

# **Licensing Committee**

Date: **THURSDAY, 2 FEBRUARY 2023** 

Time: 1.45 pm

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

Members: James Tumbridge (Chairman)

Sophie Anne Fernandes (Deputy

Chairman)

**Brendan Barns** 

James Bromiley-Davis Deputy Peter Dunphy

Mary Durcan

Anthony David Fitzpatrick Deputy John Fletcher

Deputy Marianne Fredericks

Deputy Shravan Joshi Deputy Graham Packham

Jason Pritchard **David Sales** Ceri Wilkins Vacancy

**Enquiries: Chloe Ainsworth** 

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https://www.youtube.com/@CityofLondonCorporation/streams

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Whilst we endeavour to livestream all of our public meetings, this is not always possible due to technical difficulties. In these instances, if possible, a recording will be uploaded following the end of the meeting.

> **Michael Cogher Acting 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.

#### 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 summary of the meeting held on 12 October 2022.

For Decision (Pages 5 - 10)

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

For Information

a) \*Sisi's - 4 November 2022

To receive the public minutes of the adjourned licensing hearing in respect of the premises the Sisi's, 7-9 Saint Bride Street, London, EC4A 4AS on 4 November 2022.

b) \*Sisi's - 22 November 2022

To receive the public minutes of the licensing hearing in respect of the premises the Sisi's, 7-9 Saint Bride Street, London, EC4A 4AS on 22 November 2022.

c) \*The University of Chicago Booth School of Business - 4 January 2023

To receive the public minutes of the adjourned licensing hearing in respect of the premises the University of Chicago Booth School of Business, One Bartholomew Close, Barts Square, City of London, EC1A 7BL on 4 January 2023.

## 5. APPEALS AGAINST LICENSING (HEARING) SUB-COMMITTEE DECISIONS

The Comptroller and City Solicitor to be heard.

For Information

# 6. DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES LICENCES

Report of the Executive Director Environment.

For Information (Pages 11 - 32)

#### 7. REVENUE ESTIMATES 2023/24

Joint report of the Chamberlain and the Executive Director Environment.

For Decision (Pages 33 - 36)

#### 8. DRAFT HIGH-LEVEL BUSINESS PLAN 2023/24

Report of the Executive Director Environment.

For Decision (Pages 37 - 48)

#### 9. \*LATE NIGHT LEVY - 12 MONTH REPORT (1 OCT 2021 - 30 SEPT 2022)

Report of the Executive Director Environment.

For Information

#### 10. GAMBLING ACT ANNUAL REVIEW OF FEES 2023-24

Report of the Executive Director Environment.

For Decision (Pages 49 - 56)

#### 11. SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES 2023/24

Report of the Executive Director Environment.

For Decision (Pages 57 - 64)

#### 12. \*QUARTERLY LICENSING REPORT Q4 2022

Report of the Commissioner of the City of London Police.

For Information

#### 13. \*OPERATION REFRAME UPDATE

For Information

- 14. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE
- 15. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT
- 16. **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.

#### 17. NON-PUBLIC MINUTES

To agree the non-public minutes of the meeting held on 12 October 2022.

For Decision (Pages 65 - 66)

- 18. NON-PUBLIC QUESTIONS RELATING TO THE WORK OF THE COMMITTEE
- 19. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

#### LICENSING COMMITTEE

#### Wednesday, 12 October 2022

Minutes of the meeting of the Licensing Committee held at Committee Room - 2nd Floor West Wing, Guildhall on Wednesday, 12 October 2022 at 1.45 pm

#### Present

#### Members:

James Tumbridge (Chairman)
Sophie Anne Fernandes (Deputy
Chairman)
Brendan Barns
Deputy Peter Dunphy

Deputy John Fletcher Deputy Marianne Fredericks Deputy Graham Packham

#### In Attendance

#### Officers:

Chloe Ainsworth - Town Clerk's Department
Andrew Buckingham - Town Clerk's Department
Peter Davenport - Environment Department
Caroline Hay - City of London Police

Frank Marchione - Comptroller & City Solicitor's Department

Aggie Minas - Environment Department Rachel Pye - Environment Department

#### 1. APOLOGIES

Apologies were received from Mary Durcan, Anthony Fitzpatrick, Deputy Shravan Joshi and David Sales.

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

There were no declarations.

#### 3. PUBLIC MINUTES

**RESOLVED –** That the public minutes of the meeting held on 13 July 2022 be approved as a correct record.

#### 4. ANNUAL REVIEW OF THE COMMITTEE'S TERMS OF REFERENCE

The Committee considered a report of the Town Clerk which presented the Committee's terms of reference for review. Members were also asked to consider whether the current meeting frequency was appropriate.

Members confirmed they had no changes to the terms of reference or frequency of meetings.

#### **RESOLVED**, that –

- the terms of reference of the Licensing Committee be approved without amendment for submission to the Court in April 2023;
- no change be required to the frequency of the Licensing Committee's meetings.

#### 5. MINUTES OF LICENSING (HEARING) SUB COMMITTEES

#### 5.1 **Art of Dough, 15 July 2022**

The Committee received the public minutes of the licensing hearing in respect of the premises Art of Dough, 16 Eldon Street, London, EC2M 7LD.

**RESOLVED** – That the minutes be noted.

#### 5.2 The Pavilion Bar and Restaurant Ltd, 18 July 2022

The Committee received the public minutes of the licensing hearing in respect of the premises the Pavilion Bar and Restaurant, 200 Aldersgate Street (Unit 3 South), London, EC1A 4HD.

**RESOLVED** – That the minutes be noted.

#### 5.3 **Art of Dough, 28 July 2022**

The Committee received the public minutes of the licensing hearing in respect of the premises Art of Dough, 16 Eldon Street, London, EC2M 7LD.

Members were informed that the event held at the Art of Dough occurred without incident.

**RESOLVED** – That the minutes be noted.

6. APPEALS AGAINST LICENSING (HEARING) SUB COMMITTEE DECISIONS
The Comptroller & City Solicitor advised the Committee that there were currently no appeals.

# 7. DELEGATED DECISIONS OF THE EXECUTIVE DIRECTOR ENVIRONMENT PERTAINING TO PREMISES' LICENCES

The Committee received a report of the Executive Director Environment detailing the premises licences, and variations to premises licences, granted under the Licensing Act 2003 and administered by the Licensing Service from 1 July 2022 to 30 September 2022.

**RESOLVED** – That the report be noted.

#### 8. CRIMES AT LICENSED PREMISES

The Committee received a report of the City of London Police providing an update on crimes committed linked to licensed premises between July and September 2022.

**RESOLVED** – That the report be noted.

#### 9. **OPERATION RE-FRAME UPDATE**

The Committee received a report of the City of London Police providing an update on Operation Reframe. The event took place on 30 September 2022 and the theme was spiking.

Members were informed that the next Operation Reframe would be taking place on 3 December 2022 and that the theme was bystanders.

**RESOLVED** – That the report be noted.

#### 10. CODE OF GOOD PRACTICE FOR LICENSED PREMISES

The Committee considered a report of the Executive Director Environment including an updated Code of Good Practice for approval.

The Chair proposed the following amendments to the Code of Good Practice:

- Page 65 To include more detail about how the City of London can support licensed premises in paragraph 1.5.
- Page 82 To clarify the City Corporation's expectations around public safety.
- Page 94 To include more information regarding protecting children from harm. It was noted that it was important that this area of the Code of Good Practice reflected that there were some licensed premises in which would be appropriate for children to attend.

#### **RESOLVED**, that –

- Authority be delegated to the Chair and the Deputy Chair to make further amendments to the Code of Good Practice in conjunction with Officers;
- Approval of the updated Code of Good Practice be sought from the Town Clerk, in consultation with the Chair and Deputy Chair, under delegated authority.

#### 11. SUPPORTING THE HOSPITALITY SECTOR: CITY EVENTS

The Committee received a verbal update from the Executive Director Environment regarding hospitality support that the City Corporation could provide for its licensed premises. The update was in response to the Chair of the Licensing Committee requesting that Officers explore actions to support City trade.

Members were informed that despite the City's busy events schedule, local venues had not been open to take advantage of the increased footfall. Feedback from venues indicates that they are not uniformly informed about

events occurring in the City. It was noted that the City could improve its communication of events to local venues so that they could consider the resulting potential increase in footfall to the City when making decisions about their opening times.

It was noted this links directly to the Destination City Strategy and the ambition to increase visitor numbers and visitor spend.

Members were informed of the following actions:

- The Highways and Events teams will share a monthly events list by email to available hospitality contacts (of both licensed and non-licensed premises)
- Officers will obtain updated contact information from premises at the annual Licensing Forum on 1 November and obtain their interest in receiving City events information.
- Officers are currently assessing the interest in the City Corporation conducting a monthly online session providing information about City events
- The City Corporation has a Licensing Officer in place who is a specialist in facilitating the licensing of events. The Officer sits on key events groups.
- The Golden Key event has developed an <u>interactive eat, drink and after</u> <u>parties map</u> sharing hospitality offers with visitors.
- Officers are extending existing events communications delivered by the City or events organisers to include communication streams on the footfall opportunity to local venues and venues around our transport hubs.

In response to a query from a Member, the Committee was informed that the relevant teams across departments had been collaborating to avoid working in silos and that Officers would consider further ways to ensure a joined up approach.

**RESOLVED** – That the report be noted.

# 12. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

# 13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

The following items of urgent business were raised –

- The Chair informed the Committee that funding had been made available to trial lifts and sanitation devices in the Autumn.
- The Chair noted that this would be Peter Davenport's final Licensing Committee as the Licensing Manager and thanked him for his work with the Licensing Committee. The Chair also welcomed the new Licensing Manager.

#### 14. EXCLUSION OF THE PUBLIC

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

#### 15. NON-PUBLIC MINUTES

**RESOLVED –** That the non-public minutes of the meeting held on 13 July 2022 be approved as a correct record.

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

There were no questions.

17. 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 2.11 pm	
Chairman	

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Committee(s)	Dated:
Licensing	02/02/2023
Subject: Delegated decisions of the Executive Director	Public
Environment pertaining to premises licences	
Which outcomes in the City Corporation's Corporate	1, 4
Plan does this proposal aim to impact directly?	
Does this proposal require extra revenue and/or	N
capital spending?	
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the	N/A
Chamberlain's Department?	
Report of: Juliemma McLoughlin, Executive Director	For Information
Environment	
Report author: Robert Breese, Licensing Officer	7

#### **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 October 2022 to 31 December 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 October 2022 to 31 December 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 June 2022 to 30 November 2022.

#### Recommendation(s)

#### Members are asked to:

Note the report

#### **Main Report**

- 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 October 2022 to 31 December 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.

- Any questions of detail concerning premises licences can be obtained from the Corporation's public register which can be found at: <a href="http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Search-the-public-register.aspx">http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Search-the-public-register.aspx</a> or by email to the Licensing Team at <a href="mailto:licensing@cityoflondon.gov.uk">licensing@cityoflondon.gov.uk</a>.
- 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 October 2022 to 31 December 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 June 2022 to 30 November 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 former 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 October 2022 to 31 December 2022.
- Appendix 2 Applications to vary a licence issued between 01 October 2022 to 31 December 2022.

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

# **Background Papers**

None

#### **Robert Breese**

Licensing Officer

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# New Licence Applications Issued by way of Delegated Authority (01 October 2022 to 31 December 2022)

Name	Address	Ward	Detail	S
Red Lion Coffee	52 Lime Street	Aldgate	A	23:00
Ole and Steen	60 London Wall	Broad Street	A	22:30
Gartners	8 Salisbury Square	Castle Baynard	A, L	00:00
McCann-Erickson	135 Bishopsgate	Bishopsgate	A, L, (a), (b), (e)	00:00
			(f), (g)	
Bank of Montreal	100 Liverpool Street	Bishopsgate	A, L	00:00
Dom's Subs	22 Bevis Marks	Aldgate	A	20:00
Marisec	35 Seething Lane	Tower	A	18:00

# **Total Licences Issued = 7**

# Key to Details:

A Sale of Alcohol (e) Live Music L Late Night Refreshment (f) Recorded Music

(a) Plays (g) Performances of Dance

(b) Films (h) Making Music

(c) Indoor Sporting Events(d) Boxing or Wrestling

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

#### Number of Licences by Ward

WARD	No
Aldgate	2
Bishopsgate	2
<b>Bread Street</b>	1
Castle Baynard	1
Tower	1

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

#### **Red Lion Coffee**

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.

#### Ole & Steen

- 1. The premises shall install and maintain a digital colour CCTV system which covers all public areas of the licensed premises. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
- 2. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:
- (a) all crimes reported to the venue
- (b) all ejections of customers
- (c) any incidents of disorder (disturbance caused either by one person or a group of people) [There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]
- (d) seizures of drugs or offensive weapons
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol during the hours the premises is licensed to sell it.
- 3. A 'Challenge 21 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 21 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.

#### **Gartners**

- 1. The external terraces shall not be used or accessed between the hours of 23:00 and 08:00 on any day, other than in the case of emergency.
- 2. The provision of licensable activities shall be restricted to: employees and officers of the organisations in occupation, or their associated companies; and bona fide guests of the said employees, officers and companies; and persons attending any bona fide private event at the premises.

3. CCTV will be installed and maintained at the premises and made available on request to an authorised officer.

#### **McCann-Erickson**

- 1. The roof terraces shall not be used or accessed between the hours of 22:30 and 08:00 on any day, other than in the case of emergency.
- 2. The roof terraces shall not be used or accessed at any time on Sundays or Bank holidays, other than in the case of emergency.
- 3. There shall be no live or recorded music played on the roof terrace at any time.
- 4. 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 30 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.
- 5. SIA registered security staff shall be employed at the premises in accordance with a risk assessment, to be carried out by the DPS on an event by event basis.
- 6. When employed, all security staff on duty at the premises must correctly display their current SIA accreditation and shall wear high visibility armbands.
- 7. When employed, a register of security staff shall be maintained at the premises and shall include:
- (i) The SIA registration number of door staff on duty;
- (ii) the identity of each member of door staff;
- (iii) the dates and times the door staff are on duty.
- 8. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
- 9. The Challenge 25 scheme must be operated to ensure that any person 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, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

#### **Bank of Montreal**

- 1. The provision of licensable activities shall be restricted to: employees and officers of the organisations in occupation, or their associated companies; and bona fide guests of the said employees, officers and companies; and persons attending any bona fide private event at the premises.
- 2. The service of alcohol shall be ancillary to food only from 7am to 10 am.

#### **Dom's Subs**

- 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. 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.

#### **Marisec**

None

# Licence Variations Issued by way of Delegated Authority (01 October 2022 to 31 December 2022)

Name	Address	Ward	Variation
Revolution	140-144 Leadenhall Street	Lime Street	• To amend the layout of the premises
Goldwoods Sports Bar	30 Old Jewry	Walbrook	• Extra hour of operation on Sundays during the National Football League season in the USA between September and March — time limited
Osborne Clarke	1 London Wall	Aldersgate	• To change the hours during which the premises can sell alcohol for consumption on the premises. No change to the terminal hour for the sale of alcohol, however permission sought to start selling alcohol at 09.00. Also addition of exhibition of films. To update plans.
Marugame	Liverpool Street Station	Bishopsgate	• To vary the existing premises licence so as to extend both the commence hour for the sale of alcohol and opening hours, to begin from 08:00 all week (no change to terminal hour) to allow for breakfast service.

#### **Total Number of Variations Issued = 4**

#### Number of Licences by Ward

WARD	No.
Aldersgate	1
Bishopsgate	1
Lime Street	1
Walbrook	1

## **Conditions Added to Licences Granted by way of Delegated Authority**

#### Revolution

No additional conditions added.

#### **Goldwoods Sports Bar**

PROPOSED FURTHER CONDITIONS HAVING EFFECT ONLY DURING THE OPERATION OF EXTRA HOURS (00:00 TO 01:30) ON SUNDAY EVENING DURING MONTHS 1ST SEPTEMBER TO 28TH FEBRUARY ONLY EACH YEAR

- 1. The Sale of alcohol at the premises after 2300hrs shall at all times be ancillary to the screening of a television broadcast of a live sporting event
- 2. Last entry in relation to the extended hours will be 23:00
- 3. The maximum number of persons permitted outside to smoke shall not exceed 5 persons at any one time. Such persons are not permitted to take drinks outside. The designated smoking area is to the right hand side of main entrance on Old Jewry.
- 4. At least two SIA licensed door supervisors shall be on duty. The licence holder will also have full regard to its own written risk assessment when considering each event and in determining whether more than two door supervisors are required. That risk assessment to be kept under constant review.

#### Osborne Clarke

1. No additional conditions added,

#### **Marugame**

1. Between the hours of 08:00 and 10:00, the supply of alcohol at the premises shall only be to a person taking a substantial table meal and for consumption by such a person as ancillary to their meal.

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

01 October 2022 to 31 December 2022

# **Enforcement Action Carried out Under the Licensing Act 2003** 01 October 2022 – 31 December 2022

Total Number of Inspections	92
Number of Warning Letters	2
Number of Premises advised	58
Number of simple cautions	0
Number of suspension notices	8 (6 on closed premises)
Licence lapsed* 'Dead' Suspensions**	2 4
'Live' Suspensions***	0
Under determination	0

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

<sup>\*\*</sup>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.

<sup>\*\*\*</sup>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.

Time **Details** Date **Outcome** Ward

# Number of complaints received between 01/10/2022 and 31/12/2022

Total number of complaints:

Benk and Bo, 4-6 Gravel Lane, London, E1 7AW

loud music and bass

21:41

Farringdon Within

14/12/2022 Case still in progress Portsoken

Donburi, 9 Ludgate Square, London, EC4M 7AS

Urgent text sent 11.19 - Noise coming out from the

11:20 14/12/2022 Resolved informally

premises causing distress to the residents of Lambert House - Please investigate noise is usually between 11-1500 daily

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

Loud music breakout from premises

13:15

20/12/2022 Case still in progress Castle Baynard

Noise from music, night-time vehicle loading and 15:36 patrons leaving premises last Saturday night

17/10/2022 Case still in progress

Castle Baynard

Jamie's, 36 Tudor Street, London, EC4Y 0BH

SP called about noise coming from Jamies Wine 23:20

Bar

**BAR** 

26/11/2022 Resolved informally

Castle Baynard

Karaoke Box, Jarvis House, 12 Smithfield Street, London, EC1A 9LA

Noise from people leaving the bar shouting and screaming every time the bar shuts

01:46

11/11/2022 Resolved informally

Farringdon Without

NOISE FROM PEOPLE LEAVING KARAOKE

02:35

08/12/2022 Resolved informally

Farringdon Without

Munich Cricket Club, 9A-9B Crutched Friars, London, EC3N 2AU

drums and trumpets while celebrating

10:21

28/10/2022 Resolved informally

Tower

Page 22

<u>Details</u> Punch Tavern, The Punch Tavern Public Ho	<u>Time</u> use, 99 Flee	<u>Date</u> et Street, Lone	Outcome don, EC4Y 1DE	<u>Ward</u>	
fan running	22:41	25/10/2022	Case still in progress	Castle Baynard	
RESIDENT CALLED COMPLAINING ABOUT AN OUTSIDE FAN CAUSING A DISTURBANCE FOR HER	23:15	15/10/2022	Case still in progress	Castle Baynard	
Rocca, 48-51 Leadenhall Market, London, EG	C3V 1LT				
loud Live music now	22:51	03/11/2022	Case still in progress	Langbourn	
Simmons Bar, Retail Unit, 33-35 Cornhill, Lo	ondon, EC3\	/ 3ND			
noise from people outside	00:32	03/12/2022	Resolved informally	Langbourn	
noise from people leaving simmonds bar shouland fighting	uting Langbou	02:25 rn	09/11/2022	Case still in progress	
The Hung Drawn & Quartered, The Hung Dra		artered Publi	ic House, 27 Great To	wer Street, London, EC3R 5AQ	
Loud Music	23:17	28/10/2022	Resolved informally	Tower	
Traitors Gate, 14 Trinity Square, London, EC	3N 4AA				
loud music	22:06	16/12/2022	No action possible	Tower	
Wood Street Bar and Restaurant, 53 Fore Street, London, EC2Y 5EJ					
loud music	21:43		Resolved informally	Cripplegate	

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



# Agenda Item 7

Committee(s):	Dated:
Licensing	02 February 2023
Subject:	Public
Revenue Budgets 2023/24	
Which outcomes in the City Corporation's Corporate	n/a
Plan does this proposal aim to impact directly?	
Does this proposal require extra revenue and/or	N
capital spending?	
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the	n/a
Chamberlain's Department?	
Report of:	For Decision
The Chamberlain	
Executive Director Environment	
Report author:	
Jenny Pitcairn, Chamberlain's Department	

#### **Summary**

This report presents for approval the revenue budgets for the Licensing Committee for 2023/24.

Overall, the proposed revenue budget for 2023/24 totals (£340,000), an increase of (£99,000) in net expenditure compared to the 2022/23 Original Budget of (£241,000).

The proposed budget for 2023/24 has been prepared within the resource envelope allocated to the Executive Director by Resource Allocation Sub Committee in October 2022.

The resource envelope must be adhered to, as failure to do so will impact Finance Committee's ability to set Council Tax rates for the year ahead and the requirement in law for the City to set a balanced budget.

#### Recommendations

#### Members are asked to:

- i) review and approve the proposed revenue budget for 2023/24 for submission to Finance Committee;
- ii) authorise the Chamberlain, to revise these budgets to allow for any further implications arising from subsequently approved savings proposals or Target Operating Model (TOM) implementation; and
- iii) agree that amendments for 2022/23 and 2023/24 budgets arising from changes to recharges during budget setting or any further implications arising from subsequently approved savings proposals, energy price increases and other reviews be delegated to the Chamberlain in consultation with the Executive Director Environment.

#### Main Report

#### Background

- 1. This report sets out the latest budget for 2022/23 and the proposed revenue budgets for 2023/24 for your Committee and under the control of the Executive Director Environment, analysed between:
  - (i) **Local Risk Budgets** these are budgets deemed to be largely within the Chief Officer's control.
  - (ii) **Support Services and Capital Charges** these cover budgets for services provided by one activity to another. The control of these costs is exercised at the point where the expenditure or income first arises as local or central risk.
- 2. In the various tables, income, increases in income, and reductions in expenditure are shown as positive balances, whereas brackets will be used to denote expenditure, increases in expenditure, or reductions in income.
- 3. The latest 2022/23 budget and provisional 2023/24 budgets are summarised in Table 1 below.

Table 1 Summary Revenue Budgets 2022/23 and 2023/24	Original Budget 2022/23 £'000	Latest Budget 2022/23 £'000	Original Budget 2023/24 £'000
Local Risk Expenditure	(879)	(880)	(943)
Local Risk Income	670	670	618
Total Local Risk	(209)	(210)	(325)
Support Services and Capital Charges	(32)	(45)	(15)
Total Net Expenditure	(241)	(255)	(340)

#### **Latest Revenue Budget for 2022/23**

- 4. The 2022/23 latest budget is net expenditure of (£255,000), an increase in net expenditure of (£14,000) from the 2022/23 original budget. The main reasons for this net increase are:
  - Implementation of TOM restructure, (£1,000)
  - A net increase in central and departmental recharges, (£13,000)

#### Proposed Revenue Budget for 2023/24

- 5. The proposed 2023/24 budget is net expenditure of (£340,000), an increase of (£99,000) in net expenditure compared to the 2022/23 original budget.
- 6. For 2023/24 budgets include:
  - (i) 4% uplift for inflation offset by 2% efficiency savings (net 2% growth).
  - (ii) The full year effect of pay increases from July 2022.

The resulting resource envelope must be adhered to, as failure to do so will impact Finance Committee's ability to set Council Tax rates for the year ahead and the requirement in law for the City to set a balanced budget.

- 7. The budget has been prepared within the resource envelope allocated to the Executive Director by Resource Allocation Sub Committee, with the following exceptions and assumptions:
  - The Executive Director is still in the process of identifying savings proposals which, if delivered, will enable her to remain within her City Fund resource envelope. As a result, the savings required have been incorporated into the 2023/24 budget as "Savings to be Applied" and will be revised as necessary throughout the year. These have been ring-fenced by Committee in the first instance, with none within Licensing Committee at present, but this does not necessarily reflect the final distribution of savings across the Department, which is yet to be determined.
- 8. Table 2 below summarises the movements between the 2022/23 and 2023/24 original budgets.

Provisional Revenue Budgets 2023/24	Original Budget (OR) 2022/23 £'000	Original Budget (OR) 2023/24 £'000	Movement OR to OR £'000	Para Ref
LOCAL RISK				
Expenditure				
Employees	(701)	(762)	(61)	9(i)
Premises Related Expenses	(48)	(48)	0	
Supplies and Services	(46)	(49)	(3)	
Third Party Payments	(84)	(84)	0	
TOTAL Expenditure	(879)	(943)	(64)	
Income				
Customer, Client Receipts	670	618	(52)	9(ii)
TOTAL Income	670	618	(52)	
TOTAL LOCAL RISK	(209)	(325)	(116)	
RECHARGES				
Central Recharges	(138)	(135)	3	
Recharges within Fund	(9)	(14)	(5)	
Recharges across Funds	115	134	19	
TOTAL RECHARGES	(32)	(15)	17	9(iii)
TOTAL NET EXPENDITURE	(241)	(340)	(99)	•

- 9. The significant movements (greater than £10,000) between the budgets shown in Table 2 are attributable to:
  - (i) Increases in pay costs due to pay awards, incremental progression and regrading, (£61,000).
  - (ii) An anticipated reduction in fee income reflecting current activity levels.
  - (iii) The decrease of £17,000 in support services and capital charge expenditure reflects changes in the budgets of departments and their apportionment between committees, most significantly due to implementation of the TOM restructure

# **Staffing Statement**

10. Table 3 below shows the movement in manpower and related staff costs.

Table 3 Staffing Summary	Original Budget 2022/23		Original Budget 2023/24	
	Manpower	Estimated	Manpower	Estimated
	Full-time	Cost	Full-time	Cost
	Equivalent	£'000	Equivalent	£'000
Total Licensing	10.7	(701)	10.7	(762)

#### Conclusion

11. This report presents the proposed budgets for 2023/24 for the Licensing Committee for Members to consider and approve.

## **Appendices**

None

# **Jenny Pitcairn**

Chamberlain's Department

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Committee:	Date:
Licensing Committee	2 February 2023
Subject:	Public
Draft High-Level Business Plan 2023/24 – Environment	
Department	
Which outcomes in the City Corporation's Corporate Plan	2, 3, 4, 5, 10, 11, 12
does this proposal aim to impact directly?	
Does this proposal require extra revenue and/or capital spending?	N
Report of:	For Decision
Juliemma McLoughlin, Executive Director Environment	
Report author:	
Joanne Hill, Environment Department	

#### Summary

This report presents for approval the high-level Business Plan for the Environment Department for 2023/24. Due to the complexity and scope of the department, three separate High-Level Business Plans have been produced to reflect our three key Committee 'clusters'. This plan presented in this report covers the service areas which fall within the remit of the Port Health & Environmental Services Committee and the Licensing Committee.

#### Recommendation

#### Members are asked to:

- i. Note the factors taken into consideration in compiling the Environment Department Business Plan; and
- ii. Approve, subject to the incorporation of any changes sought by this Committee, the elements of the departmental high-level Business Plan 2023/24 which fall within the remit of the Licensing Committee.

#### **Main Report**

#### **Background**

- 1. As part of the new framework for corporate and business planning, departments were asked to produce standardised high-level, two-side Business Plans for the first time in 2017 for the 2018/19 year. Members generally welcomed these high-level plans as being brief, concise, focused and consistent statements of the key ambitions and objectives for each department.
- 2. For 2023/24, the high-level Business Plan has further evolved to add more narrative and improve readability. The Business Plan now incorporates TOM departmental structure changes. As a high-level plan, this document does not capture the granularity of departmental work but gives the strategic overview of departmental activity, trends where applicable and direction of travel.

#### Draft final high-level Business Plan for 2023/24

- 3. This report presents, at Appendix A, the draft high-level Business Plan for 2023/24 for the services of the Environment Department which fall within the remit of the Port Health & Environmental Services Committee and the Licensing Committee, ie:
  - Public Protection, including the Licensing Service
  - Port Health
  - Animal Health
  - Cemetery and Crematorium
  - Cleansing and Waste.
- 4. This high-level plan includes the key areas of work that will be undertaken during 2023/24, all of which are focused on the need to continue to deliver statutory regulatory services in an efficient and compliant manner, while maximising opportunities to reduce expenditure and generate income.
- 5. The plan was developed through consultation with the department's Senior Leadership Team, Assistant Directors, and colleagues from across the wider City Corporation. The involvement of colleagues from Town Clerk's Department, and the Chamberlain's Department has been instrumental in refining deliverables and priorities.
- 6. Throughout the year, the Environment Department reports to Committees on progress made against the workstreams and performance indicators set out in its Business Plan. Updates on key business risks are also reported on a regular basis. This gives Members the opportunity to scrutinise the department's progress towards achieving its objectives.
- 7. Members have further opportunity to scrutinise departmental performance through the Bilateral process, which most recently occurred in autumn 2022. In addition, the Audit and Risk Management Committee scrutinise the risk management process and ensure top risks are reviewed through regular risk updates and deep dives of corporate risks.

#### **Standing Order 56: Property assets**

- 8. The Environment Department's 850 staff are based across 25 sites throughout London and the south-east. We hold approximately 400 physical assets, almost 300 of which are at our Natural Environment sites.
- 9. The Executive Director is represented by the City Operations Director and the Interim Natural Environment Director on the Board for the Corporation's Operational Property Review Programme. As part of this Programme, the Department is undertaking a critical review of all its physical assets, including operational property. A Departmental 'Task and Finish' group will be established early in 2023/24 to undertake this project. The initial stage of the project will be to identify the resources required to undertake a full analysis and in-depth review of all physical assets held by the department, including baselining operational requirements, financial position and state of repair.
- 10. Following this, we will work with the City Surveyor's Department to establish a detailed project plan and realistic timeline. An update on the status of the assets relevant to this Committee will be reported, including any that are identified as surplus to requirements.

**Corporate & Strategic Implications** - The Corporate Plan outcomes we have a direct impact upon are listed in the Business Plan. The Plan also shows other key City of London strategies we are helping to deliver. Officers will actively engage with colleagues in the Corporate Strategy and Performance Team as they develop the new Corporate Plan.

**Financial implications** - The high-level Business Plan has been produced in liaison with Chamberlain's Department and takes into consideration opportunities to reduce expenditure and increase income in order to make necessary savings.

**Public sector equality duty (PSED)** - The Department has established an Equality, Diversity and Inclusion (EDI) Working Group which is working on an EDI Action Plan. Members of the group will lead on a range of EDI actions, including those set out in the Business Plan, to ensure compliance with the PSED across the department.

**Resourcing implications** - Any changes to resources will be brought to the relevant Committee(s).

Security implications - None

#### Conclusion

This report presents the draft high-level Business Plan for 2023/24 for the services of the Environment Department which fall within the remit of the Port Health & Environmental Services Committee and the Licensing Committee. Members are asked to approve the elements of the plan for which the Licensing Committee is responsible.

#### **Appendices**

Appendix 1 – Draft Environment Department high-level Business Plan 2023/24 (PH&ES and Licensing Committees)

#### Joanne Hill

Business Planning & Compliance Manager Environment Department joanne.hill@cityoflondon.gov.uk

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# **The Environment Department**

#### **Shaping sustainable future environments**

The Environment Department is the largest in the organisation and provides a diverse range of services to London and the South East.

Within the 'square mile' we deliver many local authority and regulatory functions including planning and development; building control; highways and transportation; cleansing and waste; environmental health, licensing and trading standards.

Further afield, we manage over 4,500 hectares of green spaces; run the City of London Cemetery and Crematorium; operate the Heathrow Animal Reception Centre; provide animal health services London-wide; and, as the London Port Health Authority, undertake controls on imported food and feed through London's ports. The Department's aims, activities and vision are presented.

Due to the complexity and scope of the department, three separate High-Level Business Plans have been produced to reflect our three key Committee 'clusters'. This plan covers the service areas which fall within the remit of the Port Health & Environmental Services Committee and the Licensing Committee.



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# Services within the remit of the Port Health & Environmental Services and Licensing Committees:

Port Health, Animal Health, Public Protection, Licensing, Cleansing and Waste

# Looking back: what we achieved in 2022/23...

- The **new Environment Department** came into existence on 1 April 2022, bringing together two and a half former departments.
- The Senior Leadership Team began to embed **consistent working practices** across the new department and identify synergies and opportunities for collaboration and partnership working.
- All service areas continued to work in partnership with relevant **internal and external partners** to fulfil their statutory duties and deliver high-quality regulatory services to the public and City businesses.

#### **Cleansing Service**

- Played a **key role in the City's delivery of major events** including the Queens Jubilee and those related to passing of HM The Queen and the accession of King Charles III.
- Contended with a number of pressures, adapting services and invoking contingencies to deal with issues such as **rail and tube strikes** and a record **heatwave** resulting in a hosepipe ban.

#### **Covid recovery**

As business and tourists returned to the city post-Covid, the Public Protection and Cleansing teams adapted their services to deal with the changing patterns of footfall and to support City businesses to recover from the pandemic.

#### **Port Health and Animal Health**

- Officers engaged with the UK Government on plans for **new Border controls** to advise and help shape policy.
- Port Health and Heathrow Animal Reception Centre (HARC) continued to deal with high volumes of trade through their facilities.
- The Animal Health Team carried out post-import checks for **Ukraine pets** arriving in London, supporting APHA with a new approach to managing quarantine.
- HARC secured use of a **new Border Control Post (BCP)** facility for dogs and cats, through collaboration with a commercial partner.

#### **City Teams**

- Continued development of the Safer City Partnership and Operation Broadway raised the profile of the work of the teams and their successful collaboration with City of London Police and other agencies.
- Continued to drive forward the actions set out in the Environmental Strategies: Air Quality, Noise and Contaminated Land.
- The Licensing Service implemented the transformational **Al Fresco Eating and Drinking Policy** in support of the hospitality sector, providing the City with vibrant spaces.

#### **Cemetery and Crematorium**

- The Cemetery and Crematorium retained its Green Flag and Green Heritage Awards.
- The Cemetery and Crematorium's new burial area, known as the Haywood Lawn, became operational in Autumn 2022.

# How we plan to develop our capabilities in 2023/24

- 1. Develop our **people**, creating aspirational roles with genuine career progression and job satisfaction that retain and attract **talent**.
- Invest in individuals' professional and personal development and build a sustainable, inclusive, resilient and agile workforce.
- 3. Improve **staff engagement and collaboration** with enhanced cross-departmental working to share knowledge, expertise and experience.
- 4. Develop effective, collaborative, **business partner relationships** with other departments, particularly HR and City Surveyors.
- Review existing working practices and procedures to ensure effective and efficient service delivery; establish who does what and why, and consider alternatives.
- Develop our use of **information**, digital information systems and dissemination, to support delivery of services that are intelligence led, data-driven and evidence based.
- 7. Identify further opportunities to work with external agencies to **deliver impactful results**.
- 8. Conduct stakeholder analysis and engagement to ensure each service area maximises its full influencing potential.
- Address significant budget pressures; review our potential for delivery of commercial services and construct mechanisms to enable and facilitate successful delivery.



#### Our major workstreams this year will be...

- Assess and implement requirements for meeting new air quality statutory obligations following the introduction of the Environment Act 2021.
- Influence, prepare for and adapt to embed a new Border Operating
   Model for import controls at the end of 2023, by influencing policy and
   guidance, and designing resilient services that are flexible and dynamic
   to changing risks.
- Embed the Climate Action Strategy and Climate Resilience mitigations into resource planning and decision making - balance reduction of energy use against cost of investment to achieve savings. Identify appropriate vehicles and equipment savings, building retrofits etc.
- Develop a combined services strategy for the Cleansing and City Gardens teams, outlining service standards and public engagement plans.
- Support the drafting of a revised Corporate Transport Policy.
- Deliver the Biodiversity Action Plan.
- Continue to assess and adapt services in reaction to the **Night Time Economy** and Anti-Social Behaviour.
- Develop a long term (10 year) strategy for the City of London on Al Fresco dining for the City's Streets.
- Implement and embed the new Planning and Regulatory Services casework management system (CMS) to provide a modern and intelligent way of working for the future.
- At the Cemetery and Crematorium, monitor funeral trends and adapt to provide a variety of options relevant to the needs and preferences of customers.
- Review the **Port Health accommodation** along the Thames to ensure that it is cost effective and meets future service demands.
- Develop a strategic approach for the future of Walbrook Wharf and how this will affect service delivery and contracts.

Our Key Performance Indicators	2023-24 Target
Cleansing: Percentage of City land with unacceptable levels of litter, graffiti etc	<5%
Cleansing: Percentage of household waste sent for reuse, recycling or composting.	Increase
Cleansing: The number of members in the Community Toilet Scheme	Increase
<b>Air Quality</b> : Increase the percentage of the City's area that meets the health-based Limit Values and WHO Guidelines for nitrogen dioxide levels by 31 March 2023. (Ultimate target is 90% by 31 March 2025).	Increase
Port Health: 85% of imported food and feed consignments that satisfy the checking requirements are cleared within 5 days:  a) Products of Animal Origin (POAO)  b) High Risk Products of Non-Animal Origin.	85% 85%
<b>Port Health:</b> 85% of imported food and feed consignments (Products of Non-Animal Origin) are subjected to mandatory documentary controls within 5 days.	85%
HARC: Acceptance of at least 90% of airline bookings for pets.	90%
HARC: 95% of flight collections attended within 30 minutes of the flight offloading.	95%
Animal Health: All operators meet the required standards when inspected for animal activities licences: a) 80% meet minimum standards b) 20% meet higher standards	80% 20%
<b>Pollution control:</b> 90% of justifiable noise complaints investigated result in a satisfactory outcome.	90%
<b>Food safety:</b> Sustain improvement in the proportion of food establishments that are at least 'broadly compliant' (i.e. Food Hygiene Rating Scheme score of 3 or above).	Sustain/ Increase
<b>Health &amp; Safety:</b> Sustain improvement in the proportion of premises with notifiable evaporative cooling devices found to be 'broadly compliant' for legionella control (equivalent to health & safety inspection rating of B2 to C).	Sustain/ Increase
<b>Licensing:</b> Ensure that, within 12 months, 90% of licensed premises entering the red or amber zone of the Traffic Light Scheme are brought back to the amber or green zone, respectively.	90%
Cemetery & Crematorium: Number of burials and cremations.	Maintair



# <u>P</u> S Busines 4 Page 0 **(**) nvironment

#### **Our strategic commitments**

#### **Climate Action Strategy**

- Embed climate resilience as a key component in decision making.
- Develop a plan to protect public health from urban heat effects.
- Reduce pollution and increase the resilience of the Square Mile.
- Develop service-based Climate Adaptation Plans.

#### **Circular Economy Strategy**

- Promote and enforce a policy of eliminating unnecessary single use items and lead by example.
- Deliver a successful programme of City-wide Circular Economy events.
- Work across departments to embed Circular Economy principles in all aspects of our work. Explore income streams to offset the increase in expenditure.

#### **Destination City**

- Support City businesses and residents with the impact this initiative will have on the City: increasing footfall and changing the dynamic of the City to a 7-day a week venue and cultural destination.
- Balance the needs of the business against the concerns of residents to manage the change effectively.
- Maximise the potential increase in income while managing greater numbers of complaints and the corresponding impact on delivery of enforcement services.

#### **△** Air Quality Strategy

- Ensure that the City complies with the statutory requirements for London Local Air Quality Management.
- Demonstrate leadership for London by implementing the actions identified in the Air Quality Strategy 2019-2024 and further obligations outlined in the Environment Act 2021.

#### **Noise Strategy and Contaminated Land Strategy**

• Continue to develop, and implement the actions identified within, the Noise Strategy 2016-2026 and Contaminated Land Strategy 2021-2030.

#### **Apprenticeship Strategy**

- Promote and prioritise apprenticeships to build our capacity and provide the skills that we need both now and for the future.
- Utilise apprenticeships as a staff development tool by offering them to existing employees to upskill our workforce whilst they remain in employment, contributing to the department.

#### **Safer City Partnership Strategy**

• Actively participate in the Safer City Partnership, particularly in respect of the Anti-Social Behaviour and Night-time Economy workstreams.

## We will actively work to deliver, and provide advice on, other relevant Corporate strategies, policies and programmes, including (but not limited to):

- Transport Strategy
- Licensing Policy
- City of London Code of Good Practice for Licensed Premises
- Street Trading Policy
- Secure City Programme
- The Recovery Taskforce
- Housing Strategy
- Lighting Strategy

- The Local Plan
- The City Plan 2040
- Health, Safety and Wellbeing Strategy
- Social Mobility Strategy
- Responsible Business Strategy
- Corporate Volunteering Strategy

## The Corporate Plan outcomes we have a direct impact on are...

#### Contribute to a flourishing society

- 1. People are safe and feel safe.
- 2. People enjoy good health and wellbeing.
- 4. Communities are cohesive and have the facilities they need.

#### Support a thriving economy

- 5. Businesses are trusted and socially and environmentally responsible.
- 6. We have the world's best legal framework and access to global markets.

#### **Shape outstanding environments**

- 11. We have clear air, land and water and a thriving sustainable natural environment.
- 12. Our spaces are secure resilient and well maintained.

#### Our Corporate and Departmental business risks \*

Risk Title	Score
Air Quality (Corporate Risk)	AMBER, 12
Brexit – Impact on Port Health and Animal Health	RED, 24
Road traffic collision caused by City of London staff or contractor who is unfit to drive while on City business	RED, 16

<sup>\*</sup> N.B. Risk details were correct at January 2023 but are subject to continual review and change.

#### **Operational Property requirements**

The Environment Department's 850 staff are based across 25 sites throughout London and the south-east. We hold approximately 400 physical assets, almost 300 of which are at our Natural Environment sites.

As part of the Corporation's Operational Property Review Programme, the Environment Department is undertaking a critical review of all its physical assets, including operational property. A Departmental 'Task and Finish' group will be established early in 2023/24 to undertake this project. The initial stage of the project will be to identify the resources required to undertake a full analysis and in-depth review of all physical assets held by the department, including baselining operational requirements, financial position and state of repair.

Following this, we will work with the City Surveyor's Department to establish a detailed project plan and realistic timeline. An update on the status of the assets relevant to this Committee will be reported, including any that are identified as surplus to requirements.

#### Stakeholder engagement

We have a wide range of stakeholders and delivery partners (including, but not limited to the key ones listed here) and will ensure we continue to communicate with them appropriately.

**CoL Committee Members** Airlines Contracted boroughs (Animal Health)

City residents City businesses BIDs Other CoL departments Regulators The GLA The construction industry **Academics** Government and their agencies

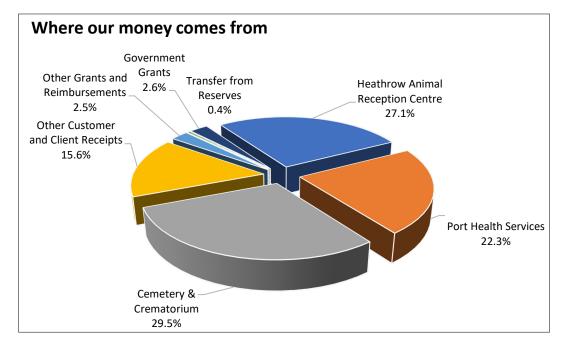
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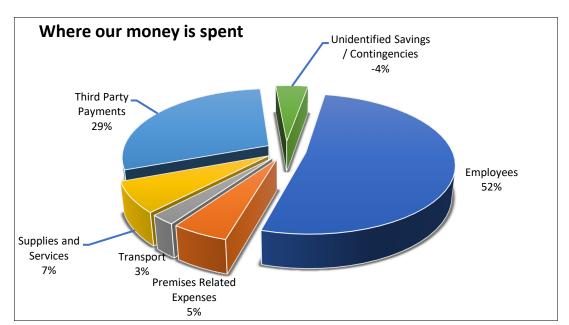
Neighbouring boroughs The Transport Sector LAIA operators (Licensed Activities **Involving Animals**)

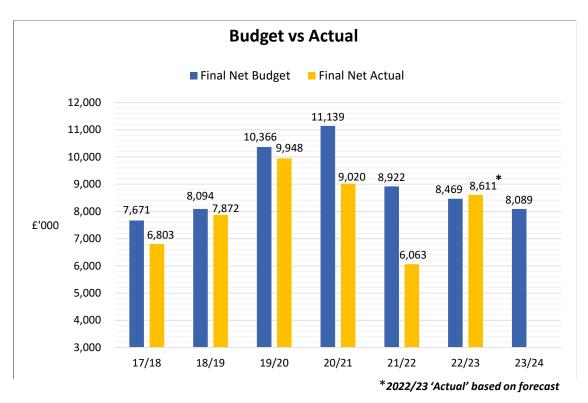
Our staff Members of the public **Food importers** Shippers and related service providers Port operators Trade bodies Third-sector organisations **Primary Authority Partners** Hospitality trade The licensed trade

Interest

#### **Our financial information**







#### **Capital Projects**

Financial year	Priority list (Include any known changes you are preparing for, e.g. new legislation, services, projects, automation)	Funded or Unfunded
2023/24	Replacement of the Launch 'Lady Aileen' Engines (Capital Project)	Funded (from reserve fund)
2023/24	Replacement Excavator for the Cemetery & Crematorium (Capital Project)	Funded (from reserve fund)

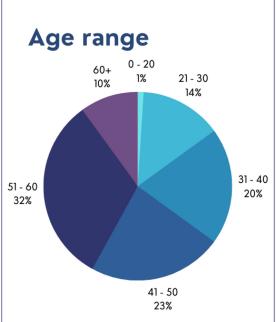
#### As a new department Equality, Diversity and Inclusion will be a key piece of work, and will include:

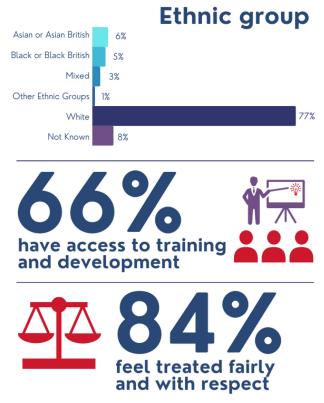
- Undertaking an audit on EDI across the new department
- Increased training and development for staff
- Encouraging staff to complete 'sensitive' HR information
- Looking at recruitment practices to expand staff diversity
- Encouraging staff to join and participate in staff networks











<sup>\*</sup>N.B. The information on this page relates to the whole of the Environment Department, not just to the services covered by the rest of this Business Plan. All data correct at time of most recent staff survey.

Committee(s)	Dated:
Licensing	02/02/23
Subject:	Public
Gambling Act – Annual Review of Fees 2023-24	
Which outcomes in the City Corporation's	1,4,5
Corporate Plan does this proposal aim to impact	
directly?	
Does this proposal require extra revenue and/or	N
capital spending?	
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the	n/a
Chamberlain's Department?	
Report of:	For Decision
Juliemma Mcloughlin Executive Director Environment	
Report author:	
Aggie Minas – Licensing Manager	

#### Summary

The City of London Corporation must set annual fees for those premises requiring a licence under the Gambling Act 2005. The report outlines current case law which has indicated that the process for setting the fees must be robust and that income received through the licensing process cannot exceed the cost of providing that service.

The matters considered by the licensing service in setting the proposed fees are discussed and include all aspects within the licensing process.

The proposed fees will result in slightly less income compared with previous years due primarily to a reduction in the forecast for the number of gambling premises in the City of London.

#### Recommendation(s)

Members are asked to:

 Agree the proposed fees for 2023/24 as set out in Appendix 1 (column 6, 'Proposed Fee').

#### Main Report

#### **Background**

- The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (the 'Regulations') set out the statutory provisions and limitations for setting gambling fees.
- 2. The City of London Licensing Authority must determine the appropriate fees subject to a maximum as set out in the schedule to the regulations. The fee structure allows for various types of applications associated with varying classes of premises licence, many of which do not currently apply within the City of London e.g., casinos. The maximum fees permissible can be seen in Appendix 1 (column 4, 'Maximum permitted fee').
- 3. Licences are valid for life from the date of grant unless surrendered or revoked. An annual fee is due for payment within thirty days of the licence issue (effective date) and then annually thereafter.
- 4. Section 212 of the Gambling Act 2005 states that the licensing authority, '...shall aim to ensure that the income from fees of that kind [determined by the licensing authority] as nearly as possible equates to the costs of providing the service to which the fee relates...'.
- 5. A High Court case held on 16 May 2012 (*R* (Hemming and Others) v Westminster City Council) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.
- 6. Successive appeals/decisions in the Court of Appeal, The Supreme Court and the European Court of Justice decided that the fee can include administrative costs involved, the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating/enforcing the licensing scheme including costs involved in enforcement against those premises that are not licensed.

#### Calculation of Fees for 2023/24

- 7. To avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that are undertaken to administer the licence application/renewal and the costs of investigating compliance with any licence condition.
- 8. In determining the proposed fee structure for gambling premises licences, the following factors have been taken into account:
  - Officer time spent on processing applications including site inspections and the issue of any licence
  - Officer time spent on the development and maintenance of processes and guidance notes

- Training of staff as necessary
- A proportion of the service costs such as accommodation, equipment and central recharges
- Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence
- Time spent on the compilation of a new 'Statement of Licensing Principles'.

An example of those factors considered in the calculation of fees can be seen as Appendix 2.

- 9. Gambling fees for 2023/24 have been calculated on the above basis for each of a number of different types of licence. Some of the proposed fees have increased due to a combination of inflationary price increases and a reduction in the number of gambling premises in the City, meaning the costs of maintaining the statutory Statement of Licensing Principles is split amongst fewer premises. Proposed fees for 2023/24 can be seen in Appendix 1, column 6. Where the cost of processing the licence is higher than the statutory maximum, the fee has been reduced.
- 10. The forecast number of applications for each main type of gambling licence can be seen in the table below along with the number of licences/registrations that were granted in previous years.

	2021/22		2022/23		2023/24
	Forecast	Actual	Forecast	Actual	Forecast
New Betting Shop	0	0	0	0	0
Annual fee (renewal)	17	15	15	12	12
Variation Betting Shop	0	0	0	0	0
New/Annual Fee Bingo	1	1	1	1	1
Temporary Use notice	1	0	0	0	0
Gaming machine permits	17	12	12	13	13
Small Society Lotteries (New)	5	2	2	2	2
Small Society Lotteries (Renewal)	20	20	20	15	15

#### **Proposals/Options**

- 11. If fees are set lower than those recommended the result will be an increased deficit for 2023/24 as costs of administering the licence will not be fully met from income received.
- 12. Fees set higher than those recommended, where permissible, will result in a surplus i.e. an income which exceeds the cost of providing the service.
- 13. Any such under or over recovery of costs from 2023/24 will be calculated after the end of that financial year and will be carried forward to be taken into consideration in setting fees for 2025/26, except in cases where costs are higher than the statutory maximum fee and there is therefore no prospect of offsetting the under recovery through future fee increases. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge.

#### **Corporate & Strategic Implications**

14. The proposals within this report meet the statutory requirement to set fees for the licensing of activities within the Gambling Act 2005, as they apply to the City of London Corporation.

#### **Implications**

- 17. Setting the recommended fees will result in an estimated income from Gambling licence fees for 2023/24 of £9,160, against a budgeted income of £12,000.
- 18. Setting fees above or below those recommended will have the implications as set out in paragraphs 11- 13 above.

#### **Appendices**

- Appendix 1 Proposed Fees for 2023/24
- Appendix 2 Factors taken into account when calculating Fees

#### **Background Papers**

None

#### **Aggie Minas**

Licensing Manager T: 020 7332 1269

E: aggie.minas@cityoflondon.gov.uk

#### **Proposed Sex Establishment Fees for 2023/24**

Application Type	Estimated number in 2023/24	Current Fee 2022/23	Proposed Fee 2023/24	Income Forecast 2023/24
New sex shop / sex cinema application	0	£8,350	£7,810	£0
Renewal of sex shop / sex cinema licence	0	£7,790	£7,150	£0
Variation of sex shop / sex cinema licence	0	£6,860	£6,400	£0
Transfer of sex shop / sex cinema licence	0	£710	£670	£0
New sexual entertainment venue application	0	£8,350	£7,810	£0
Renewal of sexual entertainment venue licence	0	£7,790	£7,150	£0
Variation of sexual entertainment venue licence	0	£6,860	£6,400	£0
Transfer of sexual entertainment venue licence	0	£710	£670	03
Change of details	0	£60	£60	£0
Copy of licence	0	£40	£40	£0
Total				£0

## Example of the factors taken into account when calculating the fee for an application for a Sexual Entertainment Venue.

#### Fee set for 2023/24 at £7,810 (New Application)

Task		Predicted Cost £
Pre-a	pplication queries	
•	Queries from applicant	168
•	Keeping forms etc. up to date	
Recei	pt of application	
•	Allocation of work, review of application	84
•	Preliminary enquiries of applicant	
•	Processing fee	
Cons	ultation	
•	Input details of application onto Assure database	104
•	Posting details on website	
•	Consultation with both internal and external teams	
Cons	ultation responses	
•	Interviewing applicant and site visit, locality assessment	809
•	Check newspaper advertisement	
•	Consider representations	
•	Queries from responsible authorities	
•	Update database	
Deter	mination	
•	Planning team and noise team logs/information	1,819
•	Pre-hearing admin	
•	Hearing process (including costs for legal and other City	
	departments)	
Post-	hearing and production of licence	
•	Work of committee officer producing minutes, decision	613
	letters, notifying applicant etc	
•	Preparation of licence, update database	
Polic	y costs	
•	Policy development	1809
•	Committee work	
•	Consultation with final report to Court of Common Council	
•	Legislative updates, training	
Post-	licence	
•	Member queries; responding to FOIs	1,001
•	Updating website	
•	Review of fees	
Comp	pliance costs	
•	Proactive compliance visits	1,403
Total	Predicted Cost per Application	7,810

### Agenda Item 11

Committee(s)	Dated:
Licensing	02/02/23
Subject:	Public
Sex Establishments – Annual Review of Fees 2023/24	
Which outcomes in the City Corporation's	1,4,5
Corporate Plan does this proposal aim to impact directly?	
Does this proposal require extra revenue and/or	N
capital spending?	
If so, how much?	
What is the source of Funding?	
Has this Funding Source been agreed with the	
Chamberlain's Department?	
Report of:	For Decision
Juliemma McLoughlin – Executive Director Environment	
Report author:	
Aggie Minas - Licensing	

#### Summary

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

The matters considered by the licensing service in setting the proposed fees are discussed and include all aspects within the licensing process.

The proposed fees have reduced since 2022/23. This will not affect budget income targets as we currently do not have any premises that have a Sex Establishment licence.

#### Recommendation(s)

Members are asked to:

Agree the proposed fees for 2023/24 as set out in Appendix 1

#### Main Report

#### **Background**

- 1. The Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, as amended by s.27 of The Policing and Crime Act 2009 sets out the statutory provisions for setting Sex Establishment fees.
- 2. A Sex Establishment is defined as a Sex Shop, Sex Cinema or Sexual Entertainment Venue (SEV) (primarily lap dancing clubs). A premises is not a Sexual Entertainment Venue if any relevant entertainment is only provided on eleven or less occasions during a twelve-month period and, each of the occasions are at least one month apart.
- 3. The City of London Licensing Authority must determine the appropriate fees for the granting, renewal, transfer, and variation of a licence. Any fee set must be 'reasonable'.
- 4. Licences are valid for 12 months from the date of grant unless surrendered or revoked. A process similar to the granting of a new licence is to be followed for each renewal including consultation.
- 5. A High Court case held on 16 May 2012 (*R* (Hemming and Others) v Westminster City Council) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.
- 6. Successive appeals/decisions in the Court of Appeal, The Supreme Court and the European Court of Justice decided that the fee can include administrative costs involved, the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating/enforcing the licensing scheme including costs involved in enforcement against those premises that are not licensed.

#### Calculation of Fees for 2023/24

- 7. To avoid possible complications arising from non-compliance with the Hemming decision, the licensing service has carried out an in-depth examination of the processes that would be undertaken in order to administer a licence application/renewal and the costs of investigating compliance with any licence conditions.
- 8. In determining the proposed fee structure for a Sex Establishment, the following factors have been taken into account (an example of the factors taken into account if we received a new application for a Sexual Entertainment Venue can be seen as Appendix 2):
  - Officer time spent on processing applications including site inspections and the issue of any licence

- Officer time spent on the development and maintenance of processes and guidance notes
- Training of staff as necessary
- A proportion of the service costs such as accommodation, equipment and central recharges
- Officer time spent on inspections of licensed premises to ensure compliance with terms and conditions of any licence
- 9. The proposed fees for 2023/24 have been reduced from those set in 2022/23. This is because the overhead costs of support services have reduced as a result of the Target Operating Model.

#### **Proposals/Options**

- 10. If fees are set lower than those recommended the result will be a deficit for 2023/24 if an application is received, as costs of administering the licence will not be fully met from income received. Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
- 11. Any such under or over recovery of costs from 2023/24 will be calculated after the end of that financial year and be carried forward to be taken into consideration in setting fees for 2025/26. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge. There was no under or over recovery to consider in calculating the proposed fees for 2023/24, as no applications were received in 2021/22.

#### **Corporate & Strategic Implications**

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

#### **Implications**

- 13. Setting the recommended sex establishment fees will not have a detrimental effect on the licensing budget as there are currently no sex establishments and thus no income.
- 14. Setting fees above or below those recommended will have the implications as set out in paragraphs 10 and 11 above.

#### Conclusion

15. Setting the proposed fees will permit the Corporation to meet its statutory obligations and recover all costs if an application for a Sex Establishment is received during 2022/23.

#### **Appendices**

- Appendix 1 Proposed Fees for 2023/24
- Appendix 2 Example of factors taken into account when calculating a proposed fee

#### **Background Papers** None

#### **Aggie Minas**

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#### **Proposed Sex Establishment Fees for 2023/24**

Application Type	Estimated number in 2023/24	Current Fee 2022/23	Proposed Fee 2023/24	Income Forecast 2023/24
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Copy of licence	0	£40	£40	£0
Total				£0

## Example of the factors taken into account when calculating the fee for an application for a Sexual Entertainment Venue.

#### Fee set for 2023/24 at £7,810 (New Application)

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•	Queries from applicant	168
•	Keeping forms etc. up to date	
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•	Allocation of work, review of application	84
•	Preliminary enquiries of applicant	
•	Processing fee	
Cons	ultation	
•	Input details of application onto Assure database	104
•	Posting details on website	
•	Consultation with both internal and external teams	
Cons	ultation responses	
•	Interviewing applicant and site visit, locality assessment	809
•	Check newspaper advertisement	
•	Consider representations	
•	Queries from responsible authorities	
•	Update database	
Deter	mination	
•	Planning team and noise team logs/information	1,819
•	Pre-hearing admin	
•	Hearing process (including costs for legal and other City	
	departments)	
Post-	hearing and production of licence	
•	Work of committee officer producing minutes, decision	613
	letters, notifying applicant etc	
•	Preparation of licence, update database	
Polic	y costs	
•	Policy development	1809
•	Committee work	
•	Consultation with final report to Court of Common Council	
•	Legislative updates, training	
Post-	licence	
•	Member queries; responding to FOIs	1,001
•	Updating website	
•	Review of fees	
Comp	pliance costs	
•	Proactive compliance visits	1,403
Total	Predicted Cost per Application	7,810

## Agenda Item 17

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