



Licensing Committee

Date: WEDNESDAY, 14 JULY 2021
Time: 1.45 pm
Venue: INFORMAL VIRTUAL PUBLIC MEETING (ACCESSIBLE REMOTELY)

Members:

Sophie Anne Fernandes (Chairman)	Marianne Fredericks
Shravan Joshi (Deputy Chairman)	Michael Hudson
Caroline Addy	Deputy Jamie Ingham Clark
Deputy Peter Dunphy	Graham Packham
Mary Durcan	Judith Pleasance
Karina Dostalova	Jason Pritchard
Deputy Kevin Everett	James Tumbridge
John Fletcher	

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Accessing the virtual public meeting

Members of the public can observe this virtual public meeting at the below link:

<https://youtu.be/h85d6ooC6DY>

This meeting will be a virtual meeting and therefore will not take place in a physical location. Any views reached by the Committee today will have to be considered by *the Director of Markets and Consumer Protection* after the meeting in accordance with the Court of Common Council's Covid Approval Procedure who will make a formal decision having considered all relevant matters. This process reflects the current position in respect of the holding of formal Local Authority meetings and the Court of Common Council's decision of 15th April 2021 to continue with virtual meetings and take formal decisions through a delegation to the Town Clerk and other officers nominated by him after the informal meeting has taken place and the will of the Committee is known in open session. Details of all decisions taken under the Covid Approval Procedure will be available on line via the City Corporation's webpages.

A recording of the public meeting will be available via the above link following the end of the public meeting for up to one municipal year. Please note: Online meeting recordings do not constitute the formal minutes of the meeting; minutes are written and are available on the City of London Corporation's website. Recordings may be edited, at the discretion of the proper officer, to remove any inappropriate material.

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 and non-public summary of the meeting held on 28 April 2021.

For Decision
(Pages 5 - 12)

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

The Comptroller and City Solicitor to be heard.

For Information

5. **COVID-19 UPDATE**

Oral update on the latest position.

For Information

6. **SUPPORTING THE RECOVERY OF THE HOSPITALITY SECTOR**

Director of Markets and Consumer Protection.

For Information
(Pages 13 - 40)

7. **LICENSING REVENUE OUTTURN 2020/21 REPORT**

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

For Information
(Pages 41 - 46)

8. **NEW LICENSING POLICY**

Report of the Director of Markets and Consumer Protection (TO FOLLOW).

For Decision

9. **CRIMES AT LICENSED PREMISES**

Report of the Chief Superintendent, City of London Police.

For Information
(Pages 47 - 50)

10. **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. – To be read in conjunction with the non-public appendix at Item 15).
For Information
(Pages 51 - 64)
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 28 April 2021.
For Decision
(Pages 65 - 68)
15. **DELEGATED DECISIONS OF THE DIRECTOR OF MARKETS AND CONSUMER PROTECTION PERTAINING TO PREMISES LICENCES**
An update on the risk scheme as of 31st December 2020.
(A non-public appendix to be read in conjunction with agenda item 10)
For Information
(Pages 69 - 70)
16. **RIVERSIDE SAFETY AND SUICIDE PREVENTION**
The Port Health and Public Protection Director to be heard.
For Information
17. **NON PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE**
18. **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, 28 April 2021

Minutes of the virtual meeting of the Licensing Committee held on Wednesday, 28 April 2021 at 1.45 pm

Present

Members:

Sophie Anne Fernandes (Chairman)	John Fletcher
Shravan Joshi (Deputy Chairman)	Marianne Fredericks
Caroline Addy	Michael Hudson
Deputy Peter Dunphy	Deputy Jamie Ingham Clark
Mary Durcan	Graham Packham
Karina Dostalova	Judith Pleasance
Deputy Kevin Everett	James Tumbridge

Officers:

Jon Averbs	- Director of Markets & Consumer Protection
Frank Marchione	- Comptroller & City Solicitor's Department
Rachel Pye	- Markets & Consumer Protection
Peter Davenport	- Markets & Consumer Protection Department
Leanne Murphy	- City of London Corporation
Gavin Stedman	- Markets & Consumer Protection Department
Jo Northmore	- City of London Police
Nick Bodger	- Cultural & Visitor Development Director
Jeremy Blackburn	- Head of Relationships & Networks
Chris Lovitt	- Deputy Director of Public Health
Jenny Pitcairn	- Chamberlain's Department

1. APOLOGIES

There were no apologies.

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

There were no declarations.

3. ORDER OF THE COURT OF COMMON COUNCIL

The Order of the Court of Common Council dated 15 April 2021 appointing the Committee and setting its Terms of Reference for the ensuing year was received.

4. ELECTION OF CHAIRMAN

An election of Chairman was conducted in line with Standing Order 29. Sophie Fernandes, being the only Member indicating a willingness to serve, was elected Chairman for the ensuing year. The Chairman thanked Members for their support.

5. **ELECTION OF DEPUTY CHAIRMAN**

The Committee proceeded to elect a Deputy Chairman in accordance with Standing Order No. 30. Shravan Joshi, being the only Member indicating a willingness to serve, was elected Deputy Chairman for the ensuing year. The Deputy Chairman thanked the Committee for their continued confidence.

6. **APPOINTMENT OF SUB COMMITTEE CHAIRMEN AND REFERENCE SUB-COMMITTEE**

The Committee proceeded to appoint four Licensing (Hearing) Sub Committee Chairmen for the ensuing year, in addition to the current Chairman and Deputy Chairman and Past Grand Committee Chairmen.

The following five Members declared a willingness to serve on the Reference Sub Committee and to serve as Sub Committee Chairmen: Deputy Jamie Ingham Clark, Michael Hudson, Caroline Addy, Graham Packham and James Tumbridge. The Committee agreed to increase the number of Members from four to five and a ballot was therefore not required.

RESOLVED – That the Licensing (Hearing) Sub Committee Chairmen and the Reference Sub Committee for 2021/22 comprise of the following Members:

- Sophie Fernandes (Chairman)
- Shravan Joshi (Deputy Chairman)
- Kevin Everett (Past Grand Committee Chairman)
- Marianne Fredericks (Past Grand Committee Chairman)
- Peter Dunphy (Past Grand Committee Chairman)
- Michael Hudson
- Deputy Jamie Ingham Clark
- Caroline Addy
- James Tumbridge
- Graham Packham

7. **PUBLIC MINUTES**

The public minutes of the meeting held on 3 February 2021 were approved as a correct record.

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

The Comptroller & City Solicitor advised the Committee that there were currently no appeals.

9. **GAMBLING ACT - ANNUAL REVIEW OF FEES 2021/22**

Members considered a report of the Director of Markets & Consumer Protection concerning the setting of the annual fees for those premises requiring a licence under the Gambling Act 2005.

It was noted that the proposed fees would result in less income compared with previous years due to a reduction in the forecast for the number of gambling premises in the City of London.

A Member noted reductions in the trade and queried if this was due to COVID or the growth of online betting shops. Members were advised that the change in trade was not COVID related but was likely a result of the increase in online betting as this was more lucrative.

RESOLVED – That Members agree the proposed fees for 2021/22 as set out in Appendix 1.

10. SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES 2021/22

Members considered a report of the Director of Markets & Consumer Protection concerning the setting of the annual fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment.

It was noted that the proposed fees were the same as they were for 2020/21 and would not affect budget income targets as there were currently no premises in the City that had a Sex Establishment Licence.

RESOLVED – That Members agree the proposed fees for 2021/22 as set out in Appendix 1.

11. COVID-19 UPDATE

The Committee received an oral update from the Director of Markets and Consumer Protection providing Members with an update on the current situation as a result of the Covid-19 pandemic.

- On 12 April, the Roadmap Lockdown Easing Step 2 was implemented and despite cold weather, the City's outdoors hospitality has been busy with approximately 50 licenced premises open for al-fresco to date.
- City Officers and the City of London Police have continued with their partnership approach of the 4 E's: Engage, Explain, Encourage, Enforce and confirmed there had been a good level of compliance with the roadmap restrictions resulting in a safe and enjoyable experience. It was noted that some issues have arisen with vertical drinking, takeaway drinks resulting in gatherings and inside spaces being described and used as outdoor spaces, most of which have now been resolved.
- Simple guidance documents have been provided to premises owners alongside seminars with colleagues in Public and Environmental Health.
- Officers envisage significantly more activity in May when premises would be able to open up indoors and as more people return to work across the City.
- Pavement licence applications have continued to be received, with 58 applications since the beginning of January 2021 adding to the existing 77 tables and chairs licences in operation. Businesses have been creative about how licensing can be used flexibly to expand their offering until restrictions are removed more fully.

- To provide a proportionate decision-making tool for pavement licenses in light of CTSA advice, a decision matrix approach is currently being trialled to assist with an acceptable risk level. This will be taken to the Senior Security Board in June and the Planning & Transportation Committee for approval.
- The City Corporation has continued to raise awareness of the Business Recovery Fund linked to the Covid Compliance Accreditation scheme which is in place to assist with the confidence of returning customers which has seen a good number of applications.
- Officers also continue to assist, where they can, with the evolving Recovery Taskforce - Vibrant Offer theme.

Members made the following comments:

- The Chairman thanked Officers for the huge amount of work that had been done to get businesses back up and running. These thanks were echoed by other Members.
- A Member noted that Officers had details of all hospitality trade in the City and suggested sharing information regarding the Covid19 fund to all. It was confirmed that the fund was actively being promoted through LinkedIn, Officers were knocking on doors, and email groups had been contacted.
- A Member was concerned by the number of boarded up premises in the City and was nervous they would not reopen. A list of Applicants that have surrendered licences was requested for Members.
- There was concern that hospitality would struggle to get staff as a number of EU nationals had gone home (due to COVID and Brexit) plus some older staff no longer wanted to travel into the City. In response to a query whether support and encouragement could be made to Government and TfL, it was confirmed that work was ongoing.
- With regards to premises that had applications refused, a Member requested a list of all refusals to date. Officers confirmed there had only been seven refused to date due to the safety of pedestrians / people at tables and were now hopefully resolved by the new risk assessment scheme. It was agreed an update would come to the next meeting.
- In response to a regarding who decided the applications for tables and chairs licenses in the TfL red route, Members were advised that the City Corporation decided the applications with TfL as a consultee.
- The Deputy Director of Public Health provided an overview of local COVID statistics and shared a graph of the number of COVID cases in the City, noting the significant reduction in numbers with no COVID

cases at the end March for residents. Businesses were encouraged to take up PCR and lateral flow tests and licensed premises urged to promote all staff to test twice a week and use QR codes to ensure the Public Health team can contact people to avoid breakouts.

12. CITY OF LONDON POLICE UPDATE

The Committee received an oral update from the Chief Superintendent providing a general update on the City of London Police since the last meeting.

Members were informed that there was no report on violent crime at premises as all premises had been closed.

It was confirmed that the Police had continued to disseminate COVID guidance and engagement had been very positive. There was concern regarding the uplift in theft, but so far there had been no reports.

Members were advised there had been a number of public awareness events and were encouraged to attend an online event for general managers and SIA staff on 11 May. The Town Clerk agreed to share the details.

It was noted that there had been some issues concerning takeaway drinks and vertical drinking with the Police continuing to remind the public of the rules. Some premises had decided to stop takeaways as they could not manage the supply safely.

A policing plan is in place for premises viewing the upcoming Euros 2021, with four premises currently confirmed to showing the fixtures.

In response to a question concerning how many fines had been issued for breaches, Members were advised that only one had issued due to the premises consistently flouting vertical drinking rules after 3 engagements from officers.

13. LICENSING SERVICE BUSINESS PLAN 2020/21: PROGRESS REPORT

Members noted a report of the Director of Markets & Consumer Protection providing an update on progress made during 2020/21 against the operational performance indicators (PIs) and improvement objectives outlined in the Business Plan of the Licensing Service.

RECEIVED.

14. DIRECTOR OF PUBLIC HEALTH REPORT FOR 2019/20

Members noted a report of the Director of Community & Children's Services concerning the Director of Public Health annual report (DPHAR) for 2019/20.

Members were informed that substance and alcohol misuse was the main focus and there were six recommendations for interventions to avoid abuse and misuse. It was hoped that licensed premises would engage and respond to these recommendations.

RESOLVED – That Members note and comment on i) the recommendations within the DPHAR and ii) stakeholders to be involved in producing the response to the recommendations to be published as a follow up report.

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

The Committee noted a report of the Director of Markets and Consumer Protection regarding the delegated decisions of the Interim Director of Consumer Protection and Market Operations pertaining to premises licences.

With regards to Appendix 3, Members were advised that inspections regarded the Licensing Act and not Covid legislation. It was confirmed that there had only been soft suspensions and no formal licence suspensions.

RECEIVED.

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

There were no questions.

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

There were no urgent items.

18. **EXCLUSION OF THE PUBLIC**

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

19. **NON-PUBLIC MINUTES**

The non-public minutes of the meeting held on 3 February 2021 were approved as a correct record subject to one typo.

20. **REOPENING AND RECOVERY UPDATE**

The Committee received an update from the Head of Relationships & Networks and the Cultural & Visitor Development Director concerning plans for reopening and recovery in the City.

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

The Committee received a non-public appendix report to the report under agenda item 15 pertaining to premises licenses which included the names of each premises.

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

There was one question.

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

There were no urgent items.

The meeting ended at 3.13 pm

Chairman

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Agenda Item 6

Committee(s) Planning & Transportation Committee Licensing Committee	Dated: 20 July 2021 14 July 2021
Subject: Supporting the Recovery of the Hospitality Sector: Al Fresco Eating and Drinking Policy Update, Off-Sale and Temporary Event Notice easements.	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1, 2, 4, 5
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Jon Averbs, Director of Markets and Consumer Protection	Planning & Transportation: For Decision Licensing: For Information
Report authors: Aggie Minas – Licensing Officer	

Summary

To support the hospitality sectors recovery and to allow the businesses to operate whilst managing the risks arising from the COVID-19 pandemic the Business and Planning Act 2020 (the Act) was given Royal Assent on 22 July 2020. The Act initially relaxed licensing and planning laws until 30 September 2021 by (a) making it easier for the hospitality sector to obtain permissions to seat and serve customers outdoors, creating a fast-track pavement licence application process and (b) enabling automatic extension of alcohol off-sales to premises that already had permission for on-sales. Through the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 (the B&P amendment regulations) the government has now extended these temporary provisions until 30 September 2022.

The City of London Alfresco Eating and Drinking Policy (the Policy) sets out the City Corporation’s strategy aimed at facilitating the pavement licence application process whilst maintaining public safety during the COVID-19 pandemic and beyond. The policy has been amended to incorporate the provisions of the B&P amendment regulations. The amendments have been highlighted in the attached policy for ease of reference.

This report provides a summary of pavement licences currently granted and outlines proposals to facilitate the pavement licence application process until 30 September 2022.

Recommendation(s)

Members are asked to:

1. Agree the streamlined reapplication process as outlined in paragraph 8 of this report.
2. Agree the pavement licence duration period as outlined in paragraph 10(a) of this report.
3. Agree a zero fee for all pavement licence applications as outlined in paragraph 10(b) of this report.
4. Agree the strengthened requirement to comply with the new national Counter Terrorism Protective Security Pavement Licence guidance in para 10(c) of this report.

Main Report

Background: Business and Planning Act 2020

1. The Business and Planning Act 2020 (the Act) was given Royal Assent on 22 July 2020. The Act introduced a new temporary pavement licence application process making it easier for premises serving food and drink to apply for permission to place furniture on the highway for the purposes of seating and serving customers outdoors.
2. The temporary provisions in the Act for pavement licensing were set to expire on 30 September 2021. However, through the B&P amendment regulations, these provisions have been extended until 30 September 2022.
3. The new provisions only apply to applications made on or after the B&P amendment regulations come into force (date to be confirmed by government). This means that any applications submitted before the effective date will only be valid until 30 September 2021 and those premises will need to reapply to maintain their pavement licence beyond that date. There is no automatic extension.
4. The revised Alfresco Eating and Drinking Policy (the Policy) is shown at Appendix 1, defines the application and determination process, the licence fee, duration, conditions and enforcement options where necessary.
5. The Policy currently states that a licence issued by the City Corporation will last for a period of 6 months with the potential to re-apply if safe and appropriate to do so. The 6-month period was set to enable the City Corporation to monitor pedestrian/footfall numbers, temporary highway changes and the aggregate number of pavement licences in any given area.
6. The Act allows the local authority to set a fee up to a maximum of £100. In doing everything possible to assist businesses bounce back from the pandemic, the City Corporation set the fee at zero.

Current Position

7. Since August 2020, the City Corporation has received 168 applications of which 97 have been first grants and 39 have been renewals. 21 applications

have been refused due to police, counter terrorist or public objections and 11 have been invalidated. There are currently 87 live licences all of which are expected to reapply using the extended provisions.

Proposals

The B&P Amendment Regulations

8. Processing the applications is time consuming and in order to streamline the reapplication process, the City Corporation will invite those business that currently benefit from a pavement licence to confirm by way of email that they propose to reapply on the same terms as before, capturing the mandatory requirements of the Act. Statutory consultation with stakeholders will remain the same and all comments will be considered as part of the decision-making process. This proposal is reflected in paragraph 3.2.1 of the revised policy.
9. Any new applications will continue to be submitted via the existing on-line portal.
10. In order to continue to facilitate hospitality sector business recovery in the square mile and to ensure public safety, it is proposed that the City Corporation:
 - a. issues any new licences until 30 September 2022 when the extended temporary provisions expire. This is with the proviso that a licence may be revised or revoked dependant on pedestrian footfall changes in the City and the aggregate number of pavement licences in any given area. In order to ensure the safety of residents, workers and visitors as people return to the Square Mile, all licences will be subject to regular monitoring by the City Corporation's enforcement officers. This proposal is reflected in paragraph 1.11 of the revised policy.
 - b. extends the zero fee to all applications received for the duration of the temporary provisions for pavement licensing.
 - c. Strengthen the requirement for licensees to consider counter terror vulnerabilities in the premises risk assessment and require that the new national guidance 'Counter Terrorism Protective Security Pavement Licence Conditions' is complied with in relation to CCTV systems and ACT (Action Counters Terrorism) training. This proposal is reflected in paragraph 7.3 of the revised policy.

Licensing Act 2003

11. The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 (the Licensing amendment regulations) extend the temporary modifications to the Licensing Act 2003 until 30 September 2022. The modifications relate to the automatic extension of off-sales to premises that currently only permit on-sales, and for those that have existing off-sales permission with conditions, to have those conditions temporarily disapplied.

12. This is relevant to the City's street space as it could potentially mean more vertical drinking on the highway once hospitality restrictions are lifted and no longer require alcohol to be served to persons seated on the premises.
13. The Licensing amendment regulations further amend the Licensing Act 2003 by increasing the number of Temporary Event Notices (TENs) that may be given by a premises from 15 to 20 in any calendar year for the years 2022 and 2023 and the total number of days permitted by those TENs from 21 to 26 in any calendar year.

Corporate & Strategic Implications

14. The proposals within this report will help to meet four of the overriding aims contained within the Corporate Plan 2018-23 namely to: make people safe and feel safe, people enjoy good health and wellbeing, communities are cohesive and have the facilities they need, businesses are trusted and socially and environmentally responsible.

Financial Implications

15. Based on 168 pavement licence applications received since August 2020, 11 of which were invalidated, the remaining 157 applications would have generated an income of £15,700 if the maximum fee of £100 had been charged. The City Corporation has estimated a cost of £180 to process the applications meaning a net cost of £28,260 to the authority so far.
16. It is anticipated that all 87 live licences will be applied for again upon expiry. The estimated cost of processing a second application is £140 per application so the net cost to the authority for those will be £12,180.
17. Many of the City Corporation's tables and chairs licences have been replaced by pavement licences and this will mean a loss of income on the tables and chairs budget. At present, only 73 of the original 138 tables and chairs licences have been reinstated. It is difficult to gauge the financial implications on the tables and chairs income as many hospitality venues in the square mile still remain closed and despite the forthcoming easing of restrictions on 19 July 2021, they may not reopen until such time that footfall in the City increases to make business viable for them. With the temporary provisions for pavement licences extended until 30 September 2022, businesses are more likely to opt for the free pavement licence as opposed to reinstating their tables and chairs licence when they reopen.

Conclusion

The City's Al Fresco Eating and Drinking Policy has been refreshed to further support the recovery of the hospitality sector and facilitate City businesses to operate safely whilst managing the risks arising from the COVID-19 pandemic.

Appendices

Appendix 1

Al Fresco Eating and Drinking (Business and Planning Act 2020) Policy – July 2021 version

Background Papers

Planning and Transportation Report 14 July 2020

Business and Planning Act 2020.

The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021

The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021

COUNTER TERRORISM PROTECTIVE SECURITY Pavement Licenses (CT) Conditions, available at:

<https://www.cpmi.gov.uk/system/files/documents/5c/8e/2021%20Pavement%20Licenses%20%20Licensing%20CT%20inserts%20National%20-%200.2%20.pdf>

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City of London

Reopening the hospitality sector:

Alfresco eating and drinking under the
Business and Planning Act 2020

July 2021



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Introduction

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

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

As lockdown restrictions are lifted but social distancing guidelines remain in place, the Act makes it easier for premises serving food and drink such as bars, restaurants, cafes and pubs, to seat and serve customers outdoors through temporary changes to licensing and planning procedures. Initially, the temporary measures to boost the economy were set to expire at the end of September 2021. **The government has now extended these provisions until 30 September 2022.**

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

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

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

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

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

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

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

Sophie Fernandes, Chairman of Licensing Committee

Part A: Pavement Licensing

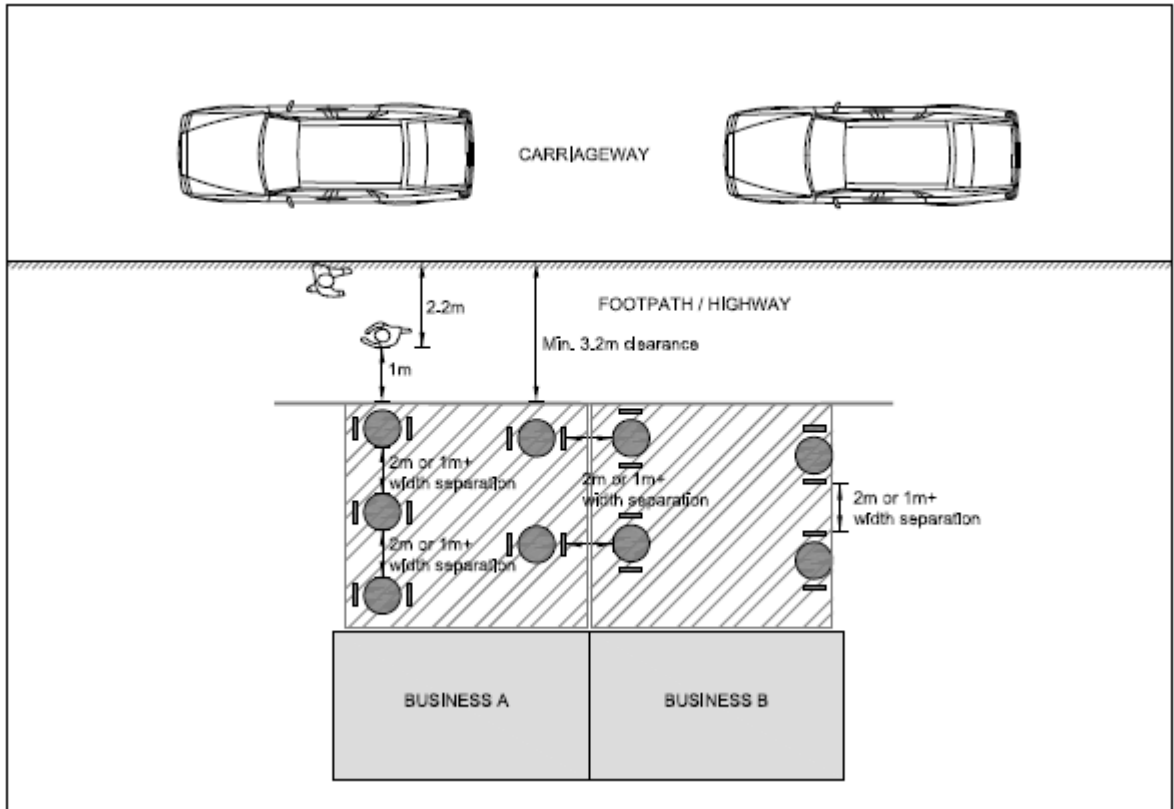
Section 1

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

- e) The potential to safely reallocate carriageway to provide space for tables and chairs that are privately managed but clearly signed as available for public use
- 1.7. Hours of Operation: Under this fast track process, the City Corporation will only consider applications for pavement licences between the hours of 07:00 and 23:00 except in exceptional circumstances. This is to minimise the potential for crime and disorder and public nuisance.
- 1.8. Unobstructed footway width:
- 1.8.1. The City Corporation has determined through its Tables and Chairs Policy that a minimum width of 2.2 metres must be maintained on all footways for pedestrian use. This means that where a business occupies pavement space with furniture, there must be a minimum of 2.2 metres of unobstructed space between the edge of the furniture and the edge of the pavement or to the edge of another obstruction (e.g. bike rack). This is without taking social distancing requirements into account.
 - 1.8.2. Since March 2020, footfall in the City of London has been well below its usual level of circa 0.5 million workers daily, with many city-based office staff still working from home.
 - 1.8.3. Whilst footfall in the City of London remains low and subject to social distancing easements, it is possible to consider pavement licence applications in lower footfall areas where a minimum width of only 2.2 metres is maintained. Each application will be considered on its own merits.
 - 1.8.4. In some areas where footfall is generally higher, for example around London Underground and National Railway station entry/exit points, an unobstructed footway of more than 2.2 metres may be required. This is in order to allow pedestrians to social distance if required and to prevent footways from becoming congested. In these instances, a clear footway width of 3.2 metres may be required. Each application will be considered on its own merits.
 - 1.8.5. As footfall in the City of London returns to normal, footways may become congested and it may become difficult to achieve social distancing if required between pedestrians and those seated without people having to walk on the kerb line. In these instances, a clear footway width of 3.2 metres may be required for pedestrian use. This will enable the 2.2 metre width for pedestrians plus a 1 metre distance between pedestrians and people seated at tables and chairs outside the premises. Each application will be considered on its own merits.
 - 1.8.6. Where a pavement licence has been granted with a minimum 2.2 metre of unobstructed footway and there is evidence of congestion on that footway to the detriment of pedestrian health and safety, the City Corporation may require that some or all of the furniture is removed from the pavement to facilitate the safe flow of pedestrians.

1.9. **City Streets:** Many City streets are too narrow to accommodate pavement licences whilst meeting the minimum restrictions set out in paragraph 1.8 above.

1.10. Applications should only be made in respect of City streets which are wide enough to accommodate furniture and maintain a minimum of 2.2 metre width (or 3.2 metre width where necessary) for pedestrians passing in either direction. This illustration sets out the City Corporation's requirements:



1.11. Duration of licence

- a) The statutory provisions for pavement licensing were set to expire on 30 September 2021 but the government has since extended this provision until 30 September 2022. Premises that currently benefit with a pavement licence expiring on 30 September 2021 must reapply for a new licence. Licences are not automatically extended.
- b) New pavement licences will be issued for the full term until 30 September 2022 unless (i) a shorter period is specified on the application or (ii) there are unique grounds on the merits of an individual application to issue it for a shorter period.
- c) Notwithstanding the statutory requirement to issue a licence for a minimum of 3 months, any application received after 16 June 2022 will only have a licence granted until 30 September 2022.
- d) The City's streets are undertaking a period of change in terms of both pedestrian numbers and temporary changes to the highway to deliver the City Corporation's Covid-19 transport recovery plan. In order to ensure the

safety of residents, workers and visitors as people return to the Square Mile, all licences will be subject to regular monitoring by the City Corporation's enforcement officers. A licence may be revised or revoked dependant on pedestrian footfall changes in the City and the aggregate number of pavement licences in any given area. Powers to amend/ revoke a licence are set out in Section 6 below.

- e) There will be no charge for a reapplication.

Section 2

2. Pavement Licence: Definitions

- 2.1. **Pavement licence:** A pavement licence is a licence granted by the City Corporation, or deemed to have been granted, which allows the licence-holder to place removable furniture on part of a relevant highway adjacent to the premises in relation to which the application was made. A licence permits the holder to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by persons for consumption of food or drink supplied from, or in connection with the use of the premises.
- 2.2. **Eligible persons / businesses:** A person (includes a body corporate) who uses or proposes to use any premises (a) as a public house, wine bar or other drinking establishment, or (b) for the sale of food or drink for consumption on or off the premises can apply for a licence. Eligible businesses include public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.
- 2.3. **Eligible locations:** Licences can only be granted in respect of highways listed in Part 7A of the Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. In the City of London this includes the footpaths, certain carriageways and city walkways. Highways maintained by Network Rail or over Crown land are exempt so a licence cannot be granted.
- 2.4. **Furniture:** Furniture which may be used is:
 - a) counters or stalls for selling or serving food or drink;
 - b) tables, counters or shelves on which food or drink can be placed;
 - c) chairs, benches* or other forms of seating that meet accessibility standards; * **benches generally do not meet accessibility standards and permission for these will likely not be granted by the City Corporation.**
 - d) umbrellas, barriers*, heaters** and other articles used in connection with the outdoor consumption of food or drink;

* **Barriers** - it is the City Corporation's policy not to permit barriers as they provide additional obstructions in our narrow streets. However, barriers may be considered where they provide mitigation from vehicle attack.

**** Heaters** - in order to support the hospitality sector during the winter months, the City Corporation will allow patio heaters from October 2020 through to March 2021. For environmental reasons, it is preferable to use zero / low carbon emitting electric heaters although gas heaters will be permitted if there is no easy electric supply to the pavement licensed area. Where it is proposed to use patio heaters, a risk assessment must be submitted with the application.

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

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

2.5.1. **Other consents:** The grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply; food businesses must be registered with the City Corporation and alcohol sales must only be made in accordance with a premises licence granted under the Licensing Act 2003. A sale of alcohol may only be made within the area defined in the plan attached to an alcohol premises licence and does not extend to the area covered by a pavement licence.

2.5.2. **Planning Permission:** A pavement licence when granted, or deemed to be granted, benefits the licence holder with deemed planning permission to use the land for anything done pursuant to the licence whilst the licence is valid.

2.5.3. **Street Trading:** Anything done by the licence holder under the terms of a pavement licence will not be street trading for the purpose of the City of London (Various Powers) Act 1987 as amended by the City of London (Various Powers) Act 2013.

Section 3

3. Pavement Licence: Application Process

3.1. Existing Tables and Chairs licence or pending application

3.1.1. **Existing licence:** During the lockdown period, the City Corporation suspended all existing tables and chairs licences granted under Part 7A of the Highways Act 1980. These licences will only be reinstated where it is safe to do so taking into account environmental and public safety considerations together with other relevant policies including the City Corporation's 5 key principles. If an application for a pavement licence is made and subsequently granted, the tables and chairs licence will have no effect whilst the pavement licence is in force.

3.1.2. **Pending application:** If an application for a tables and chairs licence under the Highways Act 1980 has already been made but not determined, the applicant may proceed with that application which will be determined taking into account environmental and public safety considerations together with other relevant policies including the City Corporation's 5 key principles. However, an applicant may opt to make a fresh application for a

pavement licence under the new process. If an application for a pavement licence is submitted, the application for a tables and chairs licence is treated as withdrawn. If a fee has been paid in connection with that application, no further fee is payable in connection with the application for a pavement licence.

3.2. Submission of an application for pavement licence

3.2.1. Premises that currently benefit with a pavement licence:

(a) In order to streamline the process for premises that currently benefit with a pavement licence, the City Corporation will invite those business to confirm by way of email that they propose to reapply on the same terms as before, capturing the mandatory requirements of the Business and Planning Act 2020

(b) Statutory consultation with stakeholders will remain the same and all comments will be considered in the decision-making process.

3.2.2. Premises that do not have a current pavement licence:

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

- a) Applicant details including name and address
- b) Business premises details including trading name, address and type of business use
- c) Details of the area of highway to be used by the business
- d) A location plan of the premises with the proposed area of highway to be used shown by a red line, so the application site can be clearly identified, together with:
 - The positions and number of proposed tables and chairs, together with any other furniture to be placed on the highway
 - The plan does not have to be to scale but it must include clear measurements of, for example, furniture, pathway width/length, building width and any other fixed item in the proposed area **and should indicate distance between furniture in accordance with the relevant COVID-19 risk assessment for the business. Please see illustration in paragraph 1.10 above.**
 - Fire exits of premises as well as those of neighbouring properties if affected by the area of highway to be used.
- e) Description of and photos or brochure images showing the proposed type of furniture and information on potential siting of it within the area applied;
- f) Proposed hours of highway use for the placing of furniture

- g) Evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- h) A declaration that the applicant has a current certificate of public liability insurance against the insured's legal liability for death of or bodily injury to or disease contracted by a third party and/or loss of or damage to a third party properly arising out of or in the course of or in connection with the carrying out of the insured's business at the application premises and pavement licence site:
 - o Inclusion of an indemnity to Principals Clause operative at the request of the insured.
 - o A minimum limited of indemnity for any one occurrence of £5,000,000.00
- i) **There will be no fee charged for pavement licence applications in the City of London.**

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

3.3. Consultation

3.3.1. The applicant is encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal

3.3.2. A public consultation period of 7 days will commence the day after a **valid application** is made to the City Corporation. Bank holidays, Christmas day and Good Friday will not be counted as part of the 7 days. The consultation will consist of the following:

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

Team, City Surveyors, Street Environment Team, Planning & Transportation Team

- Applications will also be added to the licensing application bulletin email for wider distribution.

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

Section 4

4. Pavement Licence: Determination

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

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

4.3. The City Corporation may

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

Any licence granted will be subject to the City Corporation's published standard conditions.

4.4. The City Corporation must determine an application within a 7-day determination period. Decisions will be communicated to the applicant by way of email before the determination period ends.

4.5. If the City Corporation does not determine an application by the end of the 7-day determination period, the licence is deemed to be granted by the City Corporation.

4.6. Any pavement licences granted by the City Corporation will be valid for a period of 6 months subject to no licence extending beyond 30 September 2021. Any pavement licence deemed to be granted will be valid for one year commencing the day after the determination period ends and subject to no licence extending beyond 30 September 2021.

- 4.7. A person may apply for further pavement licences in respect of the same premises, provided that the determination period for any previous application made has ended.
- 4.8. A licence holder may surrender a pavement licence at any time by email notification to the City Corporation at licensing@cityoflondon.gov.uk . If a fee has been paid for the licence, there will be no refund of the fee where a licence is surrendered.
- 4.9. The City Corporation will reject a pavement licence where the site is deemed unsuitable or unsafe having applied the criteria set out in Section 1, the conditions in Section 5 cannot be met, or if representations are made which raise issues that cannot be mitigated by way of conditions. If a fee has been paid, it will not be refunded where an application is rejected. There is no statutory right of appeal against a decision to reject an application. If an applicant is aggrieved by a decision to reject an application for a pavement licence, they can make a complaint to the Director of Port Health and Public Protection at licensing@cityoflondon.gov.uk setting out clear reasons for the complaint. The Director will consider the complaint within 14 days. Alternatively, an applicant may wish to make an application for a tables and chairs licence under Part 7A of the Highways Act 1980 which includes an arbitration process for contested applications.

Section 5

5. Pavement Licence: Conditions

- 5.1. All conditions set out in this section will apply to any pavement licence granted or deemed to have been granted by the City Corporation.
- 5.2. The City Corporation may impose additional conditions to a pavement licence as it considers reasonable and appropriate to a particular case, with the exception of licences deemed to be granted which are subject only to conditions published before the application was made.
- 5.3. **City of London Standard Conditions:** The City Corporation's standard conditions applicable to all pavement licences granted or deemed granted are attached as Appendix A.
- 5.4. **Default Conditions as set out Section 3(6) and 5(4) of the Act:** The default 'no obstruction' and 'smoke-free seating' condition is set out in Appendix B.
- 5.5. **National Conditions as provided by the Secretary of State:** The Secretary of State, in exercise of his powers under [clause 5(6)] of the Business and Planning Act 2020, may make provisions for national conditions by way of regulation.

Section 6

6. Pavement Licence: Enforcement/Revocation

- 6.1. If the licence-holder breaches any condition of a pavement licence the City Corporation may:

- a) Serve a notice on the licence holder requiring measures to be taken to remedy the breach as specified within the notice and within a specified time scale. If the licence holder fails to comply with the notice, the City Corporation may take the steps itself and recover the costs of doing so from the licence holder
- b) Revoke the licence (whether or not a remediation notice has been issued)

6.2. The City Corporation may also revoke the licence where:

- a) There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
- b) there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated and litter is not being cleaned up;
- c) the highway is being obstructed (other than by anything permitted by the licence);
- d) it comes to light that the applicant provided false or misleading statements in their application; or
- e) the licence holder did not comply with the requirement to affix the notice to notify the public for the relevant period.

Section 7

7. Other considerations: Counter Terrorism Advice

7.1. Greater use of open spaces through alfresco eating and drinking increases the public's vulnerability to terrorist attacks. There is no specific information or intelligence to suggest that any particular premises in the City of London are under any immediate threat from a terrorist attack, however the threat to the UK from terrorism is currently assessed as SUBSTANTIAL, and this means an attack is likely.

7.2. Each application for a pavement licence will be referred to a City of London Police Counter Terrorism Security Advisor (CTSA). Each application will be considered on its own merits and the advice of the CTSA will be passed on to the licence holder for action. If a licence holder fails to comply with CTSA advice, a remediation notice may be served on the licence holder or the licence may be revoked if it is in the public interest to do so. Where an objection is raised by the CTSA the application will be refused.

7.3. Where a licence is granted, licence holders will need to carefully consider the increased vulnerabilities to their customers. The security of those customers must not be overlooked and **must** be covered in the licence holder's risk assessment. Details of what to include in a terrorist threat risk assessment are included in but not limited to those set out in Appendix D. **In particular, licensees will be expected to comply with requirements 5 and 6 of the risk assessment (CCTV systems and ACT (Action Counters Terrorism) training) as set out in the new national guidance 'Counter Terrorism Protective Security Pavement Licence Conditions'. Failure to comply may result in a remedial notice being served on a licence holder or ultimately, revocation of the pavement licence.**

Part B: Alcohol Licensing

Section 8

8. Automatic Off-Sales Extension

- 8.1. The Business and Planning Act 2020 (the Act) modifies the provisions in the Licensing Act 2003 to provide automatic extensions to the terms of premises licences with alcohol on-sales to allow for off-sales (subject to exemptions in paragraph 7.9 below). It is a temporary measure to boost the economy, with provisions lasting until the 30 September 2022.
- 8.2. The measures make it possible for licensed premises that have only an on-sales licence to sell alcohol for consumption off the premises. This allows businesses to trade whilst keeping social distancing measures in place inside.
- 8.3. The measures also make it possible for licensed premises that have off-sales with certain restrictions to sell alcohol without those restrictions applied.
- 8.4. There is no need for an application to be made and no fee to be paid.
- 8.5. **Premises with alcohol licences that currently only permit on-sales:**
- (a) Licensees who have a premises licence that only permits on-sales automatically benefit with off-sales permission during the same hours permitted for on-sales or until 11pm, whichever is earlier. Off-sales are permitted in open containers and allow deliveries of alcohol to residential or work buildings. If longer hours are required for off-sales (than the on-sales or 11pm), an application to vary the licence must be made in accordance with Section 34 of the Licensing Act 2003.
 - (b) Licensees who have a premises licence that permits on-sales with an outdoor area such as beer garden or terrace within their 'red line drawing' with time restrictions on use of the outdoor areas will only be permitted new off-sales at times when they would be permitted on-sales within their outdoor area.
- 8.6. **Premises with alcohol licences that currently permit on-sales and off-sales with restrictions:**

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

- a) Restrictions on times for off-sales. Off-sales can now mirror the times for on-sales or 11pm or the closure time of an outdoor area, whichever is earlier. This would apply, for example, if the times of off-sales in an outdoor area which is outside the 'red line drawing', hence "off" the premises, is limited by condition, and more restrictive than the hours for sales inside the premises.
- b) Restrictions on selling alcohol for off-sales in an open container. Open containers are now automatically permitted, and any condition requiring off sales to be in sealed containers only is disapplied.

- c) Restrictions on deliveries to the door (of office or residential properties). Home (office) deliveries are now automatically permitted, without any additional conditions.

All other restrictions on a premises licence still apply, including restrictions on using outdoor areas that form part of the premises or restrictions on off-sales that do not relate to hours, sealed containers or deliveries.

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

These licences are unaffected

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

Section 9

9. Review Procedures

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

Section 10

10. City of London: Managing Outside drinking

10.1. With the temporary relaxation of licensing and planning laws until 30 September 2022, more pubs, bars, restaurants and cafes in the City of London will take advantage of being able to serve customers outdoors. As a result, there is the potential for an increase in noise and anti-social behaviour. It is essential that licence holders have provisions in place to manage their outside drinking and eating areas in order to lessen the impact on neighbouring residents and other businesses.

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

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

Appendix A

City of London Pavement Licence Standard Conditions

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

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

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

9. The licence holder shall be liable for any damage to the authorised area which the City Corporation considers reasonably attributable to anything done pursuant to the licence and shall reimburse the costs of the City Corporation or its Agents in repairing the same.
10. The licence holder shall be liable for and shall indemnify the City Corporation, their Servants and Agents against:-
 - a) any expense, liability, loss, claim or proceedings whatsoever arising under statute or at common law in respect of personal injury to or the death of any person whomsoever, and
 - b) any expense, liability, loss, claim or proceedings in respect of any injury, loss or damage whatsoever to any person whomsoever or to any property real or personal, arising from the use of the Public Footway for the permitted purpose.

Without limiting the obligation hereunder, the licensee will effect insurance against the matters referred to in this condition to the satisfaction of the Chamberlain of London and will produce to the Chamberlain the policies of insurance so effected and the current premium renewal receipts relative thereto at such times as the Chamberlain shall reasonably require.

11. No advertising material may be attached to, or form part of, any of the furniture.
12. No supplemental lighting may be used in connection with the furniture.

Appendix B

Pavement Licence: Default No Obstruction Condition

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

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

Pavement Licence: Default Smoke-free Seating condition

Where the furniture on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

Appendix C

PUBLIC NOTICE

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

I/We (*name of applicant*), _____

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

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

(*postal address of premises*)

known as (*trading name of premises*)

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

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

by: (*date*) _____

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

Signed

Dated

Appendix D

Counter Terrorism Advice for Risk Assessment

As part of a terrorist threat risk assessment in relation to use of outdoor public space for eating and drinking a licensee should consider the following:

1. The safe access/egress of your customers and of those within nearby premises. Allowances should be made for the rapid dispersal of people in the event of an emergency/incident. Tables and chairs or other furniture should NOT impede this.
2. If the premises become busy creating a queue outside, this must not conflict with customers using the tables and chairs or the adjoining pedestrian footpath. There should be clear guidance provided by the staff to direct patrons accordingly, away from the road scene. The staff should be prepared for such an event.
3. Adequate street lighting should illuminate the deployment of tables and chairs.
4. The licensee should liaise with neighbouring properties so they can consider their evacuation procedures accordingly and avoid any conflict and capitalise on shared benefits.
5. You should incorporate using your own CCTV system to cover the pavement licensed area. CCTV is an important integrated tool in the deliverance of a safe environment, free from crime and violence. The use of CCTV will enable staff/security to react and deal with potential incidents as well as providing tangible evidence that can be used in a court of law to bring offenders to justice.

The Pavement License holder will need to ensure that existing CCTV systems are correctly working, are compliant with the Data Protection Act 1998, Information Commissioners requirements and any other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.

6. The pavement licence holder will need to ensure that the management team of the business to which the pavement licence is attached; register and successfully complete the nationally recognised counter terrorism training product referred to as ACT E Learning within 10 days of the notification of the grant of the Pavement License OR can demonstrate that the ACT E Learning product has successfully been completed within the preceding 12 months and that all staff employed by OR at the premises complete the ACT E Learning within a reasonable period not exceeding 3 months from the notification of the grant of the Pavement License. (Act E Learning certificates are provided on successful on-line completion.)ACT E-learning can be accessed at:

<https://www.gov.uk/government/news/act-awareness-elearning>.

And also at <https://ct.highfieldelearning.com/>

Further information on free training and awareness can be obtained via contact with the local Counter Terrorism Security Advisors who can be contacted on the following email: CTSA@city-of-london.pnn.police.uk

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Agenda Item 7

Committee(s): Licensing	Dated: 14 07 2021
Subject: Revenue Outturn 2020/21	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	n/a
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain's Department?	n/a
Report of: Chamberlain Director of Markets and Consumer Protection	For Information
Report author: Jenny Pitcairn, Chamberlain's Department	

Summary

This report compares the revenue outturn for the services overseen by your Committee in 2020/21 with the final budget for the year. Overall total net expenditure during the year was £434,000 whereas the total budget was £300,000, representing an overspending of £134,000 as set out below.

Summary Comparison of 2020/21 Revenue Outturn with Final Budget				
	Original Budget	Final Budget	Revenue Outturn	Variation Better/ (Worse)
	£000	£000	£000	£000
Direct Net Expenditure				
Markets & Consumer Protection	(13)	(178)	(304)	(126)
Capital and Support Services	(122)	(122)	(130)	(8)
Overall Total	(135)	(300)	(434)	(134)

The Director of Markets and Consumer Protection has submitted a request to carry forward underspendings, but none for the Licensing Committee. This request will be considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub Committee.

Recommendation(s)

Members are asked to:

- Note the report

Main Report

Revenue Outturn for 2020/21

1. Actual net expenditure for your Committee's services during 2020/21 totalled £434,000, an overspend of £134,000 compared to the final net budget of £300,000. A summary comparison with the final budget for the year is tabulated below. In this and subsequent tables, expenditure and adverse variances are presented in brackets.

Summary Comparison of 2020/21 Revenue Outturn with Final Budget				
	Original Budget £000	Final Budget £000	Revenue Outturn £000	Variation Better/ (Worse) £000
Local Risk				
Markets & Consumer Protection	(13)	(173)	(299)	(126)
Total Local Risk	(13)	(173)	(299)	(126)
Central Risk				
Markets & Consumer Protection	0	(5)	(5)	0
Total Central Risk	0	(5)	(5)	0
Capital and Support Services	(122)	(122)	(130)	(8)
Overall Total	(135)	(300)	(434)	(134)

2. The most significant local risk variations were:
- A reduction of £255,000 in income as a result of the impacts of COVID-19;
 - An overspend of £30,000 for internal legal fees. The charging for services and client care provided by Comptroller & City Solicitor's (C&CS) department changed in 2019/20, and for 2020/21 a budget estimate was set which underestimated the volume of prosecution work the team undertakes, primarily for illegal street trading and Licensing Act cases.
 - An increase of £28,000 in bad debt provision;
 - An increase of £20,000 in employee costs mainly for additional agency staff;
 - An underspend of £156,000 due to the COVID-19 re-budgeting adjustment which was held as a contingency, partly offsetting the loss of income;
 - A reduction of £29,000 in costs of Middlesex Street Market and late-night cleansing due to COVID-19 closures;
 - Additional grant income of £13,000 to support COVID-19 compliance and enforcement work.
3. Appendix 1 shows the movement from the 2020/21 original budget to the final budget.
4. The table overleaf shows the degree to which costs were recovered through fees by licence type.

Revenue Outturn by Licence Type	Revenue Outturn £000
Late Night Levy ¹	
Expenditure	(144)
Income	144
Total Late Night Levy	0
Gambling Act ²	
Expenditure	(15)
Income	11
Total Gambling Act	(4)
Tables & Chairs	
Expenditure	(11)
Income ³	(5)
Total Tables & Chairs	(16)
Massage & Special Treatment	
Expenditure	(18)
Income ³	(1)
Total Massage & Special Treatment	(19)
Premises, street trading and other ⁴	
Expenditure	(841)
Income	446
Total Premises, street trading & other	(395)
OVERALL TOTAL	(434)

¹ Including administration costs

² The cost of administering some application types have now exceeded the statutory maximum fees, therefore it is not possible to fully recover costs in those instances.

³ Income is negative due to refunds issued for fees for applications received in 2019/20 and subsequently withdrawn in 2020/21.

⁴ The costs relating to premises (excluding Late Night Levy) and street trading are not separately identified at present. This category also includes any non-recoverable costs, including pavement licences issued free-of-charge, and work in relation to COVID -19 restrictions eg developing and providing advice, enforcement, and liaison with government.

Local Risk Carry Forwards to 2020/21

5. The Director of Markets and Consumer Protection has a local risk overspending of £126,000 on the activities overseen by your Committee. The Director had net local risk underspendings totalling £538,000 on activities overseen by other Committees. The Director is proposing that a total of £379,000 of his maximum eligible underspend of £412,000 be carried forward, none of which relates to activities overseen by your Committee.

Corporate & Strategic Implications

Strategic implications – none.

Financial implications – none.

Resource implications – none.

Legal implications – none.

Risk implications – none.

Equalities implications – none.

Climate implications – none.

Security implications – none.

Appendices

- Appendix 1 – Movement from 2020/21 Original Budget to Final Budget

Jenny Pitcairn

Chamberlain's Department

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Licensing Committee
Analysis of Movements 2020/21 Original Budget to Final Budget

	£000
Original Local Risk Budget	(13)
Adjustments:	
Allocation from central pot for contribution pay	(2)
COVID-19 re-budgeting adjustments	(156)
Allocation from central contingencies for COVID payments to staff	(2)
Final Local Risk Budget	(173)
Original Central Risk Budget	0
Adjustments:	
Central funding of flexible retirement pension strain costs	(5)
Final Central Risk Budget	(5)
Original Capital & Support Services Budget	(122)
Adjustments:	
Decrease in central recharges	1
Reduction in recharges between funds	(1)
Final Capital & Support Service Budget	(122)
TOTAL Original Approved Budget	(135)
Movement in Local Risk Budget	(160)
Movement in Central Risk Budget	(5)
Movement in Capital & Support Services Budget	0
TOTAL Final Approved Budget	(300)

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CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY

Committee(s): Licensing Committee – For Information	Date(s): 18/06/2021
Subject: Crimes and Licensed Premises Police Report	Public
Report of: Ch/Supt Heatley	For Information
Report author: Inspector Northmore	

Summary

This is a report from the City of London Police for the Licensing Committee to update on crimes committed linked to Licensed Premises from **12 April 2021 – 12 June 2021**. Licensed premises re opened on the 12th of April and footfall in the city should increase. However, different premises are following different guidelines due to capacity and premise layout.

Recommendation(s)

- Note the report.

Main Report

Stats Classification	April '21	May '21	June '21	Grand Total
Assault - S18 - GBH grievous bodily harm with intent	0	0	0	0
Assault - S39 - Common assault	2	3	1	6
Assault - S47 - AOABH assault occasioning actual bodily harm	1	1	1	3
Cause administer poison with intent to injure / aggrieve / annoy	0	0	0	0
Racially / religiously aggravated common assault	0	0	0	0
Sending letters etc with intent to cause distress or anxiety (Malicious Comms Act)	1	0	0	1
Sex - Sexual assault on a female - SOA 2003	0	0	0	0
Sex - Sexual assault on a male - SOA 2003	0	0	0	0
Threats to kill	0	0	0	0
Grand Total	4	4	2	10

Demonstrates low crime levels due clear decrease in Violence Against Person with many LP' remaining closed due to COVID restrictions.

10 Violence Against Person offences at Licensed Premises occurred between 12 April 2021 – 12 June 2021.

CITY OF LONDON POLICE: OFFICIAL - RECIPIENT ONLY

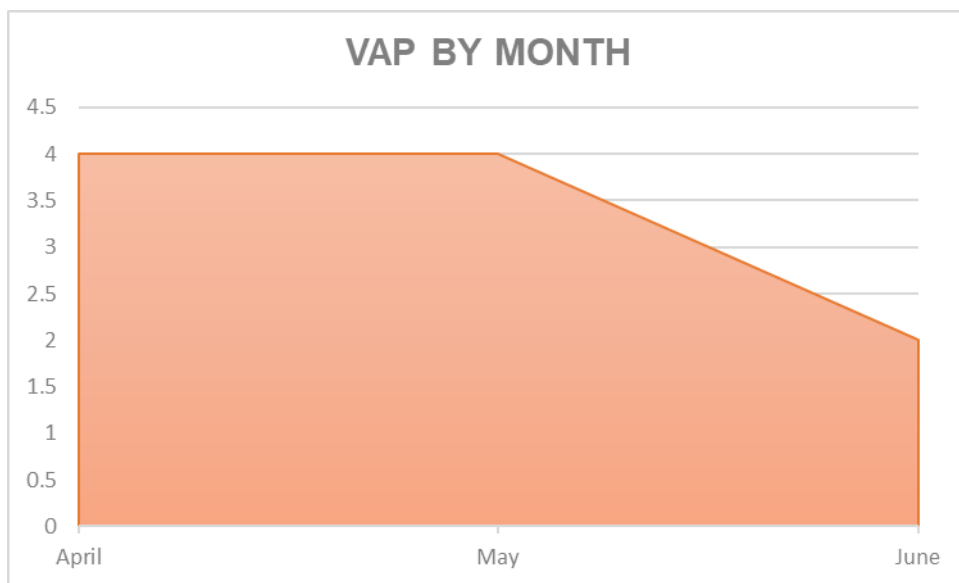
Common Assaults represented the majority of offending with 64 % of reports this period.

Bishopsgate, Portsoken and Cheapside are the most impacted Wards with 2 occurrences each.

Dirty Martini Wood Street is the only repeat location with 2 occurrences.

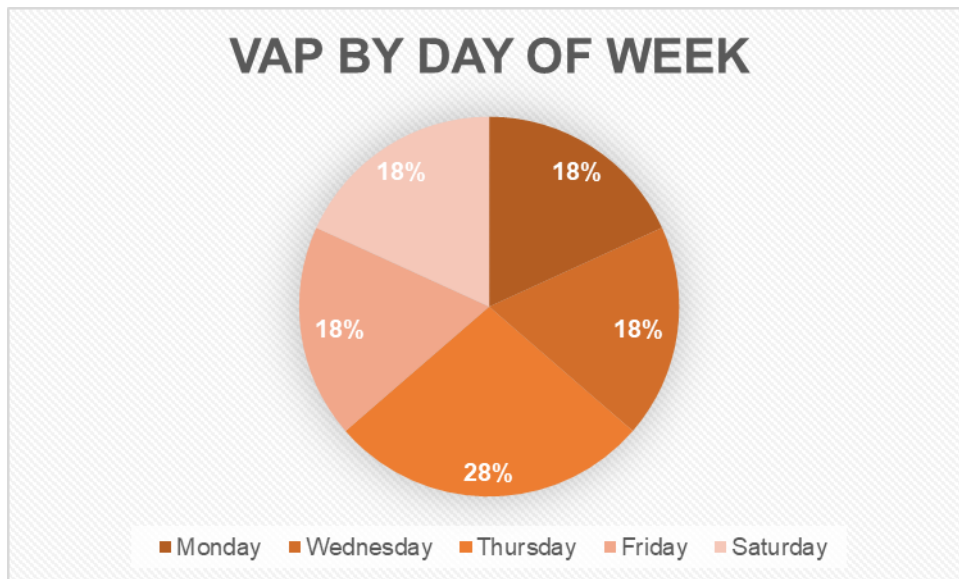
4 of incidents involved a staff member being the victim.

At least 80 % of these offences are associated with alcohol (with less commonly noted factors including included workplace disputes/harassment, mental health crisis, drugs, domestic).

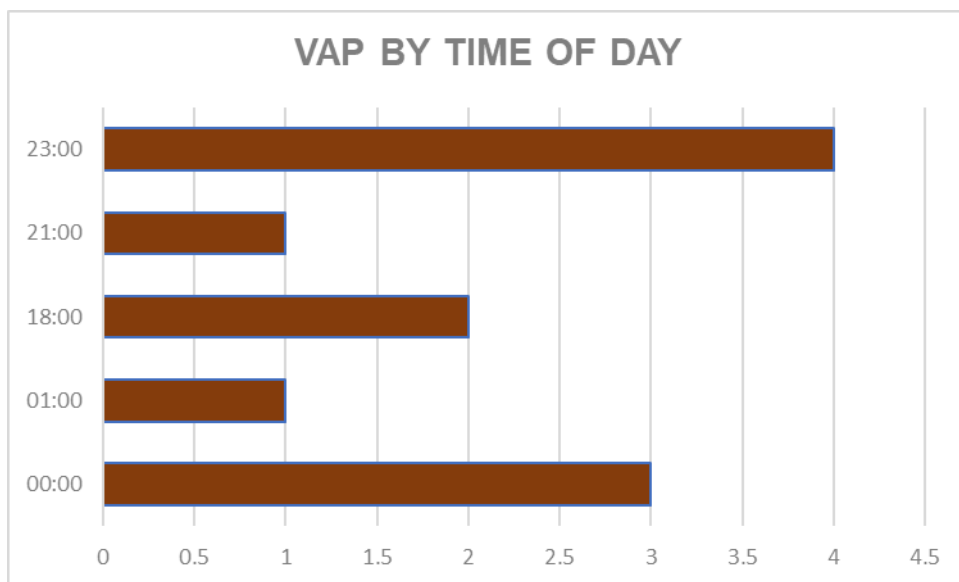


Note VAP means Violence against Persons and LP means Licensed Premises

April and May are the peak months for Violence Against Person offences with 4 crimes each.



Thursday accounted for the majority of VAP offences with 27 %.



Offending between 1800-0100 Hours is the peak time for Violence Against Person Offences at Licensed Premises during this period.

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Committee(s)	Dated:
Licensing	01 July 2021
Subject: Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1, 4
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Director of Markets & Consumer Protection	For Noting
Report author: Robert Breese, Licensing Officer	

Summary

This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 April 2021 to 30 June 2021. 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 also gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 April 2021 to 30 June 2021. In addition, the report presents data from the ‘traffic light’ risk scheme introduced within the City of London on 1 April 2013. The data gives a view of the scheme as at 31 December 2020. **Please note this data is the same as in the previous report – no new data has been generated as hospitality has not fully returned since the last report and there are no changes.**

Recommendation(s)

Members are asked to:

Note the report

Main Report

1. The Licensing Team has faced many challenges over the past 12 months due to the ever-changing environment presented by various Covid-related lockdowns and easements. Notwithstanding, a way of flexible working has been developed that maintains the working relationships and the level of service that our stakeholders have become accustomed to. Output remains high, and all applications across all licensing functions and regimes are processed and considered in a consistent and thorough manner.

2. Pursuant to the instructions from your committee, I attach for your information lists detailing 'premises licence' applications (Appendix 1) and variations (Appendix 2) granted by the Licensing Service between 1 April 2021 to 30 June 2021. Each of these appendices contain details of any conditions attached to the premises licences.
3. The report also contains information appertaining to the number of personal licences issued. This information is also contained in Appendix 2.
4. Any questions of detail concerning premises licences can be obtained from the Corporation's public register which can be found at: <http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Search-the-public-register.aspx> or by email to the Licensing Team at licensing@cityoflondon.gov.uk.
5. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003 (Appendix 3). The table in Appendix 3 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. Appendix 3 provides data from 1 April 2021 to 30 June 2021.
6. Licensing Officers undertake routine enforcement visits to check 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 in response to complaints. The Department's Enforcement Policy is followed prior to escalating action and taking legal proceedings.
7. The Enforcement Policy 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 as of 31 December 2020. Further details can be seen in Appendix 4.
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 the Guildhall. These relationships and lines of communication have been maintained with regard to working from home, the majority of communications now taking place remotely.

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. Corporate & Strategic Implications:

Strategic implications – None

Financial implications - None

Resource implications - None

Legal implications - None

Risk implications - None

Equalities implications – None

Climate implications - None

Security implications – None

Appendices

- Appendix 1 – New Licence Applications issued between 01 April 2021 to 30 June 2021.

- Appendix 2 – Applications to vary a licence issued between 01 April 2021 to 30 June 2021.
- Appendix 3 - Enforcement Action carried out between 01 April 2021 to 30 June 2021 (including complaints received).
- Appendix 4 (Non-Public) – Update on the risk scheme as of 31 December 2020.

Background Papers

None

Robert Breese

Licensing Officer

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Appendix 1

New Licence Applications Issued by way of Delegated Authority (01 April 2021 to 30 June 2021)

Name	Address	Ward	Details	
Little Fresh	78 Moorgate, EC2M 6SE	Coleman Street	A, L	00:00
Breeders	65-66 Queen Street, EC4R 1EB	Vintry	A, L, (f)	23:00
Bloomsyard	Level 2 Café, 100 Liverpool Street, EC2M 2AT	Bishopsgate	A	00:00
The Kiosk	206-210 Bishopsgate, EC2M 4NR	Bishopsgate	A, L	00:00
Donnelley Financial Solutions	138 Cheapside, EC2V 6BJ	Cheap	A, L	24 hr
Aux Merveilleux De Fred	1-3 Leadenhall Market, EC3V 1LR	Lime Street	A	19:00
Black Sheep	155 Bishopsgate, EC2M 3YD	Bishopsgate	A, L	00:00
Folkestone High Holborn	Unit 1 313 and Unit 3 315 High Holborn, WC1V 7BN	Farringdon Without	A	23:00
Mcdonalds	1A Ludgate Hill, EC4M 7AA	Bread Street	L	05:00
Flying Salmon	6 Harrow Place, E1 7DB	Portsoken	A	20:00
Storey Spaces	100 Liverpool Street, EC2M 2RH	Bishopsgate	A, (b), (e), (f), L	00:00
Rathbone Investment	8 Finsbury Circus, EC2M 7AZ	Coleman Street	A	23:00

Total Licences Issued = 12

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.
Bishopsgate	4
Bread Street	1
Coleman Street	2
Cheap	1
Farringdon Without	1
Lime Street	1
Portsoken	1
Vintry	1

Conditions Applied to Licences Granted by way of Delegated Authority

Little Fresh

1. The premises shall install and maintain a comprehensive CCTV system. All public entry and exit points will be covered enabling frontal 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. There shall be no sale of alcohol in unsealed containers for consumption off the premises.
3. There shall be no self service of spirits on the premises.
4. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
5. A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 25 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Breeders

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, 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. The premises will not hold promoted events, a promoted event being defined as follows: "A promoted event is an event where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is (independent of the premises licence holder) promoted to the general public.

3. A Challenge 25 policy will be implemented at the premises and all staff shall be trained in the enforcement of the policy prior to being permitted to sell alcohol. Training records to be made available to the licensing authority on request. ID accepted as part of this policy will include a valid passport, photo ID, driving licence, ID cards with Pass Mark or European ID cards or digital ID where a secure form of ID (as detailed above) has been registered with the digital ID provider as proof of age.

4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:

- a. All crimes reported:
- b. All ejections of patrons
- c. Any complaints received.
- d. Any incidents of disorder.
- e. Seizure of drugs or offensive weapons.
- f. Any faults in the CCTV system.
- g. Any refusal of the sale of alcohol.
- h. Any visit by a relevant authority or emergency service.

2. The premises will not hold promoted events, a promoted event being defined as follows: "A promoted event is an event where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is (independent of the premises licence holder) promoted to the general public"

3. The external terraced area shall not be used between the hours of 23:00 and 08:00 for the playing of music or the consumption of food or beverages. The area may be used as a smoking area up to the terminal hour of the business.

4. All external doors and windows shall be kept closed, except for access or egress, at any time when live or recorded music is being played in the premises.

5. Only background music shall be played on the external terraced area at any time.

Bloomsyard

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 dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public.

The Kiosk

1. The sale of alcohol across the counter is only permitted between the hours of 1000 and 0000hrs (midnight) on any day.

2. From 0000hrs the sale of alcohol shall be restricted to sales by delivery only.

3. A written or digital record of refusals (to leave alcohol at given address) shall be kept on the delivery vehicle and maintained, recording the address, date, time and reason for the refusal.

4. A clear document trail shall be maintained of the order process from order, despatch from the licensed premises and delivery to the customer and available for inspection by an authorised officer

5. Alcohol will only be delivered to the person who placed the order and whose name appears on the debit or credit card used for the transaction.

6. Records of all alcohol sales including the customer's name and delivery address must be retained for 12 months and made available for inspection by Local Authority officers and the Police.

7. Deliveries only to pre-arranged postal addresses (not to open spaces).

8. The premises shall install and maintain a CCTV system as per the minimum requirements of the City of London Police Licensing Team. Internal and external points will be covered enabling frontal identification of every person attending the kiosk in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

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

10. A Challenge 25 proof of age scheme shall be operated at the premises and at the point of delivery where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

11. For online or telephone orders there shall be terms & conditions stressing that the purchaser and those receiving a delivery of alcohol must be at least 18 years of age.

12. At the time an order for delivery is placed a declaration will be required from the person placing the order that the person is over 18 years of age.

13. The online ordering process will prevent the consumer from placing an order until they have read the Challenge 25 statement unless the business calls the consumer to provide this information verbally before the order is accepted.

14. Staff shall be trained in all aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy and the identification and refusal of potential 'proxy' purchasers.

Donnelley Financial Solutions

1) The provision of licensable sales shall be to clients, associates, members of staff, agents and guests and ancillary to the primary function of the premises, being the provision of commercial services to business, organisations and individuals.

2) The removal of alcohol for consumption off the premises shall only be permitted in sealed containers.

Aux Merveilleux De Fred

None

Black Sheep

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, 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. All sales of alcohol for consumption off the premises shall be sold in sealed containers, except that to be consumed at the seating outside the premises. Consumption outside the premises shall cease at 2230 hours.

Folkestone High Holborn

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

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

4. A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

McDonalds

1. Two SIA Security Guards will be employed at the restaurant on Thursdays, Fridays & Saturdays between the hours of 22:00hrs and 05:00hrs.

Flying Salmon

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, 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.

Storey Spaces

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 records 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 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 dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public.

Rathbone Investment

1. The premises is not open to the general public for the sale of alcohol, and those being served alcohol will be invited company guests and staff members only.

Appendix 2

Licence Variations Issued by way of Delegated Authority (01 April 2021 to 30 June 2021)

Name	Address	Ward	Variation
Convex	Level 4th, 5th and 34th, 52 Lime Street EC3M 7AF	Aldgate	<ul style="list-style-type: none">To add 4th and 5th floors to licensed area
Benk & Bo	4-6 Gravel Lane, E1 7AW	Portsoken	<ul style="list-style-type: none">To add off sales
Marugame	1-3 Widegate Street, E1 7HP	Bishopsgate	<ul style="list-style-type: none">Change of layout
14 Hills	120 Fenchurch Street, EC3M 5AL	Langbourn	<ul style="list-style-type: none">to incorporate a dispense bar on the 15th floor to enable the service of food and drink to customers using the outdoor roof terrace

Total Number of Variations Issued = 4

Number of Licences by Ward

WARD	No.
Aldgate	1
Bishopsgate	1
Langbourn	1
Portsoken	1

Conditions Added to Licences Granted by way of Delegated Authority

Convex

No additional conditions added.

Benk & Bo

1. There shall be no sale of alcohol in unsealed containers for consumption off the premises save that sales for consumption at tables which benefit from a licence granted to the applicant by the highway authority under S.115E Highway Act 1980 from 08.00 up to 18.00 hours Sunday to Thursday and 10.00 to 17.00 Friday and Saturday

Marugame

No additional conditions added.

14 Hills

1. Sale of alcohol and late night refreshment to terminate at 00:00 each day on the 15th floor.
2. The use of the 15th floor for consumption of alcohol and food must terminate at 00:30 each day.
3. The maximum number of customers within the licensed area on the 15th floor to be 100.
4. A noise management plan will be implemented for the 15th floor.

Personal Licences Issued by way of Delegated Authority

01 April 2021 to 30 June 2021

1

**Enforcement Action Carried out Under the Licensing Act 2003
01 April 2021 – 30 June 2021**

Total Number of Inspections	183 (constant monitoring, focusing on advising open premises as to regs)
Number of Warning Letters	2
Number of Premises advised	100
Number of simple cautions	0
Number of suspension notices	28 (emails to say if you haven't paid we are obliged to suspend licence)
Licence lapsed*	0
'Dead' Suspensions**	0
'Live' Suspensions***	0
Under determination	0

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

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

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

Number of complaints received between
01/04/2021 and 30/06/2021

Total number of complaints: 4

St Paul's Cathedral, St Paul's Churchyard, London, EC4M 8AD

Sunday 6th June 2021 00:30am: Loud live music coming from Festival Gardens.	10:07	10/06/2021	No action possible	Castle Baynard
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The Refinery, 12 Great New Street, London, EC4A 3BN

Please can you speak to Debora as there has been an issue regarding the guidances regarding noise from the premises and this is causing an distress to Debora.	11:53	10/06/2021	Resolved informally	Castle Baynard
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Loud People Coming From The Refinery	21:05	16/06/2021	Resolved informally	Castle Baynard
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NOISE COMING FROM REFINERY BAR - 12 NEW STREET SQUARE	22:42	24/06/2021	Resolved informally	Castle Baynard
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By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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