



Licensing Committee

Date: WEDNESDAY, 21 OCTOBER 2015

Time: 1.45 pm

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

Members:

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

Enquiries: Gemma Stokley
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gemma.stokley@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 or 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 29 July 2015.

For Decision
(Pages 1 - 8)

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

Report of the Director of Markets & Consumer Protection.

N.B. This Item is to be read in conjunction with the appendix at Item No. 13.

For Information
(Pages 9 - 20)

5. **LATE NIGHT LEVY UPDATE**

The Director of Markets & Consumer Protection to be heard.

For Information

6. **SAFETY THIRST UPDATE**

The Licensing Manager to be heard.

For Information

7. **REVENUE BUDGETS 2016/17**

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

For Decision
(Pages 21 - 26)

8. **GAMBLING ACT 2005: REVIEW OF STATEMENT OF LICENSING PRINCIPLES**

Report of the Director of Markets and Consumer Protection.

For Decision
(Pages 27 - 60)

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

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

11. **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

12. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 29 July 2015.

For Decision
(Pages 61 - 62)

13. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES - NON-PUBLIC APPENDIX**

Non-public appendix to be read in conjunction with Item No. 4.

For Information
(Pages 63 - 64)

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**

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LICENSING COMMITTEE

Wednesday, 29 July 2015

Minutes of the meeting of the Licensing Committee held at the Guildhall EC2 at 1.45 pm

Present

Members:

| | |
|--------------------------------|------------------|
| Marianne Fredericks (Chairman) | Michael Hudson |
| Peter Dunphy (Deputy Chairman) | Edward Lord |
| Alex Bain-Stewart | Graham Packham |
| Deputy John Barker | Judith Pleasance |
| Revd Dr Martin Dudley | James Tumbridge |

Officers:

| | |
|-----------------|---|
| Simon Douglas | City of London Police |
| David Arnold | Town Clerk's Department |
| Gemma Stokley | Town Clerk's Department |
| David Smith | Director of Markets & Consumer Protection |
| Jenny Pitcairn | Chamberlain's Department |
| Steve Blake | Markets & Consumer Protection Department |
| Peter Davenport | Markets & Consumer Protection Department |
| Richard Steele | Department of the Built Environment |

In Attendance:

| | |
|-------------|----------------------|
| Keith Foley | Transport for London |
|-------------|----------------------|

It was with great sadness that the Chairman opened the meeting by informing the Committee that Councillor Audrey Lewis, former Lord Mayor of Westminster City Council and Chairman of its Licensing Committee had died earlier this month. Councillor Lewis had also been guest speaker at the City Corporation's Licensing Committee dinner earlier this year and had been a great friend of the City over the years. The Committee wished to record their condolences to the Lewis family.

1. APOLOGIES

Apologies for absence were received from Sophie Fernandes, Christopher Hayward, Deputy Jamie Ingham Clark and Chris Punter.

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

There were no declarations specific to items on this agenda. However, Reverend Dr. Martin Dudley took the opportunity to make a standing non-pecuniary declaration of interest by virtue of him being a Designated Premises Supervisor (DPS).

3. **PRESENTATION RE: TFL NIGHT TUBE**

The Chairman introduced Mr Keith Foley Head of the Night Tube Programme for Transport for London (TfL) who gave the Committee a brief presentation on plans for the introduction of a Night Tube Service across London.

The presentation covered the following points:

- Travel in London today and current late night demand on both the Tube and Night Buses;
- Friday and Saturday night plans for late night tube running – service design and parameters including the proposed frequency of night time services which would make London world leading in this area;
- Safety for staff and customers;
- Station staffing and Policing – Members were informed that TfL had worked alongside the City Police, Metropolitan Police and the British Transport Police sharing information and looking at the implications of an extended weekend service ; and
- Changes/additions to the Night Bus Network in order to provide an integrated night time transport service.

In response to a question regarding maintenance works and when these would be carried out with the proposed extended hours of service on the tube each weekend, Mr Foley explained that maintenance currently took place 5 days per week and that whilst this would still be the case, the maintenance rosta would need to be re-cast. He reminded the Committee that some lines would not be running a Night Tube service and that there was therefore no anticipated change to the maintenance arrangements already in place for these lines.

In response to further questions around staffing, Mr Foley referred to the recent and forthcoming strikes by underground workers. He clarified that the introduction of the Night Tube would require existing staff to work an additional seven nights per annum. He added that the staff concerned were already working through the night and that their shifts would not be changed but would be added to. Members were also informed that TfL complied with fatigue guidelines when assigning duties to staff and that they had been working alongside several Universities to look at the health and safety implications associated with those who work 'shifts'.

In response to a question regarding the costs associated with the introduction of the Night Tube, Mr Foley reported that, following the initial costs, it was anticipated that the service would be cost neutral by 2018.

In response to a question concerning the consumption of alcohol on the underground, Mr Foley reported that, whilst it was not possible to police each individual tube for this, police were able to stop those who were found to be doing this. He stated that TfL did not expect incidences of this to increase at all as a result of the introduction of the Night Tube.

In response to a final question on the views of taxi trade on the introduction of the Night Tube at weekends, Mr Foley reported that TfL had been informed that the they were neutral on this as it was anticipated that the number of short trips

to stations operating the Night Tube would increase and that there would be more opportunity for trade in the suburbs with people travelling to stations near home later into the evening.

The Chairman underlined that, as far as the City Corporation were concerned, the main issues would be around the extension of the Central Line services at St. Paul's, Bank, and Liverpool Street stations on Fridays and Saturdays and any rise in antisocial behaviour or an increase in licence applications/extensions from premises located around the stations concerned. Mr Foley stated that all stations which the Night Tube ran through would have taxi ranks in order to encourage people leaving nearby premises or exiting the underground to vacate the area as quickly and as safely as possible. He added that Liverpool Street station would also have a permanent British Transport Police base.

The Chairman thanked Mr Foley for an extremely interesting and informative presentation.

4. **GIS**

The Chairman introduced Richard Steele, the Corporate GIS Manager, from the Department of the Built Environment who gave the Committee a brief presentation on the inclusion of Licensing information on the City of London's Geographical Information System (GIS) web based mapping.

The Chairman reported that all licence conditions were now on the public register which should prove useful to residents, Police and Corporation staff. She stated that a map of all the City's licenced premises, including venue locations and licence details, was now available on the intranet and would shortly be accessible to the public.

Mr Steele explained that the CoL GIS system is an internal mapping system used to publish information both internally (intranet) and externally (internet) and that all of the information contained within it was maintained and 'owned' by individual departments. In order to ensure that the information in the GIS is consistent with that in the M3 Licensing system the GIS 'grabs' licensing information from the M3 system each night.

Members were informed that officers were currently working on updating the GIS system to a mobile friendly version. Licensing information is currently available on the intranet in two "test" formats and Members are now asked to decide what format should be used on the public facing website.

Mr Steele went on to present the Committee with two options for how the Licensing information could be presented to the public using maps. The first ("Option A") displays licenced venues in all categories – those serving alcohol, late night refreshments and/or external tables and chairs. By clicking on the map a user can see a list of the nearby licensed premises and includes a whole host of information about individual premises – their licensing number, trade name, address, summary, latest licence activity and links to the public register and the information contained on it.

The second option (“Option B”) allows access to the same information but separates out different categories of licence into alcohol, late night refreshments and tables and chairs.

The Committee were informed that the internal system also allowed users to view licences colour coded depending on the latest licenced activity.

The Chairman clarified that both the City of London Police and Environmental Health were able to access the internal system and that the information was only accessible to the Fire Brigade via the public site.

Members commented that they found the symbols used to determine different types of licensable activity both clear and useful.

In response to questions, Mr Steele confirmed that the GIS system enabled users to zoom in to specific areas and that Ward boundaries were also clearly depicted on the maps.

The Committee questioned why all of the information available internally was not also accessible on the public site. Members were firmly of the view that the more detail that was viewable on the public site the better.

Members were in support of progressing Option A (displaying licenced venues in all categories – those serving alcohol, late night refreshments and/or external tables and chairs with an accompanying key) and making this accessible on the public website.

The Committee also asked that the colour coded “time of latest licensed activity” be included with Option A on the public facing map (as well as internally) but that it be simplified with the period beyond midnight given the main focus as this was often the most contentious period. The Chairman undertook to liaise with officers to revise these into four separate, colour coded categories.

The Chairman, on behalf of the Committee, thanked Mr Steele and his team, together with Peter Davenport and his Licensing Team for all of their hard work in progressing this matter.

5. **PUBLIC MINUTES**

The public minutes of the meeting held on 6 May 2015 were considered and approved as a correct record.

MATTERS ARISING

Award for Personal Licence Holders (page 2) – The Chairman stated that all Members who passed the Award for Personal Licence Holders had now received their certificates.

Delegated Decisions of the Director of Markets and Consumer Protection Pertaining to Premises Licensing (page 3) – The Chairman reported that

details of those premises obtaining sufficient points on the Risk Scheme to reach Red or Amber had been circulated in advance of the meeting, as a non-public appendix at the request of the Committee.

Late Night Levy Update (page 4) – The Town Clerk clarified that, whilst a large percentage of premises had removed the condition on their licence to allow the sale of alcohol after midnight on New Year’s Eve only free of charge before the Late Night Levy was introduced, it was not most premises as stated in the minutes of the last meeting.

6. REVENUE OUTTURN 2014/15

The Committee received a joint report of the Chamberlain and the Director of Markets and Consumer Protection comparing the revenue outturn for the services overseen by the Licensing Committee in 2014/15 with the final budget for the year.

A Member queried the discrepancies between the latest approved and the final budgets. The Chamberlain explained that the original budget had been approved by this Committee in October 2013 with the latest budget approved in October 2014. The movement between the latest approved budget to the final budget was set out in Appendix 1.

RESOLVED: That Members note the report and the proposed carry forward of underspendings to 2015/16.

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

The Committee received a report of the Director of Markets and Consumer Protection detailing the premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 April 2015 to 30 June 2015.

The Licensing Manager was pleased to report that, for the first time since the scheme began in April 2013, no premises had obtained sufficient points on the risk scheme to reach Red status between December 2014 – May 2015.

In response to questions regarding the details of complaints received between 1 January 2015 and 31 March 2015, the Chairman stated that where an outcome was marked as ‘resolved’ this meant that the specific complaint raised had been resolved but did not, of course, prevent any further or ongoing issues.

In response to further questions on complaints, the Chairman clarified that where the outcome was marked as ‘no action possible’ this was normally because officers had not been called at the time of the disturbance or the issue had been resolved once officers arrived and the complaint could therefore not be evidenced.

The Chairman congratulated officers on the number of inspections carried out.

RESOLVED – That the details of premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 April 2015 to 30 June 2015 be noted.

8. **LATE NIGHT LEVY UPDATE**

The Director of Markets and Consumer Protection provided the Committee with a verbal update of the Late Night Levy (LNL).

The Licensing Manager reported that the LNL had generated in excess of £143,000 in its first 6 months. The second six months were now forecast to generate approximately £311,000. The forecast total for the year would therefore be £454,776 with approximately £129,000 of this apportioned to the City of London.

RECEIVED.

9. **SAFETY THIRST UPDATE**

The Committee received a verbal update from the Licensing Manager regarding the Safety Thirst Scheme.

The Licensing Manager stated that the aim was for all assessments to be completed by 31 July 2015 with moderation in August 2015. He reported that 41 applications had now been received, 35 assessments had been completed of which 28 had passed, 5 had withdrawn and 2 were still being considered.

Members were informed that there were still 6 outstanding assessments to be carried out by 31 July 2015.

The Licensing Manager went on to report that there were likely to be 32-33 accredited venues this year which was on a par with last year. He added that, unfortunately, many of those venues that had been accredited last year had chosen not to re-apply on this occasion.

The Chairman confirmed that the awards ceremony would take place on 12 October 2015 and that invitations to the event would be sent out in good time.

RECEIVED.

10. **LEGAL PROCEEDINGS AGAINST 'VIET CAFÉ'**

The Committee received a report of the Director of Markets and Consumer Protection outlining the steps taken by the licensing team on discovering offences committed by a premises in Eastcheap.

The Licensing Manager reported that he believed this was the first successful prosecution relating to the refusal to supply tap water. He went on to clarify a point in the report stating that the licence holder had been found guilty on five charges but only fined for three of those.

The Committee congratulated officers on pursuing this case. In response to questions, the Licensing Manager reported that a register of those premises

that had had their licence suspended was maintained centrally and that checks were made on these premises every three months. A Member suggested that, in future, Members should be notified of those premises within their Ward that had had their licence suspended as they could often serve as the 'eyes and ears' of officers in these circumstances.

In response to further questions regarding the Designated Premises Supervisor (DPS), the Licensing Manager confirmed that the City could ask for the DPS to be changed if there were any further issues.

The Director of Markets and Consumer Protection also commended the work of colleagues in this case and highlighted the lengthy, 18 month process leading to the successful prosecution.

RESOLVED – That Members note the contents of the report.

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

There were no questions.

12. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
Home Office – Licensing Act

The Assistant Director, Environmental Health & Public Protection, reported that he had recently received information from the Home Office stating that changes to the Licensing Act and this was to start with a workshop/briefing session at the Home Office on 14 August 2015. He reported that there had been no reference to local fees. He undertook to keep the Chairman informed on this matter.

Institute of Licensing (IoL) Consultation

The Assistant Director, Environmental Health & Public Protection, reminded Members that the Town Clerk had recently circulated a consultation document from the IoL on its draft Guidance on Premises Licence Conditions. The consultation would come to an end on 30 September 2015 and Members were encouraged to submit any comments they might have directly to the Licensing Team to be included within the City's submission.

The Committee were informed that the City's submission would then be produced in consultation with the Chairman and Deputy Chairman.

Unlicensed Street Trading

The Assistant Director reported that an ice cream van had recently been seized and the seller had not returned. He added that the current legislation appeared to be effective. He went on to report that four nut sellers' carts had also recently been seized along with a burger/hotdog stall.

13. **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:-

Item
14

Paragraph
3

14. DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES - NON-PUBLIC APPENDIX

The Committee received a non-public appendix to Item 7 on the agenda providing Members with details of those premises obtaining sufficient points on the Risk Scheme to reach Red or Amber for the period December 2014 – May 2015.

15. NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE

There were no questions in the non-public session.

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

There were no urgent items of business for consideration in the non-public session.

The meeting closed at 3.25 pm

Chairman

Contact Officer: Gemma Stokley
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gemma.stokley@cityoflondon.gov.uk

| Committee(s): | Date(s): | Item no. |
|---|------------------------|-----------------|
| Licensing Committee | 21 October 2015 | |
| Subject: Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences. | Public | |
| Report of: Director of Markets and Consumer Protection | For Information | |
| Summary: | | |
| <p>This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 July 2015 to 30 September 2015. 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 2015 and 30 September 2015. 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 2015 to 31 July 2015.</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 2015 and 30 September 2015. Each of these appendices contain details of any conditions attached to the premises licences.
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.

Routine Enforcement

4. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003 (Appendix III). The table in Appendix III shows the number of visits undertaken, number of complaints received and the number of enforcement actions taken. Enforcement actions include warning letters, notices, simple cautions, legal proceedings etc.
5. Appendix III provides data from 1 July 2015 to 30 September 2015.
6. 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.
7. 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.
8. 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 comprises those premises that have accrued the most points under the 'traffic light' risk scheme. These are then targeted by relevant enforcement officers.
9. This report details data produced from the 'traffic light' risk scheme for the period of 1 February 2015 to 31 July 2015. For the second consecutive period since the scheme began in April 2013 there are no premises classified as 'Red'. 10 premises have a sufficient number of points to be classified as 'Amber'. Further details can be seen in Appendix IV.
10. 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.

11. The Memorandum of Understanding (MoU) between the City of London Police and the Markets and Consumer Protection Department agreed in November 2011 outlines specific arrangements for cooperation between the Licensing Teams.
12. The other City Corporation Department that is routinely involved in enforcement is the Department of the Built Environment (DoBE). Where it appears that a material change of use has occurred, or there is a failure to comply with any condition attached to a planning permission or a breach of planning controls, when it is expedient to do so, officers from this Department seek authorisation to take enforcement action under the Town and Country Planning Act 1990.

Response to complaints

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

Implications

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

Background Papers:

None

Contact:

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

New Licence Applications Issued by way of Delegated Authority (Jul-Sep 2015)

| Name | Address | Ward | Details | |
|------------------------|-----------------------|------------------|-------------------------|---------------|
| Etc Venues | 8 Fenchurch Place | Aldgate | A, L | 23:00 |
| Funderbar! | 71 Queen Victoria St | Vintry | A, (f) | 23:00 |
| The Dish Kitchen | 6 Bevis Marks | Aldgate | A, L, (f) | 00:30 |
| Proposed Premises | 26A Savage Gardens | Tower | A | 23:00 |
| Skills Matter Ltd | 15 Finsbury Circus | Coleman St | A | 23:00 |
| The Bakery Café | 11 South Place | Coleman St | A | 19:00 |
| Restaurant | 13 South Place | Coleman St | A | 01:00 |
| London Exec Offices | 85 Gresham Street | Cheap | A | 00:00 |
| Secret Frog Coffee Co | 28-30 Houndsditch | Aldgate | A | 22:00 |
| Bad Egg | 1 Ropemaker Street | Coleman St | A | 23:00 |
| Xcite Campaign Mng Ltd | 122 Leadenhall Street | Lime St | A, L, (b),(e),(f),(g) | 01:00 |
| Keevil & Keevil | East poultry | Farringdon w/out | A | 01:00 – 09:00 |
| Tavern | 1 Devonshire Square | Bishopsgate | A, L, (f) | 01:00 |
| The City Litten | 1 Seething Lane | Tower | A, L, (e), (f) | 01:00 |
| Caffeina | 7 Byward Street | Tower | A | 21:00 |
| Jamie's Italian | 60 Ludgate Hill | Farringdon w/in | A, L, (b) | 00:30 |
| The Bath House | 7-8 Bishopsgate C'yd | Bishopsgate | A,L,(a),(b),(e),(f),(g) | 01:30 |
| Paul Patisserie | 25 Old Broad Street | Cornhill | A, L, (f) | 00:00 |

Total Licences Issued = 18

Key to Details:

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

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

Number of Licences by Ward

| WARD | No. | | No. |
|----------------|-----|------------------|-----|
| Aldgate | 3 | Farringdon w/in | 1 |
| Bishopsgate | 2 | Farringdon w/out | 1 |
| Cheap | 1 | Lime Street | 1 |
| Coleman Street | 4 | Tower | 3 |
| Cornhill | 1 | Vintry | 1 |

Conditions Applied to Licences Granted by way of Delegated Authority

Etc Venues

None

Funderbar!

1. Licensable activities named on the licence will only be supplied to employees and officers of the organisation in occupation, and clients, prospective clients, and business contacts of either the organisation or its employees/officers.

The Dish Kitchen

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.

2. Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public.

Proposed Premises (26A Savage Gardens)

None

Skills Matter Ltd

None

The Bakery Cafe

None

Restaurant (South Place)

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.

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London Exec Offices

None

Secret Frog Coffee Co

None

Bad Egg

None

Xcite Campaign Management Ltd

1. Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public.

Keevil & Keevil

1. All sales of alcohol will be online only.

Tavern

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.

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

- (a) all crimes reported to the venue
- (b) all ejections of customers
- (c) any incidents of disorder (disturbance caused either by one person or a group of people)
- (d) seizures of drugs or offensive weapons
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol during the hours the premises is licensed to sell it.

3. Promoted events will not be held at the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

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

The City Litten

1. All named licensable activities are available 24 hours a day to residents and bona fide guests only.

2. Permission is given for the premises to open to the general public for all named licensable activities from the commencement of trading on New Year's Eve until the end of trading on New Year's Day.

Caffeina

None

Jamie's Italian

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

The Bath House

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.

2. Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public.

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

Paul Patisserie

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.

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

3. Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time between 23.00 and 07.00 by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public.

Appendix II

Licence Variations Issued by way of Delegated Authority (Jul-Sep 2015).

| Name | Address | Ward | Details |
|-------------|-------------------|------------|---|
| The Hydrant | 1 Monument Street | Candlewick | • Change of layout |
| The Hydrant | 1 Monument Street | Candlewick | • Increase terminal hours to 02:00 (Sun-Wed) and 03:00 (Thu-Sat) from 00:00 |
| Enoteca | 21 Watling Street | Cordwainer | • Change of layout |

Total Number of Variations = 3

Number of Licences by Ward

| WARD | No. |
|------------|-----|
| Candlewick | 2 |
| Cordwainer | 1 |

Conditions Applied to Licences Granted by way of Delegated Authority

The Hydrant (1st application)

None

The Hydrant (2nd application)

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 subject to Data Protection Act requirements.

2) Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public by an external promoter who is not an employee of the premises licence holder.

Enoteca

None

Personal Licences Issued by way of Delegated Authority

01 July 2015 – 30 September 2015 5

**Enforcement Action Carried out Under the Licensing Act 2003
1 July 2015 - 30 September 2015**

| | |
|------------------------------|----|
| Total Number of Inspections | 38 |
| Number of Warning Letters | 2 |
| Number of Premises advised | 14 |
| Number of simple cautions | 1 |
| Number of suspension notices | 14 |
| Paid prior to suspension | 10 |
| Licence lapsed* | 1 |
| ‘Dead’ Suspensions** | 2 |
| ‘Live’ Suspensions*** | 1 |
| Still to be determined | 0 |

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

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

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

Number of Complaints received between 1 July 2015 and 30 September 2015

Outcome Code

No action possible - Complaint unjustified or unsubstantiated

Resolved Informally - 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.

Total number of complaints = 30

| Details | Date | Outcome | Ward |
|--|------------|------------------------------|--------------------|
| ABC Bar/Restaurant, 7-9 Norwich Street, London, EC4A 1EJ | | | |
| Noise from customers voices | 29/08/2015 | Resolved informally | Farringdon Without |
| Barbican Arts Centre, Conference Centre, Barbican Arts And Conference Centre, Silk Street, London, EC2Y 8DS | | | |
| Noise from screaming women when Benedict Cumberbatch leaves | 25/08/2015 | Referred to other | Cripplegate |
| Bengal Tiger, Retail Unit, 66 Carter Lane, London, EC4V 5EA | | | |
| Air con sounds like a jet engine. | 30/07/2015 | Resolved informally | Farringdon Within |
| Noise complaint lodged against the Bengal Tiger. | 22/08/2015 | Resolved informally | Farringdon Within |
| Camino Restaurant Bar, 33 Black Friars Lane, London, EC4V 6EP | | | |
| Complaint of loud music via Licensing | 16/09/2015 | Resolved informally | Farringdon Within |
| Noise from music and crowd | 22/08/2015 | Resolved informally | Farringdon Within |
| Caravaggio, Retail Unit 1, Bankside House, 107-112 Leadenhall Street, London, EC3A 4AF | | | |
| Noise from people leaving and shouting and screaming. | 01/09/2015 | Case still in progress | Aldgate |
| Noise from people leaving and music break out. | 03/09/2015 | Case still in progress | Aldgate |
| Corney & Barrow, Level 1, Unit 2, City Point, 1 Ropemaker Street, London, EC2Y 9AW | | | |
| Complaint of noisy drilling, sawing, banging and radio noise from refurbishment work. | 24/08/2015 | Ceased not likely to reoccur | Langbourn |
| Dilchad, 24 Widigate Street, London, E1 7HP | | | |
| Complaint of loud people noise and music | 23/08/2015 | Resolved informally | Bishopsgate |
| Complaint of loud people noise and music | 23/08/2015 | Resolved informally | Bishopsgate |
| Complaint of loud people noise and music | 22/08/2015 | Resolved informally | Bishopsgate |

| | | | |
|---|------------|------------------------|--------------------|
| Grand Union, Grand Union Public House, Rolls Passage, London, EC4A 1HL | | | |
| Noise from patrons outside | 17/07/2015 | Resolved informally | Farringdon Without |
| Noise from patrons outside | 21/08/2015 | Resolved informally | Farringdon Without |
| High Timber Restaurant, Riverside Retail Unit, Sir John Lyon House, 8 High Timber Street, London, EC4V 3PA | | | |
| Another refuse collection by Amey before 7.00 am | 20/07/2015 | Resolved informally | Queenhithe |
| La Piazzetta, 5 White Kennett Street, London, E1 7BS | | | |
| Customer calling to complain about the constant noise from La Piazzetta | 22/07/2015 | No action possible | Portsoken |
| Mumbai Square, 7 Middlesex Street, London, E1 7AA | | | |
| Loud Music | 22/09/2015 | Case still in progress | Portsoken |
| Claim of loud bass type music from Mumbai Square restaurant, Middlesex St | 14/09/2015 | Case still in progress | Portsoken |
| Complaint about music noise from the Mumbai Square restaurant | 19/09/2015 | Case still in progress | Portsoken |
| Natural Kitchen, 7 Pepys Street, London, EC3N 4AF | | | |
| Patrons in outside seating area | 30/07/2015 | No action possible | Tower |
| Patch, 58-62 Carter Lane, London, EC4V 5EA | | | |
| Video received re noise from patrons outside on Friday 18th September at 23.47 | 20/09/2015 | Resolved informally | Farringdon Within |
| Taberna Etrusca, 9 Bow Churchyard, London, EC4M 9DQ | | | |
| Noise from a party at the Taberna Etrusca | 16/07/2015 | Resolved informally | Cordwainer |
| The Butcher's Hook and Cleaver, The Butcher's Hook And Cleaver Public House, 61 West Smithfield, London, EC1A 9DY | | | |
| Loud noise | 13/07/2015 | No action possible | Farringdon Within |
| The Minories Public House, Minories Public House, 64-73 Minories, London, EC3N 1JL | | | |
| Shouting and loud music from patrons. | 28/09/2015 | Case still in progress | Tower |

| | | | |
|---|------------|------------------------|-------------------|
| The Pepys, Samuel Pepys Public House, Stew Lane, London, EC4V 3PT | | | |
| Noise in Stew lane likely from party goers leaving the Pepys bar, although no noise witnessed on visit. | 09/08/2015 | No action possible | Queenhithe |
| The Shakespeare, The Shakespeare Public House, 2 Goswell Road, London, EC1M 7AA | | | |
| Noise from people drinking outside | 06/07/2015 | No action possible | Cripplegate |
| The St Barts Brewery, 66 West Smithfield, London, EC1A 9DY | | | |
| Loud Music | 14/09/2015 | Case still in progress | Farringdon Within |
| Loud Music | 17/08/2015 | Resolved informally | Farringdon Within |
| Loud bass music from St Barts Brewery | 26/09/2015 | Case still in progress | Farringdon Within |
| Ye Olde Cheshire Cheese, Ye Olde Cheshire Cheese Public House, 145 Fleet Street, London, EC4A 2BU | | | |
| Claim of loud people noise relating to Ye Old Cheshire Cheese Pub at Fleet Street | 25/09/2015 | Case still in progress | Castle Baynard |

Agenda Item 7

| | |
|---|---------------------|
| Committee(s) | Dated: |
| Licensing Committee | 21/10/2015 |
| Subject: Revenue Budgets – 2016/17 | Public |
| Report of: The Chamberlain Director of Markets and Consumer Protection | For Decision |

Summary

This report is the annual submission of the revenue budgets overseen by your Committee. In particular it seeks approval to the latest revenue budget for 2015/16 and provisional revenue budget for 2016/17, 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, and completion of revised Gambling and Licensing Policies.

| Table 1 Summary Revenue Budgets 2015/16 and 2016/17 | Original Budget 2015/16 £'000 | Latest Budget 2015/16 £'000 | Original Budget 2016/17 £'000 |
|--|--|--|--|
| Expenditure | 550 | 579 | 609 |
| Income | (632) | (699) | (689) |
| Support Services and Capital Charges | 203 | 168 | 169 |
| Total Net Expenditure | 121 | 48 | 89 |

Overall, the 2015/16 latest budget is £48,000, a decrease of (£73,000) compared to the original budget. Main reasons for this reduction are:

- Increases in income from the Late Night Levy, premises licence variations and street trading licences (£62,000);
- An increase in planned non-staffing expenditure funded from the Late Night Levy, £30,000; and
- A reduction in central support recharges reflecting the latest allocations and cost of central departments (£35,000).

Overall, the 2016/17 provisional budget is £89,000, a decrease of (£32,000) compared with the original budget for 2015/16. Main reasons for this reduction are:

- An increase in employee costs relating to National Insurance, pay award and increments, and additional overtime, £27,000;
- Increases in income from the Late Night Levy and street trading licences (£48,000);

- An increase in planned non-staffing expenditure funded from the Late Night Levy, £29,000; and
- A reduction in central support recharges reflecting the latest allocations and cost of central departments (£35,000).

Recommendation(s)

Members are asked to:

- Review the latest 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;
- Review the provisional 2016/17 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to Finance Committee; and
- Authorise the Chamberlain, in consultation with the Chairman and Deputy Chairman, 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 latest budget for 2015/16 and the proposed revenue budget for 2016/17. 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 service expenditure and compared with the original budget for the 2015/16. The budget is further 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 activities provided by one service to another. The control of these costs is exercised at the point where the expenditure or income first arises as local or central risk.
4. The report also compares the current year's budget with the forecast outturn.
5. In the various tables, income and favourable variances are presented in brackets. Only significant variances (generally those greater than £10,000) have been commented on.

Business Planning Priorities

6. Income from the Late Night Levy whereby a separate fee is charged to licensed premises selling after midnight has been higher than originally forecast, and further work will be required to ensure that the income is used to achieve the greatest benefit in accordance with the specified purposes.
7. The Gambling Policy and Licensing Policy are both due to be reviewed, and the completion of the respective consultations and incorporation into the final versions will take place during 2016/17.

Latest Revenue Budget for 2015/16

8. Overall there is a decrease of £73,000 between the Committee's original and latest budget for 2015/16. Table 2 below summarises the movements between the original and latest budgets comprising this increase.

| Table 2 Latest Revenue Budgets 2015/16 | Original Budget 2015/16 £'000 | Latest Budget 2015/16 £'000 | Movement Increase/ (Decrease) £'000 | Paragraph Reference |
|---|--|--|--|--------------------------------|
| EXPENDITURE | | | | |
| Employees | 420 | 417 | (3) | |
| Premises Related Expenses | 45 | 45 | 0 | |
| Supplies & Services | 15 | 17 | 2 | |
| Third Party Payments | 0 | 42 | 42 | 9(i) |
| Committee Contingency | 70 | 58 | (12) | 9(i) |
| Total Expenditure | 550 | 579 | 29 | |
| INCOME | | | | |
| Customer, Client Receipts | (632) | (699) | (67) | 9(i),(ii) |
| Total Income | (632) | (699) | (67) | |
| TOTAL LOCAL RISK EXPENDITURE/ (INCOME) | (82) | (120) | (38) | |
| SUPPORT SERVICES AND CAPITAL CHARGES | | | | |
| Central Support Services and Capital Charges | 152 | 117 | (35) | |
| Recharges within Fund | 27 | 27 | 0 | |
| Recharges across Funds | 24 | 24 | 0 | |
| Total Support Services and Capital Charges | 203 | 168 | (35) | 9(iii) |
| TOTAL NET EXPENDITURE/ (INCOME) | 121 | 48 | (73) | |

9. The movement between the original and latest budgets shown in Table 2 is primarily attributable to:
 - (i) Additional income (£30,000) from the Late Night Levy due to a higher than anticipated number of premises paying the Levy. This income must be spent on specified purposes, and the corresponding expenditure budget is held as a

contingency until allocated. In addition to previously agreed staffing resources included in the original budget, the allocations agreed to date for 2015/16 comprise:

- £17,000 for additional street cleansing resources to deal with night-time economy related anti-social soiling and litter
 - £20,000 for provision of the Out of Hours noise response service.
 - Up to £5,000 for street pastors
- (ii) A one-off increase in income (£24,000) from premises licence variations, due to a higher than anticipated volume of applications, and an increase in income (£8,000) from street trading licences reflecting the part-year effect of an increase in fees from 1 October 2015.
- (iii) The reduction in central support services and capital charges reflects the latest attribution and cost of central departments. However, the full budgets for these departments have not yet been finalised, so further changes to these budgets may be required.

Proposed Revenue Budget for 2016/17

10. The provisional 2016/17 budgets being presented to your Committee, and under the control of the Director of Markets and Consumer Protection, have been prepared in accordance with the guidelines agreed by the Policy & Resources and Finance Committees. These include a 1.5% 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.
11. Overall there is a decrease of £32,000 between the Committee's 2015/16 and 2016/17 original budgets. Table 3 overleaf summarises the movements comprising this increase.

| Table 3 Provisional Revenue Budgets 2016/17 | Original Budget 2015/16 £'000 | Original Budget 2016/17 £'000 | Movement Increase/ (Decrease) £'000 | Paragraph Reference |
|--|--|--|--|--------------------------------|
| EXPENDITURE | | | | |
| Employees | 420 | 447 | 27 | 11(i) |
| Premises Related Expenses | 45 | 45 | 0 | |
| Supplies & Services | 15 | 18 | 3 | |
| Third Party Payments | 0 | 64 | 64 | 11(ii) |
| Committee Contingency | 70 | 35 | (35) | 11(ii) |
| Total Expenditure | 550 | 609 | 59 | |
| INCOME | | | | |
| Customer, Client Receipts | (632) | (689) | (57) | 11(ii),(iii) |
| Total Income | (632) | (689) | (57) | |
| TOTAL LOCAL RISK EXPENDITURE/ (INCOME) | (82) | (80) | 2 | |
| SUPPORT SERVICES AND CAPITAL CHARGES | | | | |
| Central Support Services and Capital Charges | 152 | 118 | (34) | |
| Recharges within Fund | 27 | 27 | 0 | |
| Recharges across Funds | 24 | 24 | 0 | |
| Total Support Services and Capital Charges | 203 | 169 | (34) | 11(iv) |
| TOTAL NET EXPENDITURE/ (INCOME) | 121 | 89 | (32) | |

12. The movements between budgets shown in Table 3 is primarily attributable to:
- (i) An increase in employee costs due to changes in National Insurance contribution rates, provisions for pay award and incremental progression, and an increase in overtime due to increasing out-of-hours work, £27,000.
 - (ii) Additional income (£30,000) from the Late Night Levy due to a higher than anticipated number of premises paying the Levy. This income must be spent on specified purposes, and the corresponding expenditure budget is held as a contingency until allocated. In addition to previously agreed staffing resources included in the original budget, the allocations provisionally agreed to date for 2016/17 comprise:
 - £34,000 for additional street cleansing resources to deal with night-time economy related anti-social soiling and litter
 - £20,000 for provision of the Out of Hours noise response service.
 - Up to £10,000 for street pastors
 - (iii) An increase in income (£18,000) from street trading licences reflecting increase in fees to achieve full cost recovery.
 - (iv) The reduction in central support services and capital charges reflects the latest attribution and cost of central departments. Again, the full budgets for these departments have not yet been finalised, so further changes to these budgets may be required.

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

| Table 2 – Manpower Statement | Original Budget 2015/16 | | Original Budget 2016/17 | |
|------------------------------|-------------------------------|----------------------|-------------------------------|----------------------|
| | Manpower Full-time Equivalent | Estimated Cost £'000 | Manpower Full-time Equivalent | Estimated Cost £'000 |
| Total Licensing | 5.8 | 420 | 7.7 | 447 |

Potential Further Budget Developments

14. The provisional nature of the 2016/17 revenue budget recognises that further revisions may be required, particularly in relation to:

- the Late Night Levy; and
- central and departmental recharges, which have not yet been finalised for the forthcoming year.

Forecast Outturn 2015/16

15. The forecast outturn for the current year is £89,000, in line with the latest budget.

16. A detailed calculation will be carried out at the end of the year to determine whether a surplus or loss has been made on each licence application type for which the City sets its own fees. Any such surplus or shortfall must be carried forward and used to reduce or increase future fees accordingly.

Appendices

- None

Jenny Pitcairn

Chamberlain's Department

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| | | |
|--|--------------|----------|
| Committee(s): | Date(s): | Item no. |
| Licensing | 21 Oct 2015 | |
| Subject: Gambling Act 2005: Review of Statement of Licensing Principles | Public | |
| Report of: Director of Markets and Consumer Protection | For Decision | |

Summary

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

The legislation requires that all authorities review their policy at three yearly intervals. This report was last reviewed in January 2013 and therefore is required to be reviewed by January 2016.

Since the production of the current licensing statement three years ago the guidance issued to licensing authorities has been revised. Attached to this report is the new licensing statement which contains minor administrative amendments to reflect some of the latest guidance.

It is proposed that this updated document form the basis of the proposals sent for consultation. This is, in effect, a holding policy statement to meet statutory deadlines. A further revised policy will be put before your Committee in 2016.

Recommendations

It is recommended that your Committee:-

- Agree the draft Statement of Licensing Principles text for consultation.
- Agree the time table and methodology to determine the final text and adoption of the Statement of Licensing Principles.
- Grant delegated authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman of the Licensing Committee, to approve the final version of the Statement of Licensing Principles ahead of its submission to the Court of Common Council on 14 January 2016.

Main Report

Background

1. The Gambling Act 2005 (the ‘Act’) requires licensing authorities to prepare and publish a statement of licensing principles (the ‘policy’) that they will apply in exercising their functions under the Act. The legislation further prescribes that the policy shall remain valid for a period of three years, after which it must be reviewed and re-published.
2. The current policy was published in January 2013. It is therefore now necessary for the City Corporation to prepare the publication of its policy to run for three years from January 31 2016.
3. The Gambling industry as controlled by the Gambling Act 2005 has a relatively light impact on the City of London. The City is not permitted to have a casino.

Premises licensed within the City are currently as follows:-

| | |
|--|----|
| Betting Shops | 39 |
| Adult Gaming Centre | 0 |
| Alcohol licensed premises with two or less amusement machines (One time notification only) | 88 |
| Alcohol licensed premises with three or more amusement machines. | 23 |

4. In order to comply with the statutory process the Corporation must consult with the following:
 - The Chief Officer of Police for the City of London
 - Persons representing the interests of persons carrying on gambling businesses within the City
 - Persons representing the interests of persons who may be affected by the City exercising its functions under the Act
5. The City’s current policy was largely based on a concise template drafted by the Local Authority Coordinating Body on Regulatory Services (now Local Government Regulation) with additions to specifically suit the City of London and amended to reflect Government changes to published guidance. By using this template the Corporation has ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.
6. During the period that the City’s policy has been current there has been no evidence of any deficiency in its content.

Current Position

7. Since the current policy was drafted the Gambling Commission has rewritten its guidance (Guidance to Licensing Authorities 5th Edition) which it published in September 2015). It has also published a document entitled 'Licence conditions and codes of practice' (LCCP) in February 2015 which was updated in April 2015.
8. The current policy would normally be updated to reflect the latest guidance. However the LCCP published in February 2015 contained:
 - A new social responsibility code provision relating to the assessment of local risk.
 - A new ordinary code provision relating to shared risk assessments.
9. The social responsibility code provision requires licensees to assess the local risk to the licensing objectives posed by their gambling operations at each of their premises. In making these assessments, licensees have to take into account relevant matters identified in the corporation's licensing policy.
10. The new ordinary code provision requires operators to share their risk assessment with licensing authorities when applying for a premises licence or a variation, or otherwise on request. The effect of this is that when an application is submitted, the authority can expect to see how risks which it has identified in its policy are to be dealt with.
11. In April 2015 the Gambling Commission published a special bulletin making it clear that that national templates for policy statements [*referred to in paragraph 4*] were unlikely to fully and adequately address local concerns, risks and features of the gambling landscape e.g. demographics, socio-economic profile and what mix of gambling is provided or indeed desired.
12. Although work on obtaining this information has commenced not all bodies which might contribute to the production of a Local Area Profile have been met.

Proposals

13. It is proposed that the draft document at Appendix 1 form the basis of the paper that will be forwarded to consultees. It is brought to your Committee today for any amendments considered necessary at this stage. It is proposed that the consultation period run for six weeks from November 9 2015 to December 18 2015.

14. It is intended to consult the following interested persons:
 - All licensees.
15. It is intended to consult the following persons representing the interests of persons who may be affected by the City exercising its functions under the Act:
 - Local Members
 - Director of Children's Services
 - Trading Standards
16. Once the consultation is complete the responses will be considered and the Statement of Licensing Policy further amended where considered appropriate. A copy of this amended policy will be agreed by the Chairman and Deputy Chairman of your Committee.
17. The final report will be formally adopted by the Court of Common Council in January 2016. This is a mandatory process to comply with statutory requirements.
18. The Licensing Team will continue to gather then necessary data and compile a Local Area Profile for the City of London. This information will be incorporated within a revised policy which will come before your Committee on 27 April 2016. A further, more extensive consultation, will take place during May 2016 with the final policy put before your Committee for agreement on 11 July 2016. The final report will go before the Court of Common Council for adoption on 21 Jul 2016.

Corporate & Strategic Implications

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

Implications

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

Background Papers:

Previous Statement of Licensing Principles - January 2013

Guidance to licensing authorities 5th edition – September 2015 (Gambling Commission)

Licence conditions and codes of practice' April 2015(Gambling Commission)

Appendices

Appendix 1: Statement of Licensing Principles – 2016

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

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CITY OF LONDON CORPORATION

GAMBLING ACT 2005

STATEMENT OF LICENSING PRINCIPLES

January 2016

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All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in [September 2015]

FOREWORD

[To be added]

PART A

GENERAL

1. The Licensing Objectives

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

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

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

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

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

2. Introduction

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

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

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

- 2.3 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from 'time to time' and any amended parts re-consulted upon. The statement must then be re-published.
- 2.4 The City of London Corporation consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided below.
- 2.5 The Gambling Act requires that the following parties are consulted by licensing authorities:
 - the Chief Officer of Police;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.6 List of persons this authority consulted:

[to be added following consultation]
- 2.7 Our consultation took place [to be added following consultation]
- 2.8 The full list of comments made and the consideration by the City of London Corporation of those comments is available by request to the contact details at the end of this document.
- 2.9 The policy was approved at a meeting of the Court of Common Council on [to be added] and was published via our website in [to be added]. Copies were placed in the public libraries in the City of London as well as being available at the Guildhall.
- 2.10 Should you have any comments as regards this policy statement please send them via e-mail or letter to the contact details at the end of this document.
- 2.11 It should be noted that this policy statement will not override the right of any person able to make an application, make representations about an application, or

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

3. Declaration

- 3.1 In producing the final statement, the City of London Corporation declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement. **However, it shall be noted that this statement does not, at this stage, fully reflect the new guidance issued in September 2015 and the Gambling Commission's 'Licence conditions and codes of practice' issued in February 2015 and itself currently under review. Further work is being carried out with a revised statement, that fully reflects the documents above, being produced during 2016.**
- 3.2 In producing the final statement the City of London Corporation gave appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the Corporation took into account the following factors:
- who is making the representations (what is their expertise or interest)
 - relevance of the factors to the licensing objectives
 - how many other people have expressed the same or similar views
 - how far the representations relate to matters that the licensing authority should be including in its policy statement

4. Responsible Authorities

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

5. Interested Parties

- 5.1 Interested parties can make representations about licence applications, or apply for

a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

‘For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the City of London Corporation which issues the licence or to which the application is made, the person:

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

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

- each case will be decided upon its merits
- this authority will not apply a rigid rule to its decision making
- it will consider the examples of considerations provided in the Gambling Commission’s Guidance for local authorities in s.8
- it will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices

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

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

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

- 5.6 Where a licence is held an interested party or a responsible authority may apply for a review. Applications for review must be made in a manner and format which [complies with The Gambling Act 2005 (Premises Licences) (Review) Regulations 2007.]

6. Exchange of Information

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

7. Enforcement

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

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

8. Licensing Authority Functions

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

- register small society lotteries below prescribed thresholds
- issue Prize Gaming Permits
- receive and Endorse Temporary Use Notices
- receive Occasional Use Notices
- provide information to the Gambling Commission regarding details of licences issued (see section 6 above concerning Exchange of Information)
- maintain registers of the permits and licences that are issued under these functions

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

PART B

PREMISES LICENCES

1. General Principles

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

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

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

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

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

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

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

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

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

1.6 Premises “ready for gambling”

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

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

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

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

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

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs [7.59 - 7.64](#) of the Guidance.

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

Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.58 – In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Adult Gaming Centres

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

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

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

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

3. Licensed Family Entertainment Centres

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

4. Casinos

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

5. Bingo Premises

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

18.5 Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. An operator may choose to vary their licence to exclude a previously licensed area of that premises, and then apply for a new premises licence, or multiple new premises licences, with the aim of creating separate premises in that area. Essentially providing multiple licensed premises within a single building or site. Before issuing additional bingo premises licences, licensing authorities need to consider whether bingo can be played at each of those new premises.

- 5.2 Guidance further states:-

18.7 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed. Social Responsibility (SR) code 3.2.5(3) states that 'licensees must ensure that their policies and procedures take account of the structure and layout of their gambling premises' in order to prevent underage gambling.

6. Betting Premises

- 6.1 Betting machines – The City of London Corporation will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 years of age to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 6.2 While the City of London Corporation has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will normally consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

7. Travelling Fairs

- 7.1 It will fall to the City of London Corporation to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for

gambling amount to no more than an ancillary amusement at the fair is met.

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

8. Provisional Statements

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

- they reflect a change in the applicant's circumstances.

8.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

9. Reviews:

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

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

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

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

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

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

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

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

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

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

PART C

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

1. **Unlicensed Family Entertainment Centre (FEC): Gaming Machine Permits (Statement of Principles on Permits - Schedule 10, Paragraph 7)**
- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 24.

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

[‘In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group..]

1.3 Guidance also states:

‘An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application..... The licensing authority may also consider asking applicants to demonstrate:

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

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

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

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

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

- provision of the machines is not reasonably consistent with the pursuit of the

- licensing objectives;
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 2.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and ‘such matters as they think relevant.’ The City of London Corporation considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that people under 18 years of age do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 3. Prize Gaming Permits: Statement of Principles on Permits - Schedule 14, Paragraph 8 (3)**
- 3.1 The Gambling Act 2005 states that a licensing authority may ‘prepare a statement of principles that they propose to apply in exercising their functions under this Schedule’ which ‘may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit’.

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

4. Club Gaming and Club Machines Permits

- 4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D).
- 4.2 **The Act** states:
- [‘...members’ clubs must have at least 25 members and be established and conducted ‘wholly or mainly’ for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and whist). Members’ clubs must be permanent in nature but there is no need for a club to have an alcohol licence.’]
- 4.3 The Commission Guidance also notes that ‘licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the Police.'

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

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

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

5. Temporary Use Notices

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

6. Occasional Use Notices:

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

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