



Licensing Committee

Date: WEDNESDAY, 13 JULY 2022
Time: 1.45 pm
Venue: COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

Members:

James Tumbridge (Chairman)	Deputy John Fletcher
Sophie Anne Fernandes (Deputy Chairman)	Deputy Marianne Fredericks
Caroline Addy	Deputy Shravan Joshi
Brendan Barns	Deputy Graham Packham
Deputy Peter Dunphy	Jason Pritchard
Mary Durcan	David Sales
Anthony David Fitzpatrick	Ceri Wilkins

Enquiries: Chloe Ainsworth
Chloe.Ainsworth@cityoflondon.gov.uk

Accessing the virtual public meeting

Members of the public can observe this virtual public meeting at the below link:
<https://www.youtube.com/watch?v=eR89kOdDQEc>

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

NB: Certain items presented for information have been marked * and will be taken without discussion, unless the Committee Clerk has been informed that a Member has questions or comments prior to the start of the meeting. These for information items have been collated into a supplementary agenda pack and circulated separately.

Part 1 - Public Agenda

1. **APOLOGIES**

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

3. **PUBLIC MINUTES**

To agree the public minutes of the meeting held on 23 May 2022.

For Decision
(Pages 5 - 10)

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

For Information

a) **Gopuff, 18 May 2022 (Pages 11 - 22)**

To receive the public minutes of the Licensing Hearing in respect of the premises Gopuff, 171-176 Aldersgate Street, Barbican, EC1A 4HT.

5. **DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES' LICENCES***

Report of the Executive Director Environment.

For Information
(Pages 23 - 26)

6. **CONTINUED SUPPORT OF THE CITY HOSPITALITY SECTOR: AL FRESCO EATING AND DRINKING - BUSINESS AND PLANNING ACT EXTENSION 2022***

Report of the Director of Markets and Consumer Protection.

For Information
(Pages 27 - 32)

7. **POLICE LICENSING REPORT***

Report of the Commissioner of the City of London Police.

For Information
(Pages 33 - 38)

8. **REVENUE OUTTURN REPORT 2021-22***

Joint Report of the Chamberlain and Executive Director Environment.

For Information
(Pages 39 - 42)

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

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

11. **EXCLUSION OF THE PUBLIC**

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

Part 2 - Non-Public Agenda

12. **NON-PUBLIC MINUTES**

To agree the non-public minutes of the meeting held on 23 May 2022.

For Decision
(Pages 43 - 44)

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

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

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LICENSING COMMITTEE

Monday, 23 May 2022

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Monday, 23 May 2022 at 1.45 pm

Present

Members:

Brendan Barns
Sophie Anne Fernandes
Deputy Marianne Fredericks
Martha Grekos

David Sales
James Tumbridge
Ceri Wilkins

Officers:

Gavin Stedman	- Markets & Consumer Protection Department
Frank Marchione	- Comptroller & City Solicitor's Department
Rachel Pye	- Markets & Consumer Protection
Jo Purkiss	- Environment Department
Jenny Pitcairn	- Chamberlain's Department
Peter Davenport	- Markets & Consumer Protection Department
Caroline Hay	- City of London Police
Paul Holmes	- City of London Police
John Cater	- Town Clerk's Department

1. APOLOGIES

Apologies were received from Caroline Addy, Deputy Peter Dunphy, Mary Durcan, Anthony Fitzpatrick, Deputy John Fletcher, Deputy Shravan Joshi, Deputy Graham Packham, and Jason Pritchard.

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 Committee received the Order of the Court of Common Council from Thursday, 21st April 2022 appointing the Licensing Committee until the first meeting of the Court in April 2023.

4. ELECTION OF CHAIRMAN

A list of Members who had expressed an interest in and were eligible to stand was read by the Town Clerk; James Tumbridge expressed a willingness to serve.

RESOLVED – that James Tumbridge be elected Chairman in accordance with Standing Order 29 for the year ensuing.

The Chairman thanked Members for their support and looked forward to working with them over the ensuing year.

5. **ELECTION OF DEPUTY CHAIRMAN**

A list of Members who had expressed an interest in and were eligible to stand was read by the Town Clerk; Sophie Anne Fernandes expressed a willingness to serve.

RESOLVED – that Sophie Ann Fernandes be elected Deputy Chairman in accordance with Standing Order 30 for the year ensuing.

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

After requesting expressions of interest, it was:

RESOLVED – that, alongside the Chairman, the Deputy Chairman and the former Chairmen of the Committee, namely, Deputy Peter Dunphy and Deputy Marianne Fredericks, the following appointments be made to chair Licensing (Hearing) Sub Committee meetings and serve on the Reference Sub Committee for the ensuing year.

- Caroline Addy
- Brendan Barns
- Deputy John Fletcher
- David Sales
- Ceri Wilkins

7. **VOTE-OF-THANKS**

Deputy Marianne Fredericks moved a Vote of Thanks to Sophie Fernandes, the immediate past Chairman.

RESOLVED UNANIMOUSLY: That the Members of this Committee take great pleasure in expressing to

SOPHIE ANNE FERNANDES

their sincere gratitude and appreciation for the dedication she has shown in all aspects of work of this Committee, and the exemplary manner in which she has presided over proceedings during the last three years as Chairman of the Licensing Committee.

She has been very active in the work of the Committee and has shown great leadership in steering the Committee and supporting the licensing trade through a period of challenge and turbulence through the course of the Covid-19 pandemic.

Sophie oversaw the introduction of the City's first Al-Fresco Dining Policy and was instrumental in the delivery of the Covid Business Recovery Fund of up to £50m aimed at SME's. Both initiatives have been essential in supporting businesses to return and the recovery in the Square Mile.

Despite the unprecedented challenges brought by the pandemic, the City has remained one of the safest places to socialise in London, particularly for women. Sophie was instrumental in the City signing up to the Mayor's Women's Night Safety Charter, the delivery of Safer Sounds Partnership vulnerability training to licensed venues, alongside WAVE training, and worked with officers to launch the Ask for Angela scheme in the City.

Sophie continues to recognise the need for a flourishing night-time economy in the City and across London, including supporting the work of the GLA's Night Czar and contributing to the work of the Night-time Borough Champions Network.

The City has bounced back and again provides a vibrant day-time and night-time economy with a diverse array of hospitality opportunities.

UNDER Sophie's chairmanship, a revised Statement of Licensing Policy and a new Statement of Licensing Principles, in line with the Gambling Act 2005, were put forward by the Committee.

DURING her tenure, only 12 licensing hearings took place including one review, and she paid particular attention to ensuring Hearings were conducted in a fair, clear and open manner. There were also no successful appeals against the decisions of the Licensing Sub-Committees under her chairmanship.

THROUGHOUT her term of office, Sophie has managed the Committee's deliberations with a fair and firm hand to ensure that the Committee executed its duties in a competent manner.

AND SO, in taking leave of Sophie Fernandes as their Chairman, Members of this Licensing Committee wish to thank her for her service and excellent leadership of the Corporation's licensing affairs during this challenging period. The Committee gives to her their very best and heartfelt thanks for her future happiness and health.

8. **PUBLIC MINUTES**

The public minutes of the meeting held on 2nd February were approved as a correct record.

9. **LICENSING SERVICE BUSINESS PLAN 2021/22: PROGRESS**

The Committee received a Report of the Executive Director Environment concerning the Licensing Service Business Plan.

RESOLVED – that the Committee noted the Report.

10. **PANDEMIC: NEW AND CLOSED LICENSED PREMISES 24 MARCH 2020 TO 1 APRIL 2022**

The Committee received a Report of the Executive Director Environment concerning the number of premises that closed permanently as a result of the pandemic.

Officers confirmed that, as a response to the pandemic, payment plans had been made available to businesses to spread the payment for a license over the course of a 12-month period.

RESOLVED – that the Committee noted the Report.

11. **LATE NIGHT LEVY - 12 MONTH REPORT (1 OCT 2020 - 30 SEP 2021)**

The Committee received a Report of the Executive Director Environment concerning the Late Night Levy.

In response to a query, officers confirmed that, whilst the City Corporation had discretion over operating the Levy, the amount charged was proscribed by statute. The Chairman informed new Members that the Committee had previously looked at how the Corporation find more flexibility to ensure the amount received and spent was aligned, and if we could not spend it all that we looked at ways to reduce the amount gathered. It was agreed officers would look further at options, especially in light of the Chairman pointing out that we had arranged a discount for those taking part in Safety Thirst.

RESOLVED – that the Committee noted the Report.

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

The Committee considered a Report of the Executive Director Environment concerning the Gambling Act 2005.

A Member urged officers to ensure that all residents across the City should be involved in these types of consultations going forward, as opposed to just the main, headline residential associations. The Chairman welcomed this comment and would raise it with officers outside of the Committee.

RESOLVED – the Committee agreed that the draft Statement of Licensing Principles (Appendix 1), The Gambling Local Area Profile (Appendix 2) and the Guidance on Undertaking Local Gambling Risk Assessments (Appendix 3) as the Corporation's 'Statement of Licensing Principles' should be recommended to the Court of Common Council for adoption in line with paragraph 17.

13. **POLICE LICENSING REPORT**

The Committee received a Report of the Commissioner of the City of London Police concerning crimes committed linked to Licensed Premises (LPs) between January and April 2022.

RESOLVED – that the Committee noted the Report.

14. STRATEGIC DELIVERY PLAN FOR VIOLENCE AGAINST WOMEN AND GIRLS

The Committee received a Report of the Commissioner of the City of London Police concerning the Strategic Delivery Plan for Violence Against Women and Girls.

In response to a query, officers provided an overview of the work being undertaken in this area; the Chairman noted that there was a significant cross-over of responsibilities and focus between the Licensing Committee and the Police Authority Board and he would reach out to the Chairman of the Board to discuss ways in which the Committee and the Board could work together, with particular emphasis around ensuring that communications were as effective as possible.

A Member asked that an update on this vital work be provided to the Committee in due course.

RESOLVED – that the Committee noted the Report.

15. OP REFRAME - CITY OF LONDON POLICE

The Committee received a Report of the Commissioner of the City of London Police concerning Operation Reframe.

RESOLVED – that the Committee noted the Report.

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

The Committee received a Report of the Executive Director Environment concerning premises licences, and variations to premises licences, granted under the Licensing Act 2003 and administered by the Licensing Service from 1 January 2022 to 31 March 2022.

RESOLVED – that the Committee noted the Report.

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

There were several questions.

Officers confirmed that no new licensing appeals had been received since the last meeting of the Committee. In response to a specific query, Members were informed that Blank Gallery (Throgmorton Street) had reopened under a new management team.

In response to a separate query, officers provided a brief overview of the government's new proposals around the future of the pavement licensing regime. Details and timescales were still emerging and an update with more information would be provided to the Committee in July. Given the broad developments in this area, the Chairman informed Members that he had held

positive discussions with the Chairman of the Planning and Transportation Committee regarding which committee should have responsibility for the City's pavement licensing regime policy going forward; he would continue to explore options with the Chairman of P&T and would provide an update to the Committee in due course.

In response to a query, the officers confirmed that the Safety Thirst Awards would take place in February 2023 (with the awards audit taking place in November and December).

The Deputy Chairman informed Members that the City Beer Fest will be taking place in the Guildhall Yard on Thursday 7th July; in response to a query, officers would come back to the Deputy Chairman about the level of take-up from industry after the meeting (the event was being managed by the City Remembrancer's Team).

18. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no urgent items.

19. 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.

20. NON-PUBLIC MINUTES

The non-public minutes of the meeting held on 2nd February were approved as a correct record.

21. NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE

There were no non-public questions.

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

There was no other business.

The meeting ended at 2.55 pm

Chairman

Contact Officer: John Cater
tel. no.: 020 7332 3008
john.cater@cityoflondon.gov.uk

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON WEDNESDAY 18 MAY, 2022 AT 1.45PM

APPLICANT: Fancy Delivery UK Ltd
PREMISES: Gopuff, 171 – 176 Aldersgate Street, Barbican EC1A 4HT

Sub-Committee:

Sophie Fernandes (Chairman)
Shravan Joshi
Graham Packham

Officers:

Town Clerk – John Cater
Comptroller and City Solicitor – Frank Marchione
Markets & Consumer Protection - Peter Davenport

Given Notice of Attendance:

Applicant:

Marcus Lavell (Solicitor, Keystone Law, on behalf of the applicant)
Stephanie Webb (Applicant)
Jack Wilson (Applicant)

Making representation:

Mr Peter Flynn
Ms Ann Holmes CC
Mr Alpesh Lad
Mrs Mina Lad
Mrs Brenda Szlesinger
Ms Lucy Thomas
Ms Deborah Tompkinson
Mr Graham Webb

Responsible Authorities

Mr Garry Seal, Environmental Health
Mr Paul Holmes, City of London Police

In attendance and had made written representations but not speaking:

Mr Jan Bors
Mrs Philippa Bors
Mr Jonathan Dennis
Mr Chandrakant Patel
Mrs Viraj Patel

Licensing Act 2003 (Hearings) Regulations 2005

A virtual public Hearing was held at 1.45pm to consider the representations submitted in respect of a premises licence in respect of Gopuff, 171 – 176 Aldersgate Street, Barbican, London EC1A 4HT, the Applicant being Fancy Delivery UK Ltd.

The Sub-Committee had before them the following documents:

- Hearing Procedure
- Report of the Director of Markets & Consumer Protection
- Appendix 1: Copy of Application
- Appendix 2: Application Amendment
- Appendix 3: Conditions consistent with the operating schedule
- Appendix 4: Representations from Other Persons (4i – 4cxxxix)
- Appendix 5: Representations from responsible authorities (5i – 5v)
- Appendix 6: Map of Subject Premises
- Appendix 7: Plan of Premises
- Appendix 8: Barbican Hearing Bundle from Gopuff

The Hearing commenced at 1:45pm.

The Chairman invited those making representations to set out their objections against the application, but with the knowledge that the Sub Committee had already read the written submissions. Following brief comments from the attending Responsible Authorities (Environmental Health and City of London Police), a number of residents spoke against the application; with several raising concerns about public safety and the likelihood of anti-social behaviour related to the sale of alcohol on a 24 hour basis; the local area was in walking distance of a number of late night bars and nightclubs and the premises could act as a magnet to late night revellers which would cause a potential risk of public nuisance and other public safety concerns. It was also highlighted that Aldersgate Street was a particularly busy thoroughfare and the introduction of Gopuff cyclists and other delivery vehicles (including waste collections) would compound the already evident risk of traffic collisions, and otherwise add to the congestion in the immediate vicinity. It was also pointed out that, given Gopuff's target of delivery within 30 minutes, a delivery zone radius of 5 – 10 miles would be a realistic assumption, which was hard to square with Gopuff's assertion as a business focused on its local community. A resident expressed particular concern that the 24-hour operation would be in opposition to the government's Waste Duty of Care Code of Practice which promoted waste collection to take place in reasonable hours.

It was also apparent that as well as the additional noise pollution, which, given the 24-hour nature of the operation, would have a detrimental impact on people's sleep and right to quiet enjoyment of the hours between 11pm and 7am, a further public nuisance would be created by Gopuff delivery riders frequently mounting and dismounting the pavement, proving an obstruction to pedestrians, many of whom were classed as vulnerable.

In addition, a resident raised concerns that fire safety measures had not been taken into account.

A Member of the Sub-Committee sought clarification from the representative of the City of London Police about whether the Police's representation was still valid; the Police officer responded that whilst the applicant's solicitor had responded via email to the concerns raised by the Police, it was felt prudent to consider these concerns in full at the Hearing. To confirm, the Police were satisfied with the applicant solicitor's responses.

In response to two clarifications from a Member of the Sub-Committee, the location of the lobby in London House was highlighted and it was confirmed that there were no apartments on the Ground Floor of London House. The Member added that, if the License is granted, a further planning application would be likely to be required, the Sub-Committee were here today to judge the merits of the license only.

The applicant responded to the objectors:

It was pointed out that the premises was previously a restaurant, with a license up to midnight from Thursday – Saturday; this license is currently suspended. Highlighting the City Corporation's own policy concerning public nuisance and risk of disturbance to local residents and workers, they pointed out that Gopuff was a grocery store with alcoholic beverages amongst its suite of products, they contended that the ability to sell alcohol would, by inevitably enhancing the compliance regime, given the potential criminal sanctions involved for non-compliance, reassure all stakeholders that the applicant took its responsibilities with the seriousness required.

The applicant emphasised that the premises was a commercial site and the operation would be fulfilling its planning use, whilst the applicant took on board all the realistic concerns raised, they assured objectors that Gopuff operated a different model to those of its more well-known market competitors; it operated premises in multiple locations across the world and did not seek to operate beyond a 0.25 miles delivery zone, it was not its policy to rush riders and given the business did not deliver hot food, pace was not as a significant a factor as some of its market competitors – the 30 minute target was there to allow staff to batch several deliveries together in order to make it more efficient and cut down on the frequency of individual deliveries.

The applicant informed the Sub-Committee that the expectation was for an average of one delivery actuation (i.e. cyclist crossing the pavement with a delivery) every three minutes. It took a rider three – five seconds to cross the pavement from Aldersgate Street to the premises and vice-versa) and the number of actuations reduces as it gets later into the evening, with peak hours between 6pm – 8pm.

In terms of fire risks, there was no requirement for a kitchen as the applicant did not provide hot food, so fire risks are not as prominent as the previous operator.

The applicant added that the extractor units could not be switched off between 11pm and 7am (58 mins in)

The Applicant accepted that Aldersgate Street was a busy thoroughfare but contended that the sound of a bike passing would not add to the already significant background noise, the applicant did not operate trailers, deliveries were in a box attached to the bike or in a rucksack. It was also pointed out that the heavier vehicles used for delivery to the premises and for waste collection would be using the same delivery area that currently provides for deliveries to the apartments in London House and had been previously used for the restaurant. The applicant highlighted that whilst there had been rider-based incidents on the roundabout by London Wall there had been none recorded around the premises directly. If it were considered a higher risk, the applicant would accept the Sub-Committee proposing a condition that moved the main delivery to the alternative entrance slightly further down Aldersgate Street.

The applicant added that they operated on the basis of an off-sale provision of alcohol, i.e. alcohol could not be consumed within the premises but was offered for delivery alongside all other products on a 24 hour basis. People were able to walk-in and buy directly in-store but this was only available until 11pm. Given this closing time the applicant did not anticipate people migrating from outside the area to use the store or late-night revellers using the premises. In response to direct concerns about security in London House, the applicant added that it would be happy to specify additional protocols to its riders when delivering to apartments in the building to reduce the risk of tailgating.

In response to a query of a Member of the Sub-Committee, it was confirmed that the previous premises operator's license was suspended.

In response to a query, the applicant confirmed that approximately 10% of orders to the business was made up of alcohol.

The applicant informed the Sub-Committee that large areas for riders inside the premises were provided, in order that they did not congregate outside. All riders were on the applicant's payroll (and paid via PAYE) and were subject to the applicant's HR processes. In response to a further query, it was confirmed that riders were not permitted to smoke outside the premises.

In response to a query concerning the potential for the imposition of a terminal hour on the sale of alcohol it was confirmed that the terminal hour is determined as the point of sale. The operation does not allow for orders ahead of time (preventing pre-ordering for deliveries after a set time if that is deemed appropriate).

In terms of redress, if the license were granted and it was considered that behaviours which did not meet the licensing objectives were exhibited, an application for a review could be made and if deemed appropriate, would result in a Review Panel Hearing. With regard to an application linked to road traffic accidents, objectors would have to ensure this was linked to the business directly.

The Sub Committee retired and considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing by those making representations and the Applicant. It was evident that the most relevant licensing objective that required the Sub Committee's consideration was the promotion of the prevention of public nuisance and public safety.

The Sub-Committee determined that the license should be granted, subject to the following conditions:

- That the applicant had ensured that planning permissions required were met before operations began.
- Off-sale provision only with no delivery of alcohol (i.e. customers were required to enter and buy directly from the applicant within the premises)
- Off-sale provision of alcohol was limited to the hours of 8.00am – 11pm (seven days a week)

In reaching its decision, the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2017.

In determining what constituted a public nuisance, the Sub Committee relied upon the definition of "public nuisance" contained in Halsbury's Laws of England which defines public nuisance as "one which inflicts damage, injury or inconvenience on all the Queen's subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a "public nuisance".

The meeting closed at 16:00

Chairman

Contact Officer: julie.mayer@cityoflondon.gov.uk

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Email: john.cater@cityoflondon.gov.uk

Date 23rd May 2022

To all those making representation,

Applicant:	Fancy Delivery UK Ltd
Premises:	Gopuff, 171-176 Aldersgate Street, Barbican EC1A 4HT
Date / time of Hearing:	Wednesday, 18 th May 2022 – 1.45 pm
Venue:	West Wing, Guildhall, EC2V 7HH

I write to inform you of the decision of the Licensing (Hearing) Sub Committee taken at the Hearing held on 18th May 2022 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub Committee was comprised of Ms Sophie Fernandes (Chairman), Deputy Shravan Joshi and Deputy Graham Packham.

The Sub Committee were addressed by Mr Marcus Lavell (Solicitor, Keystone Law, on behalf of the applicant), Ms Stefanie Webb, Head of Corporate Affairs – Management Systems, Customer Service and Compliance for the applicant and Mr Jack Wilson, proposed Designated Premises Supervisor (DPS) for the applicant who made submissions in support of the application. Local residents: Mr Peter Flynn, Ms Ann Holmes CC, Mr Alpesh Lad, Mrs Mina Lad, Mrs Brenda Szlesinger, Ms Lucy Thomas, MS Deborah Tompkinson, and Mr Graham Webb, and Responsible Authorities: Mr Garry Seal, Environmental Health and Mr Paul Holmes, City of London Police made representations against the application. Jan Bors, Philippa Bors, Jonathan Dennis, Chandrakant Patel, Viraj Patel were in attendance and had made written representations but did not speak.

This decision relates to an application made by **Fancy Delivery UK Ltd** which sought a Premises Licence in respect of **Gopuff, 171-176 Aldersgate Street, Barbican EC1A 4HT**

The Chairman invited those making representations to set out their objections against the application, but with the knowledge that the Sub Committee had already read the written submissions. Following brief comments from the attending Responsible Authorities (Environmental Health and City of London Police), a number of resident spoke against the

application; with several raising concerns about public safety and the likelihood of anti-social behaviour related to the sale of alcohol on a 24 hour basis; the local area was in walking distance of a number of late night bars and nightclubs and the premises could act as a magnet to late night revellers which would cause a potential risk of public nuisance and other public safety concerns. It was also highlighted that Aldersgate Street was a particularly busy thoroughfare and the introduction of Gopuff cyclists and other delivery vehicles (including waste collections) would compound the already evident risk of traffic collisions, and otherwise add to the congestion in the immediate vicinity. It was also pointed out that, given Gopuff's target of delivery within 30 minutes, a delivery zone radius of 5 – 10 miles would be a realistic assumption, which was hard to square with Gopuff's assertion as a business focused on its local community. A resident expressed particular concern that the 24-hour operation would be in opposition to the government's Waste Duty of Care Code of Practice which promoted waste collection to take place in reasonable hours.

It was also apparent that as well as the additional noise pollution, which, given the 24-hour nature of the operation, would have a detrimental impact on people's sleep and right to quiet enjoyment of the hours between 11pm and 7am, a further public nuisance would be created by Gopuff delivery riders frequently mounting and dismounting the pavement, proving an obstruction to pedestrians, many of whom were classed as vulnerable.

In addition, a resident raised concerns that fire safety measures had not been taken into account.

A Member of the Sub-Committee sought clarification from the representative of the City of London Police about whether the Police's representation was still valid; the Police officer responded that whilst the applicant's solicitor had responded via email to the concerns raised by the Police, it was felt prudent to consider these concerns in full at the Hearing. To confirm, the Police were satisfied with the applicant solicitor's responses.

In response to two clarifications from a Member of the Sub-Committee, the location of the lobby in London House was highlighted and it was confirmed that there were no apartments on the Ground Floor of London House. The Member added that, if the License is granted, a further planning application would be likely to be required, the Sub-Committee were here today to judge the merits of the license only.

The applicant responded to the objectors:

It was pointed out that the premises was previously a restaurant, with a license up to midnight from Thursday – Saturday; this license is currently suspended. Highlighting the

City Corporation's own policy concerning public nuisance and risk of disturbance to local residents and workers, they pointed out that Gopuff was a grocery store with alcoholic beverages amongst its suite of products, they contended that the ability to sell alcohol would, by inevitably enhancing the compliance regime, given the potential criminal sanctions involved for non-compliance, reassure all stakeholders that the applicant took its responsibilities with the seriousness required.

The applicant emphasised that the premises was a commercial site and the operation would be fulfilling its planning use, whilst the applicant took on board all the realistic concerns raised, they assured objectors that Gopuff operated a different model to those of its more well-known market competitors; it operated premises in multiple locations across the world and did not seek to operate beyond a 0.25 miles delivery zone, it was not its policy to rush riders and given the business did not deliver hot food, pace was not as a significant a factor as some of its market competitors – the 30 minute target was there to allow staff to batch several deliveries together in order to make it more efficient and cut down on the frequency of individual deliveries.

The applicant informed the Sub-Committee that the expectation was for an average of one delivery actuation (i.e. cyclist crossing the pavement with a delivery) every three minutes. It took a rider three – five seconds to cross the pavement from Aldersgate Street to the premises and vice-versa) and the number of actuations reduces as it gets later into the evening, with peak hours between 6pm – 8pm.

In terms of fire risks, there was no requirement for a kitchen as the applicant did not provide hot food, so fire risks are not as prominent as the previous operator. The applicant added that the extractor units could not be switched off between 11pm and 7am (58 mins in)

The Applicant accepted that Aldersgate Street was a busy thoroughfare but contended that the sound of a bike passing would not add to the already significant background noise, the applicant did not operate trailers, deliveries were in a box attached to the bike or in a rucksack. It was also pointed out that the heavier vehicles used for delivery to the premises and for waste collection would be using the same delivery area that currently provides for deliveries to the apartments in London House and had been previously used for the restaurant. The applicant highlighted that whilst there had been rider-based incidents on the roundabout by London Wall there had been none recorded around the premises directly. If it were considered a higher risk, the applicant would accept the Sub-Committee proposing a condition that moved the main delivery to the alternative entrance slightly further down Aldersgate Street.

The applicant added that they operated on the basis of an off-sale provision of alcohol, i.e. alcohol could not be consumed within the premises but was offered for delivery alongside all other products on a 24 hour basis. People were able to walk-in and buy directly in-store but this was only available until 11pm. Given this closing time the applicant did not anticipate people migrating from outside the area to use the store or late-night revellers using the premises. In response to direct concerns about security in London House, the applicant added that it would be happy to specify additional protocols to its riders when delivering to apartments in the building to reduce the risk of tailgating.

In response to a query of a Member of the Sub-Committee, it was confirmed that the previous premises operator's license was suspended.

In response to a query, the applicant confirmed that approximately 10% of orders to the business was made up of alcohol.

The applicant informed the Sub-Committee that large areas for riders inside the premises were provided, in order that they did not congregate outside. All riders were on the applicant's payroll (and paid via PAYE) and were subject to the applicant's HR processes. In response to a further query, it was confirmed that riders were not permitted to smoke outside the premises.

In response to a query concerning the potential for the imposition of a terminal hour on the sale of alcohol it was confirmed that the terminal hour is determined as the point of sale. The operation does not allow for orders ahead of time (preventing pre-ordering for deliveries after a set time if that is deemed appropriate).

In terms of redress, if the license were granted and it was considered that behaviours which did not meet the licensing objectives were exhibited, an application for a review could be made and if deemed appropriate, would result in a Review Panel Hearing. With regard to an application linked to road traffic accidents, objectors would have to ensure this was linked to the business directly.

The Sub Committee retired and considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing by those making representations and the Applicant. It was evident that the most relevant licensing objective that required the Sub Committee's consideration was the promotion of the prevention of public nuisance and public safety.

The Sub-Committee determined that the license should be granted, subject to the following conditions:

- That the applicant had ensured that planning permissions required were met before operations began.
- Off-sale provision only with no delivery of alcohol (i.e. customers were required to enter and buy directly from the applicant within the premises)
- Off-sale provision of alcohol was limited to the hours of 8.00am – 11pm (seven days a week)

In reaching its decision, the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2017.

In determining what constituted a public nuisance, the Sub Committee relied upon the definition of "public nuisance" contained in Halsbury's Laws of England which defines public nuisance as *"one which inflicts damage, injury or inconvenience on all the Queen's subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a "public nuisance"*.

If any party is dissatisfied with this decision, he or she is reminded of the right to appeal which must be commenced within the period of 21 days beginning with the day on which the party was notified of this decision. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

Yours faithfully,

John Cater
Clerk to the Licensing (Hearing) Sub Committee

Useful Numbers/Websites:

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

The City's Environmental Health Team can be contacted at:
publicprotection@cityoflondon.gov.uk

The City's Licensing Department can be contacted on: licensing@cityoflondon.gov.uk

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

Committee(s)	Dated:
Licensing	13 July 2022
Subject: Delegated decisions of the Executive Director Environment 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: Juliemma McLoughlin, Executive Director Environment	For Information
Report author: Robert Breese, Licensing Officer	

Summary

This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 and administered by the Licensing Service from 1 April 2022 to 30 June 2022. 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 2022 to 30 June 2022. 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 between 1 December 2021 to 31 May 2022.

Recommendation(s)

Members are asked to:

Note the report

Main Report

1. 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 2022 to 30 June 2022. Each of these appendices contain details of any conditions attached to the premises licences.
2. The report also contains information appertaining to the number of personal licences issued. This information is also contained in Appendix 2.

3. 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.
4. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003 (Appendix 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 2022 to 30 June 2022.
5. 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.
6. 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.
7. 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.
8. This report details data produced from the 'traffic light' risk scheme between 1 December 2021 to 31 May 2022. Further details can be seen in Appendix 4.
9. 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 regards to working from home, a number of communications taking place remotely. We have furthered our relationships with various stakeholders through Operation Reframe – a regular monthly collaborative partnership with numerous responsible authorities aimed at building trust and confidence in our work and creating safe spaces.
10. The Memorandum of Understanding (MoU) between the City of London Police and the Environment Department agreed in November 2011 (when it was the Markets and Consumer Protection Department) outlines specific arrangements for cooperation between the teams.

11. The other City Corporation Department that is routinely involved in enforcement is the Department of the Built Environment (DBE), which now also forms part of the Environment Department. 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.
12. 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.
13. 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

14. 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 2022 to 30 June 2022.
- Appendix 2 – Applications to vary a licence issued between 01 April 2022 to 30 June 2022.

- Appendix 3 - Enforcement Action carried out between 01 April 2022 to 30 June 2022 (including complaints received).
- Appendix 4 (Non-Public) – Update on the risk scheme as of 31 May 2022.

Background Papers

None

Robert Breese

Licensing Officer

T: 020 7332 3344

E: robert.breese@cityoflondon.gov.uk

Agenda Item 6

Committee(s) Planning & Transportation Committee Licensing Committee	Dated: 19 July 2022 13 July 2022
Subject: Continued Support of the City Hospitality Sector: Al Fresco Eating and Drinking – Business and Planning Act Extension 2022	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: Juliemma McLoughlin, Director of Markets and Consumer Protection	Planning & Transportation: For Decision Licensing: For Information
Report authors: Rachel Pye, Assistant Director Public Protection	

Summary

To support the hospitality sector’s recovery and to allow its 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 extended these temporary provisions until 30 September 2022.

A further Statutory Instrument was laid on 16 June 2022 extending the Regulations to 30 September 2023, as they relate to pavement licences.

However, there is no further extension of the temporary alcohol off-sales provision beyond 30 September 2022.

The draft Levelling Up and Regeneration Bill (the Bill) is currently being debated and scrutinised by Parliament and intends to make the pavement licence regime permanent.

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 refreshed to reflect changes but remains primarily as agreed in 2021 including retaining the provision not to charge a fee to provide continued support to the City hospitality sector.

This report provides a summary of pavement licences currently granted and outlines proposals for the continuation of the pavement licence application process until 30 September 2023.

Recommendation(s)

Members are asked to:

1. Agree the continuation of the streamlined reapplication process as outlined in paragraph 11 of this report.
2. Agree the pavement licence duration period as outlined in paragraph 13 (a) of this report.
3. Agree the continued zero fee for all pavement licence applications as outlined in paragraph 13 (b) 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 were extended until 30 September 2022 and are proposed to be further extended until September 2023.
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 2022 and those premises will need to reapply to maintain their pavement licence beyond that date. There is no automatic extension.
4. The refreshed Alfresco Eating and Drinking Policy (the Policy) is shown at Appendix 1 (tracked changes copy available), defines the application and determination process, the licence fee, duration, conditions, and enforcement options where necessary.

5. The Policy was previously agreed by Planning and Transportation Committee on 20 July 2021 currently states that a licence issued by the City Corporation will last for a period of 1 year on the proviso that the City Corporation will monitor pedestrian/footfall numbers, temporary highway changes and the aggregate number of pavement licences in any given area, and that any licence may be reviewed or revoked dependent on changes.
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.

Levelling-up and Regeneration Bill

7. The draft Levelling Up and Regeneration Bill is currently being debated and scrutinised by Parliament and intends to make the pavement licence regime permanent. A further report will be brought to this Committee once the Bill has progressed.
8. The Bill proposes to make some slight amendments to the current provisions, which are summarised as follows:
 - Amend the fee councils can charge applicants, increasing it from £100 to £350 for premises which already hold a pavement licence, and £500 for new applicants.
 - Extend the public consultation period and council determination period from 7 days to 14 days.
 - Extend the maximum duration of pavement licences from 1 year to 2 years. The length of a licence is however at the discretion of the local authority.
 - Provide that pavement licences can also be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met.
 - Prohibit a local authority from granting a tables and chairs licence under the old regime (Highways Act 1980) if a pavement permit is capable of being granted under this Bill.
 - Insert a new enforcement schedule providing powers to the local authority to remove furniture if a premises is not abiding by its pavement licence conditions and hours.

Recovery of the City Hospitality Sector

9. The City hospitality sector has faced significant challenges as result of varying levels of government restrictions, changes to working patterns and reduced visitor numbers. There has been a strong bounce back in areas of high footfall but in lower footfall areas the trading conditions remain challenging. The trade has made it clear that the pavement licence regime has been a key part of their recovery and wishes for it to continue in its current form to assist their ongoing trade.

Current Position

10. Since September 2021, the City Corporation has received 151 pavement licence applications of which 78 have been first grants and 73 have been

renewals. Seven applications have been refused due to police, counter terrorist or public objections and two have been invalidated. There are currently 142 live licences all of which are expected to reapply using the extended provisions.

Proposals

The B&P Amendment Regulations

11. Processing the applications is time consuming and in order to continue with the streamlined 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 policy.
12. Any new applications will continue to be submitted via the existing on-line portal.
13. In order to continue to facilitate the 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 2023 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 policy.
 - b. extends the zero fee to all applications received for the duration of the temporary provisions for pavement licensing.

Licensing Act 2003

14. The Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendment) Regulations 2021 (the Licensing amendment regulations) extended 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.
15. This easement will not be extended beyond September 2022; however, the Home Office have indicated their intention to consult on the potential streamlined approach to alcohol licences, which would be a permanent alternative to the current alcohol licensing easements. Any premises licence holder who wishes to continue to benefit from the changes that the easements allowed will need to apply for an off sales licence, statutory fees apply and are dependent on the rateable value of the premises and vary from £190 to £635.
16. The Licensing amendment regulations further amended 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

17. 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

18. Based on 151 pavement licence applications received since September 2021, 2 of which were invalidated, the remaining 149 applications would have generated an income of £14,900 if the maximum fee of £100 had been charged. The City Corporation has estimated a cost of £180 to process first applications and £140 to process second applications, meaning a net cost of £23,900 to the authority so far.

19. It is anticipated that all 142 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 £19,880.

20. 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 27 of the original 138 tables and chairs licences have been reinstated. The loss of income is estimated at £99,000 compared to pre-pandemic levels. This was largely taken into account when setting the 2022/23 income budget, so the shortfall against budget is estimated at only £15,000. With the temporary provisions for pavement licences extended until 30 September 2023, businesses are more likely to opt for the free pavement licence as opposed to applying for a tables and chairs licence.

Conclusion

21. The City's Al Fresco Eating and Drinking Policy has been reviewed and remains relevant to further support the recovery of the hospitality sector and facilitate City businesses to operate safely whilst encouraging workers and visitors to enjoy the City's vibrant offer.

Appendices

Appendix 1

Al Fresco Eating and Drinking (Business and Planning Act 2020) Policy – July 2022

Appendix 2

[The Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2022 \(legislation.gov.uk\)](#)

Background Papers

[Planning and Transportation Report 14 July 2020](#)

[Planning and Transportation Report 18 July 2021](#)

Business and Planning Act 2020.

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

The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022

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

Rachel Pye

Assistant Director Public Protection

T: 020 7332 3313

E: rachel.pye@cityoflondon.gov.uk

Committee(s): Licensing Committee – For Information	Date(s): 13/07/2022
Subject: Police Licensing Report	Public
Report of: Ch/Supt Heatley	For Information
Report author: Caroline Hay	

Summary

This is a report from the City of London Police for the Licensing Committee to update on crimes committed linked to Licensed Premises (LPs) between May and June 2022.

Theft in LPs were back up from April (52) to May (87) and then have since decreased in June (47). This is thought to be due to an arrest of a prominent nominal by the priority crime team, where they were able to link the male to numerous offences. The licensing team and COLP have also been utilising the Late-night Levy to ensure there is an increased dedicated resource in the night time economy, giving frequent crime prevention advice at high risk premises.

Theft in Licensed Premises is significantly lower than pre-pandemic, in this period (235, 2019 – 134, 2022). Violence against the person in LPs increased this May (26) compared to May 2019 (18). However, June this year was lower (17) compared to 2019 (12), showing the unstable data and offending patterns.

There were 7 drink spiking allegations over the two-month period, compared to 1 in 2019. One arrest for drink spiking.

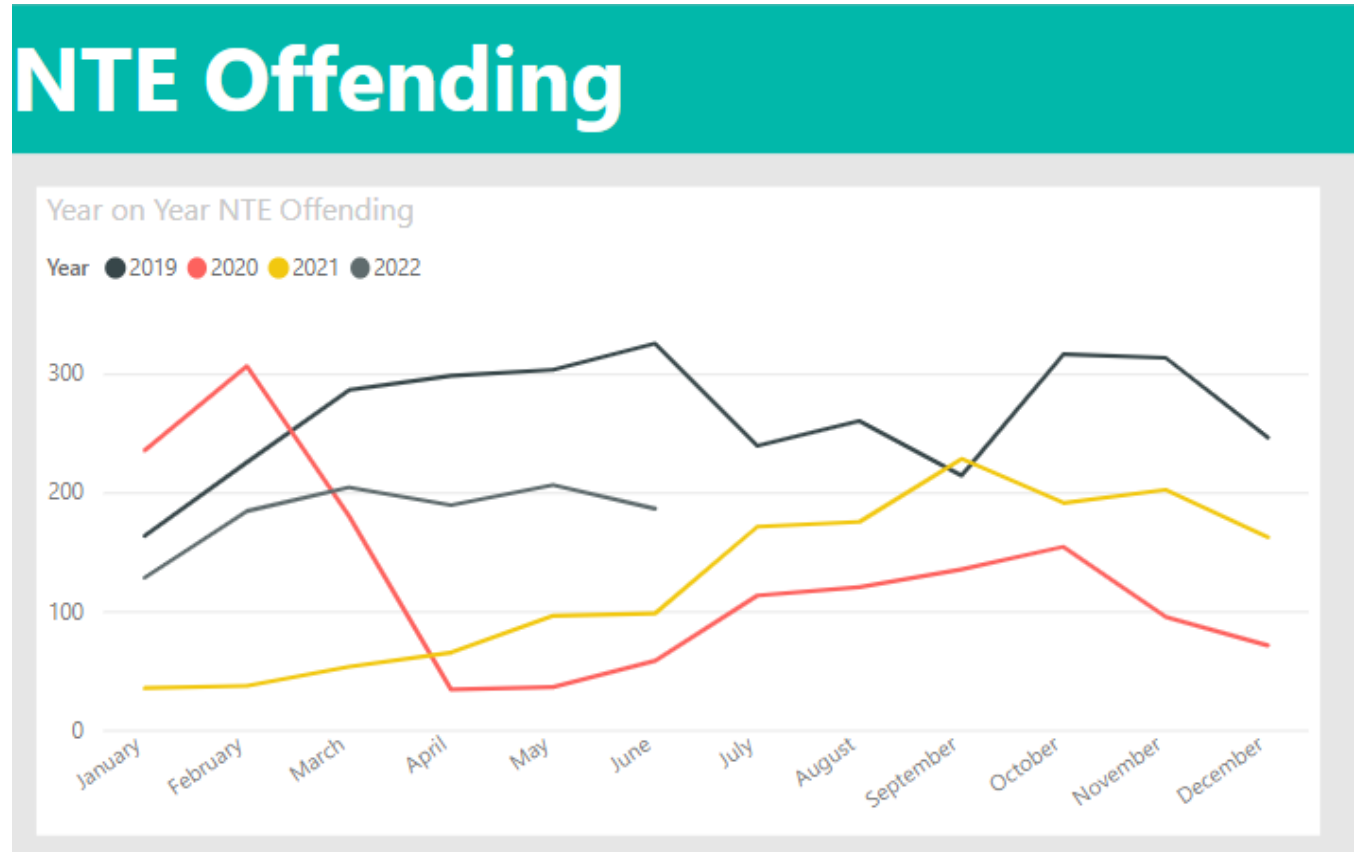
Recommendation(s)

- Note the report.
- Regular patrols outside LPs during peak times especially repeat venues
- Monitor Drink Spiking incidents and Domestic Assaults (particularly in Hotels).
- Comms plan to educate staff to deal with incidents.

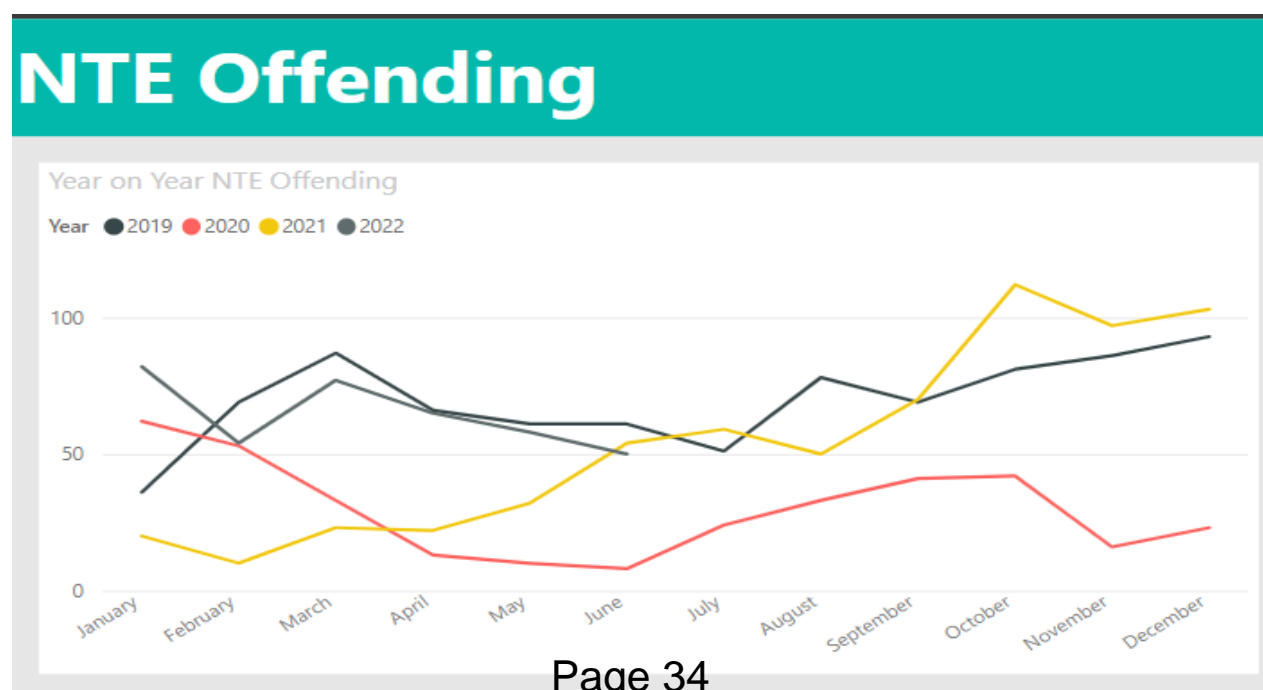
Main Report

Offences remain lower in the NTE, compared to 2019. The Proactive crime team continue to pursue offenders in Licensed Premises, focussing on bag thefts.

Thefts:



Violence against the person continues an upward trajectory.



Top premises with a range of offences:

We have seen a reduction in offending in all these premises in June after extensive engagement from the licensing team and through Op Reframe.

Pos	Name	Address	Ward	Points	Notes
1	Juno Rooms	Watling Street, EC4	Cordwainer	16	All crime & disorder. CoLP have met with licensee and new manager appointed at venue. No incidents since end January 2022. Ongoing monitoring
2 joint	Be At One	King William St., EC4	Candlewick	15	All crime & disorder. CoLP have had ongoing discussions with venue management. Manager now has full overview of venue operations. Decrease of 5 points since last month. Ongoing monitoring
2 joint	London Cocktail Club	Bishopsgate, EC2	Bishopsgate	15	All crime & disorder. Regular meetings between CoLP and venue management. Advised on vulnerability and action plan agreed. Increase of 5 points since last month. Ongoing monitoring.
3	London Cocktail Club	Eastcheap, EC3	Bridge & Bridge without	14	Crime & Disorder and public safety (vulnerability). New on traffic light scheme – requires intervention. CoLP to advise
4	Be At One	Old Broad St., EC2	Cornhill	12	All crime & disorder. CoLP have met with area manager. New premises manager appointed. Increase of 3 points since last month. Ongoing monitoring

Op Reframe

Operation Reframe is supported by the City of London Chief Officer Team and will continue to run monthly, utilising the late-night levy. We are looking at a formal evaluation of the Operation. Although partners are expected less frequency, COLP continue to embed 'reframe the night principles' throughout the NTE.

Our next Reframe is the 30th June, this will be our third one. We are specifically targeting taxi drivers on this Reframe whilst continuing to use a plethora of partners to support our licensed premises, ensuring they are keeping to the highest standards.

Report from Reframe2

Caroline Hay - 28/5/2021 Saturday night we were joined by Alex the Medic, Park Guard, BTP, Special Constables, CoL Licensing and CoL environmental health. We ran our welfare tent with the medic present.

A Woman who couldn't walk and had urinated herself, was brought over to the tent and her friends described that she had been spiked. They were far less intoxicated. Insp Hay took the friend to the venue in question, where she pointed out the suspect. He was arrested for drink spiking. This occurred in Hamilton Hall so BTP are investigating.

In the early hours, we made 4 arrests for affray after the licensing van spotted people running from a fight at Liverpool Street train station.

1 PND given for cannabis and a bottle of nitrous oxide seized around the back of Liverpool Street, near the Kings Arms.

A Number of people dealt with at the Welfare zone - intoxication, mental health and drugs.

Over 40 licensed premises inspections completed and a licensing bus was on scene at closing times (according to the event calendar) to assist with dispersals. Here we were able to dissolve potential disorder at Watling Street (the management at Juno Rooms was left in no doubt that they would be called for a meeting to account for their mishandling of the situation after a birthday party booking).

Hotel Offences

Due to a rise in offences within hotels (often bar areas) City of London Police are hosting a vulnerability day for all hotels in COL, to give up to date information on WAVE training, Ask for Angela, Crime prevention, human trafficking, and crime scene preservation, with a presentation from a survivor.



WAVE

Welfare And Vulnerability Engagement

ASK FOR ANGELA

TRAINING EVENT

Supported by



 **Mrs Foggs, Broadgate Circle, Liverpool Street, EC2M 2QS**

 **Wednesday 13th July 2022, 09:00 - 13:00**

 **Email licensingoffice@cityoflondon.police.uk to reserve your spaces (maximum two spaces per hotel)**

GUEST SPEAKERS INCLUDE:

- Natasha Saunders, survivor of domestic abuse
- Dami Omale, Shiva Foundation and Feena Magenis, STOP THE TRAFFIK
- Katherine Harvey, Crime Scene Manager
- DI Hannah Sydney, Public Protection Unit, City of London Police

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Committee(s): Licensing	Dated: 13/07/2022
Subject: Revenue Outturn 2021/22	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 Executive Director Environment	For Information
Report author: Jenny Pitcairn, Chamberlain's Department	

Summary

This report compares the revenue outturn for the services overseen by your Committee in 2021/22 with the final budget for the year. Overall total net expenditure during the year was £224,000 whereas the total budget was £99,000, representing an overspending of £125,000 as set out below.

Summary Comparison of 2021/22 Revenue Outturn with Final Budget				
	Original Budget	Final Budget	Revenue Outturn	Variation Better/ (Worse)
	£000	£000	£000	£000
Direct Net Expenditure				
Environment	(51)	(52)	(168)	(116)
Capital and Support Services	(23)	(47)	(56)	(9)
Overall Total	(74)	(99)	(224)	(125)

The Executive Director Environment 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 2021/22

- Actual net expenditure for your Committee's services during 2021/22 totalled £224,000, an overspend of £125,000 compared to the final net budget of £99,000. 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				
Environment	(51)	(52)	(168)	(116)
Total Local Risk	(51)	(52)	(168)	(16)
Capital and Support Services	(23)	(47)	(56)	(9)
Overall Total	(74)	(99)	(224)	(125)

- The most significant local risk variations were:
 - A reduction of £174,000 in fee income mainly as a result of the ongoing impacts of COVID-19, particularly in relation to Tables & Chairs;
 - An overspend of £48,000 due to the Committee's share of the Department's unidentified savings, which was held as a contingency;
 - An increase of £14,000 in bad debt provision;
 - Additional grant income of £80,000 towards the cost of administering Pavement Licences;
 - A decrease of £49,000 in employee costs as a result of staff vacancies.
- Appendix 1 shows the movement from the 2021/22 original budget to the final budget.
- 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	(152)
Income	152
Total Late Night Levy	0
Gambling Act ²	
Expenditure	(10)
Income	5
Total Gambling Act	(5)
Tables & Chairs	
Expenditure	(11)
Income	11
Total Tables & Chairs	0
Massage & Special Treatment	
Expenditure	(28)
Income	28
Total Massage & Special Treatment	0
Premises, street trading and other ³	
Expenditure	(800)
Income	581
Total Premises, street trading & other	(219)
OVERALL TOTAL	(224)

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 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 (net of grant income) issued free-of-charge, and work in relation to COVID-19 restrictions eg providing advice, enforcement, and liaison with government.

Local Risk Carry Forwards to 2022/23

- The Executive Director Environment has a local risk overspending of £116,000 on the activities overseen by your Committee. The Executive Director had net local risk underspendings totalling £1.403m on activities overseen by other Committees. The Director is proposing that her maximum eligible underspend of £500,000 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 2021/22 Original Budget to Final Budget

Jenny Pitcairn

Chamberlain's Department

T: 020 7332 1389

E: jenny.pitcairn@cityoflondon.gov.uk

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