



Licensing Committee

Date: WEDNESDAY, 6 MAY 2015

Time: 1.45 pm

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

Members:

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

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Lunch will be served in 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. **ORDER OF THE COURT OF COMMON COUNCIL**
To receive the Order of the Court of Common Council, 23 April 2015, appointing the Committee and approving its Terms of Reference.

For Information
(Pages 1 - 2)
4. **ELECTION OF CHAIRMAN**
To elect a Chairman in accordance with Standing Order no. 29.

For Decision
5. **ELECTION OF DEPUTY CHAIRMAN**
To elect a Deputy Chairman in accordance with Standing Order no. 30.

For Decision
6. **APPOINTMENT OF SUB COMMITTEE CHAIRMEN AND REFERENCE SUB COMMITTEE**
To appoint three Members, in addition to the Chairman, Deputy Chairman and Past Grand Committee Chairmen, to chair Licensing (Hearing) Sub Committee meetings and serve on the Reference Sub Committee, for the ensuing year.

For Decision
7. **PUBLIC MINUTES**
To agree the public minutes of the meeting held on 21 January 2015.

For Decision
(Pages 3 - 8)
8. **MINUTES OF LICENSING (HEARING) SUB COMMITTEES**
a) Contemporary Pub Company Ltd, 6 Carmelite Street, London, EC4

For Information
(Pages 9 - 20)
9. **APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS**
The Comptroller & City Solicitor to be heard.

For Information
10. **LOCAL GOVERNMENT (REVIEW OF DECISIONS) ACT 2014**
Report of the Remembrancer.

For Information
(Pages 21 - 22)

11. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**
Report of the Director of Markets & Consumer Protection.
For Information
(Pages 23 - 34)
12. **DEPARTMENT OF MARKETS & CONSUMER PROTECTION BUSINESS PLAN 2015-2018**
Report of the Director of Markets & Consumer Protection.
For Decision
(Pages 35 - 72)
13. **SEX ESTABLISHMENTS – ANNUAL REVIEW OF FEES**
Report of the Director of Markets and Consumer Protection.
For Decision
(Pages 73 - 76)
14. **LATE NIGHT LEVY UPDATE**
Report of the Director of Markets & Consumer Protection.
For Information
(Pages 77 - 82)
15. **SAFETY THIRST UPDATE**
The Licensing Manager to be heard.
For Information
16. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
17. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

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YARROW, Mayor	RESOLVED: That the Court of Common Council holden in the Guildhall of the City of London on Thursday 23rd April 2015, doth hereby appoint the following Committee until the first meeting of the Court in April, 2016.
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LICENSING COMMITTEE

1. **Constitution**

A Non-Ward Committee consisting of 15 Members elected by the Court of Common Council, at least one of whom shall have fewer than five years' service on the Court at the time of their appointment.

2. **Quorum**

The quorum consists of any five Members.

3. **Membership 2015/16**

- 11 (3) John Alfred Barker, O.B.E., Deputy, for three years
- 12 (4) The Revd. Dr. Martin Dudley
- 7 (4) Marianne Bernadette Fredericks
- 5 (3) Peter Gerard Dunphy
- 3 (3) Jamie Ingham Clark, Deputy
- 13 (3) Charles Edward Lord, O.B.E., J.P.
- 13 (3) Chris Punter
- 2 (2) Christopher Michael Hayward
- 3 (2) Michael Hudson
- 3 (2) Graham David Packham
- 2 (2) Judith Lindsay Pleasance
- 11 (1) Alex Bain-Stewart M.Sc., J.P.
- 13 (1) Kevin Malcolm Everett D.Sc., Deputy
- 5 (1) Sophie Anne Fernandes
- 5 (1) James Richard Tumbridge

4. **Terms of Reference**

To be responsible for:-

(a) the City of London Corporation's licensing functions under the following legislation:-

(i) Licensing Act 2003:-

(ii) Gambling Act 2005:-

(iii) Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009:-

- (a) the licensing of sexual entertainment venues
- (b) action to prohibit the consumption of alcohol in designated public places as detailed in sections 12-16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
- (c) the implementation of those sections of any Acts of Parliament and/or European Legislation which direct that the local authority take action in respect of those duties listed at (a) above, including the functions contained in Sections 2(1) and 2(2) of the Hypnotism Act 1952
- (d) determining which of its functions and responsibilities may be delegated to enable the Director of Markets and Consumer Protection to act on its behalf.

(b) The appointment of the Director of Markets and Consumer Protection (in consultation with the Port Health and Environmental Services Committee and the Markets Committee);

(c) Making recommendations to the Court of Common Council regarding:-

(i) the City Corporation's Statement of Licensing Policy; and

(ii) The Statement of Licensing Principles in respect of the Gambling Act 2005.

BARRADELL

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LICENSING COMMITTEE

Wednesday, 21 January 2015

Minutes of the meeting of the Licensing Committee held at Committee Room 3 - 2nd Floor West Wing, Guildhall on Wednesday, 21 January 2015 at 1.45 pm

Present

Members:

Marianne Fredericks (Chairman)	Christopher Hayward
Peter Dunphy (Deputy Chairman)	Michael Hudson
Alex Bain-Stewart	Graham Packham
Deputy John Barker	Judith Pleasance
Jamie Ingham Clark	

Officers:

David Arnold	Town Clerk's Department
Valeria Cadena-Wrigley	Town Clerk's Department
Jenny Pitcairn	Chamberlain's Department
Paul Chadha	Comptroller & City Solicitor's Department
David Smith	Director of Markets & Consumer Protection
Jon Averbs	Markets & Consumer Protection Department
Steve Blake	Markets & Consumer Protection Department
Peter Davenport	Markets & Consumer Protection Department
Rita Jones	City of London Police

1. **APOLOGIES**

Apologies for absence were received from Revd Dr Martin Dudley, Kevin Everett, Sophie Fernandes, Edward Lord, Chris Punter, and James Tumbridge.

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

There were no declarations.

3. **PUBLIC MINUTES**

RESOLVED – That the public minutes of the last meeting held on 20 October 2014 be agreed.

Matters Arising

Rough Sleepers

In response to a Member's question, an Officer of the City of London Police (CoLP) advised that the tickets issued to people begging for Operation Fennel were not fines; they were notices asking for the information to bring the person into the system of support available.

Sale of Alcohol to Under 18s

The Licensing Manager advised Members that officers had worked closely with premises who were found serving alcohol to under 18s to help them put further policies and procedures in place to prevent it happening again.

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

4.1 **PREMIER INN, 28 GREAT TOWER STREET, EC3R 5AT**

RESOLVED – That the draft minutes of the Licensing (Hearing) Sub Committee held on 30 October 2014 be noted.

4.2 **SAMMIE'S BAR, 14 CROSSWALL, LONDON, EC3N 2LJ**

The Committee received the minutes of the Licensing (Hearing) Sub Committee regarding Sammie's Bar Ltd. held on 27 November 2014.

In response to a Member's question, the Comptroller and City Solicitor advised that there was no case law regarding whether a premises licence application for on-sales only prevented patrons from purchasing beverages to be consumed directly outside the premises. He added that he had consulted with an expert QC who supported the view that on sales meant on the premises only.

The Chairman of this Licensing (Hearing) Sub Committee noted that the lack of case-law and the likelihood of appeal from the applicant were both taken into account during the Panel's decision, in line with the Sub Committee's usual practices. Members also noted that this application was assessed as an individual case; the City of London Corporation chose not to implement a cumulative impact policy as one was not appropriate for this area.

RESOLVED – That the minutes of the Licensing (Hearing) Sub Committee held on 27 November 2014 be noted.

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

There were none.

6. **NEW ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 - DELEGATED POWERS**

The Committee received a report of the Director of the Built Environment that informed Members of the relevant provisions of the Anti-Social Behaviour, Crime and Policing Act 2014. The Community Safety Officer provided Members with a presentation on the Community Trigger aspect, which was introduced on 20 October 2014 as a statutory requirement under Part 1, Schedule 4 of the Act.

The Community Safety Officer advised Members that the Community Trigger allowed victims of anti-social behaviour to challenge the response from their local authority by way of a multi-agency anti-social behaviour case review, if certain criteria for a threshold were met. The Community Trigger threshold consisted of at least three separate qualifying complaints within the last six months. In response to a Members question, the Community Safety Officer advised that that process was retrospective as complaints from before 20

October 2014 could currently qualify but the threshold had not been met by anyone yet.

In response to question from the Chairman, the Assistant Director of Environmental Health and Public Protection advised that the Community Trigger would act as a safety net for licensing issues within the City of London. The new Act had condensed the previous legislation and made it more specific, which had allowed officers to issue Community Protection Notices to licensees for anti-social behaviour caused outside their premises as well as closure powers in extreme circumstances.

RECEIVED – That the relevant provisions of the Anti-Behaviour, Crime and Policing Act 2014 be noted.

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

The Committee received a report of the Director of Markets and Consumer Protection that advised Members of the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 October to 31 December 2014.

Members were advised that there had been few noise complaints during the Christmas period. An Officer of the CoLP advised that officers were assigned to visit all premises in problem areas during November and December, visiting 200 premises per night per weekend on average. The proactive approach and joint agency working between Licensing, London Fire Brigade, Environmental Health, CoLP, and Safer City Partnership in the run up Christmas and over the festival holidays had ensured a successful festive period, with few noise complaints. There had been no increase in crime. Anti-social behaviour and theft had decreased compared to the same period on 2013. There had been no increase in crime and anti-social behaviour and theft both decreased compared to the same period on 2013.

The Licensing Manager advised one premises in Walbrook had gained a high number of penalty points between May and October 2014 due to several incidents in a short space of time. Officers had been working closely with this premises and it was expected to reduce from Red to Amber for the next period.

The Chairman and Members of the Committee thanked all officers for their proactive efforts in keeping issues to a minimum.

RESOLVED – That the delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences from 1 October to 31 December 2014 be noted.

8. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2015/16**

The Committee considered a report of the Director of Markets and Consumer Protection that sought approval to the proposed 2015/16 fee structure for gambling fees.

Members were advised that the proposed fees had been calculated by taking the under-recovery of costs during 2013/14 into account in addition to the expected 2015/16 costs. The Chamberlain added that the 2013/14 under-recovery was just £148, demonstrating that the methodology used to calculate the fees has proved to be very accurate.

RESOLVED – That the proposed fees for 2015/16 be approved.

9. UPDATE ON THE LATE NIGHT LEVY

The Committee received a verbal update from the Assistant Director of Environmental Health and Public Protection regarding the Late Night Levy (LNL).

Members were advised that the number of premises due to pay the LNL was currently 224 as 68 premises applied for variations to their licence to close at midnight or before. The Assistant Director added that 92 premises had already paid a total of £136,000 and that the total amount raised by the LNL was projected to be almost £400,000; 70% of this would be used by the CoLP and the remaining portion, in the region of £120,000, by the City of London Corporation on services related to the night time economy as set out in the report agreed at the July 2014 Committee meeting.

The Director of Port Health and Public Protection also advised that discussions were on-going with the cleansing service on proposals to provide additional cleaning activities to reflect the opening hours of premises within the LNL scheme.

RESOLVED – That the update on the Late Night Levy be noted.

10. UPDATE ON SAFETY THIRST

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

Members were advised that applications for 2015/16 would be received from 1 March to 30 June 2015 and that the awards ceremony would take place on 12 October 2015 in the Livery Hall, Guildhall.

The Licensing Manager advised that the criterion for achieving the award was in the process of being graded. Premises would achieve different levels on the award beyond 'pass' and awards for different types of premises would also be introduced.

In response to a Member's question regarding the reaction of business who failed to achieve the award, the Licensing Manager advised that multi-national businesses tended to be concerned at not achieving the award so had implemented improvements to aid a second application.

RESOLVED – That the update on Safety Thirst be noted.

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

In response to a Member's question, the Assistant Director of Environmental Health and Public Protection advised that he would contact Poppleston Allen Licensing Solicitors to obtain certificates for all Members who recently passed the Award for Personal Licence Holders. The Assistant Director added that a training session with Simon Walsh would be scheduled between February and May 2015.

12. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no urgent items.

13. NON-PUBLIC MINUTES

RESOLVED – That the non-public minutes of the last meeting held on 20 October 2014 be agreed.

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

There were none.

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

There was none.

The meeting ended at 2.40 pm

Chairman

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AH LICENSING (HEARING) SUB COMMITTEE
THURSDAY, 29 JANUARY 2015

Premises

Sub Committee

Marianne Fredericks (Chairman)
Sophie Fernandes
Christopher Hayward

City of London Officers

Christopher Braithwaite – Town Clerk’s Department
Paul Chadha – Comptroller & City Solicitor’s Department
Peter Davenport – Markets & Consumer Protection Department
Simon Douglas – City of London Police
John Hall – City of London Police

The Applicant

Represented by Neill McCann, Joelson Wilson LLP
Witness:
Mike Fitzgerald, Contemporary Pub Company

Parties with Representations

Graham Packham CC – Resident
James Honeyman – Resident
Natalie Stopps – Resident
Penny O’Regan – Resident
Garry Seal – Environmental Health Officer
Counsel: Ned Westaway

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public Hearing was held at 10:30AM in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises ‘6 Carmelite Street, London, EC4Y 0BX’.

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

Appendix 1: Copy of Application

Appendix 2: Conditions consistent with the Operating Schedule

Appendix 3: Representations from responsible authorities

Appendix 4: Representations from other persons

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

Appendix 6: Plan of Premises

- 2) The Hearing commenced at 10:00am.
- 3) The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present and the nature of the application.
- 4) Before proceeding, the Chairman noted that all three Members of the Sub-Committee had sat as Members of the Planning and Transportation Committee during the determination of the planning application for the property. The Chairman highlighted that the Sub-Committee was meeting to consider different issues than those considered at the Planning and Transportation Committee and therefore there was no issue of predetermination of the application.
- 5) The Chairman also highlighted two issues prior to consideration of the application itself.
- 6) The first was to note that in the papers circulated to the Sub-Committee, Officers, the applicant and those making representations, the premises had been incorrectly located on the map of the local area. The Chairman clarified that the premises in question was located on the north side of Tallis Street, rather than the south side as marked on the map.
- 7) The Chairman also explained that the applicant had circulated a written statement of case two days prior to the hearing and this had been circulated to the Sub-Committee, Officers and those making representations. In this statement of case, the applicant had agreed to modify the application such that the application was now for Monday to Saturday from 11:00 to 23:00 and on Sunday from 11:00 to 22:00. This change in hours for the application also meant that no application was made for late night refreshment, as this was outside the timeframe during which a licence was required for refreshment. The applicant confirmed this change in the application.
- 8) The Chairman outlined the procedure which would be followed.
- 9) The Chairman invited those making representations to speak first regarding the concerns of local residents should a licence be granted to 6 Carmelite Street. Mr Westaway spoke first to summarise the main concerns of the local residents. He explained that residents were concerned about a venue of such a large size (a capacity of up to 130 seated or 330 standing) opening in what was a largely residential area, which residents believed would cause a significant public nuisance. He explained that this was not currently an area with a significant number of

pubs and bars. Following Mr Westaway's summary, local residents (Graham Packham, James Honeyman and Natalie Stopps) and the Environmental Health Officer also spoke to detail their concerns. The following specific concerns were raised by Mr Westaway, residents and the environmental health officer:

- There was not sufficient clarity within the application as to what type of establishment and operation the applicant proposed for the premises, with no details of the scope of operations or management of the premises. The premises maps showed space for 60 covers on the ground floor and 64 covers on the basement floor, with significant standing room which therefore indicated an establishment of significant size.
 - There was no indication as to what was planned in relation to other licensable activities.
 - There were significant concerns about the potential for public nuisance with customers standing outside the premises to smoke, and this would be exacerbated by customers taking drinks outside of the premises at these times, particularly as the layout of the premises and the local area made it likely that patrons would move along Tallis Street towards Temple House. The Cycle Superhighway was due to open in 2016 and as part of this Carmelite Street would become the main thoroughfare to Embankment. This would serve to further ensure that patrons moved down Tallis Street when outside the premises. It was indicated that residents would object to any application for tables and chairs, and there was currently no indication regarding the management of any patrons outside of the premises and the dispersal policy that would be used when patrons left the premises.
 - The licensed premises in the local area were of a relatively quiet nature with limited outside custom, but they still caused some public nuisance issues to residents, in part due to the design of the street which acted as an 'echo chamber'. In addition, due to Temple House and Victoria House being listed buildings, it was not possible for double glazing to be installed at the buildings to mitigate this impact.
 - There was little passing trade in the area and the area had low levels of ambient noise, particularly at night.
 - The other licensed premises in the area were currently closed at the weekend and therefore residents currently benefitted from a very quiet neighbourhood at weekends.
 - The accessible entrance was located extremely close to the entrance to Temple House and use of this entrance was likely to cause disturbance to residents, particularly around closing time.
- 10) Notwithstanding their objection to the application, the residents provided proposed conditions which they would seek to be attached to any licence which was granted. The Chairman explained that the City's Licensing Policy required that conditions must be clear, enforceable, appropriate and necessary. With this in mind, Mr Westaway explained that the main

conditions which the residents would seek to see attached to any licence were:

- A restriction on the hours for serving alcohol from 11:00 to 22:30 from Monday to Saturday, to allow 30 minutes from patrons to finish their drinks and prior to leaving the premises.
- A prohibition on patrons taking alcohol out of the premises.
- No 'off' sales in unsealed containers.
- Food and alcohol to be served by a waiter or waitress to customers seated at tables, save for a small bar area for 20 customers on the ground floor.
- Maximum capacity of the venue to be restricted to 144 customers.
- Deliveries to be restricted to 8:00 to 18:00 from Monday to Friday.
- There should be a contact telephone number for nearby residents to use in the event of complaints arising.

- 11) The Chairman invited the applicant's representative to outline his submission on behalf of the applicant and to respond to the issues raised by local residents and the Environmental Health Officer. Mr McCann explained that the proposed premises would seek to provide a 21st century offer of good food, good wine, good beer and good coffee with flexibility for patrons to take advantage of any combination of these options. However, he explained that the operator was not currently at the stage to provide full details of all operating practices. Mr McCann explained that he had reviewed the residents' submissions in relation to the application and was content to agree to conditions on many of these issues, but was not prepared to agree to a condition to prevent patrons from taking drinks outside of the premises, as this was thought to be extremely beneficial to the premises, both in terms of attractiveness to customers and for gaining passing trade. He indicated that he would be prepared to agree to a condition which would restrict the hours where this was permissible. Mr McCann also indicated that management would ensure that staff monitored the outside area of the premises every fifteen minutes to ensure that any patrons outside of the premises were in good order.
- 12) Mr McCann also explained that if a licence was granted, a table and chairs licence application would also be made, which would allow the premises to better manage patrons outside of the premises.
- 13) Mr McCann explained that the main access to the premises would be on the corner of Tallis Street and Carmelite Street, at the further point from the residential properties at Temple House and Victoria House. As the accessible entrance was close to Temple House, Mr McCann explained that this would only be used for access and egress for disabled patrons, not as an alternative entrance. He explained that it was anticipated that the majority of patrons would leave the premises to along Carmelite Street towards Blackfriars Tube Station.
- 14) Mr McCann explained that there were currently no plans in relation to other licenseable activities for the premises, and he was happy to

remove this aspect of the application such that it was only for the sale of alcohol. He also explained that no capacity had been set for the premises, and this would be determined by the Fire Authority prior to the premises opening.

- 15) In relation to delivery times, Mr McCann explained that he would agree to a condition limiting deliveries to before 21:00 on all days of the week. This proposal was discussed and it was agreed between the applicant and residents that limiting applications to 20:00 on all days would be appropriate.
- 16) While the application was for all days of the week, Mr McCann indicated that it was not currently known whether there would be sufficient trade for the premises to operate at weekends.
- 17) Mr McCann explained that a dispersal policy would be developed should a licence be granted. However, he indicated that the likely custom of the premises was such that it would be unlikely that the premises had significant custom by closing time, and therefore dispersal was likely to take place in small quantities over a relatively long period of time when compared to other establishments.
- 18) It was confirmed that the lobby area would not be licensed as that area had been excluded from the licenceable area in the planning consent.
- 19) While the premises' website mentioned the potential for corporate events to take place at the premises, it was not yet known what scope there would be for this aspect of the business, nor the form that any such events may take.
- 20) Mr McCann explained that a condition requiring patrons to be served exclusively at table by waiters and waitresses would not be conducive to the business model of the premises.
- 21) The Chairman invited both parties to sum up their representations made to the Committee. Both parties did so and emphasised the main points raised during their initial presentations.
- 22) The Chairman thanked all parties and explained that the Sub-Committee would now retire to deliberate on the application. The Chairman explained that it was expected that the Sub-Committee would come to a decision that day, and therefore invited all present to remain in the meeting room while the Sub-Committee considered its decision.
- 23) The Sub-Committee retired at 12.05pm.
- 24) At 1.00pm the Sub-Committee returned from their deliberations and explained that they had reached a decision.

- 25) The Chairman thanked those who had remained to hear the decision of the Sub-Committee. She explained that the Sub-Committee had agreed to grant the application for the sale of alcohol only from 11:00 to 23:00 from Monday to Saturday and from 11:00 to 22:00 on Sunday, as per the revised terms of the application that had been confirmed by the applicant at the meeting. The conditions to the grant of the licence were as follows:
- All doors and windows shall remain closed at all times save for access or egress or in the event of an emergency. (MC13)
 - A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. (MC15)
 - A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC16)
 - There shall be no sales for alcohol for consumption off the premises in unsealed containers after 20:00. (MC18)
 - The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising. (MC19)
- 26) In addition the Chairman advised that the following informatives would be added to the licence:
- The premises licence holder is expected to ensure that all deliveries to the property take place between 8:00 and 20:00 on all days.
 - Staff at the Premises will patrol the immediate outside of the Premises every 15 minutes when patrons are suspected to be outside the premises, to ensure that patrons are not blocking the pavement or disturbing local residents. Staff will be reminded of their responsibility to monitor the outside area at weekly staff briefings.
 - 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.
- 27) The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would be circulated to all parties within five working days.

The meeting closed at 1:02pm

Chairman

Contact Officer: Christopher Braithwaite

Tel. no. 020 7332 1427

E-mail: christopher.braithwaite@cityoflondon.gov.uk

Applicant: Contemporary Pub Company Limited
Premises: 6 Carmelite Street, London, EC4Y 0BX
Date / time of Hearing: Thursday, 29th January 2015 – 10.30am
Venue: Committee Room 1, 2nd Floor, West Wing, Guildhall, London EC2P 2EJ

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 29 January 2015 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Marianne Fredericks (Chairman), Sophie Fernandes and Christopher Hayward. The Sub-Committee was supported by Paul Chadha (Comptroller and City Solicitor's Department) and Chris Braithwaite (Town Clerk's Department).

1. This decision relates to an application made by Contemporary Pub Company Limited, Gough House, 57 Eden Street, Kingston Upon Thames KT1 1DA for a new premises licence in respect of the premises to be known as "The Carmelite", 6 Carmelite Street, London EC4Y 0BX.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Films, Recorded music, anything of a similar description to recorded music	N/A	Mon – Sat: 11:00 – 00:00 Sun: 11:00 – 22:30
Supply of Alcohol	N/A	Mon – Sat: 11:00 – 00:00 Sun: 11:00 – 22:30
Late Night Refreshment	N/A	Mon – Sat: 11:00 – 00:00 Sun: 11:00 – 22:30

The supply of alcohol would be for both 'on' and 'off' the premises with the premises open to the public between 11:00 and 00:00 Monday to Saturday and 11:00 to 22:30 on Sunday.

Prior to the date of the hearing, the applicant, in response to a number of objections from local residents and the Department of Environmental Health, submitted a statement of case which sought to amend the application and put forward a number of conditions. The revised application sought the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
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Films, Recorded music, anything of a similar description to recorded music	N/A	Mon – Sat: 11:00 – 23:00 Sun: 11:00 – 22:00
Supply of Alcohol	N/A	Mon – Sat: 11:00 – 23:00 Sun: 11:00 – 22:00

At the Hearing, the Chairman sought confirmation from the applicant of the revised hours of operation, and the applicant confirmed this revised application.

It was also confirmed that the application for Late Night Refreshment was no longer necessary in light of the reduction in the proposed hours.

During discussion of the application, the applicant agreed to remove the application for Films, recorded music and anything of a similar description to recorded music as it was permitted within the revised hours. Therefore the application was determined on the basis of being for the supply of alcohol on and off the premises only.

The Chairman asked the applicant to confirm the location of the premises as being on the north side of Tallis Street and the west side of Carmelite Street, adjacent to the residential block Temple House, as the location map within the reports appeared to be incorrect. The applicant confirmed this. The Comptroller and City Solicitor asked the applicant to confirm the licensable area within the premises as the red line was not clear on the plans. The applicant confirmed that the lobby areas were outside of the licensable area, as per the planning condition.

2. The Chairman informed those present that all three Members of the Sub-Committee had sat on the meeting of the Planning and Transportation Committee which had considered the planning application for the premises and explained that this did not prejudice the Members' views of the application for a premises licence.
3. Mr Ned Westaway, Francis Taylor Buildings, represented the residents from Temple House and Victoria House (a development of 60 residential apartments adjacent to the premises). The Committee also heard from Graham Packham (a local resident, Common Councilman for Castle Baynard and Chairman of the Residents Association for Temple and Victoria Houses), James Honeyman (a resident of Temple House), Natalie Stopps (a resident of Victoria House) and Garry Seal (Department of Environmental Services).
4. The Sub-Committee was informed that residents were concerned about the large capacity of the venue and the potential for public nuisance arising from it, particularly from outside drinking or patrons standing outside and smoking late at night. They had further concerns with the late night dispersal from the venue, potential noise leakage, and disturbance from early morning or late night deliveries. The local

residents also put forward proposals for a number of conditions, if the Sub-Committee was minded to grant the licence.

5. The Sub-Committee then heard from Mr Neill McCann, the Solicitor representing the applicant, who was accompanied by Mr Fitzgerald, Operations Director. Mr McCann drew the Sub-Committee's attention to the premises' Statement of Case. Within this document, the applicant had tried to address the concerns of the objectors or reducing the hours. There would be no application for late night refreshments, no need for a condition in relation to Promoted Events, as by definition they started after 23:00 and therefore outside the hours of operation. The application for Film, Music or anything of a similar nature was also no longer requested. Mr McCann explained that his clients had applied for off sales as they wished to apply for a Tables and Chairs Licence, and showed the Sub-Committee (with the agreement of the objectors) photographs showing the pavement outside of the venue.
6. Mr McCann explained that his client wanted the flexibility of opening at weekends and the applicant had requested off sales in unsealed containers until 22:00. To address the residents' concerns, Mr McCann explained that the applicant would undertake to monitor the outside of the premises every 15 minutes when patrons were outside. They would also provide residents with a contact telephone number, and explained that deliveries would take place between the hours of 8:00 and 20:00. Mr McCann explained that given the concerns raised by the residents the applicant also agreed to limit the use by the general public of the accessible entrance on Tallis Street (the doors nearest to the residents' apartments).
7. The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the hearing by those making representations and the Applicant.
8. In reaching the decision the Sub-Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2013.
9. Furthermore, the Sub-Committee had regard to the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
10. In determining the application, the Sub-Committee first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of public nuisance.

11. In reaching its decision the Sub Committee took into account the character of the area and the proposed business operations of the applicant. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application.
12. The Sub Committee then considered whether it was necessary and appropriate to impose any conditions upon the licence, to promote the relevant licensing objectives and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.
13. It was the Sub-Committee's decision to grant the premises licence, subject to amending the application, as offered by the applicant as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon – Sat: 11:00 – 23:00 Sun: 11:00 – 22:00

14. Mindful of the nature of the premises and the concerns expressed, the Sub-Committee consider the following conditions to be appropriate and necessary to ensuring the good management of the proposed activity:
 1. *All doors and windows shall remain closed at all times save for the entry or exit, or in the event of an emergency. (MC13)*
 2. *A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. (MC15)*
 3. *Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly. (MC16)*
 4. *There shall be no sales of alcohol in unsealed containers for consumption off the premises after 20:00. (MC18)*
 5. *The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising. (MC19)*
 6. *There shall be no use of the disabled access door located on Tallis Street by the general public after 20:00, save for disabled access and exit.*
15. The Sub-Committee noted the applicant's offer to ensure that deliveries to the premises would take place between the hours of 08:00 and 20:00 and that staff will monitor the outside of the premises every 15 minutes when patrons are outside using the area, to ensure that patrons are not disturbing local residents or blocking the pavement.
16. If the Sub-Committee was wrong and the conditions prove insufficient to prevent a public nuisance associated with these premises, all parties are

reminded that any responsible authority, business, resident or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.

17. If any party is dissatisfied with this decision, he or she is reminded of the right to appeal, within 21 days of the date of this letter, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

Yours faithfully,

Christopher Braithwaite

Clerk to the Licensing (Hearing) Sub Committee

Useful Numbers/Websites:

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

Licensing Policy and Code of Good Practice for Licensed Premises:

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

CC: 6 Carmelite Street, London, EC4Y 0BX

Corinne Holloway, Joelson Wilson LLP, 30 Portland Place, London W1B 1LZ

Committee:	Date:
Licensing Streets and Walkways Sub	6 th May 2015 18 th May 2015
Subject: Local Government (Review of Decisions) Act 2015	Public
Report of: Remembrancer	For Information

Summary

This Report advises the Committee of the provisions of the Local Government (Review of Decisions) Act 2015. The Act requires local authorities to put in place a formal review procedure for any decisions which stop or restrict a proposed event on grounds of health or safety, and enables the introduction of a fast-track procedure for such decisions to be reviewed by the Local Government Ombudsman.

Recommendation

The Committee is invited to receive this Report.

Main Report

1. The Local Government (Review of Decisions) Act started life as a Private Member's Bill introduced in the House of Commons by Mark Spencer, then Conservative Member for Sherwood. Most such Bills make little progress, and indeed a similar Bill introduced in the previous session of Parliament failed to make any headway. On this occasion, however, a favourable allocation of time, coupled with support from both the Government and the Opposition, meant that the Bill passed into law ahead of the dissolution of Parliament in March.
2. The Act is intended to counteract what is perceived, in the words of Mr. Spencer, to be an "over-zealous" and "risk-averse" application of health-and-safety laws by local authorities. It will apply to decisions taken by local authorities (including the Common Council) which have the effect of stopping the holding of an event, or imposing restrictions or conditions on an event, for reasons relating to the health or safety of any person. The Act is confined to decisions taken in the exercise of "administrative functions," a term which is understood to include the activities of the Common Council only in its capacity as a local authority, police authority and port health authority.
3. The principal change made by the Act is to require a formal procedure to be put in place for internally reviewing decisions to which the Act applies. The first step in this procedure is to give written notification of the decision (and the reasons for it) to the applicant or organiser. This must be done on the day

the decision is taken or, if that is not reasonably practicable, the next working day. The applicant or organiser will then be entitled to request an internal review of the decision. If such a request is made, a review will have to be carried out as soon as reasonably practicable, and in any event within fifteen days of the request. The outcome of the review will then have to be notified in writing to the applicant or organiser. The Act does not specify by whom within the local authority the review should be undertaken.

4. A further change will enable the Local Government Ombudsman to introduce different procedures for different sorts of investigation. The intention is that the Ombudsman will set up a “fast-track” procedure for dealing with complaints against decisions to which the Act applies. The substantive powers of the Ombudsman will not, however, be changed. Therefore the Ombudsman will be able to recommend the reversal of a decision, or the payment of compensation, but will not be able to enforce such a recommendation.
5. It is anticipated that decisions to which the Act applies will most often relate to events proposed to take place in the street or in licensed premises. Examples might include temporary road restrictions under the Road Traffic Regulation Act 1984, counter-notices to temporary events notices under the Licensing Act 2003, and refusals of (or the imposition of terms and conditions on) temporary street trading licences under the City of London (Various Powers) Act 2013.
6. The Act will come into force on the 26th May 2015. The appropriate officers were informed as soon as it became apparent that the Bill was likely to pass into law, in order to ensure that the necessary arrangements could be put in place in time.

Appendices:

(None.)

Sam Cook

Assistant Parliamentary Affairs Counsel, Remembrancer’s Office

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Committee(s):	Date(s):
Licensing Committee	6 May 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
<p>Summary:</p> <p>This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 January 2015 to 31 March 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 January 2015 and 31 March 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 August 2014 to 31 January 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 January 2015 and 31 March 2015.
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.
4. Appendix IV details the conditions attached to the premises licences listed in Appendices I and II.

Routine Enforcement

5. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003 (Appendix III). The table in Appendix III shows the number of visits undertaken, number of complaints received and the number of enforcement actions taken. Enforcement actions include warning letters, notices, simple cautions, legal proceedings etc.
6. Appendix III provides data from 1 January 2015 to 31 March 2015.
7. Licensing Officers undertake routine enforcement visits checking on premises licence conditions where there are concerns, e.g. closing times, compliance with Temporary Event Notices and managing numbers of people consuming alcohol outside venues, and also in response to complaints. The Departmental Policy Statement on Enforcement is followed prior to escalating action and taking legal proceedings.
8. The Departmental Policy Statement on Enforcement conforms to the Regulators' Compliance Code and the regulatory principles required under the Legislative and Regulatory Reform Act 2006. It sets out the general principles and approach which Officers are expected to follow and addresses issues of proportionality, consistency, targeting, transparency and accountability.
9. More widely, enforcement arrangements are currently coordinated at the Licensing Liaison Partnership meetings that are held monthly and are attended by representatives from all enforcement agencies. Joint visits are organised via this forum and subsequent reports are used to add to the top level premises list that comprises those premises that have accrued the most points under the 'traffic light' risk scheme. These are then targeted by relevant enforcement officers.
10. This report details data produced from the 'traffic light' risk scheme for the period of 1 August 2014 to 31 January 2015. 6 premises have accrued a sufficient number of points to be classified as 'Red' and 6 premises a sufficient number to be classified as 'Amber'. Further details can be seen in Appendix V.
11. There is a very good working relationship between the Port Health & Public Protection (PH&PP) Licensing Team, The City of London Police Licensing Team and the PH&PP Pollution Control Team, all of whom are based at Walbrook Wharf.

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

Response to complaints

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

Implications

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

Background Papers:

None

Contact:

Peter Davenport x3227

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New Licence Applications Issued by way of Delegated Authority (Jan-Mar 2015)

Name	Address	Ward	Details	
JLT Management Ltd	138 Houndsditch	Aldgate	A	23:00
Sodexo, Brit Insurance	55 Bishopsgate	Cornhill	A	23:00
K10 Modern Japanese	2 Minster Court	Billingsgate	A, L	23:30
Franco Manca	Broadgate Circle	Bishopsgate	A, L, (f)	01:00
Beany Green	1 Broadgate	Bishopsgate	A, L, (f)	01:00
Q	69 Old Broad Street	Bishopsgate	A, L, (e), (f)	00:30
The Alchemist	6 Bevis Marks	Aldgate	A,	23:00
Whistlestop	49-50 Lower Concourse	Bishopsgate	A, L, (f)	01:00
Smith & Williamson	25 Moorgate	Coleman Street	A	23:00
Crab Tavern	Broadgate Circle	Bishopsgate	A, L, (f)	01:00
Birleys	20 Fenchurch Street	Bridge & Bridge W/Out	A	23:00
Jose Pizarro	Broadgate Circle	Bishopsgate	A, L	01:00
RGF Holborn	3-4 Holborn Circus	Castle Baynard	A	23:00
Natural Kitchen	26 Tudor Street	Castle Baynard	A, (f)	23:00
Comptoir Libanais	Broadgate Circle	Bishopsgate	A, L, (f)	01:00
Mas Q Menos	3 London Street	Tower	A, L	00:00
St Swithins Wine Shop	11-12 St Swithins Lane	Walbrook	A	23:00
Scarpetta	110 Cannon Street	Candlewick	A	22:30
Standard Life	30 St Mary Axe	Aldgate	A, L, (f)	01:00

Total Licences Issued = 19

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.		
Aldgate	3	Coleman Street	1
Billingsgate	1	Cornhill	1
Bishopsgate	7	Tower	1
Bridge/Bridge Without	1	Walbrook	1
Candlewick	1		
Castle Baynard	2		

Appendix II

Licence Variations Issued by way of Delegated Authority (Jan-Mar 2015).

Name	Address	Ward	Details
Wahaca	112 Middlesex Street	Bishopsgate	• Area extended for licensable activities
Club Gascon	57 West Smithfield	Farringdon Within	• Changes to layout of premises
Cellar Gascon	59 West Smithfield	Farringdon Within	• Changes to layout of premises

Total Variations = 3

Number of Licences by Ward

WARD	No.
Bishopsgate	1
Farringdon Within	2

Personal Licences Issued by way of Delegated Authority

01 Jan 2015 – 31 Mar 2015 2

**Enforcement Action Carried out Under the Licensing Act 2003
1 January 2015 - 31 March 2015**

Total Number of Inspections	28
Number of Warning Letters	7
Number of Premises advised	8
Number of simple cautions	0
Number of suspension notices	11
Paid prior to suspension	9
Licence lapsed*	0
‘Dead’ Suspensions**	1
‘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 January 2015 and 31 March 2015

Outcome Code

No action required - Complaint unjustified.

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

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

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

Number of complaints received between 01/01/2015 and 31/03/2015

Total number of complaints: 14

<u>Details</u>	<u>Date</u>	<u>Outcome</u>	<u>Ward</u>
Abbey, St Clare House, 30-33 Minories, London, EC3N 1DD			
People noise outside Abbey Bar and music from new Hotel, Hotel1One.	05/02/2015	Resolved informally	Tower
ABC Bar/Restaurant, 7-9 Norwich Street, London, EC4A 1EJ			
Police advice there was a complaint from a resident at 04:30 on 29/3 of noise from patrons outside	30/03/2015	Resolved informally	Farringdon Without
Bad Egg, Retail Unit 1b, 1 Ropemaker Street, London, EC2Y 9AW			
Loud Music And People noise On going	19/01/2015	Resolved informally	Coleman Street
Camino Resturant Bar, 33 Black Friars Lane, London, EC4V 6EP			
Loud music possibly from licenced premises below	01/03/2015	Resolved informally	Farringdon Within
The Anthologist, 58 Gresham Street, London, EC2V 7BB			
Noise complaint: Bottle collections	09/02/2015	Resolved informally	Walbrook
Patch, 58-62 Carter Lane, London, EC4V 5EA.			
Alleged people noise from patrons leaving Patch Bar. Complainant only wants this logged.	08/03/2015	Resolved/Compliance	Farringdon Within
Complaint about people noise outside Patch Bar	13/02/2015	No Action Required	Farringdon Within
The Brewery on Chiswell Street, Conference Hall And Function Rooms, The Whitbread Brewery, 52 Chiswell Street,			
Complainant submitted this via the 'Love Clean Streets' App. The Brewery had a late event resulting in customers cars & coaches packed on Silk Rd (where complaint lives) and Milton Street making noise as they exited at 12:30am - 1am.	23/02/2015	Resolved informally	Coleman Street
The Lord Aberconway, Lord Aberconway Public House, 73 Old Broad Street, London, EC2M 1QT			
Complainant called to complain about the pub on the ground floor playing horse-racing on TV. The noise interrupts the officer's work and is played on a regular basis.	13/03/2015	Case still in progress	Bishopsgate
The Rising Sun, Rising Sun Public House, 61 Carter Lane, London, EC4V 5DY			

<u>Details</u>	<u>Date</u>	<u>Outcome</u>	<u>Ward</u>
Loud music escaping from pub which had a live band performing at a private party	01/03/2015	Resolved informally	Farringdon Within

The Shakespeare, The Shakespeare Public House, 2 Goswell Road, London, EC1M 7AA

Music and people leaving	13/03/2015	No action possible	Cripplegate
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The White Swan, 108 Fetter Lane, London, EC4A 1ES

Complaint about noise from people leaving licenced premises near complainants address in Fetter Lane	22/02/2015	Ceased not likely to	Farringdon Without
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Kings Stores, 14 Widegate Street, London, E1 7HP.

Music and people noise outside the pub	21/03/2015	Informally resolved	Bishopsgate
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Loose Cannon, 13-16 All Hallows Lane, London, EC4R 3UL.

People and music noise from the club affecting the fire station	20/03/2015	Case still in progress	Dowgate
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Appendix IV

Conditions Applied to Licences Granted by way of Delegated Authority

NEW APPLICATIONS

JLT Management Services

None.

Sodexo

None

K10 Japanese Cuisine

None

Franco Manca

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. 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.

Beany Green

1. The sale of alcohol, recorded music, and late night refreshment are permitted from opening time on New Year's Eve until closing time on New Year's Day.

2. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

3. Sales of alcohol for consumption off the premises shall only be supplied with a meal.

Q

1. The premises shall install and maintain a comprehensive CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 28 days.

2. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area as shown on the plan attached to the licence.

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

4. All doors and windows shall remain closed at all times after 23.00 hours, save for entry or exit, or in the event of an emergency.

The Alchemist

None

Whistlestop

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open. All recordings shall be stored for a minimum of 31 days with date and time stamping.

Smith & Williamson

1. Alcohol shall not be sold or supplied, otherwise than to: Directors, Partners, Agents, Officers and employees of Smith & Williamson (and any successor) and the licensee (and subsidiaries and affiliated companies thereof) and the bona fide guests of any of the same.

Crab Tavern

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.

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

Birleys

1. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

2. The premises shall install and maintain a CCTV system which shall operate at all times the premises are open to the public. Recordings shall be kept available for a minimum of 31 days and made available to the Police or the Licensing Authority on request.

Jose Pizarro

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.

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

RGF Holborn

None

Natural Kitchen

None

Comptoir Libanais

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.

Mas O Menos

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

St Swithins Wine Shop

None

Scarpetta

None

Standard Life

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.

VARIATIONS

Wahaca

None

Club Gascon

None

Cellar Gascon

None

Appendix V

Premises obtaining sufficient points on the Risk Scheme to reach Red or Amber. (Aug 2014 – Jan 2015)

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

1 – Walbrook (Crime and Disorder – 14, Protection of Children – 5, General - 2)	21
2 – Coleman Street (Crime and Disorder – 15)	15
3 – Bridge & bridge Without (Crime and Disorder – 11, General - 2)	13
4 – Coleman Street (Crime and Disorder – 11)	11
5 – Lime Street (Crime and Disorder – 11)	11
6 – Tower (Crime and Disorder – 11)	11

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

1 – Lime Street (Crime and Disorder – 9)	9
2 – Bishopsgate (Crime and Disorder – 6, Public Nuisance - 2)	8
3 – Cornhill (Crime and Disorder – 8)	8
4 – Tower (Crime and Disorder – 8)	8
5 – Castle Baynard (Crime and Disorder – 8)	8
6 – Cordwainer (Crime and Disorder – 8)	8

Committee(s):	Date(s):
Licensing	6 May 2015
Subject: Licensing Business Plan 2015-2018	Public
Report of: The Director of Markets & Consumer Protection	For Decision

Summary

This report seeks your Committee's approval for the 2015-18 Business Plan of the City of London's Licensing Service, which is part of the Department of Markets & Consumer Protection.

As the Department reports to three separate Committees (Licensing Committee; Markets Committee; Port Health and Environmental Services Committee) for discrete aspects of its work, separate plans have been produced for each. This plan contains specific key information relating to the Licensing Service.

The Business Plan sets out what the Service aims to achieve this year, the standards it will attain, and where this fits within the wider Departmental and Corporate strategic aims and objectives.

Recommendation

It is recommended that Members approve the content of this report and its appendices.

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Licensing Business Plan 2015-2018

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Director's Introduction

The Department of Markets and Consumer Protection (M&CP) has the widest span of all front-line service departments, employing some 238 staff with a combined local and central risk gross expenditure of £21,307,000 and an overall net local risk budget of £3,942,000 giving a total net budget including central risk and recharges of £3,237,000. Spread across ten locations the department ranges from the Heathrow Animal Reception Centre in the West, to Billingsgate and Spitalfields Markets in the East, with Tilbury and London Gateway Ports on the North side of the Thames and Denton on the South side.

As the department reports to three separate Committees (Markets Committee; Port Health and Environmental Services Committee; Licensing Committee) for discrete aspects of its work, separate plans have been produced for each. This plan contains specific key information relating to the Licensing Service.

Despite what seems to be an upturn in the national economy, public funds are going to be very tight for the foreseeable future, so working more efficiently, generating more income from our assets, and exploiting the benefits of modern technology will become increasingly important as we endeavour to maintain the high standards that our customers expect.

Implementing the Service Based Reviews and their associated work-streams will take an increasing amount of senior management time, so the corporate values of Lead, Empower, Trust will become increasingly important with middle managers, especially Team Leaders, being encouraged to use their initiative and take a proactive stance in problem solving, without always having to seek permission from higher authority. Decision-making must be delegated to the lowest possible level of management and there is nothing wrong with taking calculated, rational risks.

With so much change happening, we recognise the vital importance of having a skilled and highly motivated workforce, since it is people who will deliver our Plan and they deserve to be led thoughtfully and positively. Good leadership is going to become increasingly important and we are committed to provide the appropriate training and development opportunities to achieve this.

David A H McG Smith CBE, Director of Markets and Consumer Protection

Overview of our Services

The **Licensing Service** is part of the **Port Health and Public Protection Division** which provides a comprehensive and effective environmental health and trading standards service for the City of London, ensuring that, through monitoring, regulation and enforcement, City residents and businesses can enjoy an environment and services which are, so far as possible, safe and without risks to their health or welfare. Through its Port Health and Animal Health services it also provides imported food control as the London Port Health Authority and animal health services to 29 London and two Berkshire local authorities. The service is sub-divided into three divisions comprising Port Health, Animal Health & Welfare, and Public Protection.

Licensing Service

- 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.

Port Health

- As the London Port Health Authority, the **Port Health Service** is responsible for a district extending for 151 kilometres along the River Thames from Teddington to the outer Estuary including the ports of Tilbury, London Gateway, Thamesport, Sheerness and London City Airport. The authority serves businesses and protects the nation through the delivery of the following services controlling: food and feed imports; food standards, food safety and water quality; infectious disease control; civil contingencies; environmental protection and shellfish control.

Animal Health & Welfare

- The service is responsible for providing **animal health services** across London on an agency basis for 31 London Boroughs and also Unitary Authorities in the Home Counties. Officers carry out inspections of pet shops, zoos, dog breeding and riding establishments, and offer advice on the keeping of dangerous wild animals. The division also deals with complaints from the public and welfare matters involving circuses, animal shows, studio work with animals and other cases where animals are used to perform.
- The **Heathrow Animal Reception Centre (HARC)** has established itself as a world leader in the care of animals during transport. Open 24 hours a day, 365 days a year, the centre receives and cares for hundreds of thousands of animals of all types - from cats and dogs to baby elephants, horses, reptiles and spiders. The centre has seen a range of unusual animals including a mongoose, a sun bear, a white lion cub, cheetahs and sloths.

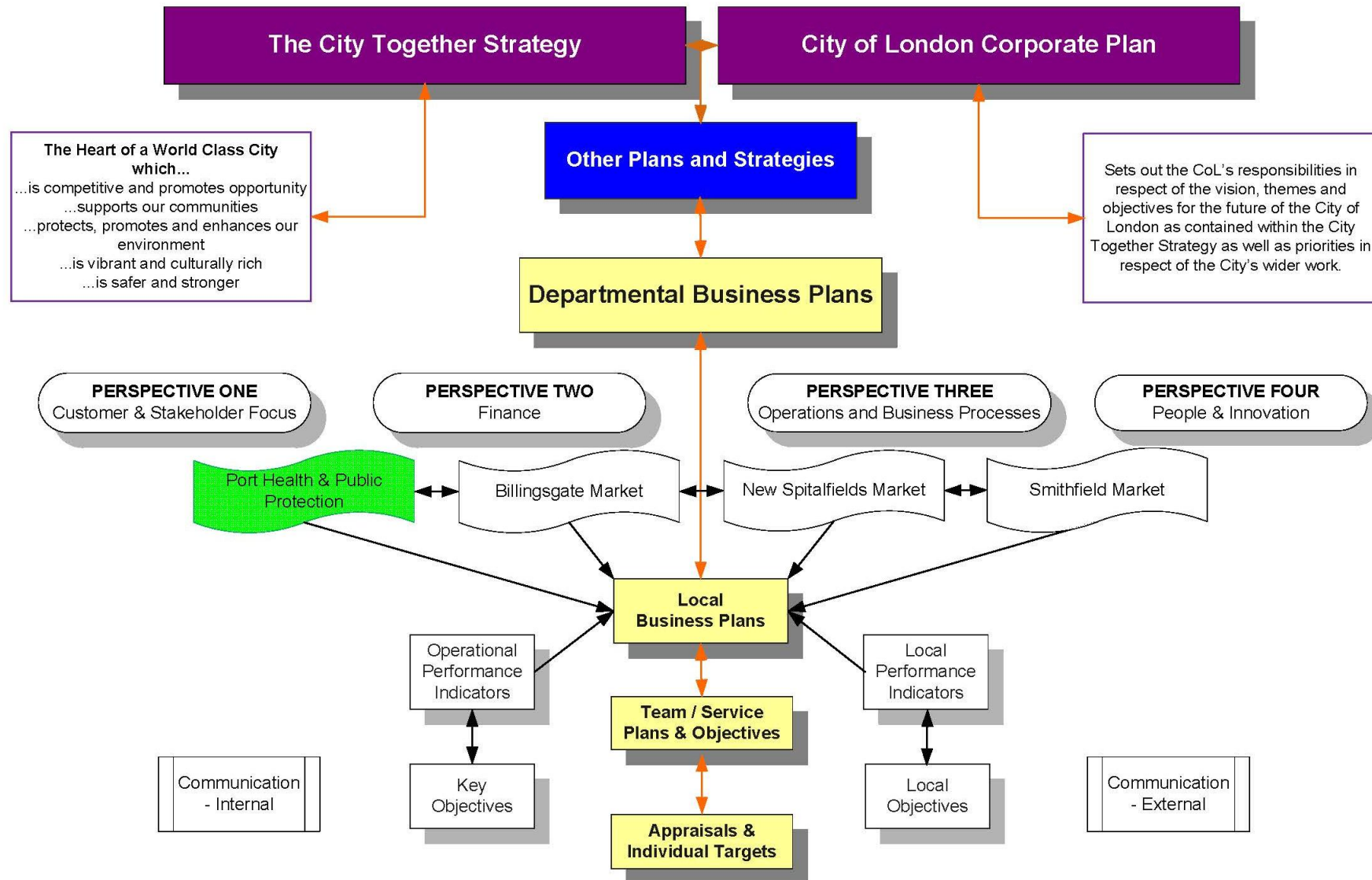
Public Protection

This part of the division is primarily based in the City and teams carry out the following wide range of regulatory work:

- **Food Safety** undertakes a range of food hygiene, food standards and health and safety interventions across all City food businesses including the provision of advice and information. The team also carries out infectious disease investigations and sampling work and enforces odour nuisance legislation.

- **Health & Safety** is responsible for enforcement of health and safety legislation in all relevant City businesses including the provision of advice and information.
- **Operational Support** is responsible for providing a range of administrative and IT support services to the department including system administration of Timemaster and the Northgate M3 database.
- **Pest Control** provides a comprehensive pest control eradication and advisory service to all non-food businesses in the City and engages in contract work for various City Corporation departments including Housing, the City Surveyor and our own Smithfield Market.
- **Pollution Control** is responsible for enforcing all noise and nuisance legislation, private sector housing, air quality management and contaminated land legislation across the Square Mile.
- **Trading Standards** is responsible for enforcing and advising businesses and consumers regarding legislation relating to trading practices within the City of London. The team investigates scams and fraud in conjunction with the Office of Fair Trading's Scambusters Team. Other work includes weights and measures, pricing, product safety, consumer credit and fair trading.
- **Smithfield Enforcement Team** undertakes enforcement of health and safety legislation, food standards, hygiene controls in vehicles that visit Smithfield Market and investigates any food complaints, as well as operating the Animal By-Product facility for the disposal of unfit meat.

Business Planning Process



Departmental Vision

The overall vision of the Department of Markets and Consumer Protection is to support The City Together Strategy and the Corporate Plan through the provision of high quality, efficient services to our customers and stakeholders.

Strategic Aims

This vision is reflected in the Department's strategic aims which relate to the Port Health and Public Protection Division:

- To advise, educate, influence, regulate and protect all communities for which the department has responsibility in the fields of Environmental Health, Port Health, Trading Standards, Licensing and Animal Health.
- At all times to seek value for money in the activities we undertake so that the highest possible standards are achieved cost effectively.

Measuring Performance

We will measure our performance against eleven Key Improvement Objectives and five Operational Performance Indicators, as detailed on the following pages. Progress against these measures will be reported to the Licensing Committee as part of the quarterly report on 'Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences'.

The matrix at Appendix A maps the links between our objectives and performance indicators and the wider Departmental and Corporate strategic aims and objectives.

Data Quality Statement

The Director is satisfied that data collected for the monitoring and reporting of improvement objectives and performance indicators is accurate. Effective systems and procedures are in place which produce relevant and reliable information to support management decision-making and to manage performance.

The Department complies with the Corporate Data Quality Policy and Protocol and has its own Departmental Data Quality Policy (Appendix B).

Key Improvement Objectives 2015-2016

The thirteen **Key Improvement Objectives** for the Licensing Team for 2015-2016 are listed here under the broad perspectives, or themes, which run across the whole of the Department of Markets and Consumer Protection.

Customer and Stakeholder Focus			
Deliver statutory and non-statutory services to a high quality with regulatory services being increasingly intelligence and risk-based, in line with the Government's Deregulation agenda and the risks accepted by Members in the Service Based Review.			
Action	Outcome	Measure	Responsibility
Produce and publish a revised Statement of Licensing Policy under the Licensing Act 2003.	The statutory requirement to have an up to date Statement of Licensing Policy in place under the Licensing Act 2003 will be met. The revised Policy will accurately reflect legislative changes and corporate policy on licensing matters.	Redraft the Statement of Licensing Policy by September 2015. Carry out a public consultation on the draft Policy during October and November 2015. Gain Committee approval and publish the revised version by January 2016.	Assistant Director (PP) Licensing Team Manager
Produce and publish a revised Statement of Licensing Principles under the Gambling Act 2005.	The statutory requirement to have an up to date Statement of Licensing Principles in place under the Gambling Act 2005 will be met. The revised Principles will accurately reflect legislative changes and corporate policy on licensing matters.	Redraft the Statement of Licensing Principles by October 2015. Carry out a public consultation on the draft Principles during October and November 2015. Gain Committee approval and publish the revised version by January 2016.	Assistant Director (PP) Licensing Team Manager
Comply with the provisions relating to the deregulation of licensable activities and any further amendments to the Licensing Act 2003 and other relevant legislation.	The Team will be in compliance with relevant legislation, fulfilling its statutory functions.	The deregulation position will be monitored and team members kept updated. All policies/procedures will be updated as necessary. Other legislation, including that relating to Street Trading, will be continually monitored for amendments.	Assistant Director (PP) Licensing Team Manager

Customer and Stakeholder Focus

Deliver statutory and non-statutory services to a high quality with regulatory services being increasingly intelligence and risk-based, in line with the Government's Deregulation agenda and the risks accepted by Members in the Service Based Review.

Action	Outcome	Measure	Responsibility
Operate the revised and 'upgraded' Safety Thirst scheme.	All Safety Thirst applicants will have been inspected and assessed against criteria linked to the Licensing Code of Practice. The Team will assist with award ceremony which will be held in October 2015.	Actively assist in promotion of the scheme to increase the number of award recipients/applicants. Applications accepted from April to May 2015. Inspections will be carried out from June to August 2015. A final assessment meeting will be held and a report recommending award winners prepared by September 2015. A greater number of premises will win an award compared with 2014/15 (i.e. more than 29).	Licensing Team Manager
Oversee the operation of a Late Night Levy.	Statutory requirements in relation to operation of the Late Night Levy will be met. Monies allocated to the Licensing Service will be spent in accordance with approved guidelines, improving the services provided by the Licensing Team.	Changes to M3 which will enable statistical data on the levy to be retrieved will be completed by April 2015. Levy monies will be allocated appropriately, in particular to the appointment of additional members of staff. A six monthly report will be produced for Licensing Committee by May 2015 and a statutory annual report will be produced by October 2015.	Assistant Director (PP) Licensing Team Manager

Customer and Stakeholder Focus

Deliver statutory and non-statutory services to a high quality with regulatory services being increasingly intelligence and risk-based, in line with the Government's Deregulation agenda and the risks accepted by Members in the Service Based Review.

Action	Outcome	Measure	Responsibility
Introduce a Policy, and associated procedures, for the issue of permits for charitable street collections and related street activities.	<p>The requirements of the relevant legislation will be met.</p> <p>The Licensing Service will be able to provide a consistent, high quality service to applicants for charitable collection permits and to those involved in related activities (e.g. street performers).</p>	<p>By September 2015 a decision will be obtained from the City of London Police as to whether they are able to grant the Licensing Service the authority to change discretionary aspects of the relevant legislation.</p> <p>If authority is granted, the new Policy will be drafted by October 2015.</p> <p>Approval for the Policy will be obtained from Committee and/or the City Police Commissioner, as necessary, by January 2016.</p> <p>The new Policy will be implemented by March 2016.</p>	Licensing Team Manager

Operations and Business Processes

Actively manage both operational and health & safety risks in all aspects of our operations.

Collaborate with the City Surveyor to improve the quality of maintenance at our real estate in the short and medium term and, where possible, to improve it.

Action	Outcome	Measure	Responsibility
Undertake a pilot project for tackling problems associated with drinking outside licensed premises within the City.	An informed decision will be made as to whether a permanent policy should be introduced. Any such policy will contribute to achieving a balance between a vibrant successful City supporting business and the four licensing objectives identified in the Licensing Act 2013.	Interested parties will be consulted on a draft action plan and the pilot project will commence in May 2016. The effectiveness of the pilot project and associated action plan will be reviewed after 6 months, i.e. by November 2015. A decision will be made as to the necessity of introducing a permanent policy and associated procedures by March 2016.	Assistant Director (PP) Licensing Team Manager
Introduce a 'Central London Members and Practitioners Best Practice Forum', on behalf of the Chairman of the Licensing Committee.	There will be more effective communication between the City and its neighbours on licensing matters, enabling the sharing of best practice and local feedback.	Agree the format of the Forum with the Chairman and Deputy Chairman of the Licensing Committee, by May 2015. Agree and arrange a suitable date and venue for the initial meeting with all neighbouring Local Authority Licensing Chairman/ Licensing Lead Members and Licensing Managers.	Assistant Director (PP) Licensing Team Manager

People and Innovation			
<p>Enhance the quality of our leadership and people-management in line with the corporate values of "Lead, Empower, Trust". Instil a greater sense of responsibility in our middle management cadre.</p> <p>Introduce improvements in the delivery to us of Information Services, including the implementation of Mobile Working Technology.</p>			
Action	Outcome	Measure	Responsibility
Ensure all staff are fully aware of and trained in new policies, procedures and legislative changes.	Staff will have the specific knowledge and expertise to carry out their roles effectively and provide a high level of customer service.	Appropriate training courses and events will be identified, booked and attended in accordance with the training needs of individual members of staff.	Licensing Manager
Enhance the M3 database to enable all licensing data to be stored, and all licensing activities to be assessed, electronically.	Faster and more efficient assessment of licensing activities. Paper records will no longer be required.	All historic and new data relating to premises licences will be accurately recorded on M3. All remaining paper files will be disposed of or archived by February 2016. All premises licences will be produced directly from M3 by September 2015.	Licensing Manager
Implement Victoria Forms software to enable applications for licences to be made online.	The process of applying for a licence will be clearer and more efficient for applicants. The software will reduce the workload of officers within the Licensing Team.	The beta test system will be instigated and operational by June 2015. The system will be fully operational for licences for the sale of alcohol and regulated entertainment by August 2015. The system will be reviewed by January 2016. Other licences (e.g. charity collections) will be incorporated by March 2016.	Licensing Manager M&CP IS Business Manager
Develop and implement a workforce plan which ensures that our workforce has both the capability and resources to meet the Division's business objectives.	A Departmental Workforce Plan will be published and the actions within it will have begun to be carried out.	A Succession Plan will be in place by December 2015. The M&CP Workforce Plan will be published by December 2015. A Chief Officer led workforce planning group will be established within the Department by June 2015.	Chief Officer/ Port Health & Public Protection Management Team members /HR Business Partner
Senior Managers to review and implement all relevant actions from the Business Improvement Plan to address any gaps identified through the IIP assessment.	The Division will contribute towards the corporate stretch target of attaining the Silver IIP Standard in September 2015.	The Division will remain on track for achieving the Gold IIP Standard in 2016.	Chief Officer/ Port Health & Public Protection Management Team members/ HR Business Partner

Operational Performance Indicators 2015-2016

The five **Operational Performance Indicators** for the Licensing Team for the year 2015-2016 are shown here.

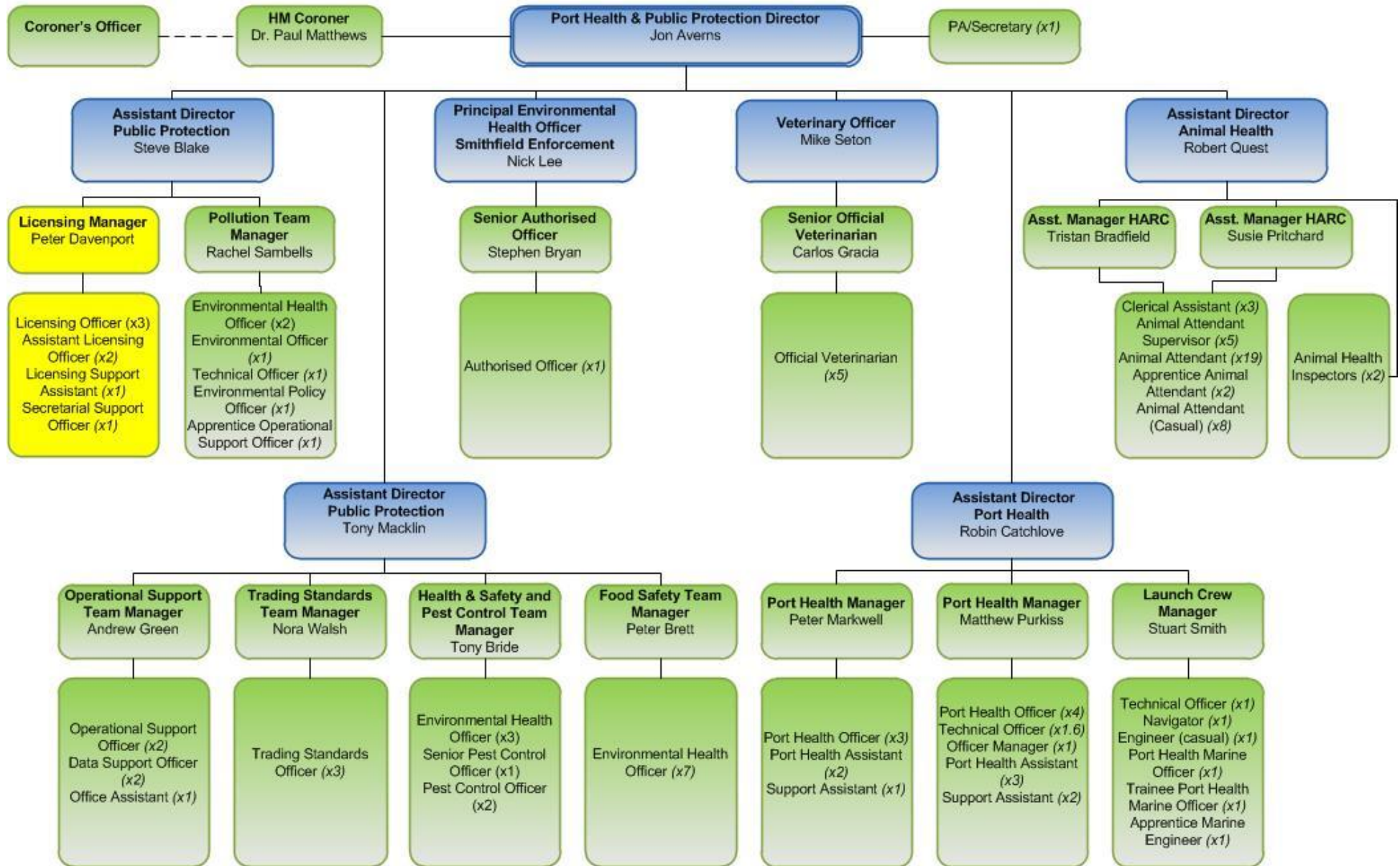
- PI 1.** Achieve an overall sickness absence level of no more than 6 days per person by 31 March 2016, and a total of no more than 48 days.¹
- PI 2.** 90% of debts to be settled within 60 days and 100% of debts settled within 120 days.
- PI 3.** Ensure that, within 12 months, 90% of premises entering the red or amber zone of the Traffic Light Scheme are brought back to the amber or green zone respectively.
- PI 4.** Achieve a written self-assessment of the areas of concern and an accompanying improvement action plan at 100% of premises falling into either the amber or red zones of the Traffic Light Scheme.
- PI 5.** Ensure all necessary paperwork is submitted to Town Clerks prior to a Sub Committee hearing/review in accordance with agreed timescales on 100% of occasions.

¹. Target based upon Full Time Equivalent (FTE) members of Licensing Team staff at 31 December 2014 (no. 8).

Department of Markets and Consumer Protection

Port Health and Public Protection Division

Management Structure



Workforce Capability

Workforce planning

Analysis of the Port Health & Public Protection Division's workforce profile has emphasised the need to plan for the future. One third of the Division's staff lies in the '51 and over' age range, the implication being that over the coming years a significant number are likely to retire which could lead to loss of corporate memory and specialist skills.

At the same time, we are cognisant of the importance of retaining those staff in the lower age bands. 47% of our staff are aged '40 and under', with 24% of those being younger than 31. We need to identify the potential of these members of staff and look at/invest in their development to incentivise and encourage them to stay.

The HR Business Partner is working with the Director and the Management Team to develop a workforce plan which will identify future need skills gaps, and put in place appropriate measures to mitigate the impact of this. These measures are likely to include succession planning and talent management.

Learning and Development

Learning and Development is a priority for the department as a whole. The Port Health & Public Protection Division's budget for learning and development for 2015/16 is £79,000.

In addition to mandatory training, the individual development needs of all members of staff are identified at performance appraisals and progress is monitored at review stages. Appropriate in house and external training courses are utilised, along with informal learning and development methods such as coaching, shadowing and mentoring.

In order to demonstrate a professional and competent workforce, the requirements for continuous professional development (CPD) for regulatory officers need to be met. In addition to externally provided CPD training events, regular in house CPD sessions are held for Officers to cascade recent learning. The inclusion of all staff ensures that consistent messages are disseminated throughout the division.

The competencies and training needs of all staff are assessed in relation to appropriate local business plans and capacity building. The professional field is continuously reviewed for examples of best practice, new ideas and innovations. Appropriate external events are attended, including Institute of Licensing training days and conferences; Licensing Managers' Liaison Meetings; Local Government Association conferences; and Licensing Lawyers best practice training forums.

Leadership and effective management has been identified as a Departmental aim for 2015/16. Senior management is currently identifying ways to develop this across the Management Team. The first step involved a 'Leaders' Conference' which took place in autumn 2015. A follow up conference is planned for autumn 2015.

Investors in People

In December 2013 the City of London Corporation decided to continue to work within the framework provided by Investors in People (IiP) and be assessed for the Bronze standard. The assessment will be held over three years with the aim of reaching the Gold standard by 2016.

Following the assessment that took place in September 2014, the City of London Corporation met 67 evidence requirements and achieved recognition as a BRONZE Investor in People.

A corporate IiP Business Improvement Plan was approved by Summit Group on 23 February 2015. Senior Managers in Markets & Consumer Protection are reviewing and implementing all relevant actions to address any gaps identified through the IiP assessment. The Department's IiP Champions are working with managers to help achieve the stretch goal of 'Silver' which the Corporation is aiming for.

In 2015 the focus will be on the effectiveness of engagement of frontline teams in all elements of strategy implementation: recognition and reward; involvement and empowerment; and learning and development.

In 2016 the focus will be skills of managers in evaluating the outcomes from learning and development activities: learning and development strategy, performance measurement and continuous improvement will be looked at.

Equalities and Diversity

We have named 'Departmental Equalities Champions' who represent the Department and Division on the Corporate Equalities Working Group. The Champions share best practice and provide support and advice to colleagues on equality and diversity issues.

Tests of relevance and Equalities Impact Assessments are carried out for any new or significantly amended policies/procedures which may affect service users or our own employees. Several members of staff have been trained to help ensure these are carried out effectively.

We continue to liaise with the corporate Equalities and Diversity Officer on emerging guidance and legislation and to ensure compliance with corporate equalities requirements, such as the Public Sector Equality Duty (under The Equality Act 2010).

Risk Management

Business Continuity and Emergency Planning

The City has an overarching Business Continuity Strategy and Framework, as well as a Corporate Business Continuity Plan for large scale disruptions that affect more than one business area or location. The Department also has its own business continuity arrangements aimed at dealing with localised disruptions.

Both corporate and departmental arrangements are regularly reviewed to ensure they align with the relevant risk registers and business objectives. The Department's Technical Officer shares best practice and attends the Corporate Emergency Planning and Business Continuity Steering Group, which meets on a quarterly basis.

Business Risks

The Department's key business risks are actively managed in line with corporate policies and procedures. Risks are identified, analysed, assessed and addressed on an ongoing basis by named representatives across the department.

The Departmental Risk Tracker is regularly updated and reported to the relevant Committees. The key business risks for Port Health & Public Protection are shown in the extract of the Departmental Risk Tracker at Appendix C.

Health and Safety Risks

The Department's Top X Register comprises a list of our main Health and Safety risks. The Register is monitored, regularly updated and presented to the Corporate Health and Safety Committee annually.

The Department complies with the Corporate Health and Safety Policy, including having its own Departmental Health and Safety Policy Statement. There is a Departmental Health & Safety Committee with a Port Health & Public Protection sub-Committee. Named individuals throughout the department have specific health and safety responsibilities including carrying out risk assessments and accident/incident reporting.

A copy of the Top X Register is at Appendix D along with a diagram showing the structure of health and safety management and reporting within the department.

Financial summary

We will build on the close working relationships that have been successfully developed between our budget managers and our finance partners in the Chamberlain's department. The focus this year will be on making effective use of Oracle Business Intelligence financial reports to further improve financial profiling and forecasting our budgets. This will be supported through regular meetings between budget managers and accountants and our Head of Finance's attendance at Senior Management Group meetings.

Financial Information - Markets & Consumer Protection Licensing Committee

	2013/14 Actual	2014/15 Original Budget	2014/15 Revised Budget (latest approved)	2014/15 Forecast Outturn		2015/16 Original Budget	N.B.
	£'000	£'000	£'000	£'000	%	£'000	
Employees	403	365	410	411	100.2%	420	
Premises	46	45	45	45	100.0%	45	
Transport	0	0	0	0	0	0	
Supplies & Services	4	11	27	24	88.9%	15	
Third Party Payments	0	0	0	0	0	0	
Transfer to Reserve	0	0	0	0	100.0%	0	
Contingencies	0	2	28	28	100.0%	70	
Unidentified Savings	0	0	0	0	0	0	
Total Expenditure	453	423	510	508	99.6%	550	
Total Income	(566)	(503)	(538)	(551)	102.4%	(632)	
Total Local Risk	(113)	(80)	(28)	(43)	153.6%	(82)	1.
Central Risk	0	0	0	0	0	0	
Recharges	213	105	213	213	100.0%	213	
Total Expenditure (All Risk)	100	25	185	170	91.9%	131	2.

N.B.

1. Excludes Local Risk amounts spent by the City Surveyor
2. Projected outturn 2014/15 based on monitoring at period 10 (31/01/2015)

Consultation

The following Corporate contacts have been consulted in the preparation of this plan:

- Town Clerk's Department – Human Resources Business Partner
- Chamberlain's Department – Finance Business Partner
- Chamberlain's Department – Information Systems Business Partner
- Corporate Equalities and Diversity Manager
- City Surveyor's Department
- Corporate Programme Office
- Town Clerk's Policy Officer
- Corporate Risk Manager

In addition, members of staff in the Licensing Team have been invited, via local team meetings and briefings, to make suggestions and comments as to the content of the plan, including the identification of Service Improvement Objectives and Operational Performance Indicators.

The final version of the Plan will be made available to all members of staff on the Department's intranet page.

Licensing Service Strategic Links Matrix

		M&CP Strategic Aims		The City Together Strategy The heart of a world class city which:				Corporate Plan 2015-19		
		To advise, educate, influence, regulate and protect all communities for which the department has responsibility.	At all times to seek value for money in the activities we undertake so that the highest possible standards are achieved cost effectively.	is competitive and promotes opportunity	supports our communities	protects, promotes and enhances our environment	is vibrant and culturally rich	is safer and stronger	To support and promote The City as the world leader in international finance and business services.	To provide modern, efficient and high quality local services within the Square Mile for workers, residents and visitors.
N.B. Some Licensing Service Key Objectives and Performance Indicators have been abridged in this table.										
Licensing Service Key Improvement Objectives 2015-2016	Publish a revised Statement of Licensing Policy.	✓			✓		✓			✓
	Publish a revised Statement of Licensing Principles.	✓			✓		✓			✓
	Comply with the provisions relating to the deregulation of licensable activities.	✓			✓		✓			✓
	Operate the revised and 'upgraded' Safety Thirst scheme.	✓			✓		✓	✓		✓
	Oversee the operation of a Late Night Levy.	✓			✓		✓			✓
	Introduce a Policy for the issue of permits for charitable street collections.	✓			✓		✓	✓		✓
	Undertake a pilot project for tackling problems associated with drinking outside licensed premises.	✓			✓		✓	✓		✓

		M&CP Strategic Aims		The City Together Strategy The heart of a world class city which:				Corporate Plan 2015-19		
		To advise, educate, influence, regulate and protect all communities for which the department has responsibility.	At all times to seek value for money in the activities we undertake so that the highest possible standards are achieved cost effectively.	is competitive and promotes opportunity	supports our communities	protects, promotes and enhances our environment	is vibrant and culturally rich	is safer and stronger	To support and promote The City as the world leader in international finance and business services.	To provide modern, efficient and high quality local services within the Square Mile for workers, residents and visitors.
N.B. Some Licensing Service Key Objectives and Performance Indicators have been abridged in this table.										
Licensing Service Key Improvement Objectives 2015-2016	Introduce a 'Central London Members and Practitioners Best Practice Forum'.	✓			✓				✓	
	Ensure all staff are fully trained in new policies, procedures and legislative changes.	✓			✓				✓	
	Enhance the M3 database to enable all licensing data to be stored, and all licensing activities to be assessed, electronically.		✓		✓				✓	
	Implement Victoria Forms software to enable applications for licences to be made online.		✓		✓				✓	
	Develop and implement a workforce plan		✓	✓						✓
	Review and implement relevant actions from the liP Business Improvement Plan		✓	✓						✓

		M&CP Strategic Aims		The City Together Strategy The heart of a world class city which:				Corporate Plan 2015-19			
		To advise, educate, influence, regulate and protect all communities for which the department has responsibility.	At all times to seek value for money in the activities we undertake so that the highest possible standards are achieved cost effectively.	is competitive and promotes opportunity	supports our communities	protects, promotes and enhances our environment	is vibrant and culturally rich	is safer and stronger	To support and promote The City as the world leader in international finance and business services.	To provide modern, efficient and high quality local services within the Square Mile for workers, residents and visitors.	To provide valued services, such as education, employment, culture and leisure, to London and the nation.
<p>N.B. Some Licensing Service Key Objectives and Performance Indicators have been abridged in this table.</p> <p>Licensing Service Operational Performance Indicators 2015-2016</p>		<p>PI 1. Achieve an overall sickness absence level of no more than 6 days per person by 31 March 2016.</p>	✓		✓				✓		
		<p>PI 2. 90% of debts to be settled within 60 days and 100% of debts settled within 120 days.</p>	✓		✓					✓	
		<p>PI 3. Ensure that, within 12 months, 90% of premises entering the red or amber zone of the Traffic Light Scheme are brought back to the amber or green zone respectively.</p>	✓			✓		✓		✓	
		<p>PI 4. Achieve a written self-assessment of the areas of concern and an accompanying improvement action plan at 100% of premises falling into either the amber or red zones of the Traffic Light Scheme.</p>	✓			✓		✓		✓	
		<p>PI 5. Ensure all necessary paperwork is submitted to Town Clerks prior to a Sub Committee hearing/review in accordance with agreed timescales on 100% of occasions.</p>	✓			✓		✓		✓	

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Data Quality Policy

Department of Markets and Consumer Protection

This departmental policy sets out the responsibilities of all members of staff in terms of assuring data quality. The policy should be read in conjunction with the Corporate [Data Quality Policy](#) which details the City of London's approach to managing data. The Corporate policy includes a Data Quality Protocol which sets out the basic rules for all City Corporation data.

This policy defines the processes in place with Markets and Consumer Protection to ensure that the department complies with the Corporate Data Quality Policy. It also details the responsibilities of members of staff at all levels.

Why is data quality important?

Consistent, high quality, timely and comprehensive information is vital to support good decision making. Each area of the department should have effective systems and procedures in place that produce relevant and reliable information to support management decision-making and to manage performance.

Who is responsible?

Responsibility for ensuring data quality lies with individual staff members who collect and produce the data but this responsibility extends through the line of management via Team Managers, Superintendents/ Assistant Directors, and ultimately to the Chief Officer.

How is departmental compliance with the Data Quality Policy monitored?

Markets' Data

- Data is collected by relevant members of staff and includes statistics on operational areas such as maintenance, security, waste management, health and safety, staff sickness absence and occupation of market stands and offices. Other than the health and safety information, which includes a substantial amount of qualitative data, the majority of the other data is quantitative.
- Checks are carried out by members of staff at each Market who are responsible for collating the data and forwarding relevant datasets to the Directorate Team (Head Office).
- All data received by the Directorate Team is scrutinised by team members who query any anomalies/apparent errors. The majority of the data is stored in Excel spreadsheets which are only accessible by members of the Directorate Team.
- This data is then used by the Chief Officer and his Senior Management Team to inform decision making; and some is also reported to Committee in, usually, public reports.
- Data which is reported to Committee is further verified by the relevant Superintendent and is ultimately approved by the Chief Officer.

PH&PP Data

- The majority of data collected relates to the regulatory functions carried out by enforcement officers. Much of the data is gathered during inspections of and visits to businesses and sites in the City; it is then entered onto a central database (Northgate M3) which holds both qualitative and quantitative data.
- The responsibility for ensuring that this data is correct lies with the individual who collects and inputs it. As the individual enters new information about a City business/site they confirm that both the new and existing data held is accurate.
- The database includes a range of reporting functions, the administration of which is carried out by the PH&PP Operational Support Team. The Team produces reports to feed data into external and internal reporting processes. Members of staff in that team carry out initial checks on the quality of the data output and these are then verified by Team Managers and Assistant Directors before being submitted to the relevant external or internal recipient.
- Data produced is often used by the Chief Officer and his Senior Management Team to inform decision making; and some is also reported to Committee in, usually, public reports.
- Data which is reported to Committee is further verified by the relevant Team Manager, Assistant Director, the Port Health & Public Protection Director, and is ultimately approved by the Chief Officer.

Responsibilities

Data quality is the responsibility of every employee. Everyone has a responsibility to ensure that all data held is relevant, timely, accurate and comparable at all stages, e.g. when entering, processing, maintaining, calculating, analysing, extracting, and reporting on data from any information system.

Specific areas of responsibility are set out below:

All staff

- Get it right the **first time**
- Check **accuracy** of data entry
- **Query** anything that doesn't look 'right'
- Ensure that databases, spreadsheets etc have sufficient levels of **protection** to prevent unintended amendments being made
- **Check** calculations when supplying information based upon data sources
- **Update** data sources as soon as possible when new data becomes available
- Make sure those who need to **access** the data know how to do so
- Maintain a reliable, clear and searchable **evidence trail** to show where the data came from and how it has been manipulated/processed
- Ensure that data you produce or report is **supported** by underlying working papers/records and that these are retained as appropriate in accordance with audit requirements
- Any data supplied to external bodies must be **approved** by a senior officer (e.g. Team Manager, Assistant Director, Superintendent, Service Director or Chief Officer, as appropriate)
- Undertake appropriate **training** as required or directed

Owners of databases or spreadsheets should ask themselves:

- What does the data mean?
- Why do we need to record it?
- How long do we need to keep it for?
- What is the purpose of the data (why are we collecting it? Is it necessary?)
- How is it calculated?
- What is the unit of measure?
- How often is the source data available?
- Where is the data sourced from?
- What are the key management controls to ensure quality?

Senior Managers

- Ensure that the Data Quality Policy is communicated, understood, implemented and complied with
- Assess skills capability to ensure that staff have the skills required to deliver high quality data
- Ensure that appropriate systems and processes are in place to deliver high quality data from internal and external sources
- Ensure contingency arrangements and appropriate controls are in place

Chief Officers

- Have overall responsibility for ensuring arrangements are in place to assure the quality of data (in particular that which is business critical) and that improvement action is taken where necessary.
- Ensure that a statement of data quality compliance is made annually as part of existing Committee reporting arrangements

Port Health and Public Protection Risk Tracker

Appendix C

Risk No.	Risk	Risk Owner	Existing Controls	Current Risk				Planned Action	Target Risk		
				Likelihood	Impact	Rating	Direction		Likelihood	Impact	Rating
P H & P P 1	The cark parking area at HARC is used by customers' vehicles as well as through traffic which includes HGVs and is an area where a forklift truck operates. There is a risk of injury or death of a pedestrian if vehicle movements in this constrained space are not controlled. This could result in prosecution, a fine, reputational damage for the City and impact on the operation and sustainability of the service.	Rob Quest HARC	Training and licensing of all fork lift users has been carried out. All staff wear personal protective equipment when on duty, access is restricted and the Vehicle & Grounds Attendant controls vehicle movements at peak times.	Unlikely	Major	A	↔	Continued monitoring of vehicle movements by Vehicle & Grounds Attendant.	Unlikely	Major	A

Port Health and Public Protection Risk Tracker

Appendix C

Risk No.	Risk	Risk Owner	Existing Controls	Current Risk				Planned Action	Target Risk		
				Likelihood	Impact	Rating	Direction		Likelihood	Impact	Rating
PH&PP2	<p>Failure to meet Air Quality limit values in the City by the prescribed dates set by the EU which could result in a fine of unknown amount. Poor air quality is also a significant public health issue for the City of London as a small number of the population are more vulnerable to the effects of air pollution where exposure to pollution can exacerbate existing health conditions including cardiovascular and respiratory disease. This can lead to restricted activity, hospital admissions and even premature mortality.</p>	Jon Averns Director of PH&PP	The current systems in place allow the City to demonstrate that it is taking sufficient effective action to help the government and the GLA to meet air quality Limit Values	Likely	Major	R	↔	<p>The City is Working with the GLA and other Local Authorities, organisations and partnerships to address pan-London issues which impact air quality in the City and implementing actions identified within the City of London Air Quality Strategy (recently reviewed and currently out for consultation) including:</p> <ul style="list-style-type: none"> •Encouraging City businesses to reduce emissions via CityAir •Minimising construction and demolition emissions through the City's Code of Practice •Tackling emissions from idling vehicle engines •Recognising and rewarding good practice •Increasing public awareness of air quality •Monitoring the impact of measures to reduce pollution 	Possible	Major	A

Port Health and Public Protection Risk Tracker

Appendix C

Risk No.	Risk	Risk Owner	Existing Controls	Current Risk				Planned Action	Target Risk		
				Likelihood	Impact	Rating	Direction		Likelihood	Impact	Rating
P H & P P 3	The HARC has experienced significant delays to maintenance or repair of equipment and facilities due to be carried out under the Corporate repair and maintenance contract . This has resulted in operational difficulties, security risks and risk of closure of the facility leading to reputational damage and financial loss to the City.	Rob Quest HARC	City Surveyor's PFMs have been dealing directly with Mitie to address known problem areas. Local management are regularly in touch with PFMs to press for remedial action.	Possible	Major	A	↔	City Surveyor's PFMs have been dealing directly with Mitie to address known problem areas. Local management are regularly in touch with PFMs to press for remedial action.	Unlikely	Minor	G
P H & P P 4	A lack of robustness of IS systems at HARC leading to technical failure of these systems and hence the loss of computer network facilities and telephones for a period in excess of 24 hours. Records of animal movements are essential and whilst these can be maintained manually for a few hours, a period of I.S. loss greater than this in peak times significantly affects efficiency, customer service and income generation, as well as risking animal welfare and therefore has a reputational as well as a financial impact.	Rob Quest HARC	The current I.S. service agreement does not include 24hr cover. An ADSL telephone line has been installed as a back up, but this cannot be activated outside the I.S. department's working hours. Manual system for recording animals and movements in place.	Possible	Major	A		Increased provision of IS support required.	Rare	Minor	G

Ratings	Risk Status	Control Evaluation
R - Red	High risk, requiring constant monitoring and deployment of robust control measures	Existing controls are not satisfactory
A - Amber	Medium risk, requiring at least quarterly monitoring, further mitigation should be considered	Existing controls require improvement/Mitigating controls identified but not yet implemented fully
G - Green	Low risk, less frequent monitoring, consideration may be given to applying less stringent control measures for efficiency gains	Robust mitigating controls are in place with positive assurance as to their effectiveness

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Health and Safety

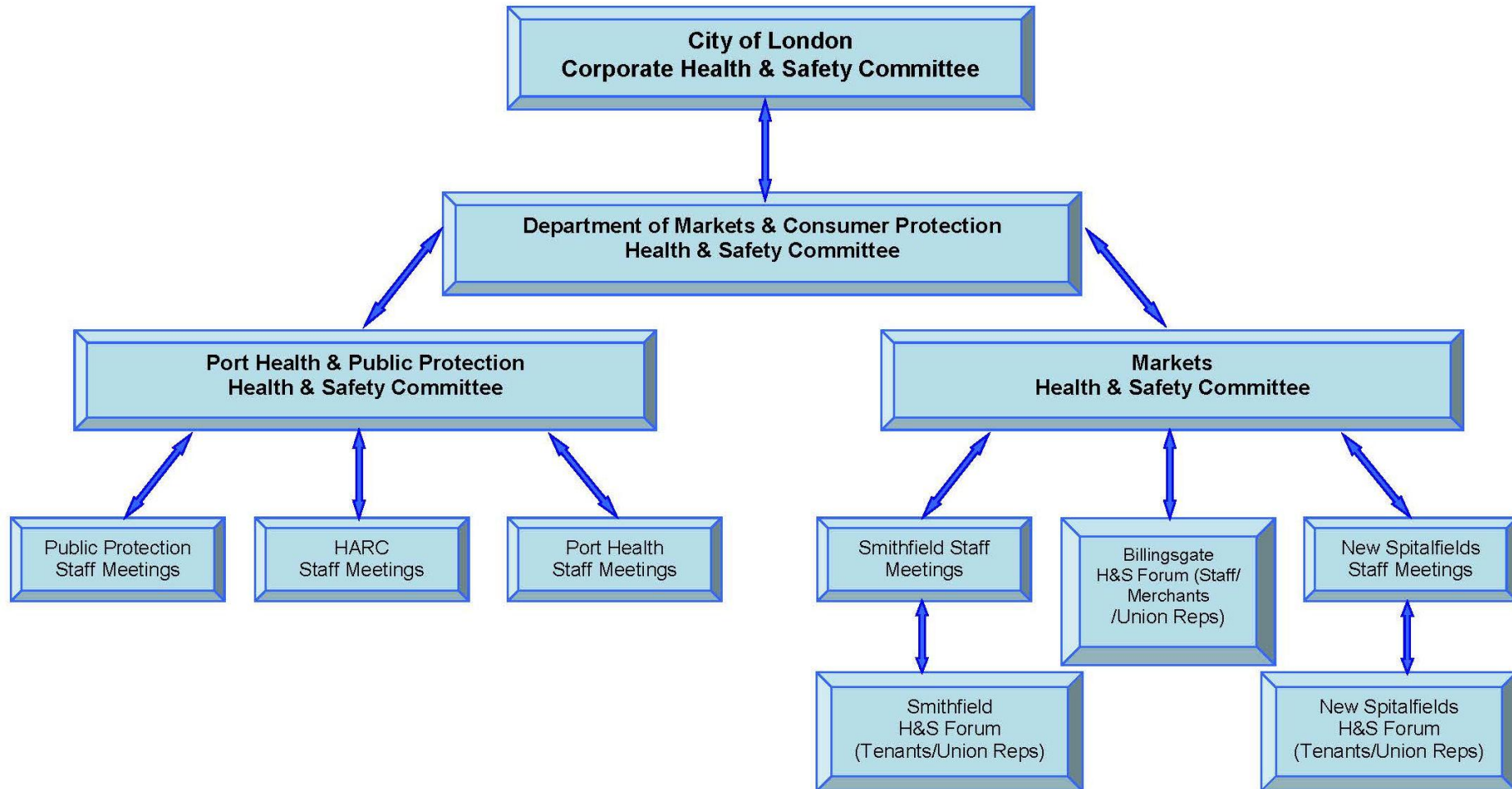
Departmental Top X Register

Reference:	Task	Hazard and Consequence	Rating	Likelihood	Rating	Risk	Proposed Action
1	Traffic Management (Environmental Health & Public Protection, Port Health & Vet Services, Markets)	<p>Movement of vehicles including FLT's by third parties in areas controlled by the City of London.</p> <p>Vehicles arriving late at Billingsgate Market result in issues regarding segregation during the unloading process.</p> <p>Crush Injury. Impact/collision. Fatality.</p>	3	<p>Trained banksmen at HARC and Parking Marshalls employed at Billingsgate.</p> <p>Multiple collections and deliveries Lack of physical segregation between pedestrian and vehicular traffic routes.</p> <p>Multi directional traffic.</p> <p>Visitors not 'site aware'.</p> <p>Bad working practices by FLT operators employed by others.</p> <p>Traffic not related to market activities passing between market buildings at East Poultry avenue at Smithfield Market. This roadway doesn't have an adequate pedestrian crossing point. Also, there are no road markings to indicate lane priority for the two traffic streams which enter this road.</p> <p>Procedure for late unloading at</p>	3	9	<p>Pedestrian walkways and road markings to be regularly maintained and kept clear of obstructions.</p> <p>New pedestrian routes to be created at Spitalfields Market.</p> <p>Floodlighting to be installed at crossing points.</p> <p>Site speed limits to be enforced. Speed limit on the Spitalfields site is regulated at 5mph.</p> <p>Re-assess the competence of all forklift operators and eEnforce FLT penalty point scheme.</p> <p>Continue to work with stakeholders to get them to take more responsibility for their staff and working practices in the areas controlled by the City of London.</p> <p>The Director of the Built Environment has been tasked by the Town Clerk to assess the East Poultry Avenue crossing point.</p>

				Billingsgate has been agreed. Alterations to the unloading area have been made. Barriers have been provided to separate pedestrians/workforce from entering unloading area when in operation.			Continue to monitor the unloading operations at Smithfield Market to ensure that any unsafe practices by the tenants' banksmen are addressed, reported and that any unsafe operation is halted immediately.
2	Working at height (Markets & Port Health)	<p>Maintenance, installation and general repairs using ladders, portable towers and MEWPS.</p> <p>Ship Boarding from Launch or Quayside and boarding/alighting Port Health launch.</p> <p>Working on quaysides and loading bays with unprotected edges.</p> <p>Roof working.</p> <p>Fall from heights up to 25m. Major Injury including Suspension Trauma. Fatality.</p>	3	<p>Although warning signage is in place, there is a lack of physical edge protection on Poultry Market Roof at Smithfield Market. Safety lines are in place but are worn.</p> <p>Latchway system installed on main roofs and harness inspection regime in place.</p> <p>All access equipment is inspected regularly and in accordance with statutory requirements.</p> <p>Permit to work system in place for roof work.</p> <p>Only trained staff members are permitted to use access equipment.</p> <p>Berth Codes of Practice, regularly updated and issued to all staff members. Induction training carried out and PPE supplied. Work does not take place in dangerous conditions. Regular liaison with port operators.</p>	2	6	<p>Safety lines on Poultry Market roof are currently being repainted.</p> <p>Maintenance managers will ensure that all contractors comply with the requirements of permits for roof work.</p> <p>Induction training carried out. Only trained staff members will be permitted to use access equipment.</p> <p>Officers will carry out a dynamic risk assessment of the environment prior to accessing vessel or quayside. They are instructed not proceed if they have any concerns about the arrangements or equipment in place for accessing any area or vessel</p> <p>All access equipment is inspected regularly in accordance with statutory requirements.</p> <p>Regular liaison takes place with Port Operators.</p> <p>Communication with masters of vessels and crew.</p>

3	Emergency evacuation of M&CP buildings. (Environmental Health & Public Protection, Port Health & Vet Services, Markets)	Fire Severe burns. Structural failure causing impact or crush Injury Fatality.	3	Fire Risk Assessments have been conducted and are reviewed annually. All staff are trained in basic fire awareness and security staff receive Fire Marshall training. Evacuation plans have been developed and are tested regularly by conducting fire drills. Some stakeholders fail to engage during evacuation drills.	2	6	Monitor fire exits, emergency access routes and prevent them from being obstructed. Enforce no smoking policy at all sites. Continue to chase Market Tenants for copies of their fire risk assessments advice has been given by the City's Fire Safety Officer and this is being progressed. General signage to be improved.
4	Lone working, out of hours and security duties (Environmental Health & public Protection, Port Health & Vet Services, Markets)	Lone working Violence – including physical force, verbal abuse, threats, gestures and harassment Illness whilst on duty Accidents	2	Officers may carry out enforcement action which can cause tension. EHO's have electronic lone worker safety systems. All services have lone working policies and procedures in place.	2	4	An annual review of all existing practices to be undertaken by separate divisions and teams based upon their unique activities and working environments. For anticipated / planned Out of Hours work within PP the local protocol/procedure for out of hours lone working will be reviewed, updated and published to staff by December 2014.
5	Handling venomous and unknown reptiles, amphibians & invertebrates. (Port Health & Vet Services)	Bites, envenomation, toxicity, stings:- death	3	Possible due to variation in packing of AVI containers and frequency of venomous shipments.	2	6	Venomous/ unknown animals inspected by management team only. PPE:-gloves, gauntlets, goggles. Envenomation emergency procedure established, but need to revise envenomation plans with local hospital and in conjunction with Liverpool School of Tropical Medicine. Address DWA licencing issues.

Departmental Health and Safety Management Structure



Committee(s):	Date(s):
Licensing	6 May 2015
Subject: Sex Establishments – Annual Review of Fees	Public
Report of: Director of Markets and Consumer Protection	For Decision

Summary

The City of London Corporation has to set annual fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment. The report outlines recent case law which has indicated that the process for setting the fees must be robust and that income received through the licensing process cannot exceed the cost of administering that process.

The matters considered by the licensing service in setting the proposed fees are discussed and include all aspects, other than enforcement costs of unlicensed activity which case law currently excludes, within the licensing process.

The proposed fees are in most cases a small reduction from the current fees. This reduction will not affect budget income targets as we currently do not have any premises that have a Sex Establishment Licence.

Recommendations

It is recommended that your Committee:-

- Agree the proposed fees for 2015/16 as set out in Appendix 1.

Main Report

Background

1. The Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, as amended by s.27 of The Policing and Crime Act 2009 sets out the statutory provisions for setting Sex Establishment fees.
2. A Sex Establishment is defined as a Sex Shop, Sex Cinema or Sexual Entertainment Venue (primarily lap dancing clubs). A premises is not a Sexual Entertainment Venue if any relevant entertainment is only provided on eleven or less occasions during a twelve month period and, each of the occasions are at least one month apart.
3. The City of London Licensing Authority must determine the appropriate fees for the granting, renewal, transfer and variation of a licence. Any fee set must be 'reasonable'.
4. Licences are valid for 12 months from the date of grant unless surrendered or revoked. A process similar to the granting of a new licence is to be followed for each renewal including consultation.
5. A High Court case held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from

making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made. The decision was subsequently upheld by the Court of Appeal.

6. Mr Justice Keith stated in the case ‘... [*in relation to*] the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed. And when you talk about the cost of those procedures, you are talking about the administrative costs involved, and the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating their compliance with the terms of their licence (in the case of applications for the renewal of a licence). There is simply no room for the costs of the ‘authorisation procedures’ to include costs which are significantly in excess of those costs.’ Therefore enforcement costs, particularly against unlicensed operators, cannot be recouped.
7. A number of important principles were established in the Hemming case:
 - That where a local authority profits from licence fees in that its expenditure is exceeded by its fee income, it must carry the surplus forward in determining the fee for future years;
 - That in authorisation schemes covered by the Provision of Services Regulations 2009, which includes Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, enforcement costs relating to unlicensed premises may not be recharged to licensed operators.

The Court of Appeal reiterated the overriding principle:

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

Calculation of Fes for 2015/2016

8. In order to avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that are undertaken in order to administer the application, renewal, transfer and variation of a licence and the costs of investigating compliance with any licence conditions.
9. In determining the proposed fee structure for sex establishment licences the following factors have been taken into account:
 - Officer time spent on processing applications including site inspections, consultations and the issue of any licence
 - Officer time spent on the development and maintenance of processes and guidance notes
 - Training of staff as necessary

- A percentage of the service costs such as accommodation and equipment
 - Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence
10. Costs associated with the enforcement of unlicensed 'sex establishments' have not been taken into account in setting the proposed fee structure.
 11. SEV fees for 2015/16 have been calculated on the above basis for each of the different types of licence. The proposed fees, which in most cases are a small decrease from the current fees, reflect changes in salary, running costs, and recharges.
 12. The forecast for 2015/16 is that, as in 2014/15, there will be no SEV licences issued.

Proposals/Options

13. If fees are set lower than those recommended the result will be a deficit for 2015/16 if an application is received, as costs of administering the licence will not be fully met from income received. Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
14. Any such under or over recovery of costs from 2015/16 will be calculated after the end of that financial year and be carried forward to be taken into consideration in setting fees for 2017/18. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge. There was no under or over recovery to take into account in calculating the proposed fees for 2015/16, as no applications were received in 2013/14.

Implications

15. Setting the recommended sex establishment fees will not have a detrimental effect on the licensing budget as there are currently no sex establishments and thus no income.
16. Setting fees above or below those recommended will have the implications as set out in paragraph thirteen above.

Appendices

Appendix I – Proposed fees

Background Papers:

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

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

Proposed Sex Establishment Fees for 2015/16

Application Type	Estimated number	Current Fee	Proposed Fee	Income Forecast
New sex shop / sex cinema application	0	£4,910	£4,660	£0.00
Renewal of sex shop / sex cinema licence	0	£4,560	£4,300	£0.00
Variation of sex shop / sex cinema licence	0	£3,860	£3,590	£0.00
Transfer of sex shop / sex cinema licence	0	£470	£500	£0.00
New sexual entertainment venue application	0	£6,640	£6,320	£0.00
Renewal of sexual entertainment venue licence	0	£6,290	£5,960	£0.00
Variation of sexual entertainment venue licence	0	£3,860	£3,590	£0.00
Transfer of sexual entertainment venue licence	0	£2,700	£2,370	£0.00
Change of details	0	£40	£50	£0.00
Copy of licence	0	£30	£30	£0.00
Total				£0.00

Committee(s):	Date(s):
Licensing Committee	6 May 2015
Subject: Late Night Levy – Six monthly report	Public
Report of: Director Markets and Consumer Protection	For Information
<p><u>Summary</u></p> <p>A Late Night Levy has been operating within the City of London since 1 October 2014.</p> <p>This report details the number of premises that are paying the Levy, the likely income from collecting the Levy and how that money is to be spent.</p> <p>Recommendations</p> <p>Members are invited to note the contents of this report.</p>	

Main Report

Background

1. The Police Reform and Social Responsibility Act 2011 introduced the power for licensing authorities to impose a Late Night Levy on those premises selling alcohol after midnight. The aim of the levy is to empower local areas to charge businesses that supply alcohol late into the night for the extra costs that the night-time economy generates for police and licensing authorities.
2. On the 28 April 2014 this Committee considered a report on the introduction of such a Levy within the City of London and recommended to the Court of Common Council on 12 June 2014 that the Levy be adopted. The Levy was adopted and introduced within the City from 1 October 2014.
3. This Committee asked that the levy be reviewed after a period of six months from its introduction and thereafter at yearly intervals. A statutory report has to be produced at the end of each year the Levy is in operation and it is therefore intended that the statutory report be combined with the Committee Report in October of each year.
4. The Levy was applied to all premises selling alcohol after midnight between the hours of 00:01 and 06:00. Premises selling alcohol after midnight due

solely to a condition permitting them to sell on New Year's Eve would still be liable to pay the Levy.

5. It was forecast in April 2014 that the levy would raise approximately £220k of which £155k would be paid to the City of London Police (the statutory minimum) and £65k retained by the City Corporation.

The Levy in practice

6. The amount of the levy is prescribed nationally and is based on the premises rateable value. The annual charges for the levy, and weekly equivalent, are:

Rateable Value (£)	Rateable Band	Amount of Levy (£)	
		Annual Levy	Weekly Equivalent
0 – 4,300	A	299	5.75
4,301 – 33,000	B	768	14.77
33,301 – 87,000	C	1,259	24.21
87,001 – 125,000	D	1,365 (2,730*)	26.25 (52.50*)
125,001 +	E	1,493 (4,440*)	28.71 (85.39*)

* Where a multiplier applies for premises used exclusively or primarily for the supply of alcohol for consumption on the premises (bands D & E only)

7. Premises pay their levy when their annual licence fee becomes due. Any non-payment of the levy by the due date must result in the suspension of a premises licence or club premises certificate until payment has been made. No premises is currently suspended due to non-payment of the Levy.
8. The original forecast was based on approximately one third of premises submitting variations to bring them outside of the Levy period. Prior to 1 October 2014, 293 premises were permitted to sell alcohol after midnight. To date, only 64 premises have submitted variations to reduce their hours i.e. 24 less than forecast.
9. Premises can also obtain a 30% reduction in their Levy payments if they meet the required standard of the City of London's Safety Thirst Scheme. It was expected that the majority of those premises liable to pay the Levy would meet the standard and obtain the discount. Only 26 of the 229 liable premises have applied for, and met the standard.
10. The original forecast did not take into account the number of premises that were liable to pay the Levy solely because they retained a condition that permitted them to sell alcohol after midnight, albeit on only one day per year. This was due primarily to the fact that the information was not readily available from the licensing team's database but also, because it was assumed that most premises in this situation would submit a variation to remove the condition.

11. However, it would appear likely that by the end of September 2015 as many as 60 premises will not have removed such a condition and thus remain liable to pay the Levy.

Current Forecast

12. To date the following amount has been collected from Levy payments:

Month	Amount Collected	Number of Premises
October	28,356	15
November	53,586	30
December	20,014	17
January	19,816	14
February	9,621	8
March	13,203	9
TOTAL	£144,596	93

13. It is forecast that the following amount will now be collected during the next six months:

Month	Amount Collected	Number of Premises
April	12,500	10
May	18,750	15
June	15,000	12
July	17,500	14
August	50,000	36
September	160,000	105
TOTAL	£273,750	192

14. The total amount that is expected to be collected within the first Levy year is approximately £415k. The City Corporation is able to retain the costs of administering the levy which has been calculated to be £15k per year. The remaining income is then divided between the City of London Police, who receive 70% (£280,000), and the City Corporation, who retain the remaining 30% (£120,000).
15. To forecast levy income for future years is extremely difficult due to the factors referred to above and how particular premises will react to the Safety Thirst Scheme and the removal of the conditions which make some of them liable. A better estimate can be made in October 2015 but, for now, all that can be said is that income will almost certainly be less than the current year but still significantly greater than was first envisaged in April 2014.

How is the Levy to be spent?

16. Full details of how the Levy is to be spent have not been finalised but will be made available after October 2015 in a report to your Committee when the Levy has been in operation for twelve months. An indication of where the Levy is currently being used is set out below in paragraphs 17-20.
17. The City of London Police are not bound by any restrictions as to how their portion of the money is to be spent. In the introduction of the Levy by the City it was recognised, at your Committee, that it was expected that this would only fund additional work related to policing of the Night Time Economy. Since the Late Night Levy was introduced in October 2014 City Police have undertaken a number of proactive operations in addition to education of our licensees, these proactive operations have included;
- Crime Squad (plain clothes) deployment in support of reducing bag/mobile phone/laptop thefts from licensed premises during the late night levy hours.
 - Three Community policing operations have taken place since October in order to reduce violent crime and anti-social behaviour; these operations have specifically focused on city workers pay days where historically the City has seen a spike in violent crime and anti-social behaviour.
 - Deployment of officers in support of intelligence and operational need. This involves saturation patrols undertaken by public order trained officers in certain areas of the City where intelligence dictates those areas have been problematic or violent crime/anti-social behaviour have been committed.
 - 2014 Christmas operation where officers visited a number of licensed premises on the lead up to Christmas and the New Year providing a level of reassurance to management and door staff at their premises and receiving information from them with regards to customer behaviour.
 - Licensing Forum introduced and attended by Licensing Managers. The forum was designed to provide operational advice from departments within the City of London Police to Licensees on what to do when crime is committed, how to prevent their customers from becoming victims of crime and what to do if they suspect a crime is taking place on their premises.
 - Conference arranged for licensees to attend to raise their awareness with regards to ‘under age’ sale of alcohol.
18. In order to meet the challenges of a thriving night time economy, the City of London Police Licensing Team will strengthen its capability with additional staff. The City Police will look to further its partnership working with the

London Fire Brigade/Security Industry Association and Trading Standards, collectively to engage/detect and promote good practice.

19. The City Corporation is however are required to spend its allocation in specific areas namely:

- The reduction or prevention of crime and disorder
- The promotion of public safety
- The reduction or prevention of public nuisance
- The cleaning of any highway maintainable at the public expense within the City of London (other than a trunk road) or any land to which the public are entitled or permitted to have access with or without payment and which is open to the air

20. Although details of how the Levy is to be spent by the City Corporation have yet to be finalised, it is likely that some of the first year's money will be spent in the following areas:

- Funding a post to operate the Code of Practice, Risk Assessment and Safety Thirst schemes. The post holder would work closely with all licensed premises in an advisory capacity in order that they have the best possible chance of promoting the licensing objectives.
- To fund a team of officers to work during the period midnight to 06:00 a.m. Officers would be able to respond speedily to complaints from members of the public where they are being disturbed by excessive noise. This will allow officers to see the problems as they are occurring and take the appropriate action. In the majority of cases this would involve working in partnership with the licensed premises in question to alleviate problem areas.
- To provide a late night cleansing team dealing with the effects of anti-social behaviour. This work will include visiting premises/areas identified as being an issue, flushing various streets and subways as necessary, removal of fliers and other anti-social behaviour related litter and cleaning/flushing station frontages on Sunday evenings. This service will provide a positive effect on the cleanliness and image of the City of London.

Implications

21. Any money retained by the City Corporation from the Levy income has to be spent on the areas referred to in paragraph 19. A statutory report detailing how the Local Authority spent its portion of the Levy has to be produced at the end of each Levy year.

Background Papers:

Report to Licensing Committee 28 April 2014: 'Late Night Levy Consultation'.

Appendices:

None

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