



## Licensing Committee

**Date:** WEDNESDAY, 3 FEBRUARY 2016  
**Time:** 1.45 pm  
**Venue:** COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

**Members:**

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

**Enquiries:** Gemma Stokley  
tel. no.: 020 7332 1407  
gemma.stokley@cityoflondon.gov.uk

Lunch will be served for Members in the Guildhall Club at 1pm  
NB: Part of this meeting could be the subject of audio or video recording

John Barradell  
Town Clerk and Chief Executive

# AGENDA

1. **APOLOGIES**

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

3. **PUBLIC MINUTES**

To agree the public minutes of the meeting held on 21 October 2015.

**For Decision**  
(Pages 1 - 6)

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

a) Caravaggio, 107-112 Leadenhall Street, EC3A 4AF

**For Information**  
(Pages 7 - 22)

b) Humble Grape Limited, 1 St Bride's Passage, London, EC4Y 8EJ

**For Information**  
(Pages 23 - 26)

5. **TERMS OF REFERENCE AND FREQUENCY OF MEETINGS**

Report of the Town Clerk.

**For Decision**  
(Pages 27 - 28)

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

The Comptroller and City Solicitor to be heard.

**For Information**

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

Report of the Director of Markets and Consumer Protection.

**N.B. This Item is to be read in conjunction with the appendix at Item No. 15.**

**For Information**  
(Pages 29 - 42)

8. **SEX ESTABLISHMENTS – ANNUAL REVIEW OF FEES**

Report of the Director of Markets and Consumer Protection.

**For Decision**  
(Pages 43 - 48)

9. **LATE NIGHT LEVY - 12 MONTH REPORT**

Report of the Director of Markets and Consumer Protection.

**For Decision**  
(Pages 49 - 64)

10. **CITY OF LONDON POLICE LICENSING ACTIVITY- BRIEFING TO THE LICENSING COMMITTEE**

**For Information**  
(Pages 65 - 66)

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

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

13. **EXCLUSION OF THE PUBLIC**

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

14. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 21 October 2015.

**For Decision**  
(Pages 67 - 68)

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

**Non-public appendix to be read in conjunction with Item No. 7.**

**For Information**  
(Pages 69 - 70)

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

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

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## LICENSING COMMITTEE

Wednesday, 21 October 2015

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

### Present

#### Members:

Marianne Fredericks (Chairman)	Edward Lord
Peter Dunphy (Deputy Chairman)	Graham Packham
Deputy John Barker	Chris Punter
Sophie Anne Fernandes	James Tumbridge

#### Officers:

Simon Douglas	- City of London Police
Gemma Stokley	- Town Clerk's Department
Paul Chadha	- Comptroller & City Solicitors Department
David Smith	- Director of Markets & Consumer Protection
Jenny Pitcairn	- Chamberlain's Department
Steve Blake	- Markets & Consumer Protection Department
Peter Davenport	- Markets & Consumer Protection Department

#### 1. **APOLOGIES**

Apologies for absence were received from Alex Bain-Stewart, Revd. Dr. Martin Dudley, Deputy Kevin Everett, Christopher Hayward, Michael Hudson and Judith Pleasance.

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

There were no declarations.

#### 3. **PUBLIC MINUTES**

The public minutes of the meeting held on 29 July 2015 were considered and approved as a correct record.

#### **MATTERS ARISING**

**TFL Night Tube (page 2)** – The Chairman reported that it now seemed that the introduction of the Night Tube would be delayed until 2016.

**GIS (page 3)** – The Chairman reported that the GIS Map was now live on the Corporation's website.

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

The Committee received a report of the Director of Markets and Consumer Protection detailing the premises licences and variations to premises licences

granted under the Licensing Act 2003 by the Licensing Service from 1 July 2015 to 30 September 2015.

The Licensing Manager was pleased to report that, for a second, consecutive period, no premises had reached 'red' status on the risk scheme.

Under Appendix 1 (New Licence Applications issued by way of Delegated Authority Jul-Sep 2015), the Licensing Manager highlighted that 'Keevil & Keevil' involved internet only sales.

Members were informed that there had also been two successful prosecutions in this period. One involved the DPS of Viet Café who had been fined £1,400 plus £2057 costs. The other involved a peanut seller who had received a £500 fine plus £290 costs. The City had also secured a destruction order on two of the seller's carts. The Licensing Manager went on to report that the same individual had been caught selling peanuts again only this week and would therefore face further prosecution.

A Member highlighted, under Appendix III, that Corney and Barrow was not in Langbourn Ward but was situated in Coleman Street. The Licensing Team undertook to update their database accordingly.

In response to a question, the Licensing Manager reported that the complaint regarding the Barbican Centre and Benedict Cumberbatch was being addressed by the Barbican Centre who had taken steps to ameliorate the situation which included limiting performance hours to 11.00pm.

In response to a further question as to why certain complaints were recorded with 'no action possible', the Licensing Manager clarified that this was often because the complainant wished to remain anonymous, was not prepared to grant access to Officers or not incident had been observed at the time of investigation. The Chairman reassured Members that, in these cases, premises were made aware of complaints and the matter was followed up with them.

The Chairman raised concerns around recent Raves that had been taking place in derelict buildings in the City. She questioned the Police policy on these. The City of London Police confirmed that the raves were taking place in commercial as opposed to residential properties and that these were not covered by existing legislation. He assured the Committee that there was ongoing intelligence taking place around these events in an attempt to stop these from taking place in the future.

**RECEIVED.**

**5. LATE NIGHT LEVY UPDATE**

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

The Committee were informed that a detailed report on the LNL would be submitted to them in early 2016. The Director of Markets and Consumer

Protection summarised by highlighting that, to date, the Levy had raised £482k. £320k of this had been allocated to the City of London Police as previously agreed.

Members were informed that over 300 renewals had taken place in September and that the final figure was therefore still a forecast at this stage. Current projections forecast an overall sum of £500k for the first levy year (1 October 2014 – 30 September 2015).

The Director went on to report that, after administration costs, it was anticipated that the Corporation would be left with approximately £130k. There was no reason to think that the second year amount would vary greatly. Members were informed of how some of the funds had been spent so far including financing additional licensing staff to manage the collection of the levy, continue with operating the risk scheme and enhance the Safety Thirst scheme. Funds had also contributed towards out of hours enforcement by SEO's and additional cleaning of streets after midnight.

Members requested that similar information from the Police as to how their funds had been utilised be included within the detailed report brought to this committee in early 2016.

**RECEIVED.**

**6. SAFETY THIRST UPDATE**

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

The Licensing Manager reported that an Awards evening had been held on 12 October 2015 where 31 premises achieved the award. Two premises had also received the first ever 'Premises of the Year Award', these were The Brewery on Chiswell Street and The Forge on Cornhill. The Chairman reported that The Forge had formerly traded as 'Abacus' and that the Premises of the Year Award therefore marked an enormous turnaround for this premises and was to be congratulated. She went on to state that this was also testament to the fact that the policies supported by this Committee and the pro-active stance of Officers was effective. She thanked all for their efforts.

The Licensing Manager went on to report that further enhancements to the scheme were now proposed. The Licensing Team were now able to see what training premises staff had undertaken online which would help to streamline the process going forward.

A Member requested that, going forward, they be provided with information as to which premises had applied to the scheme within their Ward so that they could target/encourage those who had not.

**RECEIVED.**

7. **REVENUE BUDGETS 2016/17**

Members considered a joint report of the Chamberlain and the Director of Markets and Consumer Protection regarding the revenue budgets overseen by the Committee.

The Chamberlain informed Members that the Paragraph References within the final column of Table 3 (Provisional Revenue Budgets 2016/17) should relate to paragraph 12 and its sub paragraphs and not to paragraph 11.

Members were informed that it had now been decided that street pastors would not be pursued going forward.

Finally, the Chamberlain reported that central recharges had now been finalised and that, under Table 2 (Latest Revenue Budgets 2015/16) the figure for 'Central Support Services and Capital Charges' in the column headed 'Latest Budget 2015/16' should now read £115k as opposed to £117k. The figure in Table 3 for 'Central Support Services and Capital Charges' in the column headed 'Original Budget 2016/17' should now read £113k as opposed to £118k.

**RESOLVED:** That, Members:

- Approve the latest 2015/16 revenue budget for submission to the Finance Committee;
- Approve the provisional 2016/17 revenue budget for submission to Finance Committee; and
- Authorise the Chamberlain, in consultation with the Chairman and Deputy Chairman, to revise these budgets for changes in respect of the Late Night Levy and of recharges.

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

The Committee considered a report of the Director of Markets and Consumer Protection with a holding policy statement to meet statutory deadlines attached.

The Licensing Manager highlighted that legislation requires that all authorities review their policy at three yearly intervals. This report was last reviewed in January 2013 and therefore was required to be reviewed by January 2016. Members were informed that revised guidance notes were received by Officers in September and that a consultation process would now need to take place before presenting the final text to the Court of Common Council in January 2016.

The Licensing Manager Highlighted that the Statement attached had been amended in terms of dates and paragraph references. He went on to focus Members' attention on the social responsibility code provision which requires licensees to assess the local risk to the licensing objectives posed by their gambling operations at each of their premises. The Committee were also informed that, as of April 2016, all gambling premises must produce a Risk Assessment based on the Local Authority's Statement of Licensing Principles.



The Chairman stated that she intended to circulate the amended statement to all Members of the Committee for comment before signing off under Delegated Authority.

In response to a question, the Licensing Manager reported that they had not seen a decline in the number of gambling premises as a result of online gambling using smart phones.

**RESOLVED – That, the Committee:-**

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

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

There were no questions.

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

There were no urgent items.

**11. EXCLUSION OF THE PUBLIC**

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

Item  
13

Paragraph  
1

**12. NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 29 July 2015 were considered and agreed as a correct record.

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

The Committee received a non-public appendix to Item 4 on the agenda providing Members with details of those premises obtaining significant points on the Risk Scheme to reach red or Amber for the period February 2015 – July 2015.

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

There were no questions raised in the non-public session.

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

The Chairman outlined plans for an event on 25<sup>th</sup> November 2015 to mark 10 years since the introduction of the Licensing Act.

**The meeting ended at 2.15 pm**

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Chairman

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**MINUTES OF THE SUMMARY REVIEW LICENSING (HEARING)  
SUB COMMITTEE**

**HELD ON 9 DECEMBER 2015**

**APPLICANT:** CITY OF LONDON POLICE

**PREMISES:** CARAVAGGIO, 107-112 LEADENHALL STREET,  
EC3A 4AF

**PRESENT**

**Sub Committee:**

Marianne Fredericks CC (Chairman)  
Revd. Dr. Martin Dudley CC  
Edward Lord CC

**City of London Officers:**

Gemma Stokley – Town Clerk’s Department  
Paul Chadha – Comptroller & City Solicitor’s Department  
Peter Davenport – Markets & Consumer Protection Department  
Steve Blake – Markets & Consumer Protection Department

**Applicant:**

Gary Grant – Counsel representing the Applicant  
Inspector Simon Douglas – City of London Police  
John Hall – Licensing Officer, City of London Police  
PC Daniel White – City of London Police

**Premises:**

James Rankin – Barrister, Winkworth Sherwood Law  
Mr Quaradeghini –Caravaggio  
Charlotte Edwards, Winkworth Sherwood Law

**In Attendance:**

Peter Davenport – Licensing Manager  
Steve Blake - Assistant Director Environmental Health & Public Protection  
Siobhan Marshall – Environmental Health Officer, Pollution Team

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

A Summary Review Hearing was held at 2.00pm in Committee Room 1, Guildhall, London, EC2, to consider and determine interim measures regarding the application for a summary review of the premises licence for ‘Caravaggio, 107-112 Leadenhall Street, EC3A 4AF’

The Sub Committee had before them the following documents:-

Appendix 1: Application for Summary Licence Review and s.53A Certificate

Appendix 2: Current Premises Licence

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1. The Hearing commenced at 2.05pm.
  2. The Chairman introduced the panel members and officers present.
  3. Mr Grant noted that the panel had read the City of London Police reports in Appendix 1 and reported that an agreed position on the interim steps had been reached between both parties.
  4. Mr Grant suggested that the panel consider the following interim steps, which had also been agreed to by the licence holder:
    - Reducing the permitted hours of all licensable activities to 23.30hrs
    - All persons (save for staff) shall be off the premises and the premises closed to the public by midnight
    - To impose the following condition on the premises licence :- “There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.”
  5. Mr Grant informed the panel that the City of London Police’s original application had requested a fourth interim step whereby ‘alcohol shall only be sold to a person sitting down eating a substantial table meal and for consumption with that meal’. However, as the application made clear, the City of London Police were satisfied that the premises functioned safely and was well managed when it ran as a restaurant and so, with the introduction of new time limits on all licensable activities, the applicant was now happy to delete this fourth interim step.
  6. Mr Grant noted that the premises had asked for an exception to these interim steps for New Year’s Eve. Whilst the applicant was not minded to agree to this request, it was noted that, if a temporary event notice was served and provided sufficient comfort to the City of London Police, this would be considered on its merits.

7. The panel were told that there was some dispute regarding the information contained within the City of London police application. Mr Grant highlighted that some facts were still emerging, particularly regarding the murder weapon, and that the results of a post-mortem on the deceased were likely to be released later this afternoon. He added that, nevertheless, the City of London Police stood by their application and their concerns over the ability of a restaurant manager to adequately manage an out of hour's nightclub.
8. Mr Rankin underlined the fact that his client was horrified at the evening's events and the resulting fatality. He added that Mr Quaradeghini was a long standing servant of the City and the premises had been open since 1996 without incident. He reiterated that his client took issue with many of the facts contained within the application.
9. All parties withdrew from the room whilst the Panel deliberated and made their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
10. The Chairman thanked both parties for reaching what they saw as a sensible agreement on the interim steps. She said that the decision of the Sub Committee was in agreement with the amended recommendations of the City of London Police which was as follows:-
  - Reducing the permitted hours of all licensable activities to 23.30hrs
  - All persons (save for staff) shall be off the premises and the premises closed to the public by midnight
  - To impose the following condition on the premises licence :- "There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public."
11. The Chairman stated that the panel were concerned to hear that the premises may possibly submit a temporary event notice for New Year's Eve given that they were aware that Mr Quaradeghini would not be in the country at that time.
12. Mr Quaradeghini confirmed that any possible event on New Year's Eve would take the form of a sit down meal only.
13. The Chairman told the applicant and the Premises User that the Full Review Hearing would take place on Monday, 4 January 2016 at 4.00pm.

**The meeting closed at 2.35pm**

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Chairman

Gemma Stokley  
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[gemma.stokley@cityoflondon.gov.uk](mailto:gemma.stokley@cityoflondon.gov.uk)

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*Copy of the Interim Decision circulated to all parties on 9 December 2015*

**THE COMMON COUNCIL OF THE CITY OF LONDON**

**LICENSING SUB-COMMITTEE**

Marianne Fredericks CC (Chairman)  
Revd. Dr. Martin Dudley CC  
Edward Lord CC

**Licensing Act 2003: Summary Review – Notification of Interim Steps  
Caravaggio, 107-112 Leadenhall Street, EC3A 4AF**

I write to notify you of the decision of the Licensing Authority of 9 December 2015 in relation to an application made pursuant to Section 53A of the Licensing Act 2003 by the Commissioner of Police for the City of London Police for a Summary Review of the premises licence for Caravaggio, 107-112 Leadenhall Street, EC3A 4AF.

In light of representations made on behalf of the Commissioner, the Licensing Authority has decided to exercise its power under Section 53B of the Licensing Act to impose the following interim steps:

- Reducing the permitted hours of all licensable activities to 23.30hrs
- All persons (save for staff) shall be off the premises and the premises closed to the public by midnight
- To impose the following condition on the premises licence :- “There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.”

A full Review Hearing will take place on **Monday, 4<sup>th</sup> January 2016 at 4.00pm** at Guildhall.

In the meantime the premises licence holder is entitled, pursuant to Section 53B (6), to make representations against the interim step decision. In such a case a public

hearing will take place within 48 hours of the receipt of those representations; the calculation of 48 hours being in accordance with Section 53B (10).

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**MINUTES OF THE LICENSING REVIEW (HEARING) SUB  
COMMITTEE**

**HELD ON MONDAY 4 JANUARY 2016**

**APPLICANT: CITY OF LONDON POLICE**  
**PREMISES: CARAVAGGIO, 107-112 LEADENHALL STREET,  
LONDON EC3A 4AF**

**PRESENT**

**Sub Committee:**

Marianne Fredericks CC (Chairman)  
Edward Lord  
Peter Dunphy

**Applicant:**

Gary Grant, Counsel representing the Premises  
Inspector Simon Douglas, City of London Police  
Inspector Deborah Belcher, City of London Police  
Mr John Hall, City of London Police Licensing Officer

**Premises:**

Mr Charles Streeten, Barrister representing the Applicant  
Mr Enzo Quaradeghini, Designated Premises Supervisor (DPS), Caravaggio

**Responsible Authorities and Other Persons:**

Ms Rachel Sambells, City of London Environmental Health Officer  
Ms Siobhan Marshall, City of London Environmental Health Officer  
Mr Nigel Bedford, London Fire and Emergency Planning Authority  
Mrs Stavrides, Resident

**In Attendance:**

Mr Paul Chadha, Comptroller and City Solicitor's Department  
Mr Steve Blake, Department of Markets and Consumer Protection  
Mr Peter Davenport, Department of Markets and Consumer Protection  
Mrs Gemma Stokley, Town Clerk's Department

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

A Review Hearing was held at 4:00pm in Committee Room 1, Guildhall, London, EC2, to consider and determine, through review, measures regarding the premises licence for '107-112 Leadenhall Street, London EC3A 4AF.'

The Sub Committee had before them the following documents:-

Appendix 1 – Report of the Director of Markets and Consumer Protection:

Application for Summary Review  
Additional information in support of review application

Appendix 2 – s.53A Certificate

Appendix 3 – Copy of Current Licence

Appendix 4 – Plan of Premises

Appendix 5 – Decision of Sub-Committee (Consideration of interim steps) 9 December 2015

Appendix 6 – Representations from Responsible Authorities:  
Environmental Health  
London Fire & Emergency Planning

Appendix 7 – Representations from Other Persons  
Stavrides

Appendix 8 – Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales.

Together with late papers circulated subsequent to the Sub Committee agenda being published:

Police evidence

- Schedule of Incidents
- Witness Statements
- Intelligence Reports
- Letter from the City of London Police to the proprietor
- Email from the City of London Police to Environmental Pollution
- City of London Police Email exchange
- Body Cam Footage
- CCTV Schedule
- CADS
- Crime Reports
- CCTV Footage

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The Hearing commenced at 4:00pm.

The Chairman introduced the Sub-Committee members and confirmed that all papers, including those circulated late, had been considered by the Sub-Committee in advance of the hearing. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Sub-Committee.

The Chairman stated that this hearing was a follow up to the Interim Steps Hearing for this premises which had taken place on 9 December 2015 and was an opportunity for the Sub-Committee to now consider further evidence submitted by the Applicant and to consider what steps were appropriate going forward.

The Chairman invited Mr Grant to present on behalf of the City of London Police. Mr Grant briefly summarised the grounds for the review and outlined the evidence provided in support of this. He stated that the Applicant was proposing that the interim steps imposed by the Sub-Committee on 9 December now be imposed permanently. It was also suggested that the Sub-Committee may wish to take this opportunity to 'tidy up' some of the existing licence conditions by deleting all items listed at 'Annex 2 – Conditions consistent with the Operating Schedule' on the grounds that they were no longer necessary or appropriate and impose a new condition regarding the use of a comprehensive digital colour CCTV system.

Mr Grant reported that the Premises Licence Holder had agreed to all of these points prior to the hearing and that there were therefore no outstanding issues between the Applicant and the Premises Licence Holder.

The Chairman invited Mr Streeten to make a statement on behalf of the Premises Licence Holder. Mr Streeten confirmed that all of the conditions proposed by the Applicant were acceptable to his client and also expressed the Premises Licence Holder's regret at the tragedy that had recently occurred and which triggered this summary review application.

The Chairman invited those representing the responsible authorities to address the Sub-Committee. The Sub-Committee heard from Mr Bedford of the London Fire and Emergency Planning Authority. Mr Bedford stated that his concerns, expressed on behalf of the LFEPA were being addressed under the requirements of a statutory enforcement notice which had been served by the LFEPA. He stated that he was happy to work with the premises to continue to address these matters.

Ms Sambells of the Environmental Health Office stated that they were in agreement with and supportive of the proposals put forward by the City of London Police.

Mrs Stavrides acknowledged that there were no issues when the premises operated as a restaurant and that her concerns related exclusively to the promoted events that had taken place at the premises. She stated that the reduction in the permitted hours would satisfy the concerns relating to public nuisance and mass dispersal that she and her husband had raised in their written submission to the Sub-Committee.

The Chairman reported that if a temporary event notice was served by the premises and provided sufficient comfort to the City of London Police in terms of safety and full compliance, this would be considered on its merits.

Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk Department and the Comptroller and City Solicitor Department.

Having returned from the deliberation, the Sub-Committee acknowledged that the Applicant was satisfied that the premises functioned safely and was well managed when it ran as a restaurant but that the number and severity of incidents of crime and disorder which occurred at the premises during the early hours of the morning when it operated as a nightclub demonstrated that the management team were unable to responsibly stage and manage promoted events.

The Chairman reported that the Sub-Committee were satisfied that the mutually agreed steps put forward by the City of London Police as Applicant addressed their concerns and they therefore decided to take the following steps in respect of the premises licence:

- That the permitted hours of all licensable activities be reduced to 23.30hrs

The Sub-Committee also decided that it was necessary and appropriate to impose the following conditions on the premises licence:-

- All persons (save for staff) shall be off the premises and the premises closed to the public by midnight
- “There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.”
- 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.
- The Sub-Committee also agreed that the conditions contained at ‘Annex 2’ of the premises licence were no longer necessary or appropriate. It therefore decided that the conditions set out below should be removed from the he premises licence:

- 1) The following activities are permitted under the terms of this licence:
  - a) Consumption of alcohol on the premises or the taking or supply of alcohol to any person residing in the licensed premises
  - b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
  - c) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied.
- 2) The premises may be used for the provision of private entertainment as previously permitted under the Private Places of Entertainment (Licensing) Act 1967.
- 3) Permission is given for the premises to open for all licensed activities from the commencement of trade on New Year's Eve until the end of trade on New Year's Day... ..

The Chairman said that a full decision containing the Sub-Committee's reasons would be circulated in due course and thanked all parties for attending the Hearing. She referred to the event which had prompted this summary review application and had, ultimately, resulted in a tragic loss of life. The Chairman underlined the fact that the City of London took safety within their licensed premises very seriously and wanted to avoid any possible repeat of these events.

The Chairman went on to thank both parties for reaching what the Sub-Committee felt was a sensible agreement on a way forward. Finally, she highlighted to the Premises Licence Holder that the City of London had a Code of best Practice for all of its licensed premises and asked that they familiarise themselves with this document.

**The meeting closed at 4.15pm**

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Chairman

**Contact Officer: Gemma Stokley**  
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**THE COMMON COUNCIL OF THE CITY OF LONDON**

**LICENSING SUB-COMMITTEE**

Marianne Fredericks CC (Chairman)  
Edward Lord CC  
Peter Dunphy CC

Monday 4 January 2016 (4:00pm – 4:15pm)

IN RE:

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CARAVAGGIO  
107-112 LEADENHALL STREET, LONDON, EC3A 4AF  
(WARD OF ALDGATE)

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*The Sub-Committee was addressed by Mr Gary Grant of Counsel for the Applicant and by Mr Charles Streeten of Counsel for the Premises. The Sub-Committee also heard from Ms Rachel Sambells, Environmental Health Officer and Mr Nigel Bedford of the London Fire and Emergency Planning Authority on behalf of the responsible authorities and Mrs Stavrides on behalf of Other Persons.*

This was a substantive Review Hearing convened under the provisions of S.53C Licensing Act 2003, following an Interim Steps Hearing, for premises known as Caravaggio, 107-112 Leadenhall Street, London EC3A 4AF held on Wednesday 9 December 2015.

The Sub-Committee had before it an agenda pack including a Report of the Director of Markets and Consumer Protection, the application for summary review along with supporting evidence circulated by the Applicant subsequent to the publication of the agenda but prior to the commencement of the hearing, representations from responsible authorities and one representation from an interested party.

The Sub-Committee considered the documentary evidence provided on behalf of the Applicant. Counsel for the Applicant briefly summarised the grounds for the review and outlined the evidence provided in support of the grounds. He stated that the Applicant was proposing that the interim steps imposed by the Sub-Committee on 9 December now be imposed permanently. It was also suggested that the Sub-Committee may wish to take this opportunity to 'tidy up' some of the existing licence conditions by deleting all items listed at 'Annex 2 – Conditions consistent with the Operating Schedule' on the grounds that they were no longer necessary or appropriate and impose a new condition regarding the use of a comprehensive digital colour CCTV system.

The Applicant reported that the Premises Licence Holder had agreed to all of these points prior to the hearing and that there were therefore no outstanding

issues between the Applicant and the Premises Licence Holder. Counsel on behalf of the Premises Licence Holder confirmed that all of the conditions proposed by the Applicant were acceptable and also expressed the Premises Licence Holder's regret at the tragedy that had recently occurred and which triggered this summary review application.

The Sub-Committee also considered the evidence put forward in the representations from responsible authorities and the Interested Party. All were given the opportunity to speak and stated that they too would be keen to see the proposed conditions imposed. The Sub-Committee noted that the concerns expressed by Mr Bedford on behalf of the LFEPA were being addressed under the requirements of a statutory enforcement notice which had been served by the LFEPA and that the reduction in the permitted hours would satisfy the concerns relating to public nuisance raised by the City of London's Environmental Services Department and the Interested Party.

The Sub-Committee considered the available options found in S.53C(3) of the Licensing Act 2003, these being :

- Take no further action;
- The modification of the conditions of the premises licence;
- The exclusion of a licensable activity from the scope of the licence;
- The removal of the designated premises supervisor from the licence;
- The suspension of the licence for a period not exceeding three months;
- The revocation of the licence

The Sub-Committee was acutely aware of the gravity of events which resulted in the summary review application being brought by the City of London Police and was satisfied that measures had to be imposed to endeavour to prevent such an incident occurring in the future. Furthermore, the Sub-Committee was of the view that the crime and disorder and public nuisance could be directly attributed to the late night promoted events held at the premises.

The Sub-Committee acknowledged that the Applicant was satisfied that the premises functioned safely and was well managed when it ran as a restaurant but that the number and severity of incidents of crime and disorder which occurred at the premises during the early hours of the morning when it operated as a nightclub demonstrated that the management team were unable to responsibly stage and manage promoted events. The Sub-Committee went on to report that if a temporary event notice was served and provided sufficient comfort to the City of London Police in terms of safety and full compliance, this would be considered on its merits.

Based on the evidence put before it, the Sub-Committee decided to take the following steps in respect of the premises licence:

- That the permitted hours of all licensable activities be reduced to 23.30hrs

The Sub-Committee also decided that it was necessary and appropriate to impose the following conditions on the premises licence:-

- All persons (save for staff) shall be off the premises and the premises closed to the public by midnight
- “There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.”
- 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.
- The Sub-Committee also agreed that the conditions contained at ‘Annex 2’ of the premises licence were no longer necessary or appropriate. It therefore decided that the conditions set out below should be removed from the he premises licence:

1) The following activities are permitted under the terms of this licence:

- a) Consumption of alcohol on the premises or the taking or supply of alcohol to any person residing in the licensed premises
- b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
- c) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied.

2) The premises may be used for the provision of private entertainment as previously permitted under the Private Places of Entertainment (Licensing) Act 1967.



- 3) Permission is given for the premises to open for all licensed activities from the commencement of trade on New Year's Eve until the end of trade on New Year's Day... ..

If any party is dissatisfied with the decision they are reminded of the right to appeal, within 21 days of the date of this decision being communicated to them, to a Magistrates' Court. Any party proposing to appeal is also reminded that under section 181 (2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make any order as to costs as it thinks fit. All parties are also reminded that in the event that there is an appeal against the Sub-Committee's decision the interim steps imposed on 9<sup>th</sup> December 2015 will remain in force until the determination of the appeal.

**M Fredericks  
E Lord  
P Dunphy**

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## MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 21 December 2015

**APPLICANT:** Humble Grape Limited

**PREMISES:** 1 St Bride's Passage, London, EC4Y 8EJ

### PRESENT

#### **Sub Committee:**

Marianne Fredericks (Chairman)  
The Revd. Dr. Martin Dudley  
Jamie Ingham Clark

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

David Arnold – Town Clerk's Department  
Gemma Stokley – Town Clerk's Department  
Paul Chadha – Comptroller & City Solicitor's Department  
Peter Davenport – Markets & Consumer Protection Department

#### **Applicant:**

Represented by Neill McCann, Joelson Wilson LLP  
James Dawson, Owner, Humble Grape Limited

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

Henrika Priest CC – Resident  
William Gardiner – Resident

### **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 '1 St Bride's Passage, London, EC4Y 8EJ'.

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

Appendix 1: Copy of Application

Appendix 2: Conditions consistent with the Operating Schedule

Appendix 3: Representations from other persons

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

Appendix 5: Plan of Premises

- 2) The Hearing commenced at 10:30am.

- 3) The Chairman opened the Hearing by introducing herself, the other Members of the Sub Committee, the officers present and the nature of the application.
- 4) The Chairman sought confirmation from the applicant regarding a description of the proposed new premises. Mr Niall McCann, the solicitor representing the applicant, advised that the proposed premises would be a modern wine shop, bar and restaurant. The bar and restaurant would serve food and imported fine wines for up to 160 covers. All bar and waiting staff would be qualified to at least intermediate level by the Wine and Spirit Education Trust (WSET) to ensure that corporate and private wine-tasting events were delivered to a high standard. Wine from the shop at the front of the premises was intended to be for off-sales only, not for consumption in the bar or restaurant.
- 5) Mr McCann added that the applicant was currently in discussions with the landlord with a view to provide an outdoor seated eating and drinking area in the courtyard located at the rear of the premises. If negotiations with the landlord were successful, the courtyard would provide seating for 20 – 30 people.
- 6) In response to concerns regarding late night dispersal on busy nights, Mr McCann advised that signage would be placed at exits to remind patrons to keep noise levels down and the Maître d' would instruct all leavers to exit straight onto New Bridge Street to avoid local residences. Staff would also be on hand to order taxis whilst patrons remained inside the premises whilst they waited. Gradual dispersal was anticipated as corporate events were expected to end by approximately 8:00pm whereas private patrons may stay later into the evening. The Chairman noted that the applicant had not yet provided a dispersal policy, which would be required as soon as possible.
- 7) In response to a Sub-Committee Member's question regarding the provision of corporate wine-tasting events, Mr James Dawson (applicant – owner of Humble Grape Limited) advised that they were expected to take place approximately two to three times per week as there was a high demand for these types of events in the City of London amongst local businesses. Mr Dawson added that the events would be held in a separate private room for anywhere between 10 – 50 people.
- 8) Mr William Gardiner and Ms Henrika Priest, Common Councilman for the Ward of Castle Baynard, advised the Sub-Committee of the concerns outlined in their previously submitted representations.
- 9) Ms Priest noted that it was useful to have been provided with a statement of case from the applicant but it should have been provided sooner, which Mr McCann acknowledged and accepted. Ms Priest welcomed the condition to restrict outside drinking proffered in the statement of case but added that hers and Mr Gardiner's concerns regarding late night dispersal and noise levels caused outside drinkers in the courtyard remained. The Sub-Committee were advised that late night dispersal would cause disruption to local residents as patrons were free to exit the large premises in any direction, despite being encouraged by the Maître d' to exit via New Bridge Street.

- 10) Ms Priest recommended that the terminal hours for the supply of alcohol should be kept at 00:00 or brought forward to 23:30 throughout the week and outside drinking should be completely restricted. Mr Gardiner suggested that the terminal hour for the supply of alcohol should be earlier than 00:00 or 23:30 on Saturdays as this was currently the only day of respite for local residents who weren't disrupted by post-work outside drinking.
- 11) The Sub-Committee considered these concerns and, in response to Members' questions, the applicant agreed to amend their application to include a terminal hour for the sale of alcohol and late night refreshments on Saturdays to 00:00. The applicant also agreed to no off-sales of alcohol except for in sealed containers and to return with an application for variation to the licence, if granted, to include the courtyard for on and off sales in future if the landlord agreed to its' use.
- 12) 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.
- 13) The Sub-Committee retired at 11.25am.
- 14) At 11.55am the Sub-Committee returned from their deliberations and explained that they had reached a decision. The Chairman thanked those who had remained to hear the decision of the Sub-Committee.
- 15) 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.
- 16) 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.
- 17) The Chairman reported that it was the Sub-Committee's decision to grant the premises licence as offered by the applicant as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon – Wed 11:00 – 00:00
		Thu – Fri 11:00 – 01:00
		Sat 11:00 – 00:00
		Sun 11:00 – 23:00
Late Night Refreshment	N/A	Mon - Wed 23:00 – 00:30
		Thu – Fri 23:00 – 01:30
		Sat 11:00 – 00:00

- 18) The Chairman went on to explain that the conditions to the grant of the licence were as follows:
- The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested. (MC01)
  - Prominent signage 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)
- 19) The Sub-Committee also requested that the applicant provide a copy of its dispersal policy, which it has previously supplied to the City of London Police, within 14 days of the date of the hearing.
- 20) The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would be circulated to all within five working days.

**The meeting closed at 12.00pm**

-----  
Chairman

**Contact Officer: Gemma Stokley**  
**Tel. no. 020 7332 1407**  
**E-mail: [gemma.stokley@cityoflondon.gov.uk](mailto:gemma.stokley@cityoflondon.gov.uk)**

<b>Committee:</b> Licensing	<b>Date:</b> 3 February 2016
<b>Subject:</b> Terms of Reference of the Markets Committee and Frequency of Meetings	Public
<b>Report of:</b> Town Clerk	For Decision
<b>Report Author:</b> Gemma Stokley, Town Clerk's Department	
<b><u>Summary</u></b>	
<ol style="list-style-type: none"> <li>1. As part of the post-implementation review of the changes made to the governance arrangements in 2011 it was agreed that all Committees should review their terms of reference. This will enable any proposed changes to be considered in time for the reappointment of Committees by the Court of Common Council.</li> <li>2. The terms of reference of the Licensing Committee are set out at Appendix A for your consideration. It is proposed that the approval of any further changes to the Committee's terms of reference be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.</li> <li>3. The Committee is also required to review the frequency of its Committee meetings. At present, the Licensing Committee meet four times per year.</li> </ol>	
<b><u>Recommendations</u></b>	
<ol style="list-style-type: none"> <li>a) That, subject to any comments, the terms of reference of the Committee be approved for submission to the Court, as set out at Appendix A, and that any further changes required in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman; and</li> <li>b) Members agree on the frequency of meetings per annum.</li> </ol>	

**Contact:**  
 Gemma Stokley  
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**LICENSING COMMITTEE**

**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.



<b>Committee</b>	<b>Date:</b>
Licensing Committee	3 February 2016
<b>Subject:</b> Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>
<b>Report author:</b> Peter Davenport - Licensing	

## Summary

This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 October 2015 to 31 December 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.

The report gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 October 2015 and 31 December 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 June 2015 to 30 November 2015.

## Recommendation

Members are asked to note the report.

## Main Report

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 October 2015 and 31 December 2015. Each of these appendices contains details of any conditions attached to the premises licences.
2. The report also contains information appertaining to the number of personal licences issued. This information is also contained in Appendix II.
3. Any questions of detail concerning premises licences can be obtained from the Corporation's public register which can be found on:

<http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Search-the-public-register.aspx>.

or by contacting Peter Davenport, Licensing Manager, on extension 3227 or by email to the Licensing Team at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk).

4. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003

(Appendix III). The table in Appendix III shows the number of visits undertaken, number of complaints received and the number of enforcement actions taken. Enforcement actions include warning letters, notices, simple cautions, legal proceedings etc.

5. Appendix III provides data from 1 October 2015 to 31 December 2015.
6. Licensing Officers undertake routine enforcement visits checking on premises licence conditions where there are concerns, e.g. closing times, compliance with Temporary Event Notices and managing numbers of people consuming alcohol outside venues, and also in response to complaints. The Departmental Policy Statement on Enforcement is followed prior to escalating action and taking legal proceedings.
7. The Departmental Policy Statement on Enforcement conforms to the Regulators' Compliance Code and the regulatory principles required under the Legislative and Regulatory Reform Act 2006. It sets out the general principles and approach which Officers are expected to follow and addresses issues of proportionality, consistency, targeting, transparency and accountability.
8. More widely, enforcement arrangements are currently coordinated at the Licensing Liaison Partnership meetings that are held monthly and are attended by representatives from all enforcement agencies. Joint visits are organised via this forum and subsequent reports are used to add to the top level premises list that comprises those premises that have accrued the most points under the 'traffic light' risk scheme. These are then targeted by relevant enforcement officers.
9. This report details data produced from the 'traffic light' risk scheme for the period of 1 June 2015 to 30 November 2015. 3 premises have a sufficient number of points to be classified as 'red' and 5 premises have a sufficient number of points to be classified as 'Amber'. Further details can be seen in Appendix IV (in the non-public papers).
10. There is a very good working relationship between the Port Health & Public Protection (PH&PP) Licensing Team, The City of London Police Licensing Team and the PH&PP Pollution Control Team, all of whom are based at Walbrook Wharf.
11. The Memorandum of Understanding (MoU) between the City of London Police and the Markets and Consumer Protection Department agreed in November 2011 outlines specific arrangements for cooperation between the Licensing Teams.
12. The other City Corporation Department that is routinely involved in enforcement is the Department of the Built Environment (DoBE). Where it appears that a material change of use has occurred, or there is a failure to comply with any condition attached to a planning permission or a breach of planning controls, when it is expedient to do so, officers from this Department seek authorisation to take the appropriate enforcement action.

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

### **Implications**

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

### **Appendices**

- Appendix 1 – New Licence Applications issued between 1 October 2015 and 31 December 2015
- Appendix 2 – Applications to vary a licence issued between 1 October 2015 and 31 December 2015
- Appendix 3 - Enforcement Action carried out between 1 October 2015 and 31 December 2015 (Including complaints received)
- Appendix 4 (Non-Public) – Premises reaching red and amber on the risk scheme between 1 June 2015 and 30 November 2015.

### **Background Papers**

None

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## Appendix I

### New Licence Applications Issued by way of Delegated Authority (Oct-Dec 2015)

Name	Address	Ward	Details	
Carluccio's Pop Up	Liverpool St Station	Bishopsgate	A	23:00
Bloomberg Parkhouse	18-19 Eldon Street	Coleman St	A, L	00:00
Hewlett Packard	1 Aldermanbury Square	Bassishaw	A, L, (f)	00:00
Pronto	19a Vine Street	Tower	A	22:30
The Tasting Room	12 Primrose Street	Bishopsgate	A, L, (b), (e), (f)	00:30
The Deck	20 St Dunstan's Hill	Billingsgate	A, L	02:00
Amlin plc	122 Leadenhall Street	Lime Street	A, L	00:00
Zurich Offices	70 Mark Lane	Tower	A, (f)	23:00
Z City	23-28 Fleet Street	Farringdon w/out	A	00:00
Orpheus	26a Savage Gardens	Tower	A	23:00
Ceru Restaurant Ltd	135-141 Cannon Street	Candlewick	A	23:00
1 Rebel Gym	63 St Mary Axe	Bishopsgate	A, (b)(c)(d)(e)(g)	00:00
Obica	60 Ludgate Hill	Farringdon w/in	A, L	01:30
Hotel Chocolat	Liverpool St Station	Bishopsgate	A	23:00

Total Licences Issued = 14

In addition 29 applications for provisional statement were received for the Bloomberg development site. The applications were made to cover all possibilities and the number of new licence applications is likely to be in the region of 17.

Key to Details:

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

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

#### Number of Licences by Ward

WARD	No.		No.
Bassishaw	1	Farringdon w/in	1
Billingsgate	1	Farringdon w/out	1
Bishopsgate	4	Lime Street	1
Candlewick	1	Tower	3
Coleman Street	1		

## Conditions Applied to Licences Granted by way of Delegated Authority

### Carluccio's

None

### Bloomberg Parkhouse

None

### Hewlett Packard

None

### Pronto

None

### The Tasting Room

None

### The Deck

1. Alcohol will only be sold to persons employed by companies or businesses which operate within the building where the premises are located, or to their guests.

2. The premises shall install and maintain a CCTV system. Recordings shall be kept available for a minimum of 31 days. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are in use.

### Amlin

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

### Zurich Offices

None

### Z City

None

### Orpheus

None

### Ceru Restaurants Ltd

None

### 1 Rebel Gym

None

### **Obica**

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

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

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

### **Hotel Chocolat**

None

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## Appendix II

### Licence Variations Issued by way of Delegated Authority (Oct-Dec 2015).

Name	Address	Ward	Variation
Applebury Foods	94 Fleet Street	Castle Baynard	• Sale of alcohol extended from 23:00 terminal hour to 24hrs. Additional hours for internet sales only.
Club Twist	1a Pudding Lane	Bridge & Bridge Without	• Increase in terminal hour from 00:00 to 02:00 Thu-Sat
Sushi Samba	110 Bishopsgate	Bishopsgate	• Increase of terminal hour from 03:00 to 24hrs.
Harry's Bar	5 Abchurch Yard	Candlewick	• Deletion of conditions transferred over in 2005.

Total Number of Variations = 4

#### Number of Licences by Ward

WARD	No.		
Bishopsgate	1	Castle Baynard	1
Bridge/Bridge w/out	1	Candlewick	1

#### Conditions Applied to Licences Granted by way of Delegated Authority

##### Applebury Foods

1. The sale of alcohol is permitted 24 hours a day for internet and mail order sales only.

##### Club Twist

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

##### Sushi Samba

None

##### Harry's Bar

None

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

01 October 2015 – 31 December 2015 1

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**Enforcement Action Carried out Under the Licensing Act 2003  
1 October 2015 - 31 December 2015**

Total Number of Inspections	48
Number of Warning Letters	3
Number of Premises advised	18
Number of simple cautions	1 offered (not accepted – legal proceedings commenced)
Number of suspension notices	28
Licence lapsed*	4
‘Dead’ Suspensions**	8
‘Live’ Suspensions***	16
Still to be determined	2

\*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 October 2015 and 31 December 2015**

**Outcome Code**

**No action possible** - Complaint unjustified or unsubstantiated

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

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

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

Total number of complaints: 31

Details	Date	Outcome	Ward
ABC Bar/Restaurant, 7-9 Norwich Street, London, EC4A 1EJ			
Claim of there being loud music and people noise coming from the ABC bar (now called Turntable bar/restaurant) on Norwich Street	10/10/2015	Resolved informally	Farringdon Without
Loud music and people shouting	14/11/2015	Resolved informally	Farringdon Without
Camino Restaurant Bar, 33 Black Friars Lane, London, EC4V 6EP			
Regular loud music from the premises below	12/12/2015	Resolved informally	Farringdon Within
Loud music from restaurant until late	04/12/2015	Resolved informally	Farringdon Within
Music and people noise from Caminos Bar	09/12/2015	Resolved informally	Farringdon Within
People and music noise from Caminos Bar	19/12/2015	No action possible	Farringdon Within
Caravaggio, Retail Unit 1, Bankside House, 107-112 Leadenhall Street, London, EC3A 4AF			
Claims of being disturbed by loud music from Caravaggio bar on Leadenhall Street	25/10/2015	Resolved informally	Aldgate
Review of premises OOHs see SEOs report	06/10/2015	Resolved informally	Aldgate
Corney & Barrow, Level 1, Unit 2, City Point, 1 Ropemaker Street, London, EC2Y 9AW			
Alleged complaint of loud music and people noise from the C & B pub, Moor Lane	02/12/2015	No action possible	Coleman Street
Grand Union, Grand Union Public House, Rolls Passage, London, EC4A 1HL			
Call to OOH re: noise from people outside	16/12/2015	Resolved informally	Farringdon Without
Loud Music breakout from premises and intruder alarm from same address	06/10/2015	Resolved informally	Farringdon Without
Noise from alarm	23/10/2015	Resolved informally	Farringdon Without
Noise complaint rec'd via email	17/12/2015	Resolved informally	Farringdon Without
High Timber Restaurant, Riverside Retail Unit, Sir John Lyon House, 8 High Timber Street, London, EC4V 3PA			
Delivery from a trolley at 6.00 am	16/12/2015	Resolved informally	Queenhithe
Kurumaya Japanese Restaurant Ltd, 74-75 Long Lane, London, EC1A 9ET			
Noise from restaurant sign being fitted	10/11/2015	Resolved informally	Farringdon Within
Mary Janes, 124-127 Minories, London, EC3N 1NT			
Complaint of loud music and people noise coming from Mary Janes wine bar, Minories	23/10/2015	Resolved informally	Tower
Museum of London, London Wall, London, EC2Y 5HN			
Party at the museum	18/12/2015	No action possible	Aldersgate

Party at the museum	18/12/2015	No action possible	Aldersgate
Padron T/a Japanese Canteen, 13 Harrow Place, London, E1 7DB			
Music Noise	03/12/2015	No action possible	Portsoken
Music and people noise from Padron Restaurant private party	16/12/2015	Referred to other	Portsoken
Patch, 58-62 Carter Lane, London, EC4V 5EA			
Obs undertaken by SEO TEN until 0200 in operation	13/12/2015	Resolved informally	Farringdon Within
Rucolletta, Retail Unit, 6 Foster Lane, London, EC2V 6HH			
Intruder Alarm	14/11/2015	Resolved informally	Cheap
The Butcher's Hook and Cleaver, The Butcher's Hook And Cleaver Public House, 61 West Smithfield, London, EC1A 9DY			
Music Noise	16/12/2015	No action possible	Farringdon Within
The Minorities Public House, Minorities Public House, 64-73 Minorities, London, EC3N 1JL			
Resident disturbed by noise	20/11/2015	No action possible	Tower
The Old Bengal Warehouse, 16A New Street, London, EC2M 4TR			
Complaint about live music coming from the Old Bengal warehouse	19/10/2015	Resolved informally	Bishopsgate
Complaint about live music coming from the Old Bengal warehouse	19/10/2015	Resolved informally	Bishopsgate
The St Barts Brewery, 66 West Smithfield, London, EC1A 9DY			
Loud music	05/10/2015	No action possible	Farringdon Within
Music noise	20/12/2015	Case still in progress	Farringdon Within
Music noise	10/10/2015	Resolved informally	Farringdon Within
Music noise	31/10/2015	Case still in progress	Farringdon Within
Amplified music	26/11/2015	Case still in progress	Farringdon Within

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<b>Committee</b>	<b>Date:</b>
Licensing Committee	3 February 2016
<b>Subject:</b> Sex Establishments – Annual Review of Fees	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Peter Davenport - Licensing	

## 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 within the licensing process.

The proposed fees suggested are a slight decrease from the current fees. This is due solely to a small decrease in staffing costs. This will not affect budget income targets as we currently do not have any premises that have a Sex Establishment Licence.

## Recommendation

Members are asked to agree the proposed fees for 2016/17 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. The Supreme Court heard an appeal on 29 April 2015 and decided that licensing schemes which required the applicant to pay a fee covering the administrative costs of the application at the time the application is made and, in the event that the application is granted, a further fee to cover the costs of enforcing the licensing scheme did not fall foul of the Provision of Services Regulations 2009. Furthermore, the Supreme Court rejected Mr Justice Keith’s view that enforcement costs cannot be recouped. In delivering the judgement of the Supreme Court, Lord Mance stated ... “ there is no reason why it (*the fee*) should not be set at a level enabling the authority to recover from licensed operators the full cost of running and enforcing the licensing scheme, including the costs of enforcement and proceedings against those operating sex establishments without licences.”
8. However, a decision regarding licensing schemes which required a fee that covered both the administrative costs and the costs of enforcing the scheme to be paid at the time the application was made, with the enforcement element being refunded should the application be rejected, was referred to the European Court of Justice for determination.

### **Current Position**

9. This decision, if upheld, may affect the fees proposed as although they do not currently contain an element of enforcement costs they do contain an element of compliance costs i.e. routine inspections. The overall fee will not have to be increased/decreased but may have to be split into administrative costs and other costs, with other costs only being charged once the licence has been granted.
10. SEV fees for 2016/17 have been calculated on the above basis, but without being split into component parts, 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.



11. The forecast for 2016/17 is that, as in 2015/16, there will be no SEV licences issued.

### **Proposals/Options**

12. If fees are set lower than those recommended the result will be a deficit for 2016/17 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.
13. Any such under or over recovery of costs from 2016/17 will be calculated after the end of that financial year and be carried forward to be taken into consideration in setting fees for 2018/19. 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 2016/17, as no applications were received in 2014/15.

### **Corporate & Strategic Implications**

14. The proposals within this report meet the statutory requirement to set fees for the licensing of Sex Establishments.

### **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 twelve above.

### **Conclusion**

17. Setting the proposed fees will permit the Corporation to meet its statutory obligations and recover all costs if an application for a Sex Establishment is received during 2016/17.

### **Appendices**

- Appendix 1 – Proposed Fees for 2016/17

### **Background Papers**

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

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## Appendix 1

### Proposed Sex Establishment Fees for 2016/17

Application Type	Estimated number	Current Fee	Proposed Fee	Income Forecast
New sex shop / sex cinema application	0	£4,660	<b>£4,550</b>	£0.00
Renewal of sex shop / sex cinema licence	0	£4,300	<b>£4,200</b>	£0.00
Variation of sex shop / sex cinema licence	0	£3,590	<b>£3,530</b>	£0.00
Transfer of sex shop / sex cinema licence	0	£500	<b>£480</b>	£0.00
New sexual entertainment venue application	0	£6,320	<b>£6,190</b>	£0.00
Renewal of sexual entertainment venue licence	0	£5,960	<b>£5,840</b>	£0.00
Variation of sexual entertainment venue licence	0	£3,590	<b>£3,530</b>	£0.00
Transfer of sexual entertainment venue licence	0	£2,370	<b>£2,330</b>	£0.00
Change of details	0	£50	<b>£50</b>	£0.00
Copy of licence	0	£30	<b>£30</b>	£0.00
<b>Total</b>				<b>£0.00</b>

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<b>Committee:</b>	<b>Date:</b>
Licensing	3 February 2016
<b>Subject:</b> Late Night Levy – 12 Month Report	<b>Public</b>
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Decision</b>
<b>Report author:</b> Peter Davenport - Licensing	

## Summary

A Late Night Levy has been operating within the City of London since 1 October 2014. This report looks at the first year of operation and details the number of premises that are paying the Levy, the income collected and how that money has been spent to date.

The evidence shows that as many premises at the beginning of the second Levy year were liable to pay the Levy, due to their terminal hour for selling alcohol being after midnight, as at the beginning of the first Levy year.

The income collected has enabled the licensing service to continue with operating its unique risk scheme combined with Safety Thirst, a best practice scheme. The Police and cleansing service have been able to put additional resources into those areas that are affected by the night time economy directly affecting the levels of crime and disorder and public nuisance.

Although the Levy would need to operate for a minimum of a further year before the effects can be fully examined, the lack of licensing hearings or reviews for the last nine months of the first Levy year is unprecedented.

## Recommendation(s)

Members are asked to:

1. Confirm that expenditure of the Levy continue in the three areas set out at paragraphs 19, 20 and 29 with continued exploration of areas where the night time economy, within the scope of paragraph 18, may benefit from use of Levy income.
2. Agree that the final allocation of the Levy, apportioned for use by the City Corporation, to be decided by the Chairman and Deputy Chairman of the Licensing Committee in consultation with the Director of Markets and Consumer Protection.
3. Require officers prepare an annual account of the operation and effect of the Levy which is to be reported to the Licensing Committee.

## 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. 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.
4. Prior to the introduction of the Levy all licensed premises in the City of London were sent a letter informing them of the Levy's introduction and the fact that if they so desired, they could submit a free variation to bring their licence outside of the Levy period. The letters originally stated that this period would end on 18 July 2014 but was later extended to the eve of the introduction on 30 September 2014.
5. The variation involved either reducing their terminal hour for alcohol sales to at or before midnight and/or removing any conditions/non-standard hours that permitted them to sell alcohol after midnight e.g. to stay open late for alcohol sales on New Year's Eve.
6. Copies of the letters to premises that were knowingly liable to pay the Levy and all others can be seen as Appendices 1 and 2 respectively.

#### Premises liable

7. As at 1 October 2014, 253 premises were liable to pay the Levy by virtue of the fact that their terminal hour for the sale of alcohol was after midnight. Other premises may have been liable by virtue of being permitted to sell alcohol due to conditions/non-standard timings although this number is not available.
8. 90 premises took advantage of the option to submit a free variation which took them outside of the Levy period. It is not recorded whether these premises were simply reducing their terminal hour and/or removing a condition/non-standard hours.
9. Between 1 October 2014 and 30 September 2015 a number of other premises submitted variations to bring them outside the Levy period along with a number of other premises that would have submitted variations whether or not a Levy had been adopted. These would have paid the statutory fee of £89.
10. Again, it was not recorded whether these 'paid' variations were simply reducing their terminal hour and/or removing a condition/abnormal hours or indeed, whether they would have made an application for a minor variation whether or not the Levy had been adopted. It can be seen from the following table that 'paid' applications for minor variations during the first year the Levy was in place were higher than in previous years.

Year	No of Minor
1 Oct 2010 – 30 Sep 2011	35
1 Oct 2011 – 30 Sep 2012	38
1 Oct 2012 – 30 Sep 2013	65
1 Oct 2013 – 30 Sep 2014	64(free) + 46
1 Oct 2014 – 30 Sep 2015	26 (free) + 117

### Generated Income

11. 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)*

12. 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.
13. The forecast was based on approximately one third of premises submitting minor variations and the majority of liable premises becoming members of the Corporations' Safety Thirst scheme and obtaining a 30% discount. The forecast was also based on the number of premises at that time, and the rateable band they fell into.
14. 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.
15. At the six month stage of the first Levy year it was forecast that the Levy would generate approximately £415k. After removing an amount for administering the scheme the remainder was to be divided between the City of London Police (70% - statutory minimum) and the City Corporation (30% - statutory maximum).

### Safety Thirst Scheme

16. Legislation permits a local authority to give a 30% discount off the Levy payment for those premises that participate in a best practice scheme. The scheme has to show why membership of it is likely to result in a reduction of alcohol-related crime and disorder, there is a requirement for active participation by scheme members and those members who do not participate appropriately can be removed from the scheme. The scheme currently used by the City Corporation is the Safety Thirst Scheme.
17. The Safety Thirst Scheme has been running for a number of years but was completely revamped in 2014 prior to the Levy being adopted. It lays down a set of criteria in a number of areas that premises either must meet or are expected to meet. Those premises meeting the 'must meet' criteria can join the scheme and receive a 30% discount in their Levy payments.

How is the Levy to be spent?

18. In the report to the Licensing Committee on 6 May 2015 it had not been finalised how the income generated by the Levy was to be spent. However, the City Corporation are required to spend their 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
19. It was suggested in the above report that the money was likely to be spent on funding a post to operate the Code of Practice, Risk Assessment and Safety Thirst Schemes.
20. It was also intended to fund a team of officers to work during the Levy period 00:00 to 06:00 and to provide a late night cleansing team to deal with the effects of anti-social behaviour.
21. The City of London Police have no such restrictions as to what they can spend their allocation of the Levy on. However, it was indicated that the money would only be used to fund additional work related to policing of the Night Time Economy.

**Current Position**

Premises Liable

22. The number of premises liable to pay the Levy on 1 October 2015 was 330. Of these, 253 – by coincidence the same number liable on 1 October 2014 – were liable by virtue that their terminal hour for the sale of alcohol was after midnight. The remaining 77 were liable because they have a condition on their licence,



and/or non-standard hours, which permitted the premises to sell alcohol after midnight on at least one day per year.

### Generated Income

23. The total amount collected in the first Levy year is as follows:

Month	Amount Collected
Oct 14 – Mar 15	£143,594.80
Apr 15 – Sep 15	£301,492.90
TOTAL	£445,087.70

The total for the year was greater than the six month forecast due primarily to fewer premises than expected becoming members of the City Corporation's Safety Thirst scheme.

24. The total amount retained by the Corporation for administering the Levy scheme in its first year is £25k. The amount to be collected from year two onwards is £15k. The year one figure allows an additional £10k for the setting up of the scheme.
25. The net total collected is therefore £445,087.70 less £25,000. This has been apportioned as follows:
- City of London Police - £294,061.39 (70%)
  - City Corporation - £126,026.31 (30%)
26. Forecasts of income for 2015/16 (the second Levy year) are not expected to fall much below £430k.

### Safety Thirst Scheme

27. Of the premises that paid the Levy between 1 October 2014 and 30 September 2015, only 26 had applied for and met the required standard. 29 premises in total met the required standard.
28. Prior to the second Levy year commencing on 1 October 2015 31 premises had met the required standard with a total of 26 being premises that sold alcohol after midnight.

### What has the money been spent on?

29. Of the £126k apportioned to the City Corporation the following amounts have so far been spent:
- Out of Hours Team (£10,000). The team operate between 00:00 and 06:00 and can provide a rapid response to complaints relating to public nuisance – usually in the form of noise. In addition, the team are able to identify areas where, although no complaint has been received, problems do, or may exist. This information is fed back to the Licensing Service who are able visit the premises concerned and discuss ways in which problems can be avoided.

- Part funding of new posts (£30,302). In order to prevent problems occurring the City Corporation introduced a Risk Assessment Scheme whereby issues relating to premises carry a score which is recorded and used to identify where problems may occur. The Licensing Service and City Police are then able to meet with the premises and discuss ways in which problems can be avoided. The scheme was operated by staff with no means of sustaining their funding. Although the risk scheme is for all premises over 90% of those premises obtaining points sell alcohol after midnight. The scheme, along with the work of the City Police and others, has resulted in the number of licensing hearings reduced from approximately 17 per year to none in the second two-thirds of the Levy year (1 Jan 2015 – 30 Sep 2015),
- Cleansing (£34,000) – Department of Built Environment provide a cleansing service through their term contractor Amey that is funded from the Night Time Levy. This service covers all areas of the City and operates Thursday to Sunday (inclusive) during the hours that the Night Time Levy is applicable.

The Night Time Levy team visit locations throughout the City, they sweep, clear litter, wash, disinfect and deal with any Anti-Social Behaviour issues and staining identified around licensed premises. They also provide a service for one-off licensed events. Scheduled flushing and washing is carried out on streets around these locations, as well as removal of flyers and other related litter that is generated by the night time economy. Part of the enhanced service also covers the flushing and washing of transport hubs.

This service has a positive effect on the cleanliness and image of the City. The cleansing management team believe that this service addresses the additional challenges raised by the increasing night time economy. The service is monitored by the Street Environment Team (COL) and the Amey Environmental Managers to make sure the required standards are achieved.

Item	Amount (£)
Out of hours team (Corporation)	10,000
Part funding of licensing post (Corporation)	30,302
Cleansing (Corporation)	34,000
Additional Officer (Police)	51,000
Christmas Campaign 2014 (Police)	76,000
New Year's Eve 2014 (Police)	9,000
Licensing Operations (Police)	45,000
TOTAL	£255,302

*Summary of money spent to date*

30. Therefore a total of £255k has been spent to date. Discussions are in place between relevant parties in order to ascertain the best way in which the balance, and the ongoing income in future Levy years, can be used. This includes consultation with the Levy payers. Future spends may include areas such as taxi-marshalling and enhancement of health provision during the Christmas period.

31. The City Police identified areas in which to spend their portion of the money. Details of Police expenditure can be seen as Appendix 3.

### **Corporate & Strategic Implications**

32. The proposals within this report will meet one of the overriding objectives contained within the service's business plan namely to 'Oversee the operation of a Late Night Levy'.

### **Implications**

33. Any money retained by the City Corporation from the Levy income must be spent on the areas referred to in paragraph 18, although it does not have to be spent in the same Levy year in which the income was generated.
34. Any expenditure in excess of the income received would need to be met from existing local risk budgets.

### **Conclusion**

35. The number of premises paying the Levy has not reduced. We now have an accurate count of those premises that are paying the Levy by virtue of either a condition or non-standard hours. We know that the number of premises paying the Levy is higher than we thought prior to the Levy being introduced.
36. Forecasts for the second Levy year (1 October 2015 to 30 September 2016) are not likely to be significantly less than in year one. There may be a few more premises submitting minor variations but this is felt unlikely.
37. With Police achieving results which are likely to directly reduce the incidence of crime and disorder, and the number of hearings heard by the Licensing Committee being drastically reduced, it would appear that the Levy money is having a positive effect. However, it is still too early to fully review the scheme and a greater understanding of the success or otherwise should be available by this time next year.

### **Appendices**

- Appendix 1 – Letter to liable premises
- Appendix 2 – Letter to other premises
- Appendix 3 – Police Expenditure

### **Background Papers**

Report to Licensing Committee 28 April 2014: 'Late Night Levy Consultation'.)  
Home Office 'Amended Guidance on the Late Night Levy' – 24 March 2015

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Dear Sir/Madam,

### **IMPORTANT**

#### **Introduction of Late Night Levy in the City of London**

On 13 June 2014 the Court of Common Council of the City of London approved the introduction of a Late Night Levy from 1 October 2014. The Levy will apply to all premises that supply alcohol between the times of 00:01 and 06:00.

According to our records your premises supplies, or can supply, alcohol at some time within this period and accordingly, the Levy will become payable after 1 October and on the date that your annual licence fee becomes due. The Levy for your premises has been prescribed by statute at £[insert levy fee] (Police Reform and Social Responsibility Act 2011).

If for whatever reason you wish to cease the supply of alcohol between 00:01 and 06:00 and thus not be liable for the Levy, you may apply to the City of London licensing team for a minor variation of your licence. Any supply of alcohol after 00:01 will need to be brought forward to end no later than midnight. Any non-standard timings that will result in alcohol being supplied after midnight, such as extended hours on New Year's Eve, will have to be removed in order for the Levy not to apply.

The application for a minor variation in these circumstances will be free of charge and should be made by 12 September 2014. Applications made after this date will not be accepted free of charge, but can be made in the normal way for a fee of £89.00.

#### **Levy Reduction**

It was agreed by the City of London Corporation that a reduction of 30% be applied to the Levy if a premises can show that it meets the necessary criteria for membership of the Corporation's Safety Thirst Scheme. The scheme accepts applications from premises until the end of March each year which are then audited between April and August with a presentation ceremony held in October.

Anyone achieving such membership will be eligible for a Levy reduction of 30%, if applicable, in the twelve month period from 1 October 2014 until 30 September 2015.

As this is the first year the Safety Thirst scheme has been linked to the Levy, we will accept late applications from you until **Friday 18 July 2014**. Application forms for Safety Thirst can be found on our website by clicking at [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk). Alternatively you may contact the Licensing Team by telephone on 020 7332 3406 or by email to [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk).

Please contact the licensing team if you have any queries regarding the content of this letter.

Yours faithfully,

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On 13 June 2014 the Court of Common Council of the City of London approved the introduction of a Late Night Levy from 1 October 2014. The Levy will apply to all premises that supply alcohol between the times of 00:01 and 06:00.

According to our records your premises licence does not permit the supply of alcohol within this period and accordingly, if this is the case, you will not be liable to pay the Levy. **However, if your licence permits the supply of alcohol within this period only by virtue of non-standard timings e.g. extended hours on New Year's Eve, you will be liable to pay the levy. If you are in any doubt please consult the licensing team on 020 7332 3406.**

If you wish to cease the supply of alcohol between 00:01 and 06:00 and thus not be liable for the Levy, you may apply to the City of London licensing team for a minor variation of your licence. Any supply of alcohol after 00:01 will need to be brought forward to end no later than midnight. Any non-standard timings that will result in alcohol being supplied after midnight will have to be removed in order for the Levy not to apply.

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## **Appendix 3: City of London Police - Late Night Levy spend to date**

### **1) Allocation of Funds**

Between 1st October 2014 and 30th September 2015, the City of London Police received a total of £294,000 from the Late Night Levy. Use of this funding is considered at the monthly tasking meeting, chaired by the Commander of Operations, to ensure it meets the levy criteria and that funding is allocated appropriately against threat, harm and risk.

### **2) Spend to date**

#### **a) Additional Licensing Officer**

The levy has funded an additional officer on attachment throughout the year for the police licensing team, at a cost of £51,000. This officer provides on-going resilience for the small team and is responsible for gathering and checking risk assessments for promoted events against intelligence systems, both in the City Police and the Metropolitan Police Service.

As a result, licensees are provided with the best information available for their events and can be warned about any particular issues identified in advance. Likewise, the force can ensure resources on duty are commensurate with any potential risks identified and are able to respond to issues connected with promoted events, where hundreds of people can be in attendance at one premise.

#### **b) Christmas Campaign and New Year's Eve**

Experience and analysis show that December is the busiest period of the year for calls for police assistance to late night, alcohol related incidents. Licensees expect to experience a significant increase in footfall and trading during the lead up to Christmas and in support of this, the force ran a dedicated Christmas Campaign in December 2014, focused on preventing violent and acquisitive crime in and around licensed premises.

On Thursday, Friday and Saturday nights of the three weekends proceeding Christmas, additional resources from across the force were allocated at a cost of £76,000. This provided extra public order trained officers, licensing, investigative, response and patrol capacity, to cater for the expected increase in demand. These

shifts were extremely busy throughout the night, with significantly increased calls for assistance in and around licensed premises, to deal with offences and issues connected with late night revelling and alcohol consumption. The additional resources on duty ensured the force was able to respond to the increased demand and provide an increased preventative presence in and around licensed premises.

Enhanced officer numbers were on duty for New Year's Eve 2014 as part of a joint operation with the Metropolitan Police. Officers stood down from the pan-London event after midnight were retained on duty as an additional resource, to assist with the volume of people in attendance at licensed premises and the increased calls for police assistance. This additional resource was funded at a cost of £9,000.

### c) Licensing Operations

Dedicated licensing operations throughout the year have been funded by the levy, with scrutiny of each funding bid provided by the Force Tasking meeting. £45,000 has been spent on late night licensing operations and of particular note are the results from additional night shifts worked by the behavioural detection specialist Project Servator team.

The late night levy has provided funding for officers to work additional shifts to both deter and detect offences connected with the night time economy, with a total in excess of £25,000 worth of drugs (principally cocaine) seized as a direct result of these operations and £15,600 in cash also recovered. Thirty arrests have been made by the team and twenty vehicles suspected of being connected with drug dealing in the City have been seized. Results from drug testing in custody of those arrested for violent offences committed during night time economy hours show that drug use can be a contributing factor.

Analysis shows that the final Friday of each month is busier in terms of calls for police assistance to incidents connected with late night licensing than others, possibly as a result of this being pay day for many City workers. The licensing team, with enhanced officer numbers, worked additional night shifts on the final Friday of each month to visit premises during the night, gather information and identify and respond to issues.

### **3) Plan for future spend**

The City of London Police have found funding from the levy a crucial factor in delivering these activities throughout the year and use of the fund for the year from October 2015 is planned as follows, although this will be subject to any changes in demand and approval by Force Tasking;

- Continuation of licensing operations and increased resources at peak times and in response to any late night issues arising.
- Continued funding of an additional licensing officer.
- Use of Project Servator officers to support late night licensing operations.
- Purchase of alcometer tubes for late night licensed premises to assist their conditions of entry.
- Delivery of a comprehensive Christmas Campaign in December 2015.
- Additional resources in the early hours of New Year's Day 2016.
- Enhanced resources for Easter 2016 to meet an expected increase in demand, due to promoted events held over the Easter bank holiday weekend.

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## City of London Police Licensing Activity- Briefing to the Licensing Committee

### Christmas Campaign 2015- Operation Tinsel

With the support of the Late Night Levy, City of London Police committed very significant additional resources to the policing of the Night Time Economy throughout the festive period.

From the last week in November up to 23<sup>rd</sup> December 2015, every Thursday, Friday and Saturday night were policed with additional teams of uniformed officers in support of the Licensing Team and other specialist uniformed units. These additional resources were made up of dog units, public order officers and other specialist officers countering the supply of illegal substances to city patrons. Specialist officers also completed a range of counter terrorism tactics in order to protect and reassure the community in the wake of tragic international events.

Police also deployed additional detective officers in order to provide investigative resilience during this period of greatly increased activity.

Officers were well matched to the level of activity on the street and within premises throughout the NTE. The police Licensing Team were able to investigate incidents within and connected with premises contemporaneous to events in order to accurately inform the management and behaviour of venues.

Superintendent Paul Clements, now responsible for City of London Police Communities, was appointed 'Silver Commander' for Op Tinsel. The vast majority of deployments commenced with a briefing delivered by Mr Clements before units were deployed to their areas of expertise.

The police Licensing Team commenced each shift, supported by a sergeant and 6 constables, carrying out licensed premises visits across the City. As incidents occurred and the shift developed into a more response led style the team attended live incidents in order to investigate, from a licensing perspective, what had gone wrong. This resulted in a significant number of premises staff and managers receiving direct feedback and guidance as to how to avoid repetition of incidents. In one instance this approach was so effective that evidence of seriously poor management practice was presented to a large operator who took immediate action and replaced a premises manager.

Operation Tinsel proved to be a very effective, structured deployment which was sufficiently flexible to deliver a variety of tactics, led by Support Group and other specialists, to deter criminal activity including terrorism as well as those units responding to often simultaneous calls to disturbances at premises, street violence and sexual offences.

This year, again, saw police units deployed to a large number of incidents where London Ambulance Service were not immediately available and the gap had to be filled by police either providing first aid and waiting with casualties or by conveying casualties to hospital.

The additional staffing provided by OP Tinsel greatly assisted the Duty Inspector gain control of a chaotic scene on the tragic night of 6<sup>th</sup> December when a young man was murdered as a result of an incident in Leadenhall Street.

New Years Eve again saw the Licensing Team deployed from early evening throughout the night. Early intervention by the team at a large City premises prevented significant disorder from a promoted event getting out of control. With the assistance of 2 dog units, an entire Support Group Unit of an Inspector, 3 sergeants and 21 constables together with an Evidence Gathering Team, the venue was cleared without serious injury. These same resources had to be immediately redeployed to clear a very large disturbance outside a promoted event close to ST Pauls. Unfortunately a more significant injury was reported from this venue.

### **Police Licensing Team Activity- 2016 Going Forward**

The police licensing team intends to maintain the level of activity demonstrated last year. Moving into 2016 police will continue with monthly deployments using a full range of resources and tactics drawn from across the force.

2015 demonstrated that with regular comprehensive deployments, thoroughly scrutinising licensed premises en masse, combined with other tactics the governance of the vast majority of premises improved considerably.

At the start of 2015 officers would deploy and carry out detailed premises visits throughout the NTE and regularly encounter premises operating in breach of their licences. By the end of 2015 transgressions became far less common as managers tightened their performance. This in turn had a positive effect on the safety of patrons. When CCTV systems, often a condition of licence, are maintained and operating correctly, crimes are successfully investigated leading to charge, conviction and hence a real deterrent.

In addition the team intend to deploy more regularly, resource permitting, in order to gather evidential footage of the impact that promoted events and other late night venues have within the vicinity of their businesses.

It is currently anticipated that the Christmas campaign 2016 should be comprised of a similarly extensively resourced deployment in order to meet the challenges of the season.

**Inspector Simon Douglas, Police Licensing Team.**

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