department

#### **Applicant:**

Mr Bashir Ahmed.

#### **Witnesses:**

Mr Ajaz Mir – Director of Join Me

#### **Those making representations:**

Mr Simon Barnes – Resident

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

- 1) A public Hearing was held at 10:00AM in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises ‘Kyber, 4 Burgon Street, London EC4V 5DR’.

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: Conditions consistent with the Operating Schedule

Appendix 3: Representations from Other Persons (1)

Appendix 4: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

## Appendix 5: Plan of Premises

- 2) The Hearing commenced at 10:00AM.
- 3) The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present and the nature of the application. He explained that the hearing would determine whether the license application for Kyber – 4 Burgon Street, London, EC4V 5DR would be granted.
- 4) The Chairman followed by explaining the procedure by which the hearing would take place.
- 5) The Chairman asked Mr Barnes to outline his objection to the application. Mr Barnes explained that he had been resident of the local area for the past 10 years and detailed that a wall within his home backed on to the restaurant. Mr Barnes informed the panel that his main concern was the expiry of the premises licence in July 2013. Mr Barnes believed that since the expiry the restaurant had been operating under a number of Temporary Event Notices, but prior to the use of TENs the owner had not realised that the licence had expired. Mr Barnes informed the hearing that the actions of the premises owner demonstrated that he was incapable of responsibly conducting licensable activities. It was Mr Barnes belief that an adequately responsible owner would have realised long before submitting the current application that the licence had expired. Mr Barnes also gave account of a number of instances when the restaurant had closed late and he had been disturbed at home by noise from the kitchens. Mr Barnes concluded to say that he was concerned the owner of Kyber was not adequately concerned about the wellbeing of residents in the surrounding area which would result in the premises becoming a public nuisance.
- 6) The Chairman invited Mr Ahmed to support his application. Mr Ahmed explained that his colleague and owner of the premises Mr Mir was a Dutch national and therefore did not fully understand the City's licensing procedures. He explained that this was the reason why there had been a delay between the licence premises licence expiring and the application for a new licence. Mr Ahmed He explained that he had taken over a manager of the premises a couple of months before the hearing and was adequately responsible and would prevent the restaurant becoming a public nuisance. Mr Ahmed outlined his professional achievements for the Sub-Committee and explained that he was the owner of another restaurant in the City which he believed had an excellent reputation. Mr Ahmed believed that because he had experience of managing licenced premises in the City he was suitably responsible to manage Kyber and conduct licensable activities from the premises. Mr Ahmed said he understood why Mr Barnes had reservations and outlined for the Sub-Committee measures which he had taken to reduce noise, including working the City of London Corporation Environmental Health Officers to try and find a zero noise solutions with regards to equipment in the

premises kitchens. Mr Ahmed concluded to say that he was at the premises six days a week and apologised for the two instances when the premises had closed late.

- 7) Mr Mir followed and provided the Sub-Committee with a statement regarding his professional career and capability to responsibly run the premises. Mr Mir explained that he had 25 years of experience owning restaurants in Holland and Mr Ahmed had been colleagues for a number of those years. He had asked Mr Ahmed to manage the premises because he had knowledge and experience of conducting business in the City and could help Mr Mir resolve problems he was having managing the premises.
- 8) The Chairman invited Mr Barnes to pose any questions to Mr Ahmed. Mr Barnes commented that he did not believe Mr Ahmed was adequately responsible to conduct licensable activities and he did not take his responsibilities seriously. He also believed that Mr Ahmed had confused the environmental health issues and licensing issues relating to the premises.
- 9) The Chairman invited Mr Ahmed to pose any questions to Mr Barnes. Mr Ahmed commented in response to Mr Barnes previous statement that he did take his responsibilities as a licence holder seriously and that the premises was much improved since he took over management two months prior to the hearing. He also believed that his professional experience working in the City demonstrated that he could conduct licensable activities.
- 10) The Chairman invited other Members of the Sub-Committee to ask questions. Ms Sophie Fernandes asked Mr Ahmed to confirm that his licence application did not include an application for an off licence. Mr Ahmed confirmed that the restaurant did not provide a take away service and would not sell alcohol for consumption off the premises.
- 11) Mr Ingham Clark asked Mr Ahmed to explain the timeline of events between the hearing and Mr Mir's purchasing the premises. Mr Ahmed explained that Mr Mir had bought the premises over a year ago and found running the restaurant difficult due to communication problems because he was Dutch. To resolve the issue Mr Mir asked Mr Ahmed to manage the premises. Mr Ahmed had managed the premises for the last two months. Mr Ingham Clark asked Mr Ahmed to confirm that he was present at the restaurant 6 days a week. Mr Ahmed confirmed that it was true. Mr Ingham Clark then asked Mr Barnes when the last time he had a complaint regarding the premises. Mr Barnes said his last complaint was due to an incident in March/April 2014.
- 12) The Chairman asked Mr Barnes if he had any other comments regarding the licence application. Mr Barnes explained that he was still concerned that the premises licence had expired a year before and the owner had not realised. Mr Barnes informed the Sub-Committee that he believed

the premises had been serving alcohol without a licence. The Chairman explained to Mr Barnes that without adequate evidence his belief could not be taken into consideration when determining whether or not to grant a new licence, as it was an evidence based hearing. Mr Barnes asked Mr Ahmed and Mr Mir how they had managed to conduct business for a year without a premises licence to which they responded that they had been conducting business as a "Bring your own" restaurant and that patrons of the restaurant brought their own alcohol to meals.

- 13) The Sub-Committee said that they did not have any other questions for the premises or Mr Barnes.
- 14) The Chairman gave Mr Barnes an opportunity to summarise his case. Mr Barnes said that he was still under the impression that Mr Ahmed was not suitably responsible to promote the licensing objectives. Mr Ahmed concluded to say that he believed his experience working the City demonstrated that he was a responsible premises manager and could conduct licensable activities.
- 15) The Sub Committee withdrew to deliberate and make their decision; accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.

*All parties returned to the room*

- 16) Before informing the hearing of the decision the Chairman explained that the decision was made on the basis of promoting the licensing objectives and only evidence submitted to the hearing was considered. The Chairman explained that the Sub-Committee had decided to grant the applicant a licence. The Licence will be granted under a number of conditions, the first that the premises opening hours be amended to close at 23:30 and not 00:00 as the applicant had not applied for late night refreshment. Other conditions of the licence included the premises installing and maintaining a comprehensive CCTV system and prominent signs displayed at all exits from the premises requesting that patrons leave quietly. The Chairman explained that as off sales had not been applied for the condition that there should be no sale of alcohol in unsealed containers for consumption off the premises will be removed from the licence.
- 17) The Chairman thanked all parties for attending.

**The meeting closed at 11:00AM**

-----  
Chairman

**Contact Officer: Georgina Denis**  
**Tel. no. 020 7332 1399**  
**E-mail: [georgina.denis@cityoflondon.gov.uk](mailto:georgina.denis@cityoflondon.gov.uk)**



**Copy of Decision letter circulated to all parties on 31 July 2014**

**Applicant:** Bashir Ahmed  
**Application:** New Premises Licence  
**Premises:** Kyber, 4 Burgon Street EC4V 5DR  
**Date of Hearing:** Friday 25 July 2014 at 11:00AM

I write to confirm the decision of the Licensing (Hearing) Sub Committee at the hearing on 25 July 2014 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

1. This decision relates to an application made by Bashir Ahmed, 39 Warren Road, Wansted E11 2LX for a new premises licence in respect of the premises 'Kyber, 4 Burgon Street EC4V 5DR'.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Monday to Saturday: 12:00 – 15:00 hours 18:00 – 23:00 hours
Recorded Music	N/A	Monday to Saturday: 12:00 – 15:00 hours 18:00 – 23:00 hours

The supply of alcohol would be for 'on' the premises only. With the premises open to the public between 12:00 and 00:00.

2. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by those making representations and the Applicant.
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 2013.
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 and appropriate 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. The representations focused on the potential for

public nuisance resulting from the applicant's capacity to adequately manage the premises.

6. The Sub-Committee took into account the representations regarding the potential for public nuisance from the premises but concluded that the premises could, with the imposition of suitable conditions, operate without causing nuisance to local residents.
7. It was the Sub Committee's decision to therefore grant the premises licence, subject to the conditions consistent with the Operating Schedule set out below:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Monday to Saturday: 12:00 – 15:00 hours 18:00 – 23:00 hours <i>(premises to be closed by 23:30 hours)</i>
Recorded Music	N/A	Monday to Saturday: 12:00 – 15:00 hours 18:00 – 23:00 hours <i>(premises to be closed by 23:30 hours)</i>

- The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested. (MC01)
  - A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15)
7. 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.
  8. If any party is dissatisfied with this decision, he or she is reminded of the right to appeal, within 21 days of the date of this letter, 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.

Yours faithfully

**Georgina Denis**

Clerk to the Licensing (Hearing) Sub Committee

**Useful Numbers/Websites:**

An 'Out of Hours' noise response service is available 24 hours a day by telephone:

0207 6063030

Licensing Policy and Code of Good Practice for Licensed Premises:

<http://www.cityoflondon.gov.uk/business/licensing/beer-and-entertainment/Pages/Licensing-policy.aspx>

This page is intentionally left blank

<b>Committee:</b>	<b>Date:</b>
Licensing	20 October 2014
<b>Subject:</b> Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>
<p><b>Summary:</b></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 July 2014 to 30 September 2014. 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 July 2014 and 30 September 2014. This report also presents data from the ‘traffic light’ risk scheme introduced within the City of London on 1 April 2013. The data covers the period 1 February 2014 to 31 July 2014.</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 July 2014 and 30 September 2014.
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/business/licensing/alcohol-and-entertainment/Pages/Search-the-public-register.aspx>. or by contacting Peter Davenport, Licensing Manager, on extension 3227 or by email to the Licensing Team at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk).

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 July 2014 to 30 September 2014.
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 details data produced from the 'traffic light' risk scheme for the period of 1 February 2014 to 31 July 2014. 7 premises have accrued a sufficient number of points to turn 'Red' and 5 premises a sufficient number to turn 'Amber'. Members of this committee will note that this is the first report where 'traffic light' data is produced over a six month period and not the normal twelve month period. Further details can be seen in Appendix V. Changes to the 'traffic light' scheme are detailed in a further report to this committee.

11. There is a very good working relationship between the Port Health & Public Protection (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:**

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

**New Licence Applications Issued by way of Delegated Authority (Jul-Sep 2014)**

Name	Address	Ward	Details
The Winemakers Club	41A Farringdon Street	Farringdon Within	A, (f) 23:00
Cheese Centre	52 Broadgate Link	Bishopsgate	A 21:00
Pilpel	5 Queens Head Passage	Bread Street	A 21:00
My Pasta Bar	201 Bishopsgate	Bishopsgate	A 22:00
Brand Finance PLC	3 Birchin Lane	Langbourn	A, L, (b), (e), (f) 00:00
Unit 2&3	60 Threadneedle Street	Walbrook	A, L, (e) 01:00
English Wine & Spirit Co	8 Devonshire Row	Bishopsgate	A, L, (f) 00:00
Etc Venues Ltd	8 Eastcheap	Bridge & Bridge W/O	A, (f) 23:00
BK News	42-44 Bishopsgate	Lime Street	A 22:00
Avalion	52-54 Bracechurch Street	Bridge & Bridge W/O	A, L, (e), (f) 23:30
Tesco	5 Philpot Lane	Bridge & Bridge W/O	A 23:00
Dutch Church	7-7A Austin Friars	Broad Street	A, L, (e), (f) 02:00
Hai Street Kitchen	38 Leadenhall Market	Langbourn	A 21:30
Picante Mexican Grill	8-12 New Bridge Street	Castle Baynard	A 22:30
Development Site (Provisional Statement)	40-45 Chancery Lane	Farringdon Without	A, (f) 00:00

Total Licences Issued = 15

Key to Details:

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

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

Number of Licences by Ward

WARD	No.
Bishopsgate	3
Bread Street	1
Broad Street	1
Bridge and Bridge Without	3
Broad Street	1
Castle Baynard	1
Langbourn	2
Lime Street	1
Farringdon Within	1
Farringdon Without	1



## Appendix II

### Licence Variations Issued by way of Delegated Authority (Jul-Sep 2014).

Name	Address	Ward	Details
Liberty Bounds	15 Trinity Square	Tower	<ul style="list-style-type: none"> <li>Add condition which has effect of reducing hours to midnight whilst paying the Late Night Levy</li> </ul>
Silk & Grain	33-35 Cornhill	Langbourn	<ul style="list-style-type: none"> <li>Bring forward start time for alcohol sales from 10:00 to 07:00.</li> </ul>
The Green Man	1 Poultry	Cordwainer	<ul style="list-style-type: none"> <li>Add condition which has effect of reducing hours to midnight whilst paying the Late Night Levy</li> </ul>
Crosse Keys	7 Gracechurch Street	Langbourn	<ul style="list-style-type: none"> <li>Add condition which has effect of reducing hours to midnight whilst paying the Late Night Levy</li> </ul>
Hamilton Hall	Liverpool Street Station	Bishopsgate	<ul style="list-style-type: none"> <li>Add condition which has effect of reducing hours to midnight whilst paying the Late Night Levy</li> </ul>
Burger Lobster	1 Bread Street	Cordwainer	<ul style="list-style-type: none"> <li>All licensable activities reduced from 01:00 to 00:00 but brought forward from 11:00 to 08:00. Also later terminal hour on Sunday from 22:00 to 00:00. Alcohol sales before 10:00 must be with food.</li> </ul>

Total Variations = 6

#### Number of Licences by Ward

WARD	No.
Bishopsgate	1
Cordwainer	2
Langbourn	2
Tower	1

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

01 Jul 2014 – 30 Sep 2014      0

**Enforcement Action Carried out Under the Licensing Act 2003  
1 July 2014 - 30 September 2014**

Total Number of Inspections	33
Number of Warning Letters	2
Number of Premises advised	12
Number of simple cautions	0
Number of suspension notices	49
Paid prior to suspension	19
Licence lapsed*	0
‘Dead’ Suspensions**	1
‘Live’ Suspensions***	2
Still to be determined	27

\*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.

**NB.**

**In addition to the above the Licensing Team are currently investigating a number of issues most of which are likely to end in legal proceeding’s being instigated. The matters under investigation are as follows:**

- 8 premises are being investigated for selling alcohol to persons under the age of 18. This was an exercise carried out by the Police Licensing Team using police cadets to carry out test purchases.
- 1 premises for not having a DPS. Simple caution issued but not yet signed.
- 1 premises for selling alcohol without a licence. They do now have a licence but were warned at the time not to sell until licence issued.
- 1 premises for operating an unlicensed SEV. Premises now appear closed but matter is at early stages of investigation.

## Number of complaints received between 01 July 2014 and 30 September 2014

No of Complaints = 31

<u>Details</u>	<u>Date</u>	<u>Outcome</u>	<u>Ward</u>
ABC Bar/Restaurant, 7-9 Norwich Street noise from SYN Bar. Noise echoes through wall/bouncers are loud.	29/09/2014	On-going	Farringdon Without
Ask for Janice, 50-52 Long Lane downstairs playing music too loud, people are shouting/noisy	12/09/2014	On-going	Farringdon Within
Bart's Brewery, 66 West Smithfield noise from licenced premises, a live band playing	06/09/2014	On-going	Farringdon Within
Be At One, 16-18 Brushfield Street Complaint re noise from premises of Be At One	01/07/2014	Advice Given	Bishopsgate
Bird of Smithfield, 26 Smithfield Street Kitchen noise.	07/08/2014	Informally resolved	Farringdon Without
Noise From Outdoor Kitchen (banging, Shouting)	14/08/2014	Resolved/compliance	Farringdon Without
Noise from outdoor kitchen	14/08/2014	Resolved/compliance	Farringdon Without
Coq D'Argent, 1 Poultry loud music coming from the roof top terrace	03/08/2014	Resolved/compliance	Cordwainer
Crutched Friars, 39/41 Crutched Friars Noise from patrons	14/08/2014	Resolved/compliance	Tower
Devonshire Square Music noise from restaurant in New Street.	20/09/2014	No action required	Bishopsgate
Grand Union Public House, Rolls Passage patrons talking and shouting outside the premises	17/07/2014	Resolved/compliance	Farringdon Without
Noise from Patrons outside on 29th	30/08/2014	Resolved/compliance	Farringdon Without
Grange St Pauls Hotel, 10 Godliman Street Email rec'd re: Noise Complaint	08/09/2014	Resolved/compliance	Castle Baynard
La Piazzetta, 5 White Kennett Street Music breakout from premises	27/08/2014	Informally resolved	Portsoken
Amplified Music	27/08/2014	Informally resolved	Portsoken
Madison, Roof Terrace Restaurant, 1 New Change loud music. called last night about same noise nuisance	18/07/2014	Resolved/compliance	Bread Street
Music noise from Madison Bar roof terrace	22/08/2014	On-going	Bread Street
loud music coming from top floor	26/07/2014	Resolved/compliance	Bread Street
Neo Pizzeria, 131 Aldersgate Street shouting and music from the Neo wine bar	04/08/2014	Informally resolved	Farringdon Within
Patch, 58-62 Carter Lane music break-out and people noise from premises.	18/07/2014	Resolved/compliance	Farringdon Within

Pause Bar, 80-84 Leadenhall Street			
Residents disturbed by customers leaving at 4 and 5am. Noisy/rude	22/07/2014	Resolved/compliance	Aldgate
The Brewery on Chiswell Street, 52 Chiswell Street			
loud music. Told resident would turn noise down but didn't	18/07/2014	No action required	Coleman Street
Noisy	24/07/2014	No action required	Coleman Street
The George And Vulture, 2-3 Castle Court			
Noise from bottle collections at 5.45 in the morning	23/07/2014	Resolved/compliance	Langbourn
The Jugged Hare, 49 Chiswell Street			
noise from people outside	30/09/2014	No action required	Coleman Street
The Old Bengal Warehouse, 16A New Street			
Music breakout causing disturbance	05/07/2014	Advice given	Bishopsgate
Music breakout from premises	06/07/2014	Informally resolved	Bishopsgate
The St Barts Brewery, 66 West Smithfield			
Live band, open door and dozens of very loud people on pavement.	01/08/2014	On-going	Farringdon Within
Loud Music coming from licenced premises.	12/07/2014	On-going	Farringdon Within
Loud music from St Bart's Brewery	28/08/2014	Informally resolved	Farringdon Within
Voluptm Lounge, 7-9 Norwich Street			
People noise from patrons outside bar	25/07/2014	Resolved/compliance	Farringdon Without

### Outcome Code

**No action required** - Complaint unjustified.

**Informally Resolved** - Complaint justified but not statutorily actionable - informal action taken results in satisfactory outcome.

**Resolved / Compliance** - Complaint justified and statutorily actionable; formal or informal action taken results in satisfactory outcome.

**Unresolved** - Noise not reduced or controlled, nor have preventive measures to prevent recurrence been implemented.

Conditions Applied to Licences Granted by way of Delegated Authority

**NEW APPLICATIONS**

**The Winemakers Club**

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

**Cheese Centre**

None.

**Pilpel**

None

**My Pasta Bar**

None.

**Brand Finance**

None.

**Unit 2&3**

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

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

**English Wine & Spirit Co**

1. The premises shall install and maintain a CCTV system. Coverage shall be provided of all internal areas to which the public have access and areas immediately outside the premises. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 28 days with date and time stamping.

**Etc Venues**

None.

**BK News**

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

**Avalion**

1. The premises shall install and maintain a comprehensive CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days. 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.

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

**Tesco**

None

**Dutch Church**

None

**Hai Street Kitchen**

None

**Picante Mexican Grill**

None

**Development Site**

None

**VARIATIONS**

**Liberty Bounds**

1) This premises licence will not authorise the supply of alcohol at any time during the late night supply period of any late night levy which may apply in the City of London Licensing Authority area where the late night supply period includes any time for which the premises licence would, save for this condition, authorise such supply.

**Silk & Grain**

None

**Green Man**

1) Same as for Liberty Bounds.

**Crosse Keys**

1) Same as for Liberty Bounds.

**Hamilton Hall**

1) Same as for Liberty Bounds.

**Burger Lobster**

None

## Appendix V

### Premises obtaining sufficient points on the Risk Scheme to reach Red or Amber. (February 2014 – July 2014)

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

1 – Bridge & Bridge Without (Crime and Disorder – 12, Public Nuisance - 12)	24
2 – Coleman Street (Crime and Disorder – 21)	21
3 – Lime Street (Crime and Disorder – 18)	18
4 – Cordwainer (Crime and Disorder – 16)	16
5 – Cornhill (Crime and Disorder – 13)	13
6 – Billingsgate (Crime and Disorder – 11)	11
7 – Castle Baynard (Crime and Disorder – 11)	11

Billingsgate	1	Coleman Street	1
B/B Without	1	Cordwainer	1
Castle Baynard	1	Cornhill	1
		Lime Street	1

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

1 – Bishopsgate 9  
(Crime and Disorder – 7, Public Safety - 2)

2 – Lime Street 8  
(Crime and Disorder – 8)

3 – Tower 6  
(Crime and Disorder – 6)

4 – Broad Street 6  
(Crime and Disorder – 6)

5 – Candlewick 6  
(Crime and Disorder – 6)

Bishopsgate	1
Broad Street	1
Candlewick	1
Lime Street	1
Tower	1



<b>Committee:</b>	<b>Date:</b>
Licensing	20 October 2014
<b>Subject:</b> Revenue Budgets – 2015/16	<b>Public</b>
<b>Report of:</b> The Chamberlain Director of Markets and Consumer Protection	<b>For Decision</b>

## Summary

This report is the annual submission of the revenue budgets overseen by your Committee. In particular it seeks approval to the provisional revenue budget for 2015/16, for subsequent submission to the Finance Committee. The budgets have been prepared within the resources allocated to the Director.

Business priorities for the forthcoming year include the application of the income generated by the Late Night Levy.

Summary Of Table 1	Latest Approved Budget 2014/15 £'000	Original Budget 2015/16 £'000	Movement £'000
Expenditure	510	550	40
Income	(538)	(632)	(94)
Support Services and Capital Charges	213	213	0
Total Net Expenditure	185	131	(54)

Overall, the 2015/16 provisional budget is £131,000, a decrease of £54,000 compared with the latest approved budget for 2014/15. Main reasons for this reduction are:

- One-off carry-forwards from 2013/14 totalling £52,000 are included in the 2014/15 latest approved budget;
- The introduction of the Late Night Levy, which has no effect on the net

budget but contributes increases in both income and expenditure of £93,000.

The report also outlines the latest progress on the Service Based Review, which has no direct impact on your Committee as any reduction in costs must be matched with a reduction in the level of fees charged.

### **Recommendation(s)**

Members are asked to:

- review the provisional 2015/16 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to the Finance Committee;
- authorise the Chamberlain to revise these budgets for changes in respect of the Late Night Levy and of recharges.

## **Main Report**

### **Background**

1. The Licensing Service is responsible for ensuring that all city businesses hold the appropriate licences and registrations and comply with the rules and conditions appertaining to those licences.
2. This report sets out the proposed revenue budget for 2015/16. The revenue budget management arrangements are to:
  - Provide a clear distinction between local risk, central risk and recharge budgets
  - Place responsibility for budgetary control on departmental Chief Officers
  - Apply a cash limit policy to Chief Officers' budgets
3. The budget has been analysed by the service expenditure and compared with the latest approved budget for the current year.
4. The report also compares the current year's budget with the forecast outturn.

### **Business Planning Priorities**

5. The introduction of the Late Night Levy whereby a separate fee is charged to licensed premises selling after midnight was agreed by your Committee in July 2014, and the levy took effect from 1 October 2014. The administration processes are now largely in place, and in the forthcoming year the focus will be on ensuring the income is used to achieve the greatest benefit in accordance with the specified purposes.
6. The Licensing Act 2003 was amended in April 2012 to permit local authorities to set a fee for premises licence applications in order to achieve full cost

recovery. The commencement date has not yet been set; once a date has been set a detailed review of costs and income will be required to ensure that the resulting fee structure meets the requirements of the legislation and is fair to all types of applicant.

### **Proposed Revenue Budget for 2015/16**

7. The proposed revenue budget for 2015/16 is shown in Table 1 overleaf analysed between:
  - Local Risk budgets – these are budgets deemed to be largely within the Chief Officer’s control.
  - Support Services and Capital Charges – these cover budgets for services provided by one activity to another. The control of these costs is exercised at the point where the expenditure or income first arises as local or central risk.
8. The provisional 2015/16 budgets being presented to your Committee, and under the control of the Director of Markets and Consumer Protection, have been prepared in accordance with guidelines agreed by the Policy & Resources and Finance Committees. These include a 2% cash limit allowance for pay and price increases, as well as the proper control of transfers of non-staffing to staffing budgets. The budget has been prepared within the resources allocated to the Director.

Table 1 Analysis of Service Expenditure	Actual 2013/14 £'000	Latest Approved Budget 2014/15 £'000	Original Budget 2015/16 £'000	Movement 2014/15 to 2015/16 £'000	Paragraph Reference
<b>EXPENDITURE</b>					
Employees	403	410	420	10	11,12
Premises Related Expenses (see note i)	46	45	45	0	
Supplies & Services (see note ii)	4	27	15	(12)	11
Committee Contingency	0	28	70	42	12,13
<b>Total Expenditure</b>	<b>423</b>	<b>510</b>	<b>550</b>	<b>40</b>	
<b>INCOME</b>					
Customer, Client Receipts	(555)	(538)	(632)	(94)	12,13
<b>Total Income</b>	<b>(566)</b>	<b>(538)</b>	<b>(632)</b>	<b>(94)</b>	
TOTAL EXPENDITURE/ (INCOME) BEFORE SUPPORT SERVICES AND CAPITAL CHARGES	<b>(113)</b>	<b>(28)</b>	<b>(82)</b>	<b>(54)</b>	
<b>SUPPORT SERVICES AND CAPITAL CHARGES</b>					
Central Support Services and Capital Charges	166	166	166	0	
Recharges within Fund	27	27	27	0	
Recharges Across Funds	20	20	20	0	
<b>Total Support Services and Capital Charges</b>	<b>213</b>	<b>213</b>	<b>213</b>	<b>0</b>	
<b>TOTAL NET EXPENDITURE/(INCOME)</b>	<b>100</b>	<b>185</b>	<b>131</b>	<b>(54)</b>	

Notes - Examples of types of service expenditure:-

- (i) Premises Related Expenses – includes repairs & maintenance and cleansing costs.
- (ii) Supplies and Services – Printing, professional fees, conference expenses.

9. Income and favourable variances are presented in brackets. Only significant variances (generally those greater than £10,000) have been commented on in the following paragraphs.
10. Overall, there is a reduction of £54,000 in the overall budget between the 2014/15 latest approved budget and the 2015/16 original budget. This movement is explained by the variances set out in the following paragraphs.
11. The 2014/15 latest approved budget includes one-off carry-forwards from 2013/14 of £52,000 for temporary staff and software for online applications.

12. The 2015/16 original budget includes the following items in relation to the newly introduced Late Night Levy:
- Administration costs of £15,000 are included across the various expenditure headings. These costs can be retained in full from the Levy income and a corresponding income budget of £15,000 has therefore been included.
  - After meeting the administration costs, 70% of the remaining income must be passed to the City Police, with 30% being retained by the Licensing Service. The current forecast for the retained portion of income for a full year is £104,000 (Police portion £242,000).
  - The income must be spent in specific areas, and the final allocation of this amount is to be determined by the Chairman and Deputy Chairman in consultation with the Director as previously agreed by your Committee.
  - The provisional 2015/16 budget assumes that the Levy income will be used to fund one additional Licensing Officer (0.8FTE) at a cost of £36,000. The balance of income of £68,000 is included as a contingency until the final allocation is determined (which may include further changes to the staffing budget).
13. The 2014/15 latest approved budget also includes the following items in relation to the Late Night Levy:
- Administration costs and income of £15,000 each.
  - Estimated net retained income of £26,000.
  - Contingency of £26,000 pending final allocation.

It should be noted that a Levy year (being from October to September) does not coincide a financial year, and whilst the forecast of both administration costs and income in a full Levy year are reasonably firm, the estimate of the proportion of each in the first half of this Levy year (Oct 2014 – Mar 2015) and therefore falling within the 2014/15 financial year is less certain. Further, whilst the income received from the Levy must be spent for specified purposes, there is no requirement to spend it in the same period in which it is received. The final allocation of the income may therefore include an amount to be retained and spent in a future period.

14. A summary of the movement in manpower and related staff costs are shown in Table 2 below.

Table 2 - Manpower statement	Latest Approved Budget 2014/15		Original Budget 2015/16	
	Manpower Full-time equivalent	Estimated cost £000	Manpower Full-time equivalent	Estimated cost £000
Licensing	7.6	410	8.0	420
<b>TOTAL LICENSING</b>	<b>7.6</b>	<b>410</b>	<b>8.0</b>	<b>420</b>

## **Potential Further Budget Developments**

15. The provisional nature of the 2015/16 revenue budget recognises that further revisions may be required, particularly in relation to:
  - the Late Night Levy (as set out in more detail in paragraphs 12-13); and
  - central and departmental recharges, which have not yet been finalised for the forthcoming year.

## **Revenue Budget 2014/15**

16. The forecast outturn for the current year is £185,000 in line with the latest approved budget.

## **Service Based Review**

17. The Service Based Review was initiated in 2013 in response to forecast City Fund deficits over the medium term which were due primarily to large reductions in government funding, and the expectation of future grant reductions for the foreseeable future. City's Cash was subsequently included as deficits are also being forecast for this fund over the medium term. The latest financial forecasts indicate deficits of £11m for City Fund and £4m for City's Cash by 2017/18.
18. The aim of the review is to deliver significant and sustainable savings and/or increased income in order to balance the two funds over the medium term. The overall target has been set at £20m by the Resource Allocation Sub Committee.
19. On 4 September the Policy and Resources Committee met to consider the savings proposals put forward by Chief Officers and agreed a package of savings that matches the challenge of finding at least £20m savings by 2017/18. The main outcomes were:
  - That an agreed amount of spending reductions/income increases was set for each individual Chief Officer, starting from 2015/16, through to 2017/18. Rather than apply an across-the-board percentage cut, Members considered the proposals from each department separately, taking into account the different pressures each department face and looking to protect certain functions.
  - To review a number of activities that cut across different departments: grant giving; the effectiveness of hospitality; operational assets; contract management; asset, facilities and project management; car parking in the City; filming; conference and business events; advertising, and the marketing of visitor attractions.

- That more detailed investigations will be undertaken of certain service areas, looking at whether there are more efficient ways of delivering these services.
  - To review the level of the City Corporation's support for the three independent schools. This will also look at how this support fits with the City's new Education Strategy.
  - For further research to take place on three service areas identified for possible funding through Bridge House Estates
20. The next steps were for:
- Chief Officers to report to their service committees in the autumn on their detailed proposals as part of the budget setting process for 2015/16. Chief Officers have been asked to include in these reports reference to the suggestions made by staff for cost reduction or income generation.
  - Departments' proposals will be reviewed by Corporate HR to determine the likely impact on staff, and a report will be presented to the Establishment Committee in the New Year. Because the proposals will be phased over 3-4 years, there will be time to manage them carefully, and therefore minimise the staffing implications.
  - Reports on the potential for longer-term changes to specific service areas will be submitted to the Resource Allocation Sub Committee in December.
  - The Efficiency and Performance Sub Committee will take responsibility for oversight and monitoring of the savings reductions and the cross-departmental reviews.
  - Proposals for the cross-departmental reviews will be submitted to the Chief Officers' Summit Group for approval. Regular reports will be made to the Summit Group and the Efficiency and Performance Sub Committee on the progress of the reviews.
21. The Policy and Resources Committee agreed savings proposals totalling £1.724m for the Markets and Consumer Protection Department.
22. As a result of the legally established principle that we must match fees very closely to work undertaken and cannot take any profit, any reduction in licensing services or service levels provided would have to be matched with a commensurate reduction in licence fees. Therefore your Committee is almost certainly unable to contribute to the savings required, and the proposals agreed reflect this position and have no impact on this Committee's budgets. However, if Members do identify any potential savings, these would be investigated by Officers to assess their viability for future years.
23. Full details of the savings proposals for the Department will be reported to the affected Port Health & Environmental Services and Markets Committees.

## **Appendices**

- None

**Jenny Pitcairn**

Chamberlain's Department

T: 020 7332 1389

E: [jenny.pitcairn@cityoflondon.gov.uk](mailto:jenny.pitcairn@cityoflondon.gov.uk)



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank