



Licensing Committee

Date: MONDAY, 22 OCTOBER 2012

Time: 1.45pm

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

Members:

| | |
|--|----------------------------|
| Deputy Edward Lord (Chairman) | Deputy Revd Stephen Haines |
| Marianne Fredericks (Deputy Chairman) | Dr Peter Hardwick |
| Alex Bain-Stewart | Chris Punter |
| Deputy Douglas Barrow | Stephen Quilter |
| Revd Dr Martin Dudley | Jeremy Simons |
| Peter Dunphy | James Tumbridge |
| Kevin Everett | Alderman Simon Walsh |
| Sophie Fernandes | |

Enquiries: Rakesh Hira
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rakesh.hira@cityoflondon.gov.uk

Lunch will be served for Members in the Guildhall Club at 1pm

John Barradell
Town Clerk and Chief Executive

AGENDA

1. **APOLOGIES**

2. **DECLARATIONS BY MEMBERS OF ANY PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA**

3. **MINUTES**

To agree the minutes of the meeting held on 16 July 2012 (copy attached).

For Decision
(Pages 1 - 8)

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

To note the minutes of Licensing (Hearing) Sub Committee meetings as follows (copies attached):-

For Information

a) 29 June 2012 - The Heron, 5 Moor Lane, London, EC2 (Pages 9 - 16)

b) 17 July 2012 - Revolution, 140 - 144 Leadenhall Street, London, EC3V 4QT (Pages 17 - 26)

c) 30 August 2012 - Club 2AD, 2 Crutched Friars, London, EC2N 2HT (Pages 27 - 40)

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

The Comptroller and City Solicitor to be heard.

For Information

6. **DELEGATED DECISIONS PERTAINING TO PREMISES LICENCES**

Report of the Director of Markets & Consumer Protection (copy attached).

For Information
(Pages 41 - 50)

7. **THE ROLE OF THE COMMITTEE IN RELATION TO THE APPOINTMENT OF THE DIRECTOR OF MARKETS & CONSUMER PROTECTION**

The Town Clerk to be heard.

For Information

8. **REVENUE BUDGETS 2013/14**

Joint report of the Chamberlain and the Director of Markets & Consumer Protection (copy attached).

For Decision
(Pages 51 - 56)

9. **LICENSING ACT 2003: REVIEW OF STATEMENT OF LICENSING POLICY**

Report of the Director of Markets & Consumer Protection (copy attached).

For Decision
(Pages 57 - 92)

10. **LICENSING CODE OF PRACTICE**

Report of the Director of Markets & Consumer Protection (copy attached).

For Decision
(Pages 93 - 130)

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

Report of the Director of Markets & Consumer Protection (copy attached).

For Decision
(Pages 131 - 164)

12. **LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS**

Report of the Director of Markets & Consumer Protection (copy attached).

For Information
(Pages 165 - 174)

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

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

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LICENSING COMMITTEE

Monday, 16 July 2012

Minutes of the meeting of the Licensing Committee held at the Guildhall EC2 at 1.45pm

Present

Members:

| | |
|---------------------------------------|----------------------------|
| Deputy Edward Lord (Chairman) | Deputy Revd Stephen Haines |
| Marianne Fredericks (Deputy Chairman) | Dr Peter Hardwick |
| Alex Bain-Stewart | Chris Punter |
| Deputy Douglas Barrow | Jeremy Simons |
| Revd Dr Martin Dudley | James Tumbridge |
| Peter Dunphy | Alderman Simon Walsh |
| Sophie Fernandes | |

Officers:

| | |
|-----------------|---|
| Rakesh Hira | - Town Clerk's Department |
| Simon Murrells | - Assistant Town Clerk |
| Ignacio Falcon | - Town Clerk's Department |
| David Smith | - Director of Markets and Consumer Protection |
| Jon Averbs | - Markets and Consumer Protection Department |
| Steve Blake | - Markets and Consumer Protection Department |
| Peter Davenport | - Markets and Consumer Protection Department |
| Paul Chadha | - Comptroller & City Solicitor's Department |
| Jenny Pitcairn | - Chamberlain's Department |
| Greg Williams | - Public Relations Office |

1. APOLOGIES

Apologies were received from Kevin Everett and Stephen Quilter.

2. DECLARATIONS BY MEMBERS OF ANY PERSONAL OR PREJUDICIAL INTERESTS IN RESPECT OF ANY ITEMS ON THIS AGENDA

The Revd Dr Martin Dudley declared a general personal interest as a Designated Premises Supervisor (DPS) of a City premises and a personal licence holder. He did not consider this interest to be prejudicial.

Jeremy Simons declared a personal interest in Item 4 in relation to the Tas Restaurant Licensing (Hearing) Sub Committee as he had submitted a representation in respect of a new premises licence. Mr Simons did not consider this to be prejudicial.

3. **MINUTES**

The public minutes and summary of the meeting held on 10 May 2012 were approved subject to the following amendments:

Under the matters arising section under item 7 on Advertising of Licensing Applications the following sentence would be added at the end of the minute: -

“A Member queried the cost of seeking Counsel’s advice on the guidance which would be issued to applicants when advertising licensing applications. The Comptroller & City Solicitor explained that the cost was in the region of approximately £1,350”.

Under item 13 the sentence *“It was noted that conditions imposed on premises licences should be short, succinct, understandable and enforceable”* would be amended to *“A Member raised a question in relation to conditions being added to licences under delegated authority pointing out that conditions being imposed on premises licences under delegated authority were unenforceable, lengthy and indistinct and that they needed to be short, succinct, understandable and enforceable”.*

Under item 10, third paragraph, the sentence *“A discussion took place on the word ‘appropriate’ being replaced with the word ‘necessary’ in relation to...”* would be replaced with *“A discussion took place on the word ‘necessary’ being replaced with the word ‘appropriate’ in relation to...”*

Matters Arising

Health and Wellbeing Board

In relation to whether the Health and Wellbeing Board would be considered as a Responsible Authority, the Comptroller & City Solicitor pointed out that further guidance was yet to be released from government which may provide clarity on the matter.

New Internet Web Pages

The Chairman explained that the ‘Licensing’ section on the new internet website was currently under the ‘Business’ section and could also be accessed through the ‘Services’ option but not directly. Members felt that the ‘Licensing’ section should be available directly through the ‘Services’ option and the Assistant Director of PR (Press) undertook to ensure that this would be changed on the City Corporation’s website.

Enforcement Letters

The Chairman pointed out that the Committee had previously agreed that copies of any enforcement letters issued to licensed premises would be circulated at the committee.

Home Office Consultation

The Assistant Director of Environmental Health & Public Protection explained that the Early Morning Restriction Orders and the Late Night Levy would most likely be implemented in March 2013 and June 2013 respectively and that it was expected that 70% of the levy would go to the City of London Police and 30% to the licensing service. A report would be submitted to this Committee in October 2012 providing an update.

4. MINUTES OF LICENSING (HEARING) SUB COMMITTEES

The Committee received the public minutes of the following Licensing (Hearing) Sub Committees: -

4.1 4 May 2012 - Carter Rooms, 56-58 Carter Lane, London, EC4V 5EA

It was noted that Carter Rooms had now closed and was in the process of being sold.

4.2 4 May 2012 - Patch, 58-62 Carter Lane, London, EC4V 5EA

4.3 9 May 2012 - Jamies, 2 Alban High Walk, 125/136 London Wall, London, EC2Y 5AS

4.4 16 May 2012 - TAS Restaurant, 5 New Street Square, London EC4A 3BF

A discussion took place on the outcome reached by the Sub Committee; a Member queried why the full 'gold plated' CCTV condition had been placed on the licence as it was a restaurant which could seat 60 people whereas Wetherspoons public house (referred to under Item 6) had a slightly less onerous CCTV condition. The Chairman of the Licensing (Hearing) Sub Committee pointed out that questions on the decision reached by the Sub Committee should be provided in advance in order for papers referring to the Hearing to be brought along to the committee. It was noted that the CCTV condition had been included as it may have been suggested by the applicant and agreed by both parties. The decision of the Sub Committee was to allow the supply of alcohol from 10:00 to 22:40 hours with the premises closing at 23:00 hours, a Member explained that a customer would need to pay their bill at 22:40 hours but would still be able to consume alcohol until 23:00 hours and therefore an unintended consequence may have been reached if the intention was for customers to cease drinking slightly earlier than the premises closed.

Members asked for appropriate guidance to be provided to any officer attending a Hearing from the Comptroller & City Solicitor's department, who did not usually attend, to explain the implications of the decisions taken at a Hearing.

A discussion also took place on when the appropriation of the sale of alcohol took place i.e. either when the cash changes hands or when the bill is provided

at the terminal hour. The Comptroller & City Solicitor undertook to provide some further guidance for Members ahead of the next committee meeting.

4.5 **21 May 2012 - Dorset Rise Youth Hostel, 1 Dorset Rise, London, EC4Y 8EN**

4.6 **28 May 2012 - Charlie's Wine Bar, 9 Crosswall, London EC3**

It was noted that Charlie's had now closed, it did not intend on appealing and that the owners would still be prosecuted.

4.7 **11 June 2012 - Padron, 13 Harrow Place, London E1 7DB**

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

The Comptroller and City Solicitor informed the Committee that a case management hearing was due to take place for Patch and that if Carter Rooms also appealed a request would be made to have both Hearings on the same day.

6. **DELEGATED DECISIONS PERTAINING TO PREMISES LICENCES**

The Committee received a report which detailed the premises licences and variations to premises licences which had been granted under the Licensing Act 2003 by the Licensing Service from 1 April 2012 – 30 June 2012.

A Member pointed out that sensible conditions should be added to licences, if needed.

RECEIVED

7. **REVIEW OF THE GOVERNANCE ARRANGEMENTS IMPLEMENTED IN 2011**

A report of the Town Clerk, on behalf of the Post Implementation Governance Review Working Party, explaining that a Working Party had been established to undertake a post-implementation review of the revised governance arrangements, after twelve months of their operation, to take stock of the new arrangements and how they were working, was considered.

The report sought comments on the governance arrangements introduced in March 2011 and the impact they may have had on the operation of the Licensing Committee.

A discussion took place and Members made reference to the following areas to be considered by the Working Party:

- The published data of attendance be made clearer to show the number of Licensing (Hearing) Sub Committees the Member was actually asked to attend and duly attended rather than the full number of Hearings held i.e. if a Member attended 6 Licensing (Hearing) Sub Committees the figures should

show 6 out of 6. The Town Clerk explained that the concerns raised would be explored to provide a fairer way of publishing attendance data.

- There was an opportunity for the Working Party to look at any overlap of work covered by other committees i.e. the Planning & Transportation, Port Health & Environmental Services and Licensing Committees to ensure that issues such as tables and chairs be covered by one committee for example.
- A recommendation be made for the Chairman of the Licensing Committee to become an ex-officio Member of the Policy & Resources Committee as licensing is a major policy area which affects the City, workers and residents.

RESOLVED – That the report be noted and that the following representations be made to the Working Party:-

- (a) The published data of attendance be made clearer to show the number of Licensing (Hearing) Sub Committees the Member was actually asked to attend and duly attended rather than the full number of Hearings held i.e. if a Member attended 6 Licensing (Hearing) Sub Committees the figures should show 6 out of 6.
- (b) Any overlap of work within other committees which is quasi-judicial or regulatory i.e. the Planning & Transportation, Port Health & Environmental Services and Licensing Committees be looked at to ensure that issues such as tables and chairs be covered by one committee.
- (c) The Chairman of the Licensing Committee should become an ex-officio Member of the Policy & Resources Committee as licensing is a major policy area which affects the City, workers and residents.

8. **REVENUE OUTTURN 2011/12**

A joint report of the Chamberlain and the Director of Markets and Consumer Protection comparing the revenue outturn for the services overseen by this Committee in 2011/12 with the final agreed budget for the year was considered. The report set out that the overall total net income during the year was £57,000 whereas the total agreed budget was nil, which represented an underspend of £57,000.

The report explained that the Director of Markets and Consumer Protection had submitted a request to carry forward underspends and that the request would be considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub (Policy and Resources) Committee.

Members noted that the whole underspend was not being retained within this Committee's budget, as the current rules on the use of carry forwards permit the Director of Markets and Consumer Protection to determine the distribution of his carry forward between the three Committees he reports to, subject to an overall maximum of £500,000.

Members considered that the Committee should have a say in the allocation of underspending and asked for the rules on the use of carry forwards to be reviewed by the Resources Allocation Sub (Policy and Resources) Committee with a view to securing adjustments to facilitate greater Member involvement.

RESOLVED – That the report be noted and a recommendation be made to the Resource Allocation Sub (Policy and Resources) Committee to review the arrangements for carrying forward underspends.

9. **PUBLIC NUISANCE ASSOCIATED WITH LICENSED PREMISES**

A report of the Director of Markets and Consumer Protection in relation to the concern that Members had about the insufficient provision in the City at night to deal with anti-social behaviour and public nuisance, primarily patron noise from licenced premises, particularly in Carter Lane, was considered.

The Assistant Director of Environmental Health & Public Protection presented this item explaining that the report outlined the actions which would be taken to improve the service and that the Licensing Steering Group set up by the Town Clerk would be the appropriate body to oversee the improvements.

In response to a query by a Member it was agreed that the names of the officers on the Licensing Steering Group would be circulated to Members.

The Chairman explained that he was pleased to get a positive outcome from the meeting which took place with the Town Clerk.

RECEIVED

10. **CODE OF PRACTICE FOR LICENSED PREMISES**

A report of the Director of Markets and Consumer Protection introducing the initial ideas for a Code of Practice for licenced premises as requested by Members was considered. The report explained that the Code was linked with the City Corporation's Licensing Policy and also introduced a risk assessment scheme for enforcement purposes. The report sought to approve the draft version of the Code which would be sent to various stakeholders for consultation with a final draft being submitted to this Committee in October 2012. The minutes of the Reference Sub (Licensing) Committee were also considered.

The Chairman explained that officers had been asked to prepare a Code of Practice which would set out what the Authority would hope and expect licenced premises to aspire to.

Members were supportive of a Code of Practice and it was noted that reference to the Code would be included in any relevant trade press; a Member congratulated officers on bringing forward an innovative Code for licenced premises.

RESOLVED – Members agree that: -

1. Officers continue to develop standards for each of the areas covered by the licensing objectives in line with the example given in Appendix 1 of the report (some standards are to be considered as the minimum required in order to operate a licensed premises within the City of London).
2. Criteria for a risk assessment scheme be developed with scoring bands set for green, amber and red status, and the criteria be closely linked to the Code's standards.
3. The final draft Code be sent to stakeholders for consultation during August and September 2012 after input and agreement from the Reference Sub (Licensing) Committee. The stakeholders would include Members, officers from other services, other responsible authorities, members of the public and licensed premises.
4. Results of the consultation be collated and incorporated in a report to this Committee in October 2012.
5. The minutes of the Reference Sub (Licensing) Committee which took place on 13 July 2012 be noted.

11. POOL OF CONDITIONS FOR USE IN PREMISES LICENCES

A report of the Director of Markets and Consumer Protection on the 'bucket' of conditions previously used to assist Members and applicants when adding conditions to a premises licence or club certificate was considered. The report provided a new list, renamed the 'Pool of Model Conditions', which had been extensively revised following consultation with Members and the Chairman, Deputy Chairman and Alderman Walsh.

The Chairman pointed out that a change may be made to the CCTV condition as three separate CCTV conditions may be needed.

RESOLVED – That Members note the contents of the report.

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

Heron Tower – Licensing (Hearing) Sub Committee

In response to a question by a Member the Chairman pointed out that reference would be made in the Statement of Licensing Policy on both the public duty under the Equality Act on disregarding vexatious or racist representations and amending the information set out on child protection. Members agreed that the Licensing (Hearing) Sub Committee procedure note would be amended immediately to reflect the public duty under the Equality Act.

13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Charterhouse Street

The Assistant Director of Environmental Health & Public Protection provided an oral update concerning a recent murder in Charterhouse Street associated with a club in the London Borough of Islington. Islington's Licensing Team are discussing the matter with the Metropolitan Police and it appears that there will either be changes to the licence to add conditions on security or a review of the premises licence upon which the views of The City Corporation will be sought.

Environmental Health has consulted with the Comptroller & City Solicitor and have received advice that it could seek a review across the border (Islington) under S 51 of The Licensing Act 2003 as "any other person" with a cautionary caveat that they must have suitable and sufficient evidence to base this upon. Except for the murder investigation there is little other evidence of complaints to Public Protection or the City Police. It was noted that the matter would be kept under review at the fortnightly 'tactical' meetings now being held with City Police.

The meeting closed at 3.00pm

Chairman

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LICENSING (HEARING) SUB COMMITTEE
FRIDAY, 29 JUNE 2012
Premises: The Heron, 5 Moor Lane, London EC2

Sub Committee

Alderman Simon Walsh
Marianne Fredericks CC
Revd Dr Martin Dudley CC

City of London Officers

Caroline Webb - Town Clerk's Department
Ru Rahman - Comptroller & City Solicitor's Department
Peter Davenport - Markets & Consumer Protection Department
Steve Blake - Markets & Consumer Protection Department

The Applicant

Mr Craig Baylis (solicitor), Berwin Leighton Paisner accompanied by Mr Andrew Burnie, Asset Management Director, Heron Tower.

Parties with Representations

Mr Robert Barker (representing Mr Brian Parkes), local resident
Ms Joanne Bradman, local resident
Mr Trevor Kavanagh, local resident
Ms Louise Trodden, local resident
Mr Geoff Tuff, local resident
Ms Beatrice Phipp, local resident

Also in Attendance

Ms Amy Maxwell, Berwin Leighton Paisner Solicitors
Mr David Pealing, Town Clerk's Department

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held in the Basinghall Suite, Guildhall, London EC2, to consider the representations submitted in respect of a new premises licence application made by The Heron Residences LLP for the premises known as 'The Heron, 5 Moor Lane, London EC2'.

The application sought to provide licensable activities for the supply of alcohol between the hours of 07:00 to 00:00 Monday to Sunday.

The application also sought to provide late night refreshments between the hours of 23:00 to 00:00 Monday to Sunday and the indoor exhibition of films between the hours of 07:00 to 00:00 Monday to Sunday.

- 2) The hearing commenced at 2:12pm
- 3) The Chairman opened the hearing by introducing himself, the other Members of the Sub Committee and the Officers present.

- 4) It was noted that no members of the panel had any personal or prejudicial interest.
- 5) The Chairman made reference to the procedure that would be followed, which was set out in the Sub Committee papers.
- 6) All parties introduced themselves.
- 7) Mr Barker introduced himself and started by thanking Mr Baylis for advanced warning of the application that had been submitted by the Heron Residences LLP.
- 8) In answer to a question, Mr Baylis confirmed that the application only sought a licence for the supply of alcohol, late night refreshments and the indoor exhibition of films.
- 9) Mr Barker highlighted the differences between the two plans and sought clarification from Mr Baylis, who confirmed that the plan printed on page 37 was correct. The cross-hatched area on the plan highlighted soft landscaped (grass) areas and the red line indicated the licensable area.
- 10) In answer to a question, Mr Baylis informed the Sub Committee that patrons would not be allowed to remain on or go out on to the terraced area after 22:00 hours on any given night. The doors to the terrace would be closed and locked. Patrons would be permitted to take alcoholic and non-alcoholic drinks on to the terrace before 22:00 hours. Shrubs would be planted around the perimeter of the terrace.
- 11) Mr Barker highlighted that noise disturbance to local residents in the Barbican, particularly in Speed House and Willoughby House, was his main concern. Mr Baylis addressed his concerns by informing him that residents of the Heron would be permitted to drink outside on the terrace whether or not they had a licence but applying for the licence allowed for more control of the terrace area. If patrons wished to smoke they would be encouraged to return to their apartments to do so.
- 12) Mr Baylis confirmed that there were no windows in the bar area and that air conditioning units were installed. It was noted that private parties were out of the control of the licensing regime and could still take place, possibly with the provision of facilities for making music.
- 13) Ms Bradman informed the Sub Committee that she was mainly concerned about the possibility of an increase in public nuisance after midnight, once the bar had shut and of large groups of patrons leaving at the same time.
- 14) The Chairman of the Sub Committee informed those present that an application could not be refused on the potential for noise disturbance or the possibility of increased public nuisance. If the residents were correct

and the opening hours of the premises did result in noise disturbance or an increase in public nuisance, for instance, then they could call for a review of the premises.

- 15) Mr Kavanagh informed the Sub Committee that attempts had been made to limit the noise on Silk Street but it had proved difficult to police. He stated that if the bar in The Heron closed at 23:00 hours rather than midnight, there may be less noise disturbance to local residents. Mr Kavanagh was also concerned that patrons may congregate to smoke outside the premises entrance which could increase the amount of noise experienced.
- 16) The Sub Committee stated that they were very disappointed to see a representation in the papers that, in their view, crossed the line between appropriate speculation and strongly disassociated themselves from such comments.
- 17) Mr Baylis informed those present that the bar area would function wholly as a private club. The premises would not accept cash for any purchases, with a swipe card system to be in place, exclusively to serve residents of the Heron Tower and their guests. The bar would not be run to make a profit but to offer a service to the residents of the Heron.
- 18) Mr Bayliss confirmed the position on the sub-letting of apartments within the Heron Tower.
- 19) All parties were given an opportunity to sum up their cases before the Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
- 20) The Chairman thanked all parties for attending the hearing and informed them that the decision of the Sub Committee would be circulated to all parties within the next five working days.

The meeting ended at 2.57pm

Chairman

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THE COMMON COUNCIL OF THE CITY OF LONDON
LICENSING SUB-COMMITTEE

Alderman Simon WALSH (Chairman)
Marianne FREDERICKS CC
Rev'd Dr Martin DUDLEY CC

Friday 29 June 2012 (1.45- 3.30)

IN RE:

THE HERON
5 MOOR LANE, LONDON EC2
Ward of Coleman Street

At today's hearing the sub-committee was addressed by Mr Craig Baylis of Berwin Leighton Paisner and Mr Andrew Burnie on behalf of the Applicant. We were addressed by Mr Robert Baker (representing Brain Parkes of Speed House Group), Mr Trevor Kavanagh, Ms Joanne Bradman and Mr Geoff Tuffs, all of whom had made representations opposing the application. We also took into account those many other written representations in the bundle of public papers.

No representations were received from any responsible authority.

No documents were submitted to us beyond those contained in the bundle of public papers.

On 3 May 2012 The Heron Residences LLP applied under the Licensing Act, 2003 for a premises licence for an area within the new Heron Tower building in Moor Street next to the Barbican. Permission is sought to sell alcohol and show films from 07.00 until midnight, every day of the week. Permission is also sought to provide late night refreshment from 23.00 until midnight, every day of the week. Insofar as the application seemed to ask for anything else, this was an error.

The premises are unusual in many respects, all of which are relevant to this application. The area covered by the premises licence will function as a wholly private 'club' serving only residents of the Heron Tower. Although residents' guests will also be admitted they will not be able to make any purchases at all. This 'club' is, we were told, unlikely to be a profit centre for the Heron development and is really being run as a facility to make the whole development more attractive to potential residents. It is situated on the 6th floor of the Heron building and consists of an indoor bar and an exterior terrace. The terrace is substantially surrounded by the upper storeys of the Heron development with the result that whilst the open side of the terrace faces Speed House in the Barbican residential estate, the licensed premises' closest neighbours are going to be in the Heron Tower itself.

There has clearly been a long and difficult history to the planning application for the Heron Tower but, as all parties quite properly acknowledged to us, we are not here to review or reopen the arguments for and against the development in the form it has been permitted. One condition imposed on the planning permission is however highly relevant to this application. Under the planning permission the outside terrace part of what is sought to become the licensed premises cannot be used after 10pm at night. Mr Baylis helpfully explained to the hearing that this means the doors leading to the terrace (which are not fire exit doors) will be closed and locked at 10pm each night and that no-one will be allowed out on the terrace to smoke or for any other purpose.

The representations from those who attended the hearing and those who only wrote in had a common theme: the Barbican residents are worried about late night noise. The fact that the terrace will not be used after 10pm at night should, in our view, deal as well with this fear as can be reasonably expected. We can see no reason at all to limit either the alcohol or film provisions in the proposed licence to deal with the possibility of excessive noise (amounting to public nuisance) before 10pm. The residents were also concerned about the possibility that those in the indoor bar might go down to the ground floor and congregate on the street to smoke. We do not think this is likely to pose a real

risk as smokers are, in our view, every bit as likely to return to Heron flats should they wish to smoke.

We are quite satisfied that these premises will be well run, that the immediate proximity of the Heron's own residents will act as a strong disincentive to excessive noise from the licensed area and that the chances of public nuisance being caused by the granting of the licence are minimal. We are confident that granting the licence as sought will properly promote the licensing objectives. For the avoidance of doubt the permission we grant for the sale of alcohol is for sales both on and off the premises and no conditions (other than those imposed by statute) are attached to the licence.

All parties are reminded that if the sub-committee was wrong any responsible authority, business, resident (in the vicinity) or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, imposing conditions, the removal of a licensable activity or the complete revocation of the licence.

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

Chairman's Rider 1

We were concerned to see several submissions that treated the vague possibility that patrons in the street (either smoking, coming to or leaving the premises) might conduct conversations on "adult themes" and that these conversations might then be overheard by young children in Barbican flats as something that engaged the child protection objective. We think that this is a wholly misconceived approach and leads to representations being made that cannot possibly be sustained. We will ask the Grand Committee to look at this matter and consider amending the Statement of Licensing Policy in due course to make this clear.

Chairman's Rider 2

We were very disappointed to see a representation in the papers that, in our view, crossed the line between appropriate speculation and comments that can at best be described as grossly stereotypical or at worst as simply racist. We will also ask the Grand Committee to look at this matter with a view to allowing officers to treat representations that are founded in whole or in part on a presumption of behaviour based itself on nothing more than the race (as here), religion, sex or sexuality of any group of people as vexatious (as that term is used in s18(7)(c) of the Licensing Act, 2003).

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MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 17 JULY 2012 AT 10:05 AM

APPLICANT: INVENTIVE LEISURE SERVICES LIMITED
PREMISES: REVOLUTION, 140 – 144 LEADENHALLSTREET

PRESENT

Panel

Marianne Fredericks CC (Chairman)
Sophie Fernandes CC
Chris Punter CC

In attendance

Rakesh Hira Town Clerk's Department
Paul Chadha Comptroller and City Solicitor's Department
Peter Davenport Markets and Consumer Protection

Applicant

Represented by Felicity Harris-Knott, Kuit Steinart Levy LLP accompanied by Michael Perry - DPS, Michael Buckley – Risk and Compliance Officer and Joseph Kemp – Risk and Compliance Officer.

Representations from Other Persons

Mr Robert Benton, Mr Yarema Ronish, Yvonne Courtney and Anna Marie-Davies

Also in attendance

Alderman Simon Walsh MA CC

Mr Paul Holmes, City of London Police

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held at 10:05am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of a variation of a premises licence application made by Inventive Leisure Services Limited for the premises known as 'Revolution, 140-144 Leadenhall Street, London, EC3V 4QT'.

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

Appendix 1: Copy of the Application

Appendix 2: Current Premises Licence

Appendix 3: Conditions consistent with the Operating Schedule

Appendix 4 Representations from Other Persons
(i – v):

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

Appendix 6: Plan of the Premises

The application sought to extend various licensable activities as follows:

| <u>Activity</u> | <u>Current Licence</u> | <u>Proposed Licence</u> |
|---|------------------------|------------------------------|
| Live Music, Recorded Music, Performance of Dance | Mon-Sun 08:00 - 03:00 | Mon-Sun 08:00 - 04:00 |
| Making Music, Provision of facilities for dancing | Mon-Sun 08:00 - 03:00 | Mon-Sun 08:00 - 04:00 |
| Anything similar to above | Mon-Sun 08:00 - 03:00 | Mon-Sun 08:00 - 04:00 |
| Plays, Films, Indoor Sporting Events | Mon-Sun 08:00 - 03:00 | Mon-Sun 08:00 - 04:00 |
| Supply of Alcohol | Mon-Sun 08:00 - 03:00 | Mon-Sun 08:00 - 04:00 |
| Late Night Refreshment | Mon-Sun 23:00 - 03:30 | Mon-Sun 23:00 - 04:30 |

The application also seeks to extend the premises' opening hours from 08:00 - 03:30 Mon-Sun to **08:00 - 04:30 Mon-Sun**.

- 2) The Chairman introduced herself and the other Members of the Sub Committee and explained that the procedure for the Hearing was set out the papers.
- 3) Ms Fredericks pointed out that she knew Mr Benton and the residents in her capacity as Deputy Chairman of the Licensing Committee.
- 4) The Sub Committee felt that it would be helpful if the applicant's representative, Mrs Harris-Knott, would briefly explain the application. Mrs Harris-Knott explained that the application for a variation had been submitted following a meeting with Inspector Jones of the City of London Police where it was agreed that some conditions would be amended and some removed. She explained

that the DPS had been operating a series of TEN's until 04:00 hours this year and no complaint had been received and therefore it was felt that the later hours should be put on a more permanent footing. Following a consultation period with the residents a meeting took place on 9 July 2012 to discuss and potentially alleviate the concerns of the residents, however not all residents attended. She explained that there had not been an objection to the application from any Responsible Authority.

- 5) Mrs Harris-Knott took the Sub Committee and residents through the detailed variations sought which were as follows:-

Annex 2

Remove Condition 2 – “An additional hour may be added to all standard and non-standard timings, for all licensed activities, on the day that British Summertime begins”.

Retain Condition 4 – “No noise from any entertainment, which takes place at the premises as a result of the exercises of this licence, shall be audible at a distance of 1 metre external to the nearest noise sensitive property”.

Retain Condition 5 – “The exercise of the licence must not result in any structure borne noise that may adversely affect other users of the building”.

Annex 3

Remove Condition A – “After 21:00 on Sunday to Fridays, every 1 in 10 patrons, DJs or performers (along with their guests and entourages) entering or re-entering the premises shall be search by the use of functional metal-detecting wands”.

Amend Condition B – from “On Saturdays and at promoted events, all patrons, DJs or performers (along with their guests and entourages) entering or re-entering the premises shall be searched by the use of functional metal-detecting wands” to “at all promoted events, all patrons, DJs or performers (along with their guests and entourage) entering or re-entering the premises shall be searched in accordance with the risk assessment contained within Form 696. At all other times, the searching of customers shall take place in accordance with the premises own risk assessment or at the direction of the DPS”.

Amend Condition K – from “a comprehensive victim/witness care policy shall be implemented at the premises which meets the requirements of the Police” to “A comprehensive victim/witness care policy shall be implemented at the premises”.

Remove Condition L – “there shall be no drinks promotion or discounting of drinks at the premises unless the promotion is linked to a substantial meal. For all other drinks promotions, the Police must be consulted. The Police shall provide written confirmation to the premises that consultation has taken place

and that there are no objections to the drinks promotion. Police consent will be required for these promotions and will provide justification for rejecting any drinks promotion”.

Amend Condition M – from “all managerial staff employed at the premises shall receive training in Crime Scene Management to a level acceptable to the Police” to “all managerial staff employed at the premises shall receive training in Crime Scene Management”.

Amend Condition S – from “a lockable drug box must be secured at the venue. Police attendance must be requested for removal of the contents” to “a lockable drug box must be secured at the venue”.

Remove Condition U – “the total capacity for the premises is set at 900”.

Remove Condition V – “the premises management will become members and actively participate in a Pubwatch or Clubwatch scheme operating in the area of the venue”.

Finally if the Sub Committee were minded to grant the application there would be no need for the additional hour for all licensable activities on the day that British Summer Time begins or for Christmas Eve and Boxing Day which falls on Sundays to Thursdays or an additional hour on Sunday and Monday of Bank Holiday weekends.

- 6) Mrs Harris-Knott explained that all the objectors apart from Mr Benton were content with these variations to the licence.
- 7) In response to a question by the Chairman, Mrs Harris-Knott explained that the premises were now operating under new management and that the TEN's had been operating without any issue. In relation to the Dispersal Policy it was noted that there was a decrease in noise, the lighting would go on and security officers (on a 1:50 ratio) in high visibility jackets were on patrol on the street and on the junction with St Mary Axe to assist with dispersing patrons.
- 8) Mr Benton began presenting his representation querying whether the premises had received permission for a 2 for 1 promotion on cocktails to which Mr Perry responded that it had and that email confirmation from Inspector Jones had confirmed this. In response to a question from Mr Benton, Mr Perry explained that the premises would still probably still do drug searches on Saturdays. Customers were admitted into the club up until midnight at which point no new customers would be allowed to enter the premises, however, customers usually only came to attend a specific event which start at 10.30pm otherwise it would generally be City workers.
- 9) Mr Ronish explained that in relation to the risk assessment form (696), it should be referred to in any condition, if imposed by the Sub Committee, with ‘any other replacement form’. In relation to the drugs box it was pointed out that this needed to be secure and retained at the premises.

- 10) Mrs Harris-Knott explained that if the Sub Committee were minded to grant the application for Saturday night only with licensable activities ceasing at 04:00 hours her clients would be content and that along with Condition J (no glass bottles containing beverages other than wine an champagne, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff away from the bar on Thursdays, Fridays or Saturdays between the hours of 21:00 and 00:00 hours) could be retained if this was the Sub Committee's wish.
- 11) The Chairman thanked all those present at the hearing and informed them that a decision would be reached and that the Sub Committee would retire and the decision would be communicated to all parties in due course.
- 12) The Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.

The meeting closed at 10.45am

CHAIRMAN

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Decision of the Sub Committee circulated to all parties on 24 July 2012

City of London Licensing Sub Committee – Decision

Applicant: Inventive Leisure Services Limited
Premises: Revolution, 140 – 144 Leadenhall Street, EC3V 4QT
Date / time of Hearing: Tuesday 17 July 2012, 10.00am
Venue: Committee Room 1, Guildhall, London EC2

Marianne Frederick CC (Chairman)
Sophie Fernandes CC
Chris Punter CC

An application was submitted on 23rd May 2012, by Inventive Leisure Services for their premises at 140 – 144 Leadenhall Street, EC3V 4QT. The current licence allows for the following:

Alcohol Sales, Performance Plays, Exhibition of Film, Indoor Sporting Events, Live Music (e), Recorded Music (f), Performance of Dance (g), Similar to (e) (f) or (g), Making Music (i), Provision of Dance (j), Similar to (i) or (j): Monday – Sunday 08.00 – 03.00 and the Provision of Late Night Refreshments Monday – Sunday 23.00 – 03.30.

The application sought to vary the premises licence by extending the terminal hour for each licensable activity by one extra hour, and extending the premises' opening hour from 08.00 – 03.30 Monday – Sunday, to 08.00 – 04.30, Monday – Sunday.

The application also sought to remove conditions 2, 4, and 5, in Annex 2, which were placed on the licence as they were consistent with the operating schedule and in Annex 3 remove conditions a, b, l, m, s, u and v, which had been attached to the licence by the Licensing Authority following a review hearing.

This application was advertised in the usual way. Written representations were received from five local residents, all raising concerns that the removal of the conditions would undermine the licensing objectives concerning the prevention of crime and disorder, and prevention of public nuisance. No representations were received from responsible authorities.

The Applicant was represented at the Hearing by Mrs Harris-Knott from Kuit Steinart Levy LLP, and Mr Perry the premises DPS was present, along with his two Risk and Compliance Officers, Mr Buckley and Mr Kemp. Mrs Harris-Knott explained that the premises had held a number of Temporary Events, until 04.00 and no complaints had been received. The Applicant now wanted to regularise the situation, putting it on a permanent footing by amending the premises licence. Before submitting the application, they had a pre application meeting with Inspector Jones, City of London police, to discuss the licence extension, along with the removal and amendment of certain conditions, to ensure they were clear, appropriate and enforceable.

Mrs Harris–Knott explained that once objections from local residents were received, her client arranged to meet with them to discuss their concerns and try and resolve the issues. Not all objectors were able to attend the meeting, but she confirmed that she had been able to discuss the matter with Mr Benton. Following that meeting the Applicant decided to retain the conditions relating to noise and vibrations, amend the search condition and withdraw the part of the application which sought an additional hour for non standard timings, by removing conditions 1 and 3 of Annex 2. Mrs Harris- Knott handed the Sub Committee a summary sheet of conditions her client now wish to remove, retain and amend.

At the hearing we heard in person from Mr Benton and Mr Ronish, who was also speaking on behalf of Mr Whitby and Ms Courtney who was present along with Dr. Davies. Mr Benton felt the current terminal was late enough and seeking a licence for 04.30 seven days a week was excessive. He spoke of frequently being disturbed in the early hours of the morning as people left late night venues. However, he was most concerned with the request to move conditions, especially those relating to drink promotions and searches for drugs and weapons. He highlighted two very recent serious incidents in the City of London relating to knives, and stressed how important searches were in promoting the prevention of crime and disorder in licensed premises.

Mr Ronish reiterated the concerns regarding the noise and search conditions and was pleased the Applicant had agreed to their retention and removal on the additional non standard timings, as a closing time of 04.30 was late enough. He stressed conditions needed to be worded to ensure they were unambiguous and enforceable.

In response to questions Mr Perry informed the Sub Committee, that they conduct searches under the terms of their licence, as well as bag searches. Customers were admitted into the club up until midnight, at which point no new customers were allowed to enter the premises, unless they had tickets. Mr Perry explained in detail the premises dispersal policy, which started with a winding down period, a decrease in noise, lights up and security officers patrolling the streets outside of the club to ensure customers left the area quickly.

Mrs Harris–Knott confirmed that her client would be content if the Sub Committee would be minded to grant the additional hour on the Saturday night only. She also agreed that if the conditions had been placed on the licence because they were necessary, under the new guidance they were certainly appropriate.

The Sub Committee has considered the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant's representatives and the local residents.

In reaching the decision the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2011.

In determining the application the Sub-committee first and foremost put the promotion of the licensing objectives at the heart of their decision. In this instance,

the most relevant of those objectives was the prevention of public nuisance and the prevention of crime and disorder.

It is the Sub-committee's decision to grant the following variation to the premises licence:

Alcohol Sales, Performance Plays, Exhibition of Film, Indoor Sporting Events, Live Music (e), Recorded Music (f), Performance of Dance (g), Similar to (e) (f) or (g), Making Music (i), Provision of Dance (j), Similar to (i) or (j):

Saturday 08.00 – 04.00

Late Night Refreshment:

Saturday 23.00 – 04.30

The opening hours of the premises:

Saturday 08.00 – 04.30

The Sub Committee agree to remove the following conditions:

Annex 2, Condition 1) 2) 3)

Annex 3, Condition a) h) l) u) v)

The Sub Committee agree to retain and amend conditions

b), g), j), k), m), s) t) in Annex 3, so they now read:

b) From 21.00 Thursdays – Saturdays and at all promoted events*, all patrons, DJs or performers (along with their guests and entourage) entering or re-entering the premises shall be searched by the use of functioning metal-detecting wands.

g) An incident book or log shall be kept at the premises, all management staff shall be trained to use and maintain the incident book or log, which will be made available on request to the police or an authorised officer of the City of London Corporation. The book or 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 sale of alcohol during the hours the premises is licensed to sell it

(Condition g) and h) are now amalgamated, so condition h) can be removed.)

j) No glass bottles containing beverages other than wine and champagne, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff away from the bar on Thursdays, Fridays, Saturdays and at promoted events*, between 21.00 and the terminal hour.

k) A comprehensive victim/witness care policy shall be implemented at the premises.

m) All managerial staff employed at the premise shall receive training in Crime Scene Management.

s) There must be at the premises a lockable 'Drugs Box' to which no member of staff, save the Designated Premises Supervisor and any employee acting under the authority of the Designated Premises Supervisor, shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the City of London Police for appropriate disposal.

t) Door supervisors shall be employed on a ratio of 1:75 patrons from 21.00 until the premises closes. At least one member of the door team shall be female. All door staff must be SIA registered.

The application for non- standard timings as set out in the application was withdrawn. The application to remove conditions condition 4 and 5, Annex 2 was withdrawn.

Annex 2 Condition 6), contained a typographical error and therefore should read:

Where door supervisors are employed at the premises a register shall be maintained in which the name, SIA registration number and signature of all door supervisors employed shall be entered on a daily basis. Each entry must be verified by signature of the manager or such other person authorised by the management to do so. The register shall be at all times *available for inspection* by an officer of the City of London Corporation or police officer.

The conditions will be renumbered accordingly when the licence is issued.

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

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

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MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 30 AUGUST 2012 AT 10:00 AM

APPLICANT: THE COMMISSIONER OF THE CITY OF LONDON POLICE

PREMISES: CLUB 2AD, 2 CRUTCHED FRIARS, LONDON EC3N 2HT

PRESENT

Panel

Alderman Simon Walsh (Chairman)
Alex Bain-Stewart CC
Peter Dunphy CC

In Attendance

Caroline Webb - Town Clerk's Department
Paul Chadha - Comptroller & City Solicitor's Department
Steve Blake - Markets and Consumer Protection
Peter Davenport - Markets and Consumer Protection

The Applicant (The Commissioner of the City of London Police)
Represented by Mr Gary Grant of Counsel

Witnesses:

Inspector Rita Jones
Paul Holmes
Dan White

Representations from Other Parties

Marianne Fredericks CC

The Licensee (Club 2AD)

Represented by Mr Imad Handi and Mr Mahfouad Boussead, shareholders of 2AD Sports Bar Restaurants Ltd and Mr Mohammed Allali, Director of 2AD Sports Bar Restaurants Ltd.

Also in Attendance

Superintendent Norma Collicott, City of London Police
Ms Monica Liteza, Woods Whur
Mr Jack Spiegler, Thomas & Thomas Partners LLP

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held in the Committee Rooms, Guildhall, London EC2, to consider an application for a review for the premises 'Club 2AD', 2 Crutched Friars, London EC3N 2HT, submitted by the Commissioner of the City of London Police.

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

Appendix 1: Copy of the Application

- i) Paper evidence submitted with application
- ii) Video evidence submitted with application
- iii) Additional evidence

Appendix 2: Plan of Premises

Appendix 3: Copy of Current Premises Licence

Appendix 4: Decisions of Previous Hearing held on 27 April 2007

Appendix 5: Representations from Other Persons

Appendix 6: Map of subject premises together with other Licenced Premises in the area and their latest terminal time for alcohol sales

- 2) The hearing commenced at 10:15am
- 3) The Chairman opened the hearing by introducing himself, the other Members of the Sub Committee and the Officers present.
- 4) It was noted that no members of the panel had any personal or prejudicial interest.
- 5) The Chairman made reference to the procedure that would be followed, which was set out in the Sub Committee papers.
- 6) All parties introduced themselves.
- 7) The Sub Committee first sought to clarify the attendee's interest in the premises. Mr Imad Handi confirmed that he was a shareholder of 2AD Sports Bar Restaurants Ltd and accompanying him was Mr Mohammed Allali, Director of the above-mentioned company. 2AD Sports Bar Restaurants Ltd was registered at Companies House.
- 8) Mr Handi informed the Sub Committee that Mr Steve Newby was a Director of Roman Wall Property Limited, the company who owned the licence for the premises. He stated that all management responsibility for Club 2AD had been passed to Club 2AD Sports Bar Restaurants Limited.
- 9) The Sub Committee agreed that it was likely that Mr Handi would be in an appropriate position to represent the premises at the hearing and so it would go ahead. It was considered not in the public interest to adjourn the hearing.

- 10) Mr Grant introduced the application for a review and outlined the current licensing and operating hours of the premises. He noted a 'Breakfast Club' style event that started early in the morning and attracted patrons who were likely to have been drinking alcohol throughout the night. Some patrons had been linked to gang membership and an increased level of crime and disorder had been observed by the City of London Police. Mr Grant informed those present that there had been obvious signs of a lack of responsible management at the premises, with the door staff unable to manage crowds effectively.
- 11) The Sub Committee were informed of an agreement made between the City of London Police and the premises for the submission of risk assessments for each promoted event taking place. Mr Grant highlighted that this had rarely been adhered too and that there was often confusion about which events were taking place.
- 12) Mr Grant guided the Sub Committee through the chronology of incidents, notes of which were included within the hearing papers, highlighting those that were particularly serious in nature. A number of points were made, mainly:
 - Promoted events being advertised on social media sites but risk assessment forms not being submitted to the Police prior to the event.
 - Private events being run as promoted events.
 - Door staff at the premises involved with altercations between or directly with patrons.
 - Door staff not being SIA registered.
 - Underage patrons who had admitted drinking at the premises with the only form of identification showing they were 17 years of age being involved in fights outside of the premises.
 - Drug use and dealing of drugs openly on the dance floor and a strong smell of cannabis often identified by Police officers.
 - Door staff and the premises failing to call the emergency services during or immediately after incidents when patrons had been physically injured.
- 13) Mr Grant stated that a Section 19 closure notice had been issued in regards to two licensing breaches. The CCTV system had only five days' worth of data recorded when it should have held the last 30 days and there had been no search policy in place for patrons entering the premises. A new CCTV system had been installed soon after the closure notice had been issued and although a search policy had been established, it was not adhered to the majority of the time.
- 14) In answer to a question from a Member of the Sub Committee, Mr Grant stated that when the incident book had been checked by Police, it was found that incidents, when recorded, were not always done so accurately.

- 15) Mr Grant drew the attention of the Sub Committee Members to pages 25-28 of the application which outlined various meetings and conversations that had taken place between the premises and the Police, in order to mitigate the risk of crime and disorder taking place at the premises.
- 16) The video evidence submitted with the application was played to the Sub Committee, reinforcing the previous points made by Mr Grant and supporting the incidents noted in the hearing papers.
- 17) Mr Grant concluded that the public nuisance complaints submitted by residents were unsurprising and supported the review application. It was clear that there would be a continuing escalation of violence at the premises with the same clientele being attracted.
- 18) The hearing adjourned at 11.32am.
- 19) The hearing resumed at 11.45am.
- 20) Mr Handi started by informing the Sub Committee that Mr Abdsamad Allali was the designated premises supervisor for the premises but he was unable to attend the hearing due to a pre-booked family holiday.
- 21) Mr Handi outlined the day to day business of the premises, highlighting that daytime trading was slow and that it was difficult to attract patrons during the day/early evening. He informed the Sub Committee that a new menu was currently being devised and that a full time chef and waiting staff were employed. Mr Handi admitted that the survival of the premises was dependent on the night club trade. Approximately £45,000 had been spent on renovation works to transform the premises in to a sports bar in order to attract patrons during the early evening.
- 22) The Sub Committee were informed that the premises was no longer associated with its previous sister premises, known as Aquarium.
- 23) The promoted events that took place were not exclusive to the premises and the promoters often hired out other premises in the City, including Abacus and Revolution. Mr Handi stated that they charged a set hire fee of £350 per night with the promoter taking full control of the entry fee with the premises itself holding control of the bar. There would also be a minimum bar spend of £4000 per night and contracts would be agreed in advance. If the minimum bar spend was not met, the promoter would be expected to pay the difference.
- 24) Mr Handi went on to explain that one of the incidents shown on the video evidence played earlier in the hearing did not involve the premises door staff, as alluded to by Mr Grant, but members of the event promotional team and their friends.

- 25) Mr Handi described how he had been made to feel intimidated and frightened of the City of London Police due to a situation where a plain clothes officer had threatened that the Police would be able to shut the premises down as they “shake hands in many different ways”. The officer then continued to confiscate the CCTV drive at the premises.
- 26) Mr Handi referred to the stabbing incident that took place outside the premises. He stated that the victim was a family friend and although Mr Handi had begun to ring the emergency services once he had realised what had happened, he had ended the phone call before completing it as he had been informed that a woman had already contacted them. The victim did not wish to wait for an ambulance, so travelled to A&E by taxi. Mr Handi stated that he then went in to the premises, ended the event and asked patrons to vacate the premises.
- 27) Regarding the CCTV evidence of drug use and dealing on the dance floor, Mr Handi informed the Sub Committee that all patrons were searched by a wand on entering the premises and all bags were also searched. If drugs were found during these searches, they would be confiscated and the patron would be removed from the premises. Mr Handi stated that approximately four people had been banned from the premises in relation to drugs. If a large amount of drugs were found on a patron the Police would be called. He did not have a copy of the search policy with him at the hearing. He stated that all doormen at the premises were SIA registered, following a request from the Police.
- 28) In relation to CCTV clip 5, Mr Handi stated that the piece of wood had been brought to the premises by the youths, who were causing an issue outside of the premises, and not by the SIA door staff.
- 29) Mr Handi outlined the agreement he had made with the Police regarding promoted events to finish no later than 4.00am. He also stated that risk assessments were not always submitted and that there was no law in place to say one had to be submitted for each promoted event.
- 30) The Sub Committee highlighted their particular concern about an event that took place on 23-24 June 2012. There seemed to be some confusion as to whether it was a promoted event or not, with Mr Handi stating that it was a private 40th birthday party arranged at the last minute. However, the evidence submitted with the Police papers had shown that an entrance charge would be administered, indicating that it was a promoted event and not a private party. Mr Handi confirmed that the premises closed at 4.00am on that occasion.
- 31) Mr Handi stated that he was unaware of the premises’ history as ‘Departures’ and would not have bought the premises if he had known. Mr Boussade stressed that they were working hard to improve the standard, image and reputation of the premises by attracting more mature patrons and ensuring that they did not admit gang members that they recognised in to the premises. Mr Handi highlighted that it was

extremely difficult to distinguish between ordinary patrons and those that may be members of a gang.

- 32) The hearing adjourned at 1.00pm.
- 33) The hearing resumed at 2.10pm.
- 34) In answer to a question from Mr Grant, Mr Handi informed the Sub Committee that approximately 80% of patrons would arrive at the premises without having already visited a drinking establishment. He was aware that patrons had a tendency to 'pre-load' on alcohol before leaving their residences but would not allow intoxicated patrons to enter the premises. Mr Handi did not consider the opening hours of the premises as an attraction to drug dealers and users.
- 35) Promoters had been told to remove all association with 'Departures' on promotional fliers advertising promoted events, although this was not adhered to on all occasions. Mr Handi informed the Sub Committee that tighter control was exerted on the promoters and he had been asking for proofs of fliers before they went to print.
- 35) In answer to a question from Mr Grant, Mr Handi stated that he, along with Mr Newby and Mr Abdsamad Allali, would be the first point of contact for the Police at the premises. He admitted the management operation was in need of change and that they had reduced the number of house music events held, in order, he stated, to discourage "bad black people" from attending the premises. Instead, the premises was now focusing on creating a more relaxed, Portuguese vibe in order to attract "good black people" and patrons of that community. 90% of patrons were now thought to be over 30 years of age.
- 36) Mr Handi informed the Sub Committee that they vet new promoters and ask for information on previous events held and for references to be submitted.
- 37) Mr Handi summed up and outlined the following points:
 - The search policy in place included an initial hand/wand search and a bag search if applicable.
 - Groups of four or more males were not admitted to the premises; groups of mixed gender were encouraged as were female only groups.
 - Admission rejections to the premises were not recorded in the incident log book. Incidents such as fights, falls and glass cuts (and other times when first aid would be administered) were recorded.
 - Patrons were searched on re-entry unless they had been smoking in the roped off smoking area outside the premises. Mr Handi was in the process of ordering a cash machine to be placed in the premises as the most common reason for patrons to vacate the premises was to use a cash machine.

- Any confiscated items were logged in a separate incident book to the one mentioned above and stored in a metal box, and if necessary, the Police were called. Mr Newby held the key to the box but the Sub Committee was informed that he no longer worked at the premises.
- 38) The Sub Committee heard from Marianne Fredericks, a local resident and a Member of the Court of Common Council. Ms Fredericks highlighted that there were residential flats a couple of hundred yards from the premises. When the residents were informed of a new owner taking over the premises, formally known as 'Departures', they were hopeful that the situation would improve and that they would experience less noise disturbance. Ms Fredericks stated, however, that the situation had actually gotten worse since the premises opened and that it was the main source of noise disturbance and problems in the local vicinity. She highlighted that several residents had installed quadruple glazing in order to reduce the likelihood of being disturbed by loud patrons and music and that they felt intimidated walking past the premises late at night. Barriers were often erected on the pavement outside the premises for the smoking area, which left little room for pedestrians.
- 39) Mr Handi highlighted that they had recently been using a rope to corner off the outside smoking area which took up less room than the barriers and allowed more pavement space for pedestrians.
- 40) In answer to a question from a Member of the Sub Committee, Mr Handi stated that, in order to alleviate the noise of patrons in the street, patrons were encouraged to vacate the premises over a period of time rather than all at once. Mr Handi indicated that vehicles parked in close proximity to the premises did not necessarily belong to those inside the premises as there was very little parking in the City, leading people to park wherever they could locate a space.
- 41) The Chairman thanked all those present at the hearing and informed them that a decision would be reached and that the Sub Committee would retire and the decision would be communicated to all parties in due course.
- 42) The Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.

The meeting ended at 3.10 pm

Chairman

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THE COMMON COUNCIL OF THE CITY OF LONDON
LICENSING SUB-COMMITTEE

Alderman Simon WALSH (Chairman)
Alex Bain-Stewart CC
Peter Dunphy CC

Thursday 30 August 2012 (9.30 – 3.30)

IN RE:

CLUB 2 AD
2 CRUTCHED FRIARS, LONDON EC3
Ward of Tower

At today's hearing the sub-committee was addressed by Mr Gary Grant of Counsel for the Applicant and very briefly by Inspector Rita Jones, PC Daniel White and Paul Holmes also for the Applicant. At the start of the hearing no one had attended for the PLH (Premises Licence Holder) although as the day progressed we were joined by Mr Imad Handi and Mr Mahfouad Boussade who spoke for the PLH. We were addressed by one person who had made a representation supporting the Applicant (Mrs Marianne Fredericks CC) and we also took into account the written supporting representations from local residents which appear in the bundle of public papers.

In addition to the documents in the bundle of public papers we took into account clips of video evidence shown to us by Mr Grant for the Applicant (all of which had been available to all parties well before the hearing) as well as further statement from PC White in respect of an incident on Sunday 24 August 2012.

On 4 July 2012 the Commissioner of the City of London Police applied for the review of the premises licence in force for what is essentially the basement of 2 Crutched Friars. These premises currently operate under the trading style of 'Club 2AD'. They run as a bar/restaurant during the day and into the early evening but in the late evening they change into a nightclub which runs on into the early hours. The licensing hours are extraordinarily generous by comparison with other similar premises in the City in that they have a 24-hour licence at the weekends and open until 4am on Monday, Thursday and Friday mornings. In terms of licensing, the premises have had a slightly troubled history with an application for a review having been made by the Commissioner having been made back in April 2007.

The current PLH is a limited company, Roman Wall Property Limited. It acquired the premises licence by unopposed transfer on 6 April 2010. On any view this company is very poorly run. In the recent past the company was struck off the Register for failing to file statutory documents which caused the licence to lapse. It was restored to the register and the licence was thereby

revived but we understand that it is again at risk of being struck off as it has no director or secretary registered at Companies House. This gave rise to the first procedural issue for us to determine, namely whether a PLH which was a limited company but had no proper officers could instruct anyone to represent it under Reg 15 of the Licensing Act 2003 (Hearings) Regulations 2005. We found no clear guidance on the point but, having been told by Mr Handi that he was the effective day-to-day manager of the club and by Mr Boussade that he was a substantial shareholder in the club business (and the police agreeing that these were true statements to the best of the police's knowledge – whilst still expressing some concern about the status of these men in respect of another intermediary company (Club 2AD Sports Bar Limited?)), we decided that the essentially informal nature of a Licensing Act hearing meant it would serve the best interests of the public and justice generally to proceed and to allow Mr Handi and Mr Boussade to speak for the PLH. In the event that we are wrong in taking this approach we also decided that had there been no one able to speak for the PLH we would have proceeded in any event under Reg 20(2)(b) because of the apparent seriousness of the case put by the Commissioner.

Mr Grant took us through the case for the Commissioner which, we must note, was set out with admirable clarity in the well drafted and comprehensive grounds which formed part of the Commissioner's application. Mr Grant made two general introductory comments. The first was that this was a set of premises which operated very differently at night from the way it operated during the day. This was unarguably correct. The second was that these were premises where a gradual deterioration in standards, management control and customer behaviour meant that serious problems were inevitable with a stabbing on 29 April 2012 being the worst to date but unlikely to be the last if nothing was done. To test this bold assertion we were taken to the evidence.

The grounds for the review gave a catalogue of crime and disorder over a long period, going back as far as January 2011. We were taken in particular to the incidents on 10 Jan, 6 Mar, 22 Apr, 3 Jul, 12 Jul, 4 Sep, 19 Nov 2011 and 1 Jan, 11 Feb, 23 Feb, 4 Mar, 9 Mar, 2 Apr, 15 Apr, 22 Apr and 29 Apr 2012. In each case we were also taken to the supporting evidence in the bundle. In respect of the incidents on 22 Apr 2011 and 4 Mar, 15 Apr and 22 Apr 2012 we also saw relevant clips of video evidence from inside and outside the premises. The incidence of violent crime at these premises is quite disproportionate to other similar City venues and in our view this wealth of evidence fully justified Mr Grant's assertion.

We were then taken to details of the efforts made by the police to put these premises back on track. There had been consistent efforts over a substantial period of time to get the PLH to submit details of performers and DJs at promoted events to the police well in advance to allow potential sources of trouble to be identified and timely corrective action to be taken. Despite informal and later formal written assurances from the PLH, these efforts had just not worked as the relevant forms (Met Police form 696) were all too often either simply inaccurate or delivered so late as to be virtually useless. This showed to us that the club management fell far short of what we expect from any responsible operator of a late-night destination venue in the City.

To quote just one example, we were particularly concerned about the events on the weekend of 23-24 June 2012. Despite assurances given to the police that there would be no event at the premises this weekend (and thus no submission of a Form 696) it seems that the premises were opened for what the then manager described to PC Ian Brosnan who was conducting licencing checks that weekend as a 'last-minute booking' for a 'surprise 40th birthday party'. It was in our view no such thing as it was advertised on the internet as being a party to celebrate 6 birthdays with an invitation to all and sundry to attend at an entrance charge of between £10 and £15. The internet advertisement also described the party (billed as 'Gavin Peters and Loss (*sic*) Birthday Bash') as having been transferred to Club 2AD due to unspecified 'licensing issues' at its original venue. PC Brosnan was also told by the manager that there were 280 people in the club at the time of his visit. The capacity limit on the licence we note to be 220. To be fair, Mr Handi disputed the accuracy of this evidence but it scarcely helped his credibility on this point that he thought the club's capacity was 257. The event closed at these premises at about 4am but sadly this was not the end of matters as one of the promoters (Loss?) then went on to another club just outside the City where he was stabbed and died on a City street at about 8am that morning. This dreadful conclusion to that weekend's celebrations cannot, of course, be attributed in any way to these premises but it does serve to show how justified the police's fears are that trouble of the sort they identify at Club 2AD can all too often and all too easily escalate out of control.

Faced with the amount of evidence brought by the Commissioner to support his application for a review we expected a robust response from the PLH. We were sorely disappointed. Any PLH is, of course, fully entitled not to use lawyers and to represent itself as it sees fit but what we got from Mr Handi and Mr Boussade gave us little confidence that these premises were in safe hands.

We were disappointed not to hear from the DPS. We were told that he was away on a pre-booked holiday in Spain but it is not impossible to return quickly and cheaply from there for a day for matters of significant commercial importance if one is so minded. This said, there seems to be little evidence that Mr Abdsamad Allali has played any significant role in the running of these premises recently, so perhaps he would have had little of value to contribute.

Mr Handi seemed to accept the majority of the police evidence as being factually accurate. He just did not seem to think any of it was of particular concern. In respect of the most serious incident of which we had both written and video evidence (the stabbing on 29 April 2012) Mr Handi said he was present and was able to show us this on the video. He surprised us by saying that he knew the man who was stabbed and that he thought it was quite appropriate for the man to have gone to hospital in the back of a taxi and for the emergency services not to have been called by him. He said he relied on hearing an unidentified customer calling the incident in on her mobile phone. Even if we believed this, we profoundly disagree with his assessment of the situation and his response to it.

In response to our concerns on this point, Mr Handi made the first of several quite extraordinary statements. He said that he had tried to help the police as much as he could but that he was 'frightened' by them. He said he had been told by a police officer that what they wanted (presumably in respect of licensing matters) would happen and that things were controlled by those who "shake hands in so many ways". This we totally reject. Indeed, if there is one police force that cannot say it has its licensing authority under its control or in its pocket, it is the City Police. The outcome of the last application for a review of the premises (pages 37-42 of the hearing bundle) we hope makes this abundantly clear.

Mr Handi surprised us again when he told us that prior to acquiring his interest in these premises he had 'no idea' of their previous problems. We found this hard to believe as it would both demonstrate a most extraordinary business naivety and be hard to reconcile with the frequent description of the club in promotional literature as being 'formerly Departure/Departures/Departure Lounge'. We were given the distinct impression that Mr Handi would tell us anything he thought we would want to hear. This conclusion seemed also to be supported by the responses to questions in respect of searches and ID checks. Mr Handi told us that everyone was properly searched but the video clips seemed to tell a different story. He also said that everyone who looked young would have their ID checked. This did not sit well with the evidence of several intoxicated 17 year-old customers having caused a problem outside the club on 3 July 2011. Mr Handi's suggestion that in addition to their provisional driving licences found by the police on arrest these youngsters might have had fake ID showing them to be over 18 did not seem credible.

On questioning Mr Handi and Mr Boussade about the violence seen in the video clips from door staff at the premises we were again disappointed by their responses. We did not feel that the doorstaff we saw were simply defending themselves as was suggested to us – not least because individual door supervisors were seen to go off towards cars or to go back into the premises to fetch weapons. Indeed Mr Boussade's attitude to his involvement with the premises was that he saw them as a way to feed his family (which seemed to consist of several women and rather a lot of children) rather than to have any interest in running them to promote the licensing objectives, if he knew what they were at all.

This rather disinterested approach to violence was mirrored in respect of concerns about drug use. Despite a video clip showing (as clearly as any video clip can) the open use of drugs on the dance floor both Mr Handi and Mr Boussade rebuffed suggestions that there was a drug problem at their premises. This might have been because they seemed quite content that customers had or used small quantities of controlled drugs - but this is not a view we can endorse.

We were, however, most shocked by Mr Handi's suggestions (with which Mr Boussade seemed to have no issue) as to how he could reduce the risk of trouble in the future. He spontaneously divided much of his customer base into what he seemed to regard as 'good black people' and 'bad black people'.

These were not his words, he preferred to call the latter group 'niggers' and regarded the former, in the context of these premises, as being predominantly from the former Portuguese colonies in Africa. He suggested that he could keep the 'bad blacks' out by not playing the sort of music he thought attracted them. It hopefully goes without saying that we found his views and suggestions to be utterly unacceptable. We would wish to dissociate ourselves from them completely and we reject any suggestion that they or similar views motivate any of the City police officers involved with these premises.

All in all, the evidence from and the attitude displayed by those who spoke for the PLH in this case gave us every reason to think that Mr Grant's second general statement hit the nail squarely on the head. In our view these premises are so badly run that without some intervention by us something serious is likely to happen and soon.

The others who made representations addressed somewhat different issues – that these premises are a general nuisance in the early hours and present an intimidating aspect to local residents, especially those who have to pick their way through the post-event detritus of litter, urine and vomit sometimes on their way to church. We thought these concerns were fully justified. No one who chooses to live in the City in the 21st century can expect silence on the streets during the hours of darkness as was, in places, the case some 30 years ago. But this does not mean that City residents must put up with anything and what these premises produce is excessive and unreasonable.

Having regard to the application and taking into account the relevant representations, our Licensing Policy and the guidance from the Secretary of State under s182 of the Licensing Act 2003 we have decided that, in order to fulfil our duty under s4(2) of the 2003 Act, namely to promote the licensing objectives (and here most particularly the objective of preventing crime and disorder), we find it not only appropriate but also necessary to take some of the steps open to us under s52(4) of the 2003 Act. In many respects this case cries out for the revocation of the licence and we gave this very serious consideration. However, in recognition of the fact that these premises operate wholly unobjectionably as a restaurant/bar for most of each day we have concluded that this would be disproportionate. We will therefore:

Change the hours for all current licensable activities to be from 8am each day until 1am on the morning following;

Remove Mr Abdsamad Allali as the DPS.

It is also our standard policy on applications for review to look carefully at all the conditions on a licence and remove or vary those we feel are unnecessary, inappropriate or insufficiently clear and concise as not to be of any practical use and to add those that will assist in the promotion of the licensing objectives. With this in mind we will also:

Remove the following conditions: Annex 2 Conditions 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11. Annex 3 Conditions 3 and 5;

Vary condition 12 in Annex 2 to allow for the inspection of the register by an officer of the Licensing Authority or City of London Police;
Vary condition 1 in Annex 3 to reflect our standard nightclub CCTV condition, namely;

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

Add a condition to Annex 3 requiring the premises to use a drugs box (in the form set out in our pool of model conditions), namely;

“There must be at the premises a lockable 'Drugs Box' to which no member of staff, save the Designated Premises Supervisor and any employee acting under the authority of the Designated Premises Supervisor, shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the City of London Police for appropriate disposal.”

Renumber all conditions as a consequence of these changes.

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

This decision will not take effect until 21 days have elapsed after it is communicated to the parties or, should there be an appeal, until that appeal is heard and determined.

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Agenda Item 6

| | | |
|--|------------------------|--|
| Committee(s): | Date(s): | |
| Licensing Committee | 22 October 2012 | |
| Subject: Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences. | Public | |
| Report of: Director of Markets and Consumer Protection | For Information | |
| Summary: <p>This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 July 2012 to 30 September 2012. It does not include any premises where Members have been involved in the decision making process i.e. decisions made at licensing sub-committee hearings.</p> <p>The report also gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 July 2012 and 30 September 2012.</p> Recommendations: To note the contents of the report. | | |

Main Report

Premises Licence Applications

1. Pursuant to the instructions from your committee, I attach for your information a list detailing 'premises licence' applications (Appendix I) and variations (Appendix II) granted by the Licensing Service between 1 July 2012 and 30 September 2012.
2. The report also contains information appertaining to the number of personal licences issued. This information is also contained in Appendix II.
3. Any questions of detail concerning premises licences can be obtained from the Corporation's public register which can be found on http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Business/Licences_and_street_trading/Public_register.htm. or by contacting Peter

Davenport, Licensing Manager, on extension 3227 or by email to the Licensing Team at licensing@cityoflondon.gov.uk.

4. Appendix IV details the conditions attached to the premises licences listed in Appendices I and II.

Routine Enforcement

5. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003 (Appendix III). The table in Appendix III shows the number of visits undertaken, number of complaints received and the number of enforcement actions taken. Enforcement actions include warning letters, notices, simple cautions, legal proceedings etc.
6. Appendix III provides data from 1 July 2012 to 30 September 2012.
7. Licensing Officers undertake some routine enforcement visits in checking on premises licensing conditions where there are concerns, e.g. closing times, compliance with Temporary Event Notices and managing numbers of people consuming alcohol outside venues, and also in response to complaints. The Departmental Policy Statement on Enforcement is followed prior to escalating action and taking legal proceedings.
8. The Departmental Policy Statement on Enforcement conforms to the Regulators' Compliance Code and the regulatory principles required under the Legislative and Regulatory Reform Act 2006. It sets out the general principles and approach which Officers are expected to follow and addresses issues of proportionality, consistency, targeting, transparency and accountability.
9. More widely, enforcement arrangements are currently coordinated at the Licensing Liaison Partnership meetings that are held monthly and are attended by representatives from all enforcement agencies. Joint visits are organised via this forum and subsequent reports are used to make up the top level premises list that comprises those that are causing the most enforcement problems. These are then targeted by relevant enforcement officers. This process will be reviewed if the Code of Practice and associated Risk Assessment scheme are introduced in 2013.
10. There is a very good working relationship between the PH&PP Licensing Team, The City of London Police Licensing Team and the PH&PP Pollution Control Team, all of whom are based at Walbrook Wharf.

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

Response to complaints

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

Implications

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

Background Papers:

none

Contact:

Peter Davenport x3227

peter.davenport@cityoflondon.gov.uk

New Licence Applications Issued by way of Delegated Authority (Jul-Sep 2012)

| Name | Address | Ward | Details |
|---|-------------------------|----------------|--|
| St Mary Axe Plaza | 30 St Mary Axe | Aldgate | A 00:00 |
| Natural Kitchen | 7 Pepys Street | Tower | A, L, (f) 00:00 |
| Hispania Restaurant | 72-74 Lombard Street | Langbourne | A, L, (f) 02:00 |
| Liverpool Street St (Various Premises) | Station, EC2 7QM | Bishopsgate | L (Temp Licence Jul-Sep 2012) 05:00 |
| Barbican Cinemas | 27 Beech Street | Cripplegate | A, (b) 23:15 |
| Sainsbury's | 72-78 Fleet Street | Castle Baynard | A 00:00 |
| M&S Simply Food | Cannon Place, Cannon St | Dowgate | A 23:00 |

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 | (i) Dancing |
| (d) Boxing or Wrestling | |

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

Number of Licences by Ward Order

| | |
|----------------|-----|
| WARD | No. |
| Aldgate | 1 |
| Bishopsgate | 1 |
| Castle Baynard | 1 |
| Cripplegate | 1 |
| Dowgate | 1 |
| Langbourn | 1 |
| Tower | 1 |

Licence Variations Issued by way of Delegated Authority (Jul-Sep 2012).

| Name | Address | Ward | Details |
|------------------|---------------|--------------|--|
| Camino | Mincing Lane | Billingsgate | <ul style="list-style-type: none"> • Addition of licensable activities • Extending latest terminal hour for alcohol sales from 00:00 to 02:00 Thu-Fri and Music/Dance from 23:00 to 01:00 Thu-Fri. Late night refreshment from 00:00 to 02:00 Thu-Fri. |
| Societe Generale | 41 Tower Hill | Tower | <ul style="list-style-type: none"> • To include the 3rd floor roof terrace for the sale of alcohol from 07:00 to 22:00. |

Total Variations = 2

Number of Licences by Ward Order

| WARD | No. |
|--------------|-----|
| Billingsgate | 1 |
| Tower | 1 |

Personal Licences Issued by way of Delegated Authority

Apr 2012 - Jun 2012 6

**Enforcement Action Carried out Under the Licensing Act 2003
1 July 2012 - 30 September 2012**

| | |
|------------------------------|----|
| Total Number of Inspections | 45 |
| Number of Warning Letters | 11 |
| Number of Premises advised | 5 |
| Number of simple cautions | 0 |
| Number of suspension notices | 59 |
| Paid prior to suspension | 13 |
| Licence lapsed* | 4 |
| 'Dead' Suspensions** | 2 |
| 'Live' Suspensions*** | 5 |

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

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

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

Number of complaints received 37

Breakdown of Complaints

| <u>Date of Complaint</u> | | <u>Subject of Complaint</u> |
|--------------------------|------------|--|
| 05/07/2012 | Premises 1 | music noise |
| 05/09/2012 | Premises 2 | noise and odour complaint |
| 27/07/2012 | Premises 3 | music |
| 06/07/2012 | Premises 4 | music/people noise |
| 05/07/2012 | Premises 4 | People noise on street |
| 05/07/2012 | Premises 4 | People noise on street |
| 08/08/2012 | Premises 5 | loud music coming from the licensed premises |
| 07/07/2012 | Premises 6 | music was very loud and had a heavy beat |
| 07/07/2012 | Premises 6 | loud music |
| 02/09/2012 | Premises 7 | People noise on street |
| 05/08/2012 | Premises 7 | People noise on street |
| 05/08/2012 | Premises 7 | People noise on street |
| 05/07/2012 | Premises 8 | music/people noise |

| | | |
|------------|-------------|--|
| 05/07/2012 | Premises 8 | People noise on street |
| 06/08/2012 | Premises 8 | beer deliveries |
| 01/08/2012 | Premises 8 | loud music from pub |
| 05/07/2012 | Premises 8 | People noise on street |
| 14/09/2012 | Premises 9 | customers from the garden area |
| 11/08/2012 | Premises 9 | noise levels at pub |
| 27/07/2012 | Premises 9 | doors were open and music audible. |
| 23/07/2012 | Premises 10 | loud constant thumping bass |
| 24/07/2012 | Premises 10 | loud music and people noise |
| 17/08/2012 | Premises 11 | Drinking outside |
| 30/07/2012 | Premises 11 | music and noise on the street |
| 13/08/2012 | Premises 11 | noise from putting out refuse |
| 12/08/2012 | Premises 11 | noise from putting out refuse |
| 23/07/2012 | Premises 12 | People noise on street |
| 19/07/2012 | Premises 13 | loud music |
| 04/08/2012 | Premises 13 | loud music from pub |
| 31/08/2012 | Premises 14 | Complaints of revellers from licensed premises in the vicinity |
| 05/08/2012 | Premises 15 | Music from a party. |
| 06/07/2012 | Premises 16 | noise from karaoke |
| 22/09/2012 | Premises 17 | Loud music |
| 16/08/2012 | Premises 18 | loud music from pub |
| 23/07/2012 | Premises 19 | delivery |
| 08/08/2012 | Premises 20 | refuse collections |
| 25/08/2012 | Premises 21 | music from PH |

Conditions Applied to Licences Granted by way of Delegated Authority

St Mary Axe Plaza

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

Natural Kitchen

None

Hispania Restaurant

1. All named licensable activities are permitted to have an hour added to the terminal hour at the Vernal / Spring Equinox when British Summer Time begins.
2. The premises will not be used for Promoted Events. 'A promoted event is an event involving music and /or dancing where the musical entertainment is provided at any time between 11.00 pm (2300) and 7.00am(0700) by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is promoted to the general public'.
3. The premises shall operate and maintain a comprehensive CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public.

Burger King (08), Uppercrust (13), Pasty Shop (11), Starbucks Broadgate (45), Delice de France (17), Starbucks Bishopsgate (03), Starbucks Kiosk (49)

None

Barbican Cinemas

1. All named licensable activities are permitted from the start time on New Year's Eve until the finish time on New Year's Day.
2. Prominent signage will be displayed in the cinema foyer requesting the customers leave the area quietly.
3. The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.

Sainsbury's

1. The premises shall install and maintain a comprehensive CCTV system. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area. 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 the Licensing Authority recordings of the preceding two days immediately when requested.
2. Prominent signage shall be displayed at all exits of the premises requesting that customers leave quietly.

M&S Simply Food

None

Camino

1. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
2. There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23.00 and 07.00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises license holder and the event is promoted to the general public.

Societe Generale

1. There shall be no supply of alcohol on the roof terrace after 22.00 hours.

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Agenda Item 8

| | | |
|---|-----------------|---------------------|
| Committee(s): | Date(s): | |
| Licensing Committee | 22 October 2012 | |
| Subject: REVENUE BUDGETS - 2013/14 | | Public |
| Report of: The Chamberlain Director of Markets and Consumer Protection | | For Decision |

Summary

This report is the annual submission of the revenue budgets overseen by your Committee. In particular it seeks approval to the provisional revenue budget for 2013/14, for subsequent submission to the Finance Committee. The budgets have been prepared within the resources allocated to the Director.

Business priorities for the forthcoming year include reviewing the fee structure to achieve full cost recovery, and the introduction of a Late Night Levy for certain premises if agreed by Members. The first of these is reflected in the budget changes.

| Summary Of Table 1 | Latest Approved Budget 2012/13 £'000 | Original Budget 2013/14 £'000 | Movement £'000 |
|---|--|--|-----------------------|
| Expenditure | 366 | 342 | (24) |
| Income | (492) | (518) | (26) |
| Support Services and Capital Charges | 176 | 176 | 0 |
| Total Net Expenditure | 50 | 0 | (50) |

Overall, the 2013/14 provisional revenue budget is nil, a decrease of £50,000 compared with the latest approved budget for 2012/13. Main reasons for this reduction are :-

- One-off carry-forwards from 2011/12 totalling £34,000 are

included in the 2012/13 latest approved budget.

- A forecast increase in licence fee income of £26,000.

Recommendations

The Committee is requested to:

- review the provisional 2013/14 revenue budget to ensure that it reflects the Committee's objectives and, if so, approve the budget for submission to the Finance Committee; and
- authorise the Chamberlain to revise these budgets to allow for further implications arising from potential budget developments including PP2P reviews, the implementation of the City of London Procurement Service, review of the licensing fee structure, introduction of a Late Night Levy, and changes in respect of recharges.

Main Report

Introduction

1. The Licensing Service is responsible for ensuring that all city businesses hold the appropriate licences and registrations and comply with the rules and conditions appertaining to those licences.
2. This report sets out the proposed revenue budget for 2013/14. The revenue budget management arrangements are to:
 - Provide a clear distinction between local risk, central risk and recharge budgets
 - Place responsibility for budgetary control on departmental Chief Officers
 - Apply a cash limit policy to Chief Officers' budgets
3. The budget has been analysed by the service expenditure and compared with the latest approved budget for the current year.
4. The report also compares the current year's budget with the forecast outturn.

Business Planning Priorities

5. The Licensing Act 2003 was amended in April 2012 to permit local authorities to set a fee for premises licence applications in order to achieve full cost recovery. The commencement date has not yet been set but is likely to be in April 2013. This matter will be the subject of a separate

report to your Committee in January 2013. The income budget for 2013/14 has been set at an assumed full cost recovery level, but a more detailed review of costs and income will be required to ensure that the resulting fee structure meets the requirements of the legislation and is fair to all types of applicant.

6. The licensing authority will soon have the option of introducing a Late Night Levy whereby a separate fee is charged to licensed premises selling alcohol after midnight. This is the subject of a separate report to your Committee today. If agreed, the budget for 2013/14 will need to be revised to reflect the financial implications.

Proposed Revenue Budget for 2013/14

7. The proposed Revenue Budget for 2013/14 is shown in Table 1 overleaf analysed between:
 - Local Risk budgets – these are budgets deemed to be largely within the Chief Officer’s control.
 - 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.
8. The provisional 2013/14 budgets being presented to your Committee, and under the control of the Director of Markets and Consumer Protection, have been prepared in accordance with guidelines agreed by the Policy & Resources and Finance Committees. These include the first 1% of the total 2% efficiency savings required by 2014/15, as well as the proper control of transfers of non-staffing budget to staffing budgets. The budget has been prepared within the resources allocated to the Director.
9. The remaining 1% of efficiency savings will be applied to the 2014/15 budgets.

| Table 1 Analysis of Service Expenditure | Actual 2011/12 £'000 | Latest Approved Budget 2012/13 £'000 | Original Budget 2013/14 £'000 | Movement 2012/13 to 2013/14 £'000 | Paragraph Reference |
|---|----------------------------|--|--|---|------------------------|
| EXPENDITURE | | | | | |
| Employees | 254 | 301 | 281 | (20) | 12 |
| Premises Related Expenses (see note i) | 47 | 53 | 49 | (4) | |
| Supplies & Services (see note ii) | 3 | 10 | 10 | 0 | |
| Committee Contingency | 0 | 2 | 2 | 0 | |
| Total Expenditure | 304 | 366 | 342 | (24) | |
| INCOME | | | | | |
| Customer, Client Receipts | (534) | (492) | (518) | (26) | 13 |
| Total Income | (534) | (492) | (518) | (26) | |
| TOTAL EXPENDITURE/ (INCOME) BEFORE SUPPORT SERVICES AND CAPITAL CHARGES | (230) | (126) | (176) | (50) | |
| SUPPORT SERVICES AND CAPITAL CHARGES | | | | | |
| Central Support Services and Capital Charges | 49 | 49 | 49 | 0 | |
| Recharges within Fund | 111 | 114 | 114 | 0 | |
| Recharges Across Funds | 13 | 13 | 13 | 0 | |
| Total Support Services and Capital Charges | 173 | 176 | 176 | 0 | |
| TOTAL NET EXPENDITURE/(INCOME) | (57) | 50 | 0 | (50) | |

Notes - Examples of types of service expenditure:-

- (i) Premises Related Expenses – includes repairs & maintenance and cleansing costs.
- (ii) Supplies and Services – Printing, professional fees, conference expenses.

10. Income and favourable variances are presented in brackets. Only significant variances (generally those greater than £10,000) have been commented on in the following paragraphs.
11. Overall there is a reduction of £50,000 in the overall budget between the 2012/13 latest approved budget and the 2013/14 original budget. This movement is explained by the variances set out in the following paragraphs.
12. The 2012/13 latest approved budget includes one-off carry-forwards from 2011/12 of £34,000, mainly for temporary staff employed on specific projects. This has partly been offset by provision in 2013/14 for pay increases resulting mainly from incremental progression and potential re-gradings.

13. The £26,000 increase in income is mainly due to an anticipated fee increase for 2013/14 in order to achieve full cost recovery.
14. A summary of the movement in manpower and related staff costs are shown in Table 2 below.

| Table 2 - Manpower statement | Latest Approved Budget 2012/13 | | Original Budget 2013/14 | |
|------------------------------|-------------------------------------|---------------------------|-------------------------------------|---------------------------|
| | Manpower Full-time equivalent | Estimated cost £000 | Manpower Full-time equivalent | Estimated cost £000 |
| Licensing | 6 | 301 | 6 | 281 |
| TOTAL LICENSING | 6 | 301 | 6 | 281 |

Potential Further Budget Developments

15. The provisional nature of the 2013/14 revenue budget recognises that further revisions may be required, including in relation to:
- budget reductions to capture savings arising from the on-going PP2P reviews;
 - budget adjustments relating to the implementation of the City of London Procurement Service;
 - the potential introduction of a Late Night Levy;
 - central and departmental recharges; and
 - licence fee structure to achieve full cost recovery taking into account other revisions described above.

Revenue Budget 2012/13

18. The forecast outturn for the current year is £50,000 in line with the latest approved budget.

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Chamberlain's Department

APPENDIX 1

| Support Service and Capital Charges from/to Licensing Committee | Actual 2011/12 £000 | Latest Approved Budget 2012/13 £000 | Original Budget 2013/14 £000 |
|---|------------------------------------|--|---|
| Support Service and Capital Charges | | | |
| Insurance | 2 | 2 | 2 |
| IS Recharges - Chamberlain | 5 | 3 | 3 |
| Capital Charges | 2 | 3 | 3 |
| Support Services - | | | |
| Chamberlain | 8 | 8 | 8 |
| Comptroller and City Solicitor | 30 | 30 | 30 |
| Miscellaneous | 3 | 3 | 3 |
| Total Support Services and Capital Charges | 49 | 49 | 49 |
| Recharges Within Funds | | | |
| Tables and Chairs – Planning and Transportation Committee | 51 | 51 | 51 |
| Walbrook Wharf Offices – Port Health and Environmental Services Committee | 60 | 63 | 63 |
| Recharges Across Funds | | | |
| Directorate Recharge – Markets Committee | 13 | 13 | 13 |
| TOTAL SUPPORT SERVICE AND CAPITAL CHARGES | 173 | 176 | 176 |

Agenda Item 9

| | | |
|---|-----------------|--|
| Committee(s): | Date(s): | |
| Licensing | 22 October 2012 | |
| Subject: Licensing Act 2003: Review of Statement of Licensing Policy | Public | |
| Report of: Director of Markets and Consumer Protection | For Decision | |

Summary

The City of London Corporation in its capacity as Licensing Authority published its first statutory statement of licensing policy under the Licensing Act 2003 in January 2005. A subsequent review was published in January 2008 and again in January 2011.

Although not statutorily due for a further review until 2016 it was felt that due to changes in the Corporation's policies and procedures, the introduction of a new code of practice and major legislative changes to the Licensing Act 2003 there was a need to revise and update the Statement of Licensing Policy sooner.

The revised draft text of the Policy is appended to this report with a timescale for consultation and publication. Following consultation the revised final Policy will be brought back for final discussion and agreement by your Committee in January 2013.

Recommendations

It is recommended that your Committee:-

- Agree the draft Licensing Policy text for consultation.
- Agree the time table and methodology to determine the final text and adoption of the Statement of Licensing Policy.

Main Report

Background

1. As part of the implementation of the Licensing Act 2003 the City of London Corporation, in its capacity as Licensing Authority published its first statement of licensing principles. This document was agreed by your Committee in November 2004. Final approval by Common Council was granted the following month with the document being formally published on the statutory day of 7 January 2005.
2. The legislation stated that licensing authorities must review and republish the statement of licensing policy every three years. A subsequent review was undertaken and agreed by your Committee to reflect the new period that commenced in January 2008 and again in January 2011.

3. The Licensing Act 2003 was amended in April 2012 which extended the period between policy reviews from three to five years. The current City Corporation Policy is therefore not due for review until 2016.
4. However, since the current Statement of Licensing Policy was adopted in January 2011 there have been significant changes to the Licensing Act 2003 which should be reflected in the text of the Policy.
5. Further, there have been significant changes within the policies and procedures carried out by the Licensing Service including the imminent introduction of a Code of Practice and risk assessment scheme, the active encouragement of pre-application meetings, a reiteration of the importance for applicants to provide a complete and meaningful operating schedule and a total revision of the 'Pool of Conditions' used to advise applicants of the type of condition the City Corporation feel appropriate to include on a premises licence. All the above changes should be incorporated within the Statement of Licensing Policy.

Current Position

6. The licensing policy provides transparency for everyone, including local residents and applicants for premises licenses, who will be able to refer to the statement when making representations or when preparing their applications. The Government recommend that the policy should also describe how the licensing authority's approach to licensing will be integrated with local council planning, crime prevention, transport and cultural strategies and any action plan or strategy for the management of the evening economy. The statements should also avoid duplicating other requirements e.g. health and safety regulations which already place a range of general duties on employers and license holders.
7. The text of the current policy has been amended to reflect the changes made since its last adoption whilst still meeting the above criteria. It is attached to this report as Appendix 1.
8. The main changes to the report are as follows:
 - Updated references to the Corporation's UDP (para 3/4)
 - Changed text to reflect recent legislative changes (throughout)
 - References to changes in Corporate Policy in relation to the introduction of pre-application meetings and the Code of Practice (para 32/33)
 - References to emphasise the importance of fully completing an application's operating schedule (para 31)
 - Details of a change in how an application is to be advertised (para 49)

Proposals

9. When revising its licensing policy it is a legal requirement for a licensing authority to consult the following:-

- The Chief Officer of Police for the licensing authority's area,
- The Fire and Rescue Authority for that area,
- Each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority's area,
- Each local authority whose public health functions are exercisable in respect of an area any part of which is in the licensing authority's area,
- Such persons considered to be representative of holders or premises licences issued by the licensing authority,
- Such persons considered to be representative of holders of club premises certificates issued by the licensing authority,
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority,
- Such other persons as the licensing authority considers to be representative of businesses and residents in its area

The City Corporation will fulfil these statutory obligations as far as its area of jurisdiction is concerned.

10. Consultees will be sent a copy of the amended policy and asked if there are any changes they would like to see incorporated. This process will start on Monday November 5 2012 and finish on Monday December 17. In addition to those persons mentioned above, details of the consultation will be placed on the Corporation's web site.

11. Once the consultation is complete the responses will be considered and the Statement of Licensing Policy further amended where considered appropriate. A copy of this amended policy will be sent to the Licensing Reference Sub-Committee for their comments and to finalise any text.

12. The final report will then go before this committee in January 2013 for final agreement and then be formally adopted by the Court of Common Council on 19 January 2013. This is a mandatory process to comply with statutory requirements.

Corporate & Strategic Implications

13. The proposals within this report will meet one of the objectives contained within the Port Health and Public Protection Business Plan for 2012/13,

namely, 'To review the Statement of licensing policy in light of recent changes in legislation and policy.'

14. The licensing policy is also in line with the City's Core Strategy in protecting amenities of the residential population.

Implications

15. There are no direct financial or risk implications for the Corporation's services associated with this report. Costs for the publication of the new policy can be met within current budget.
16. However if the risk assessment scheme, which is to run alongside the Code of Practice, is to be fully implemented with every licensed premises being 'scored' on a rolling twelve month basis extra resources will be required by the licensing service in order to monitor the scheme and carry out the increase in inspections. This is referred to in another report before this committee entitled, 'Licensing Code of Practice'.

Background Papers:

Previous Statement of Licensing Policy - January 2011

Appendices

Appendix 1 – Statement of Licensing Policy 2013 (Draft)

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City of London Corporation

Licensing Act 2003

Statement of Licensing Policy

January 2013



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CITY OF LONDON CORPORATION
STATEMENT OF LICENSING POLICY

Introduction

1. The City of London is the world's leading international financial and related business services centre – a global powerhouse at the heart of the UK's financial services. It provides dedicated services to the City, from maintaining its infrastructure to top level economic development, as well as carrying out all the services expected of a local authority. It also provides services that affect people outside its geographical boundary – making a contribution to both regional and national prosperity.
2. Although the City is predominantly a business area, there are significant pockets of residential accommodation. In addition to the well-established, concentrated housing developments at the Barbican, Golden Lane, Mansell Street and Middlesex Street, there are smaller scale residential areas including Queenhithe, the Temples, Carter Lane and parts of Smithfield. Residential development has also occurred on a scattered basis in the rest of the City, often involving the redevelopment and conversion of former business premises. It is vital that their residential amenity is protected and this is emphasised in the City's Core Strategy which aims 'To protect existing housing and amenity and provide additional housing in the City, concentrated in or near existing residential communities...'.
3. The City Corporation fully supports the provision of recreational and cultural activities and sees these as being of great benefit to the community, especially people working in a high pressure business environment. To this end, the City Corporation is the third biggest sponsor of the arts in the country, after the Government and the BBC. The Core Strategy contains two specifically relevant strategic policies encouraging, where appropriate, the provision of a wide range of public and private recreational, art, heritage and cultural facilities.
4. The City Corporation aims to reconcile all these facets of life in the City to minimise the potentially damaging tensions that could arise between the business, residential and leisure communities. This Policy Statement sets out the framework within which the City Corporation will consider the grant of licences for activities controlled by the Licensing Act 2003.

Legal Background

5. The Licensing Act 2003 (the 'Licensing Act') repealed most of the previous legislation relating to liquor, entertainment and night café licensing and replaced it with a totally new licensing regime. In respect of liquor licensing, responsibility was transferred from the Magistrates Court (Licensing Justices) to local authorities.

6. This enables the City Corporation to grant or reject applications for the sale of liquor, the provision of entertainment or late night refreshment. Conditions designed to ensure public safety, protect children from harm, prevent crime and disorder and public nuisance can be attached to licences. For example, to prevent residents or businesses being disturbed, the City Corporation may restrict licensed hours where it can be shown to be appropriate. However, the ability of local authorities to take decisions is limited either by provisions in the Act, Regulations made under the Act or by guidance from the Home Office.
7. The City Corporation is legally obliged to have regard to the Home Office guidance. The City Corporation may, however, if it is considered appropriate, deviate from the guidance but would need good reasons to do so. This Policy Statement takes full account of the current Home Office guidance.
8. In addition, in formulating this Policy Statement, the City Corporation has had regard to the provisions of the European Convention on Human Rights that everyone has the right to respect for his home and private life and that every person is entitled to the peaceful enjoyment of his possessions. The Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a convention right. Consequently, an aim of this Policy Statement, particularly in relation to the decision-making process of the City Corporation, is to ensure that a licensing decision does not breach such a right.
9. The Equality Act 2010 and prior legislation requires the City to give due regard to the elimination of unlawful discrimination when exercising its public duties, to promote equality between people who share and do not share a particular protected characteristic and to promote good relations between people who share and who do not share a particular characteristic.
10. The Equality Act 2010 defines a number of protected characteristics and generally provides that no one should be discriminated against or subject to less favourable treatment on the basis of these characteristics. The characteristics are age, disability, ethnicity & race, gender, gender reassignment, marriage or civil partnership status, pregnancy or maternity status (including nursing mothers), religious or philosophical belief or non-belief and sexual orientation. It also ensures rights of access to everyday facilities and services and, in the context of disability, may require service providers to consider making permanent physical adjustments to their premises.
11. The City Corporation will expect licensees to be familiar with the contents of any codes of practice issued by the government under the Equality Act 2010.
12. The City Corporation has taken account of the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they can to prevent such crime and disorder.

13. The Policing and Crime Act 2009 introduced further powers for local authorities regarding the regulation of lap-dancing and other sexual entertainment venues. It also contains provisions on alcohol misuse and imposed new mandatory licensing conditions (see Appendix 3 for all the current mandatory conditions).
14. The City Corporation has taken account of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012, which both brought in legislative changes to the Licensing Act 2003. The changes have been reflected in this policy.
15. The Licensing Act requires that licensing authorities consult with other responsible authorities and representatives of licensees of all types, together with representatives of local residents and businesses. The City Corporation will have regard to the views of these persons in the determination of policy and its periodic review.

Scope

16. The Act relates to the sale of alcohol, the provision of certain entertainment and late night refreshment.
17. Activities that require a licence under the Licensing Act 2003 and covered by this Policy Statement include:
 - i) retail sale of alcohol
 - ii) supply of hot food or drink from premises from 23.00 to 05.00 hours
 - iii) supply of alcohol to club members
 - iv) provision of entertainment listed below (known as regulated entertainment) to the public or club members or with a view to profit:
 - a) film exhibitions
 - b) performance of a play
 - c) indoor sporting events
 - d) a boxing or wrestling entertainment
 - e) some live music performances
 - f) playing of recorded music
 - g) dance performances
 - h) provision of facilities for making music
 - i) provision of dancing facilities
18. The Live Music Act 2012, which came into effect on 1 October 2012, removes the licensing requirements for certain types of live music performances. The exemptions are set out in Appendix 2 of this document.
19. There are a number of other activities that are exempt from the licensing requirement, details of which are also set out in Appendix 2 of this document.

22. The Act prescribes:
- i) personal licences which cover the licensing of individuals for the retail sale of alcohol
 - ii) premises licences which cover the retail sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment
 - iii) club premises certificates which are required to allow the supply of alcohol or the provision of regulated entertainment to certain clubs
 - iv) temporary event notices which are required for certain licensable activities on a temporary basis
23. The scope of the Policy Statement covers new applications, transfers and variations of premises licences and club premises certificates, temporary event notices and renewals where applicable. It also includes the policy on the review of licences and certificates which could lead to revocation of the premises licence.
24. In general, a reference in the Policy Statement to a premises licence will include a club premises certificate. This policy Statement will cover the period January 2013 to January 2018 but may be amended if there are significant changes in legislation or case law.

Licensing Objectives

25. In carrying out its licensing functions, the authority will promote the licensing objectives set out in the Act. These are:
- i) the prevention of crime and disorder
 - ii) public safety
 - iii) the prevention of public nuisance
 - iv) the protection of children from harm
26. To achieve these objectives, the authority will use its full range of powers and engage all relevant responsibilities including its planning controls, transport controls, crime and disorder policies and powers. The authority will enter into appropriate partnership arrangements, working closely with the Police, the Fire Authority, local businesses, community representatives and local people in meeting these objectives.

Personal Licences

27. The City Corporation recognises it has little discretion regarding the granting of personal licences. In general provided an applicant has a qualification, accredited by the Secretary of State or a certified equivalent, and does not have certain serious criminal convictions, the application is required to be granted.
28. If an applicant has a relevant conviction the Police may oppose the application, in which case a hearing will be held.

POLICY

29. At any hearing the City Corporation will consider carefully whether the refusal of the personal licence would be in compliance with the licensing objectives. It will consider the seriousness and relevance of the disclosed conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The City Corporation will refuse the application if it is satisfied that granting it would not promote the licensing objectives.

REASON

30. Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the City Corporation under the Crime and Disorder Act 1998. A person holding a personal licence should be properly qualified and be able to assist the action against crime. Granting a licence to a known criminal will in many cases undermine rather than promote the crime prevention objective.

Premises Licences and Club Premises Certificates

a) Application

POLICY

31. Applicants for premises licences and club premises certificates are required to produce an operating schedule to accompany their application. In completing the operating schedule, applicants should set out in some detail how they intend to run the premises in order to promote the four licensing objectives. Applicants are expected to have regard to this statement of licensing policy when completing their operating schedules.
32. The City Corporation has produced a Code of Good Practice for Licensed Premises to assist applicants in completing their operating schedules for the promotion of the four licensing objectives. The Code forms part of the City Corporation's statement of licensing policy and is attached as Appendix 1 to this document. The City Corporation will expect all applicants to have regard to the Code and to make a positive commitment to preventing problems from occurring at their premises.
33. In order to reduce the number of representations and the cost for all parties in having to attend a hearing, applicants are strongly urged to attend a pre-application meeting with officers of the City of London. This will give the applicant the opportunity to discuss any issues with the licensing officers and if necessary, the police and environmental health. Officers can discuss all aspects of the application, compliance with the City of London Licensing Policy to pre-empt any unnecessary representations and hearings.
34. The City Corporation will expect:

- i) all applications to be accompanied by a covering statement explaining in some detail the nature of the proposed operation. If the application is for a licence variation, the statement must also set out the reasons for the variation and whether there are any proposals to change the nature of the operation at the premises
- ii) all applicants to address the licensing objectives in their operating schedule which they are required by the Act to prepare
- iii) all applications to be accompanied by a plan scaled at 1:100 in electronic format together with a hardcopy on A3 size paper using colour where necessary
- iv) the operating schedule to have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community
- v) the applicant to demonstrate in the operating schedule that they have taken appropriate measures to ensure that the premises will be 'good neighbours' and where appropriate demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their premises
- vi) applicants will complete their own detailed risk assessments on their businesses using the Code of Good Practice for licensed premises as a guide
- vii) any proposed changes to the operating schedule, including change of use, to be notified to the Licensing Authority and, depending on the nature of the changes proposed, the Licensing Authority may require a new premises licence application or the submission of an application to vary the existing licence

35. In particular, the City Corporation will expect the applicant to be proposing practical steps to prevent disturbance to local residents. The City Corporation will expect the applicant to supply an acoustic report in applicable circumstances confirming that there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the area around the licensed premises. Any doubts as to whether such a report is required can be discussed in the pre-application meeting. Any sound leakage must be addressed in practical ways such as:

- i) keeping doors and windows closed and providing adequate mechanical ventilation
- ii) reducing sound levels and installing an approved sound limiting device to prevent sound exceeding the appropriate level, both the device and the level to be approved by a suitably qualified acoustic consultant
- iii) providing double door entry to premises with a ventilated lobby, to reduce noise levels generally and during entry and exit of persons to the premises
- iv) installing soundproofing measures to contain sound and vibration

36. The Licensing Authority expects that premises intended for the provision of noise generating licensable activities are acoustically controlled and engineered to a degree where the noise from the premises when compared to the ambient noise level will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved. In some circumstances licensed premises with amplified music adjoining, or in very close proximity to, residential properties may not be appropriate.
37. The City Corporation will expect the operators of popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This may sometimes be achieved by simply ensuring that the direction of the queue is away from residential accommodation.
38. However, excessive noise and/or disorder will require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. Door supervisors will generally be expected to carry out this role, but they must be given clear instructions as to their duties and responsibilities which should cover other areas of crime and disorder, for example under age drinking and drugs.
39. The City Corporation recommends that for 'promoted events':
- i) a comprehensive risk assessment is undertaken by the licence holders to ensure that crime and disorder and public safety matters are identified and addressed
 - ii) that the appropriate City of London Police Promoted Event Risk Assessment Form be used for this and submitted to the Police at least 14 days before the event
 - iii) that promoters should have obtained BIIAB Level 2 for Music Promoters
 - iv) that the door supervisor per customer ratio should be 1 : 50
40. In terms of patrons leaving any premises, particularly late at night or early in the morning, the City Corporation will expect the applicant to operate a dispersal policy and to include in the operating schedule practical steps such as:
- i) erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors
 - ii) at appropriate times making loudspeaker announcements to the same effect within the premises
 - iii) instructing door staff to ask customers leaving the premises to leave the area quietly
 - iv) reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down

- v) in appropriate cases, having door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it
- vi) banning from the premises people who regularly leave in a noisy fashion
- vii) increasing outside lighting levels
- viii) instituting a mini cab/taxi booking scheme
- ix) any other steps which may be appropriate to prevent noise, or other nuisance, to neighbours of the licensed premises

REASON

- 41. A proactive and preventative approach is a key aspect of good management at licensed premises. One of the greatest irritations to residents trying to sleep is the excessive noise escaping from licensed premises. Noise escape from premises may preclude the grant of a licence or constitute grounds for the review of any licence previously granted. There might also be need for a Noise Abatement notice to be issued under the Environmental Protection Act.
- 42. There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being disturbed, particularly if the venue is open late at night because people leaving the premises can be a significant problem in the early hours. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.
- 43. City of London Police intelligence indicates that some promoters organising events in the City have connections to gangs or convictions for violent crimes. Also, there have been a number of incidents where promoted events, attended by rival gangs, have resulted in violent exchanges. Consequently, measures need to be in place to prevent these crimes occurring.

POLICY

- 44. The City Corporation will expect:
 - i) the premises to be presented to the highest possible standards of safety
 - ii) the applicant to have addressed the requirements of Health & Safety at Work and Fire Safety legislation and, where appropriate, the Technical Standards published by the District Surveyors Association. The plans of the premises which must be submitted will be expected to provide evidence of compliance with health and safety matters. Evidence of current safety certificates may be required
 - iii) the operating schedule to detail how the premises will be properly managed and maintained to ensure public safety at all times

REASON

45. Public safety is about protecting the safety and the lives of patrons. It is the wish of the City Corporation that anyone visiting a licensed venue in the City can do so in complete safety and premises may be inspected to ensure that they have been constructed with safety in mind and are well managed and maintained.
46. It is the policy of the City Corporation that there should be comprehensive facilities and access for people with disabilities wherever practicable. The City Corporation will, therefore, expect the needs of disabled people to be addressed in the operating schedule.
47. Wherever practicable, disabled people should not be treated in a less advantageous way than non-disabled people. In addition, there are responsibilities under the Equality Act 2010 and prior legislation that place statutory duties on licensees to ensure that such facilities cater for everyone's needs.

b) Consultation

POLICY

48. It is the policy of the City Corporation that it will always endeavour to make all those affected by an application aware of applications and of the opportunity to make representations. In doing so, every application for a premises licence will be required to be advertised by both the licensing authority and the applicant which will bring the details of the application to the notice of residents and other persons. The applicant will also be required to send a copy of the application to the Police, Fire Authority and other relevant responsible authorities.
49. The local authority will advertise all new licence applications and applications to vary existing licences on the City of London web site. We will also notify any person by email the details of such applications where a person so requests to be kept informed.

REASON

50. The grant of a licence could have a significant impact on the lives or businesses of those living or working in the area around the premises for which a licence is sought. It is only right, therefore, that all those likely to be affected by an application are made aware of it and of the opportunity to make representations.

Determination of Applications

OVERRIDING POLICY PRINCIPLE

51. In determining a licence application, the overriding principle adopted by the City Corporation will be that each application will be determined on its

individual merits. The process adopted for determination will, in all cases, follow that required by Regulations made under the Act.

Conditions

POLICY

52. Licence conditions will depend on the individual application and will be imposed where appropriate to meet the licensing objectives. Licence conditions will not be imposed where the City Corporation is satisfied that other regulatory regimes provide sufficient protection to the public eg. health and safety at work and fire safety legislation.
53. It is the policy of the City Corporation that, when considering and applying conditions, such conditions should be clear, appropriate and enforceable. Conditions will be focussed on matters that are within the control of the individual licence holder.
54. Suggested model conditions have been produced to assist applicants, responsible authorities and other persons when proposing and determining conditions for a premises licence, but all should ensure that the conditions apply specifically to the premises and meet the criteria of clarity, appropriateness and enforceability.
55. Suggested model conditions are neither exclusive nor exhaustive. They do not restrict applicants, responsible authorities or other persons in proposing additional or alternative conditions. Nor do they restrict the City of London, when determining contested applications, from imposing any reasonable condition on a licence that it considers appropriate for the promotion of the licensing objectives under the Licensing Act 2003.
56. A premises licence that contains conditions imposed by the City Corporation, or agreed by the applicant, shall also be subject to the statutory mandatory licensing conditions. See Appendix 3 for the full list of mandatory conditions.

REASON

57. The Government's view is that, in general, there should not be standard conditions, some of which might be inappropriate to individual premises. Instead, conditions should depend on the premises and activities concerned, with a view to ensuring that the licensing objectives are achieved.

Location of Premises, Licensing Hours and the Prevention of Nuisance

58. The view of the Government is that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance and ensuring that nuisance is minimised to local residents. The Government believes that shops and public houses should generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers should be encouraged to provide a range of entertainment during their operating

hours and to promote live music, dancing and theatre for the wider cultural benefit of the community.

59. The City Corporation understands the view of the Government, but considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 02.00 than at 23.00. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00.

POLICY

60. It is therefore the policy of the City Corporation to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers. Notwithstanding that all applications will be determined on their merits.

REASON

61. This policy is aimed at the fulfilment of the licensing objective of 'the prevention of public nuisance'.

Location and Impact of Activity

62. In all cases, the granting of a licence will depend on the impact of an activity, particularly on local residents or late night businesses. Consideration will be given to relevant matters including, but not limited to, the level of noise and vibration, litter, people coming and going, queuing and any potential for criminal activity or disorder.
63. The City Corporation takes note of the nuisance and potential danger to pedestrians and particularly to disabled people and those using access equipment or items such as pushchairs by the obstruction of the highway, which includes the footway, by customers of the licensed premises smoking, drinking and eating on the public highway.

POLICY

64. In relation to operating schedules:
- i) the City Corporation will expect that all operating schedules indicate the steps an applicant is taking to comply with the licensing objectives
 - ii) any operating schedule submitted in respect of premises shall include proposed times of operating and details of how the applicant intends to comply with the licensing objectives and in particular, how the outside areas will be managed to prevent noise, smell, or obstruction nuisance to neighbours and the public
 - iii) the proposals in the operating schedule should include an assessment of the potential for public nuisance arising from customers smoking, eating

and drinking in outdoor areas and on the public highway outside the premises and how this is to be managed with particular reference being made to:

- a) restricting the number of customers permitted in certain outside areas and/or at certain times
 - b) limiting the number of customers permitted on the premises at any one time
 - c) not permitting customers who are smoking to take drinks outside with them
 - d) the arrangements in place for the regular removal of used glasses, crockery and cutlery
 - e) locating smoking areas away from residential premises
 - f) using door supervisors and employees to monitor possible public nuisance issues with a ratio not less than 1 door supervisor for every 100 customers
 - g) providing a form of demarcation and or physical barrier acceptable to the Highways Authority to be used to mark the boundary of the area outside the premises where customers are allowed to drink
 - h) the steps they intend to take to educate their customers and prevent public nuisance arising from litter and prevent the use of alleyways, street corners, and open pavements in the area around their premises as urinals
 - i) how they will work with other licensees in the area to combat nuisance caused by night time visitors creating noise and urinating in the alleyways, street corners and open pavements in the area around the premises
- iv) with regard to the licensing objective of public safety, the issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. However there should be evidence that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will be expected in the following circumstances:

- a) in premises that could potentially become overcrowded, for example bars, pubs, clubs, and other places of public assembly
- b) where an engineered solution or BS 9999 has been used to increase capacity
- c) where capacity is risk critical, for example where the premises use has a higher occupancy factor than that which the building was designed for
- d) where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity

- e) in order to promote the licensing objective of public safety, the issue of the use of candles should be addressed in the fire risk assessment of all premises where candles may be used. The City Corporation requires all measures identified and recommended by the London Fire Bridge during their audit/ inspection to be adopted and implemented at all times, so as to reduce or remove the risk of danger to public safety

REASON

- 65. Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. It may also be caused by the customers being noisy on departure or leaving litter. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.
- 66. Although largely commercial, much of the City is very sensitive to the impact of licensed activities because it is close to either residential areas or areas of late night financial business. The impact of traffic going to and from licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the numbers of people dispersing may be significant.

Consideration of the Impact of Licensed Activities

POLICY

- 67. When considering whether any licensed activity should be permitted, the City Corporation will assess the likelihood of it causing unacceptable adverse impact, particularly on local residents and businesses, by considering the following factors amongst other relevant matters:
 - i) the type of use
 - ii) the proposed hours of operation
 - iii) the means of access to and exit from the premises by patrons
 - iv) the measures that are proposed to avoid nuisance being caused to residents and businesses in particular from outside smoking, drinking and eating in terms of noise, obstruction of the highway and anti-social behaviour
 - v) the matters set out in the City Corporation's Policy in relation to operating schedules, which will include, among other factors, any negative cumulative impact of licensed premises in an area and, in considering any application for review of premises already licensed, the City Corporation may take into account evidence of the following:

- a) past demonstrable adverse impact from the activity especially on local residents and businesses
- b) any appropriate measures which have been agreed and put into effect by the applicant to mitigate any adverse impact
- c) adoption of the City Corporation's Code of Good Practice for Licensed Premises

REASON

68. The prime purpose of this part of the Policy Statement is to achieve the licensing objective of preventing public nuisance. In furtherance of this aim, the Statement lists particular matters that the City Corporation will take into account in considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents:
- i) the precise nature of the activity, especially for entertainment, will be a factor in considering the impact of the activity
 - ii) levels of noise from licensed premises which may be acceptable at certain times of day may not be acceptable later in the evening or at night when ambient noise levels are much lower
 - iii) with any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable an activity may be licensed. In accordance with Government advice, the decisions taken by the City Corporation will obviously be focused on matters within the control of individual licensees and others granted relevant permissions and the steps they can take to achieve the licensing objectives. Accordingly, these matters will centre on the premises and places being used for licensable activities and the likely impact of those activities on members of the public living, working or engaged in normal activity in the area concerned
69. In reaching its decisions, the City Corporation acknowledges the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. However, it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses. Furthermore, it will also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the City. The aim of the Policy is, therefore, to achieve a holistic and balanced approach to these difficult issues.

Saturation and Cumulative Impact

POLICY

70. In determining an application, the authority will take into account, in the interests of public safety and the avoidance of nuisance, any representations relating to the negative cumulative impact that the existence of a saturation of premises in one area may have. A saturation of licensed premises can

attract customers to the area that has an impact on the surrounding area beyond the control of individual licence holders.

71. The City Corporation will take this into account whenever it receives representations about cumulative impact on the licensing objectives if warranted within a specific area.

REASON

72. The impact from licensed premises increases considerably in areas where there are concentrations of such venues. The adverse effects from licensed activities are particularly acute in some areas of the City. The City Corporation will consider the effects of licensed premises saturation which may cause a significant negative cumulative impact in such areas.

Variable Closing Times

73. One of the aims of the new licensing regime is to prevent concentrations of patrons exiting the premises at 23:00 as happened under the inflexible licensing hours of the previous liquor licensing arrangements. The Government has abolishing fixed licensing hours in favour of hours suitable for individual premises.

POLICY

74. In areas containing a number of licensed premises, the policy of the City Corporation will be to encourage licensees to vary their closing times so that patrons leave for natural reasons over a longer period. Notwithstanding that, each application will be determined on its merits.

REASON

75. The aim of this policy is to minimise disturbance and strain on transport systems. It is also designed to prevent the replication of the existing large scale departures of patrons, whatever the hour, to the detriment of the licensing objectives of preventing public nuisance and crime and disorder.

Tables and Chairs Outside Premises

76. The provision of tables and chairs outside premises, either on the highway or on private land, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to noise problems. This is because they can encourage patrons and passersby to loiter rather than disperse.
77. The placing of tables and chairs on the public highway requires the consent of the City Corporation's Planning & Transportation Committee. On private land, such consent is not needed.

POLICY

78. The City Corporation may determine hours of operation, for example by setting additional conditions where appropriate to meet the licensing objectives, taking into consideration crime and disorder, noise safety and local residents' amenities and would wish to see details of the proposed operation in the operating schedule.

REASON

79. This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent problems concerning safety and nuisance.

Smoking

80. Legislation in relation to smoking in enclosed spaces came into force on 1 July 2007. From that date it became illegal to smoke or to fail to prevent smoking in a smoke-free place.

POLICY

81. The City Corporation may take into consideration the possible effect of people leaving licensed premises to smoke when determining licence applications. This relates to safety of patrons and passers-by and also nuisance from noise or litter.

REASON

82. This is to take into account any concerns relating to safety and nuisance from people outside premises.

Sexual Entertainment Venues

83. The City Corporation has a separate policy for applications for Sexual Entertainment Venues in the City and applicants should refer to that policy for guidance.

Other Controls

84. The Government's view is that Statements of Licensing Policy should indicate other mechanisms that are available for addressing issues of customers behaving badly away from licensed premises such as:
- i) planning controls
 - ii) positive measures to create a safe and clean City centre environment in partnerships with local businesses, transport operators and other local authority departments

- iii) the provisions of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- iv) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- v) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices
- vi) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- vii) the confiscation of alcohol from adults and children in designated areas
- viii) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance
- ix) the power of the Police, other responsible authorities or other person or business to seek a review of the licence or certificate in question. See Appendix 4 for contact details of the responsible authorities

POLICY

85. It is the policy of the City Corporation to consider very carefully the implications of granting a licence when the hours sought extend into the early hours of the morning.

REASON

86. This is because many of these mechanisms may be of limited effectiveness and value in dealing with anti-social behaviour away from the premises.

Protection of Children

87. The protection of children from harm is an important licensing objective. Nevertheless, the City Corporation will not normally impose conditions requiring or prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder and takes account of the view of Government that the use of licensed premises by children should be encouraged. However, it will, where appropriate, impose conditions designed to protect children.

POLICY

88. The City Corporation will take strong measures to protect children from harm. Examples of premises where the introduction of additional controls are likely to be appropriate are:
- i) where entertainment or services of an adult or sexual nature are commonly provided

- ii) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - iii) where there is a known association with drug taking or dealing
 - iv) where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)
 - v) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
89. While in some circumstances it may be appropriate to impose a complete prohibition, the City Corporation will in other situations consider imposing requirements such as:
- i) limitations on the hours when children may be present
 - ii) limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place
 - iii) limitations on the parts of premises to which children might be given access
 - iv) age limitations (eg. no person under 18)
 - v) requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)
 - vi) full exclusion of those people under 18 from the premises when any licensable activities are taking place
90. Where the exhibition of films is permitted, the authority will expect the age restrictions of the British Board of Film Classification (BBFC) or the City Corporation in respect of the films to be exhibited to be complied with.
91. In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC, the City Corporation will classify the films concerned, provided adequate notice has been given. To achieve consistency and the protection of children, the City Corporation will use the guidelines published by the BBFC.
92. In addition, the City Corporation will use its other statutory functions to ensure the protection of children from harm with particular emphasis on the sale of alcohol to underage persons.

REASON

93. These policies are designed to allow flexibility for the licensee to ensure that, where appropriate, licensed premises are suitable for children but to ensure they are adequately protected.

Drugs

94. Recent surveys indicate a general increase in the use of illegal drugs, involving a wider range of substances. This is particularly true of what are often referred to as 'recreational drugs'. The misuse of such drugs holds grave dangers and has led to fatalities.
95. Other factors may have contributed to these deaths, such as a lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.
96. Drugs alter the way people behave, so their distribution and possession is controlled by law. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength which puts people taking such drugs in further danger.
97. The City Corporation recognises that drug use by young people in a club environment is not something that applies to all licensed premises. However, many entertainment venues, such as night clubs and dance venues, can be popular with both drug users and suppliers.

POLICY

98. The City Corporation will expect licensees of venues to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse by way of management and design of the premises.
99. In particular, the City Corporation will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook. The BIIAB is a legal entity, and is the British Institute of Innkeeping Awarding Body. The City Corporation will also expect licensees to be following the recommendations of the book 'Safer Clubbing' issued by the London Drug Policy Forum and endorsed by the Home Office.
100. Failure to follow these recommendations, and those set out in the Code of Good Practice for Licensed Premises, on a voluntary basis could lead to the licence being reviewed with the possibility of revocation. In appropriate cases the City Corporation will consider imposing the recommendations detailed in these publications by way of licence conditions.

REASON

101. The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing harm and loss of life caused by drug abuse, overheating and other factors.

Planning

102. Any premises for which a licence is required should normally have an authorised use under town planning legislation.

POLICY

103. It will be the policy of the City Corporation that applications for premises licences in respect of permanent commercial premises will be reminded of the need to secure the necessary planning consent, if not already obtained, before carrying on their licensable activities. An application for any variation of a licence would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.
104. Coordination of these functions will be facilitated by the Licensing Committee and the Planning & Transportation Committee, each committee being kept informed of the actions taken.

REASON

105. This policy is to avoid unnecessary duplication and, thereby, comply with Home Office guidance. Licensing applications will not be a re-run of the planning process and will not cut across decisions taken by the local planning authority. However, there could be occasions when a licence is refused for licensing reasons where an authorised planning use exists.

Other Integration Strategies

POLICY

106. The City Corporation will continue to work in partnership with the City of London Police, the City of London Crime and Disorder Reduction Partnership, Transport for London and other agencies and organisations which impact on the Corporation's licensing responsibilities. In particular, the City Corporation commends initiatives such as 'Safety Thirst' or equivalent accreditation schemes relating to the responsible promotion of City venues as welcoming to all.

REASON

107. The City Corporation recognises that there are many interlinking strategies introduced for the good management of its area and its night-time economy. Many of these strategies are not directly related to the promotion of the four licensing objectives, but indirectly impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important.

Enforcement

108. Where necessary, enforcement action will be taken in accordance with the principles of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, the Enforcement Concordat and the Regulators' Compliance Code, which promote consistency of enforcement throughout the country. Action taken will meet the requirements of the City of London's

Department of Markets and Consumer Protection’s Policy Statement on Enforcement.

109. In particular, enforcement action will have regard to the fundamental principles recommended by the Better Regulation Task Force for good enforcement:
- i) risk assessment – i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled
 - ii) consistency – i.e. similar approaches in similar circumstances to achieve similar ends
 - iii) transparency – i.e. helping licensees to understand what is expected and distinguishing between statutory requirements and guidance
 - iv) proportionality – i.e. action taken should be proportional to the risk presented
110. The authority will establish protocols with the local Police and the Fire Authority on enforcement issues to avoid duplication and to provide for the most efficient deployment of City Corporation, Police and Fire Authority officers in respect of inspection of licensed premises and the enforcement of licensing law.
111. The policy of the City Corporation will always be a light touch inspection regime for well-managed and maintained premises, with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.

Discharge of Functions

112. The Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its Licensing Committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). The Licensing Committee may delegate these functions to sub-committees or, in appropriate cases, to officials supporting the licensing authority. Where licensing functions are not automatically transferred to licensing committees, the functions must be carried out by the licensing authority as a whole and not by its executive.

113. The discharge of functions are as follows:

| Matters to be dealt with | Sub Committee | Officers |
|--|-----------------------------------|------------------------------------|
| Application for personal licence | If a Police objection | If no objection made |
| Application for personal licence with unspent convictions | All cases | |
| Application for premises licence/club premises certificate | If a relevant representation made | If no relevant representation made |

| | | |
|--|-----------------------------------|------------------------------------|
| | | |
| Application for provisional statement | If a relevant representation made | If no relevant representation made |
| Application to vary premises licence/club premises certificate | If a relevant representation made | If no relevant representation made |
| Application to vary designated premises supervisor | If a Police objection | All other cases |
| Request to be removed as designated premises supervisor | | All cases |
| Application for transfer of premises licence | If a Police objection | All other cases |
| Application for interim authorities | If a Police objection | All other cases |
| Applications to review premises licence/club premises certificate | All cases | |
| Decision on whether a complaint is irrelevant, frivolous, vexatious etc. | | All cases |
| Decision to object when local authority is a consultee and not the relevant authority considering the application | All cases | |
| Determination of a police or environmental health objection to a temporary event notice | All cases | |
| Determination of application to vary premises licence at community premises to include alternative licence condition | If Police objection | All other cases |
| Decision whether to consult other responsible authorities on a minor variation | | All cases |
| Determination of a minor variation application | | All cases |

Licensing Code of Good Practice

Activities Exempt from the Licensing Requirement

- (1) Film exhibitions for the purposes of advertisement, information, education etc.
- (2) Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery.
- (3) Music whether live or recorded, which is incidental to other activities which do not require a licence.
- (4) Live music as follows:
 - i. amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
 - ii. amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
 - iii. unamplified live music between 8am and 11pm in all venues
- (5) Use of television or radio receivers for the simultaneous reception and playing of a programme.
- (6) Any entertainment or entertainment facilities at a place of public religious worship.
- (7) Entertainment at garden fetes or similar functions unless there is an element of private gain.
- (8) Morris dancing or any dancing of a similar nature or a performance of un-amplified live music as a part of such a performance.
- (9) Entertainment on road vehicles in motion.

Mandatory Conditions**Alcohol**

- (1) There shall be no sale or supply of alcohol when there is no Designated Premises Supervisor (DPS) in respect of this premises licence or at a time when the DPS does not hold a personal licence or when his/her licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (4) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - i) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - a) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol)
 - b) drink as much alcohol as possible (whether within a time limit or otherwise)
 - ii) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
 - iii) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
 - iv) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - a) the outcome of a race, competition or other event or process
 - b) the likelihood of anything occurring or not occurring
 - v) selling or supplying alcohol in association with promotional posters or flyers on, or in the area around the premises which can reasonably be

considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner

- (5) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- (6) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- (7) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (8) The policy must require individuals who appear to the responsible person to be under 18 (or such age specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- (9) The responsible person shall ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i) Beer or Cider: ½ pint
 - ii) Gin, Rum, Vodka or Whisky: 25ml or 35ml
 - iii) Still wine in a glass: 125ml

Customers must be made aware of the availability of the above measures.

Door Supervisors

- (10) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Relevant Authority.

Films

- (11) Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification body designated as the authority under s4 Video Recordings Act 1984.

Clubs

- (12) A Club Premises Certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:
 - i) the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the certificate, to members of the club for consumption on the premises

- ii) the alcohol supplied for consumption off the premises must be in a sealed container
- iii) the supply of alcohol for consumption off the premises must be made to a member of the club

Responsible Authorities

- ❖ **Licensing Authority**
Markets and Consumer Protection
PO Box 270, Guildhall
London EC2P 2EJ
- ❖ **Police**
City of London Police, Licensing Office,
78 -83 Upper Thames Street
London EC3R 3TD
- ❖ **Fire and Rescue**
London Fire & Emergency Planning Authority,
Fire Safety Regulation: North East Area 2
London Fire Brigade
169 Union Street
London SE1 0LL
- ❖ **Primary Care Trust**
City and Hackney Primary Care Trust
Director of Public Health
Clifton House, 75-77 Worship Lane
London EC2A 2DU
- ❖ **Environmental Health**
Department of Markets and Consumer Protection (Pollution)
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ
- ❖ **Planning**
Department of Planning & Transportation,
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ
- ❖ **Child Protection**
Department of Community & Children's Services
City of London Corporation
PO Box 270, Guildhall,
London EC2P 2EJ
- ❖ **Trading Standards**
Department of Markets and Consumer Protection (Trading Standards)
City of London Corporation
PO Box 270 Guildhall,
London EC2P 2EJ

❖ **Public Safety**

Department of Markets and Consumer Protection (Food),**
City of London Corporation
PO Box 270, Guildhall,
London EC2P 2EJ

** In respect of City of London Corporation owned premises, the Responsible Authority for public safety as listed above will be substituted for the HSE address below:

Health and Safety Executive,
Rose Court, 2 Southwark Bridge,
London SE1 9HS

- ❖ Adjoining Local Authorities where premises cross over a boundary (appropriate address as applicable).

Additional notifications will be required if the “premises” is a moving vessel (e.g. pleasure boat on the Thames). These are listed below:-

❖ **Maritime & Coastguard Agency**

Orpington Marine Office
Central Court
1B Knoll Rise
Orpington
Kent
BR6 0JA

❖ **Port of London Authority**

Harbour Master (Upper District)
Bakers' Hall
7 Harp Lane
London
EC3R 6LB

❖ **Metropolitan Police**

Thames Division
98 Wapping High Street
London
E1 9NE

The actual applications together with a cheque for the required fee made payable to “City of London Corporation” should be sent to:-

Department of Markets and Consumer Protection
Licensing Office
City of London Corporation,
PO Box 270, Guildhall,
London EC2P 2EJ

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|---|-----------------|--|
| Committee(s): | Date(s): | |
| Licensing | 22 October 2012 | |
| Subject: Licensing Code of Practice | Public | |
| Report of: Director of Markets and Consumer Protection | For Decision | |

Summary

In order to ensure that the night time economy does not conflict with the rights of residents and other members of the public to enjoy their lives in safety and without nuisance, the report recommends the introduction of a code of practice and risk assessment scheme, which will supplement the formal statement of licensing policy.

The Code gives guidance on how to promote the four licensing objectives and will be taken into account by the licensing authority in such matters as hearings and reviews.

The Assessment scheme will allocate points to premises dependent on a number of incidents. As the business accumulates points it will trigger action points for the responsible authorities to intervene. If the business accumulates a certain number of points it opens itself to a formal review of its licence.

If agreed it is the intention of the licensing service to launch the code and scheme in early 2013 for full implementation by April 2013.

Recommendations

It is recommended that your Committee:-

- Agree the Code of Practice and Risk Assessment Scheme as presented in the appendices to this report be implemented in April 2013 (subject to considerations arising from the consultation).
- Agree that the code and scheme be launched by February 2013.

Main Report

Background

1. The Licensing Act 2003 (the 'Act') focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken namely, The prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
2. However, very little is done to ensure that these objectives are being fully considered before the point that something goes wrong whether that is a complaint about noise, a reported crime or something found during a

routine inspection. Consequently the number of complaints about licensed premises are increasing as are the number of hearings and reviews.

3. Steps have been recently taken to emphasise the importance of a premises licence application form's operating schedule and the encouragement of pre-application meetings. The introduction of a code of practice (the 'code') is another proactive strategy aimed at reducing problems with licensed premises and ensuring that the night time economy does not interfere with the rights of local residents to enjoy their lives, particularly during the early hours of the morning.

Current Position

4. The aim of the code is to provide applicants and licence holders with guidance on good practice with the promotion of the four licensing objectives of paramount importance and to supplement the formal statement of licensing policy.
5. The code outlines what the City of London licensing authority partners expect in practical terms from applicants when completing their operating schedules and from licence holders when operating their premises under the terms of their licence. A copy of the draft code can be seen as Appendix I.
6. Risks associated with licensed premises can vary dependent on the premises type and characteristics, the design, layout and general environment, the location, the policies in place and the events being held. The code identifies many of the possible risks associated with the sale of alcohol and the provision of entertainment or late night refreshment.
7. The Corporation expects applicants of premises licences to have regard to the code when completing their operating schedule and for licences holders to have regard ensuring a 'well run' premises. Although the code is not a statutory document it is intended that it will be taken into consideration by the licensing authority:
 - When responding to licence applications where the licensing objectives have not been adequately addressed in the operating schedule
 - As a first point of dealing with licensed premises encountering problems, to raise standards to promote the licensing objectives in those premises and to avoid further problems
 - For the review of licenses where there is evidence that licensees have not promoted the licensing objectives
8. A risk assessment scheme for licensed premises will operate in conjunction with the code to provide a simple but effective monitoring tool which

brings together the findings of the licensing authority, other responsible authorities and members of the public.

9. Information will be collected from all possible sources to provide a comprehensive overview of problems occurring at licensed premises in the City of London. Information will be particularly collected from the Police, The City's Environmental Health (pollution team) and Trading Standards service, fire authorities and members of the public. All relevant incidents will carry penalty points on a sliding scale depending on the severity of the incident.
10. When a premises reaches a certain number of points it will move from its starting point of being in a green zone through amber to red as the number of points accumulate.
11. When a premises moves into an amber zone it will be contacted by the licensing authority and/or other responsible authority to encourage a self assessment and to draw up an action plan based around the principles of the code.
12. If the premises continues to accumulate points and moves into the red zone it is a clear sign that the licensing objectives are being undermined and immediate action is required from the licence holder. Further action will attempt to bring the number of points down and thus move the premises back down to amber and eventually green. Failure to achieve that will open the premises to the risk of a review. Full details of the risk assessment scheme can be seen as Appendix II.
13. Both the Code and the Assessment Scheme are currently out for consultation until the 16 October 2012.

Proposals

14. An updated report will be presented to this committee with the results of the consultation along with suggestions for any amendments to the code or scheme.
15. If agreed, the code and scheme to be launched in January/February 2013 to members of the licensed profession. The complete package to be fully implemented in April 2013.

Corporate & Strategic Implications

16. The code of practice and risk assessment scheme is in line with the City's Core Strategy in protecting amenities of the residential population.

Implications

17. To fully implement the code and risk assessment scheme an increase in resources will be required. Every licensed premises will be 'scored' on a rolling twelve month basis along with the necessary administration. The

number of premises inspected will increase from current levels along with the necessary liaison with other responsible authorities.

18. The increase in resources can be funded either from the Late Night Levy if implemented or a slight increase in licence fees in 2013 following an amendment to the Licensing Act 2003 which permits the licensing authority to charge a fee based on full cost recovery.

Background Papers:

Appendices

Appendix I – Licensing Code of Practice

Appendix II – Licensing Risk Assessment Scheme

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Introduction

The Licensing Act 2003 (the Act) focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken. The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Aim of the code

The aim of this code is to provide applicants and licensees with guidance on good practice for the promotion of the four licensing objectives which are paramount considerations at all times. The code is consistent with the Home Office guidance issued under section 182 of the Act and with the City of London's statement of licensing policy.

It outlines what the City of London licensing authority and its responsible authority partners expect in practical terms from applicants when completing their operating schedules and from licensees when operating their premises under the terms of a premises licence.

Applicants and licensees are expected to make a proactive commitment to preventing problems from occurring at licensed premises through the adoption of this code.

Risks associated with licensed premises

Risks associated with licensed premises can vary dependent on the premises type and characteristics, the design, layout and general environment, the location, the policies in place and the events being held there.

This code identifies many of the possible risks associated with the sale of alcohol and the provision of entertainment or late night refreshment and sets out good practice measures to mitigate those risks. It provides a key mechanism for the promotion of the licensing objectives, for well run premises and a responsible approach to alcohol, entertainment and late night refreshment in the City of London.

It is recognised that not every risk will be relevant to every premises and it is unlikely that any one premises will need to address all of the measures. Indeed some premises may only need to introduce one or two measures.

The code cannot anticipate every possible risk, problem or circumstance that may arise from licensed premises. Neither does the code restrict an applicant or licence holder from promoting the licensing objectives through alternative means.

How will the code be used?

Applicants and licensees

A proactive and preventative approach is a key aspect of good management at licensed premises. The City of London licensing authority therefore expects applicants to have regard to this code when completing their operating schedule.

If problems occur at licensed premises after a licence has been granted and a reactive approach is needed, licensees should put additional operational measures in place to manage and prevent those problems from recurring. The City of London licensing authority expects licensees to have regard to this code when considering additional operational measures.

The licensing authority and responsible authorities

The code is not a statutory document but it will be taken into consideration and used by the licensing authority and responsible authorities as follows:

- when responding to licence applications where the licensing objectives have not been adequately addressed in the operating schedule;
- as a first point of dealing with licensed premises encountering problems, to raise standards to promote the licensing objectives in those premises and avoid further problems; and
- for the review of licences where there is evidence that licensees have not promoted the licensing objectives.

Dealing with problem premises

The routine monitoring of licensed premises will be undertaken by the licensing authority and responsible authorities and findings under the four licensing objectives will be brought together.

Problems or concerns with licensed premises will be identified and flagged up at an early stage and advice will be offered to licensees with a view to improving standards at their premises and to prevent or minimise subsequent problems.

Where problems have been identified, the licensing authority and responsible authorities will agree appropriate measures from the code with the licence holder to be implemented at the premises. The aim of the code is to avoid the need for enforcement action such as prosecution or review but it will not replace enforcement action where it is necessary.

Acknowledging well managed premises

The code will also be used by the licensing authority and its licensing liaison partners to acknowledge and support well run premises through schemes such as Safety Thirst.

General – all four licensing objectives

This section provides guidance on good practice for the general promotion of all four licensing objectives at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the general promotion of the licensing objectives after a licence has been granted.

Licensees and their staff have responsibility for the effective and safe management of their premises and the promotion of the four licensing objectives. Training is the key to giving licence holders, premises managers and staff the knowledge and skills to deal with and manage risks associated with licensed premises. Training should be provided to all staff and should be about both preventing and managing problems occurring at premises. Training should be regularly updated.

| Risk | Good practice measure |
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| <p>Lack of knowledge or understanding of the Licensing Act 2003</p> | <p>G1 (a) Well trained staff will contribute to well run premises and a responsible approach to the sale of alcohol, provision of entertainment and late night refreshment. Formal qualifications for your staff, either to Personal Licence level or to another appropriate standard recognised by bodies such as the British Institute of Innkeepers (BII) would be preferential.</p> <p>(b) All staff should be advised of licensing law in writing before they are allowed to serve alcohol.</p> <p>(c) Training should also be provided on premises' specific policies relevant to the operation of the business.</p> <p>(d) A record should be kept of the date and name of person trained or advised and be made available for inspection by the police or licensing authority.</p> |

Prevention of crime and disorder

This section provides guidance on good practice for the prevention of crime and disorder from licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of crime and disorder from their premises after a licence has been granted.

The main causes of crime and disorder in licensed premises arise from inadequate security provisions, poor design and layout, the type of event being promoted, overcrowding and customers being drunk or under the influence of drugs. This can result in theft, conflict, violence and anti social behaviour. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing crime and disorder from their premises.

All applications for new licences and variations should address the steps proposed to prevent crime and disorder and this is best achieved through a premises risk assessment. Alcohol can be a significant contributory factor to levels of crime and disorder in an area. Good management and good practice along with adequate physical controls can make an important difference to the level of alcohol related crime at premises. Such measures should be reflected in the operating schedule.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the design and layout of the premises to minimise the potential for crime and disorder. Useful information can be found in documents such as 'Secured by Design'.

Licence holders should have clear documented policies and procedures in place which identify all crime and disorder risks associated with their premises and the measures implemented to prevent, manage and respond to those risks.

| Risk | Good practice measure |
|---|--|
| <p>Security in and around the premises</p> | <p>CD1 (a) An alarm or other security measure should be installed at the premises to protect it when closed or empty.</p> <p>(b) Emergency exits should be alarmed when the premises are open to the public so that staff are immediately notified of unauthorised opening or tampering.</p> <p>(c) Any staff or private areas and cellars should be kept locked and secured whilst the premises are open to the public.</p> <p>CD2 (a) CCTV should be installed inside and outside the premises. The cameras should cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system must be correct.</p> |

| Risk | Good practice measure |
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| <p>Security in and around the premises (cont)</p> | <p>(b) The recordings should be in real time and on hard drive with the availability to copy disks for other agencies such as the police.</p> <p>(c) For analogue systems, tapes should be changed daily and used no more than 12 times.</p> <p>(d) Recordings should be kept for a minimum period of 31 days.</p> <p>(e) Staff should be trained in the maintenance and operation of such systems with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(f) A trained member of staff should be on duty to operate the system whenever the premises are open.</p> <p>CD3 External lighting provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.</p> <p>CD4 (a) Security systems should be integrated so that the alarm, CCTV and lighting work together in an effective manner.</p> <p>(b) The alarm should be linked to a system that will notify the police if it is activated.</p> <p>CD5 (a) Door staff and/or stewards should be employed at the venue to supervise admissions and customers inside the venue.</p> <p>(b) Any person performing the role of a door supervisor must be licensed with the Security Industry Authority (SIA) and SIA badges must be clearly displayed whilst working.</p> <p>(c) Door staff should be easily identifiable by wearing a uniform, high visibility jackets or arm bands.</p> <p>(d) Door staff should sign into a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and concluded.</p> <p>(e) Stewards and other staff at the premises should also be easily identifiable. Stewards must not be used for supervision of the door.</p> |

| Risk | Good practice measure |
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| <p>Security in and around the premises (cont)</p> | <p>CD6 (a) Effective security policies based on risk assessments can protect your premises, staff and customers from threats, conflict or violence.</p> <p>(b) Security policies should be formulated in consultation with a police crime prevention officer.</p> <p>(c) All staff must be aware of a premises security policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(d) Premises should be searched inside and out for suspect packages before, during and after opening hours. Staff should be trained to remain vigilant during opening hours and report any suspicious activity to the Police.</p> <p>CD7 Security reviews should be held regularly and at least every three months with minutes kept.</p> <p>CD8 (a) Daily staff briefing and debriefing will enable licensees to improve working practices in their premises.</p> <p>(b) Briefings can be informal but any problems identified and remedial action taken should be recorded with records kept in the main office.</p> |
| <p>Crime including conflict, violence or aggression in and around the premises</p> | <p>CD9 (a) Promoted events may attract larger than usual crowds and particular promotions may have violent or aggressive followers, rival gangs or other crime and disorder associated with them.</p> <p>(b) Such events must have a comprehensive risk assessment undertaken by the licence holder and submitted to the City of London Police licensing team and The Proactive Licensing Intelligence Unit at least 14 days in advance of the proposed event.</p> <p>(c) It is expected that promoters should have obtained the BIIAB level 2 for music promoters.</p> <p>(d) In the event that a problem should arise during a promoted event, this should be documented by the licence holder and it is expected that a debrief form will be provided to the City of London Police licensing team within 48 hours of the event.</p> |

| Risk | Good practice measure |
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| <p>Crime including conflict, violence or aggression in and around the premises (cont)</p> | <p>CD10 (a) Proper management of the door will depend on the size and type of venue. The number of door supervisors should be determined by a risk assessment taking into account the size of venue and the type of crowd the entertainment is likely to attract, but at the very least on a ratio of 1 door supervisor per 50 customers.</p> <p>(b) Consideration should be given to a sufficient provision of male and female door supervisors, but at least one female door supervisor should be used.</p> <p>CD11 A door admissions policy including any age restrictions, expected dress standards or the screening of hand bags should be widely publicised on any promotional material or website and clearly displayed at the entrance to the premises.</p> <p>CD12 (a) Ejecting or refusing entry to persons from the premises if they do not meet your admissions standards or they are known to be violent or aggressive.</p> <p>(b) In such cases, an entry should be made in an incident or log book</p> <p>CD13 (a) A policy to manage capacity should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.</p> <p>(b) For promoted events and large venues, the use of clickers is essential to record the number of patrons inside the premises.</p> <p>(c) For other events or smaller venues, ticket sales or head counts may be appropriate.</p> <p>(d) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons and avoid conflict, violence or aggression within the premises.</p> <p>CD14 (a) Alternatives to glass drinking vessels should be considered to prevent glassware being used as an assault weapon, particularly during promoted events.</p> <p>(b) Drinking vessels made from plastic or polycarbonate would be preferential particularly in outside areas.</p> |

| Risk | Good practice measure |
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| <p>Crime including conflict, violence or aggression in and around the premises (cont)</p> | <p>(c) Where alternatives are not used, there should be a robust glass collection policy in place. This should include regular collection of glassware by staff and prevention of glassware being removed from the premises.</p> <p>CD15 (a) Measures to preserve a crime scene until police arrival, following the outbreak of disorder or any other crime, should be clearly documented in a policy.</p> <p>(b) Such a policy should be formulated in consultation with a police crime prevention officer.</p> <p>(c) All staff must receive training on the policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p> <p>CD16 (a) Staff training in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises.</p> <p>(b) Training should also cover dealing with, logging and reporting incidents if they occur.</p> <p>(c) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>CD17 Sharing of information with others in the industry. Regular meetings, the use of local radio networks or membership of a local pub/club watch scheme will enable information to be passed on about trouble makers and common problems in the area.</p> |
| <p>Drugs and weapons being brought into the premises</p> | <p>CD18 (a) A zero tolerance policy to the use of drugs and carrying of weapons in the premises should be adopted with a clear “no search no entry” message.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of zero tolerance policy.</p> <p>CD19 (a) Effective search policies will minimise the opportunity for drugs and weapons to be brought into licensed premises and lead to drug and weapon seizure if attempts are made.</p> |

| Risk | Good practice measure |
|--|--|
| <p>Drugs and weapons being brought into the premises (cont)</p> | <p>(b) The use of search arches and wands may be appropriate in some cases.</p> <p>(c) Search policies should be formulated in consultation with the City of London Police licensing team.</p> <p>(d) Search policies must be advertised widely on tickets, promotional leaflets and on websites and prominently in the premises entrance and queuing area.</p> <p>(e) Searches should always be carried out in public areas and covered by CCTV.</p> <p>(f) All staff must be trained on search policies with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>CD20 Calling the police if customers are suspected of being in possession of drugs or weapons. All staff must be made aware of this requirement.</p> <p>CD21 (a) Seizing, retaining and documenting any drugs or weapons found with a clear audit trail and a process for surrendering them to the Police.</p> <p>(b) A search policy should clearly set out procedures that must be followed by staff should they find drugs or weapons during a search, including the use of tamper proof bags and safe storage of seized items, details that need to be recorded and circumstances when the police should be called.</p> <p>CD22 (a) Supervising toilet areas can be effective in discouraging drug selling or use.</p> <p>(b) A toilet attendant may be appropriate for promoted events or on busy nights such as Friday and Saturday.</p> <p>(c) Regular toilet checks such as swabbing should be considered and where conducted, these should be documented with date, time and finding recorded.</p> <p>(d) Removal of flat surfaces in toilet areas can reduce the likelihood of drug misuse</p> <p>CD23 Drug awareness training should be provided for all staff. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> |

| Risk | Good practice measure |
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| <p>Theft from premises or lost property</p> | <p>CD24 Bag hooks (Chelsea clips) should be provided to prevent bag snatching.</p> <p>CD25 Clear signage should be displayed throughout the premises about crime prevention and to warn customers of the potential for pickpockets and bag/laptop snatchers.</p> <p>CD26 Property patrols, managed cloakrooms and toilet attendants can be employed to prevent theft from patrons or the premises.</p> <p>CD27 Premises layout and lighting should be considered. Secluded or dimly lit parts of the premises should be avoided as they can encourage crime.</p> <p>CD28 Mirrors used throughout the premises can aid supervision and act as deterrents to thieves.</p> <p>CD29 A lost and found policy should be in place in relation to lost/found property at the premises. The policy should include procedures regarding the logging and disposal of property and in particular any valuable property. Passports and any other ID found should be handed in to any police station.</p> <p>CD30 (a) Carefully positioning alcohol in retail premises can reduce theft from the premises. Alcohol is a key target for shop thieves so it is best not to place alcoholic beverages within the first few metres near the door as this allows thieves to 'grab and run'.</p> <p>(b) It may be helpful for alcohol display areas to be covered by CCTV if possible.</p> <p>CD31 Security tagging any items considered a specific target for theft, particularly alcoholic drinks over a certain price level will deter thieves.</p> |
| <p>Disorder from customers queuing to enter the premises or when leaving the premises</p> | <p>CD32 Reduce the potential for excessive queue lines with a well managed and efficient door policy. Long queuing times can cause people to become agitated or aggressive. Searches should therefore be conducted as quickly and effectively as possible.</p> |

| Risk | Good practice measure |
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| <p>Disorder from customers queuing to enter the premises or when leaving the premises</p> | <p>CD33 (a) A customer dispersal policy can minimise the potential for disorder from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels.</p> <p>(b) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p> <p>CD34 (a) Staff training in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations.</p> <p>(b) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p> |
| <p>Customers getting drunk and dealing with drunken customers</p> | <p>CD35 (a) Drinks promotions should be socially responsible and not encourage excessive drinking.</p> <p>(b) A documented policy on responsible drinks promotions should be in place at the premises and should adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.</p> <p>(c) Any drinks promotion should market the availability of soft drinks</p> <p>CD36 (a) Staff training on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.</p> <p>(b) Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.</p> <p>(c) When staff are collecting glasses, they can interact with customers and assess the levels of drunkenness. Any concerns should be reported back to a manager.</p> |

| Risk | Good practice measure |
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| <p>Customers getting drunk and dealing with drunken customers (cont)</p> | <p>(d) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>CD37 A duty of care policy regarding persons suffering adversely from the effects of drink should be in place at the premises. The policy should clearly express that every effort will be made by staff to prevent patrons from deteriorating to an uncontrolled intoxicated extent. All staff must be briefed on the policy.</p> <p>CD38 Drink-aware posters can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.</p> |
| <p>Consumption of alcohol on the street and street drinkers</p> | <p>CD39 Restrict the sale of strong beer and cider above 5.5% ABV and the sale of single cans or bottles of beer and cider. Such sales can contribute to anti social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.</p> |
| <p>Sale of alcohol outside permitted hours</p> | <p>CD40 Lockable shutters can be fitted on display units for alcohol in retail premises, which can be closed and locked at the end of permitted hours.</p> |

Public Safety

This section provides guidance on good practice for the promotion of public safety at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the promotion and management of public safety at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks to the safety of the public (including performers) attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing public safety at their premises.

All applications for new licences and variations should address the steps proposed to promote public safety and this is best achieved through a premises risk assessment.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the design and layout of the premises to achieve the highest possible standard of safety.

Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with their premises and measures implemented to prevent, manage and respond to those risks.

| Risk | Good practice measure |
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| <p>General safety of staff and customers</p> | <p>PS1 (a) A full risk assessment taking into account public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. Templates can be found on the Health and Safety Executive website and on the Communities and Local Government website. A risk assessment should be regularly reviewed at least every 12 months.</p> <p>(b) All staff should be made aware of the risk assessment and precautionary measures therein.</p> <p>(c) A copy of the risk assessment should be kept at the premises and made available for inspection.</p> <p>PS2 First aid boxes should be available at the premises and maintained with sufficient in date stock.</p> <p>PS3 (a) A recognised qualification in first aid should be held by at least one member of staff who should be on duty at all times the premises licence is in use.</p> <p>(b) Other staff should be trained to a basic first aid standard with records kept of the date and name of person trained.</p> |

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| <p>General safety of staff and customers (cont)</p> | <p>PS4 A first aid room or quiet room should be made available to anyone requiring medical attention.</p> <p>PS5 Temperature levels and humidity in venues should be controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. Premises should be adequately heated and ventilated to avoid this. This can be achieved through use of air conditioning systems or natural ventilation in non-residential areas.</p> |
| <p>Overcrowding</p> | <p>PS6 A documented capacity should be set for the premises overall and for individual rooms within the premises. Capacity can be determined by a risk assessment in consultation with the fire safety authority.</p> <p>The risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time and available fire exits.</p> <p>PS7 (a) A policy to manage the capacity should be adopted to prevent overcrowding and localised overcrowding.</p> <p>(b) The use of electronic clocking systems, clickers, ticket sales or head counts may be appropriate.</p> <p>(c) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.</p> |
| <p>Accumulation and disposal of glasses / drinking vessels</p> | <p>PS8 (a) A glass collection policy should include provisions for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Glassware should not be allowed to accumulate or cause obstruction.</p> <p>(b) Perimeter checks should be made outside the premises for any glasses or bottles.</p> <p>(c) All staff must be made aware of the glass collection policy and their responsibility for the task.</p> <p>PS9 Spillages and broken glass should be cleaned up immediately to prevent floors from becoming slippery and unsafe.</p> <p>PS10 Bottle bins should be secure at all times and away</p> |

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| | from public areas. |
| <p>Accident or other emergency incident on the premises</p> | <p>PS11 (a) A written policy to deal with all types of accidents & emergency incidents should be in place at the premises.</p> <p>(b) The policy should be based on risk assessments and include matters such as emergency management, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.</p> <p>(c) Evacuation responsibilities and roles should be clearly communicated to staff, routes and exits should be well defined and evacuation plans exercised regularly.</p> <p>(d) A copy of the fire risk assessment should be kept at the premises and made available for inspection by the fire authority and licensing authority.</p> <p>PS12 A fire detection system should be in place at the premises and should be fully functional at all times. The system should be tested regularly with records kept and made available for inspection.</p> <p>PS13 (a) Means of escape in case of any emergency must be clearly visible, unobstructed and well maintained including areas outside exits leading to a place of ultimate safety such as the street.</p> <p>(b) Checks should be carried out before opening each day to ensure that exits are unlocked and unobstructed.</p> <p>PS14 Equipment should be checked and maintained regularly with a record kept of the date and findings of the checks.</p> <p>PS15 (a) Staff training in fire safety and any premises safety policy should be provided for all staff to give them the knowledge and confidence to deal with emergency situations, including location of equipment, utilities, services and layout of premises. Training should include how to use fire extinguishers.</p> <p>(b) Records should be kept of the date and name of person trained and made available for inspection.</p> <p>PS16 An accident book should be kept in order to record all accidents or incidents and made available for inspection.</p> |

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| <p>Drug use or drink spiking</p> | <p>PS17 (a) A zero tolerance policy to the use of drugs in the premises should be adopted.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of the zero tolerance policy.</p> <p>PS18 Refusing entry to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident log book.</p> <p>PS19 (a) A duty of care policy regarding persons suffering adversely from the effects of drugs should be in place at the premises. The policy should include drug awareness training for all staff so that they can recognise the effects of controlled drugs and provide medical attention where necessary.</p> <p>(b) All staff must be briefed on the policy. A record should be kept of the date and name of person trained.</p> <p>PS20 (a) Prevent the possibility of drink spiking by offering various anti drink spiking products to customers.</p> <p>(b) If a customer suspects that their drink has been spiked, you should report it to the police immediately. A process for this should be clearly set out in your duty of care policy.</p> <p>PS21 A ‘chill out’ area should be provided. This should be cooler and quieter than rest of venue.</p> |
| <p>Smoking on the premises</p> | <p>PS22 Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance.</p> |
| <p>Safety of customers when leaving the premises</p> | <p>PS23 Discourage drink driving by promoting schemes such as Designated Driver, with notices clearly displayed throughout the premises.</p> <p>PS24 (a) Display information to customers with regards to safe options for travelling home such as Cabwise. Information should include access to licensed taxi cabs or licensed private hire vehicles, the location of taxi ranks and public transport facilities including night bus options.</p> <p>(b) Provide a free taxi phone service and a safe waiting</p> |

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| <p>Safety of customers when leaving the premises (cont)</p> | <p>area for customers inside the premises.</p> <p>PS25 (a) A ‘chill out’ period at the end of an evening can allow a slow dispersal from the premises allowing door staff to gain a handle on problem individuals, preventing arguing over taxis or congregation at takeaways and clashes with groups from other venues.</p> <p>(b) Provision of food and non alcoholic drinks during a chill out period can be effective in allowing customers to sober up before leaving the premises.</p> <p>PS26 (a) Increased lighting inside the premises should be considered towards the end of an evening to affect the alertness of customers before they leave the premises.</p> <p>(b) Increased external lighting particularly in car parks under the direct control of the licence holder will provide added safety for customers as they leave the premises. Care should be taken so that lighting does not impact on neighbours.</p> |
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Prevention of public nuisance

This section provides guidance on good practice for the prevention and management of public nuisance from licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of noise and other public nuisance issues from their premises after a licence has been granted.

Excessive noise and nuisance from licensed premises is a major concern for residents living in the area. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing public nuisance from their premises.

All applications for new licences and variations should address the steps proposed to prevent public nuisance. Where entertainment or other potentially noisy activity is planned, a noise assessment should be carried out. For some premises, the assessment will need to be carried out by a suitably qualified consultant.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the structure and layout of the premises and equipment both internally and externally, to ensure that the premises are fit for purpose. Sound attenuation measures can include wall linings, acoustic curtains and acoustic treatment to mechanical ventilation or air conditioning systems. Consideration should also be given to historical noise problems at the premises with measures put in place to prevent them from recurring.

Licence holders should have clear documented policies and procedures in place which identify all public nuisance risks associated with their premises and measures implemented to prevent, manage and respond to those risks. Licence holders should also engage with local residents on a regular basis to ensure that they are being good neighbours and dealing with problems as they arise.

| Risk | Good practice measure |
|---|---|
| Music, singing and speech noise breakout from the premises | PN1 (a) A noise management policy should be in place that sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises. (b) The policy should be based on the findings of an acoustic consultant's assessment. (c) All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority. (d) DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance. |

Music, singing and speech noise breakout from the premises (cont)

(e) Use an approved list of DJs, event promoters or other entertainment providers who have signed up to the policy.

PN2 (a) Windows and doors should be kept closed whilst the premises licence is in use to prevent noise breakout. Ventilation should be provided by mechanical means.

(b) Windows should be sound insulated.

(c) Emergency exits should be sealed acoustic doors.

(d) A lobbied area should be provided at the entrance and exit to the premises.

(e) Doors should be fitted with self closing devices.

PN3 (a) A sound limiting device should be installed, set and sealed at a level approved by an acoustic consultant.

(b) The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events.

(d) Only the premises licence holder or a nominated deputy and the designated premises supervisor should have access to the sound limiting device.

PN4 (a) Locate entertainment facilities such as DJ booth, stage and loud speakers away from doors and windows.

(b) Rubber speaker mounts can be used to minimise structure borne noise.

PN5 (a) Methods for monitoring noise should be included in a noise policy. Methods could range from simple perimeter checks and listening tests by the licence holder/staff to a detailed measurement taken by a qualified consultant using sound measuring equipment.

(b) Noise monitoring should actively be carried out on a regular basis and in particular when a new form of entertainment is introduced at the premises, when alterations are made to the premises or when a complaint is made directly to the venue.

PN6 (a) A log book should be kept of any noise monitoring carried, the findings and any remedial action taken. The log should indicate whether it was routine noise monitoring or the result of a complaint.

| | |
|---|--|
| <p>Music, singing and speech noise breakout from the premises (cont)</p> | <p>(b) The log book should be made available for inspection by the licensing authority or environmental health responsible authority.</p> <p>PN7 A contact telephone number should be made available to local residents which they can use to report noise disturbances to a responsible person at the venue as and when they occur. The phone line should be available at all times the licence is in use.</p> |
| <p>Noise and nuisance from customers arriving and leaving the premises</p> | <p>PN8 (a) Reduce the potential for excessive queue lines with a well managed and efficient door policy.</p> <p>(b) Long queues should be avoided and any queues should be directed away from residential properties.</p> <p>(c) Queues should be actively managed by door staff, especially later in the evening, to keep noise to a minimum. Rowdy behaviour from people queuing to get in should not be tolerated. Door staff should refuse entry to anyone behaving in an anti-social way.</p> <p>(e) Restrict admittance or re-admittance to the premises after 11pm.</p> <p>PN9 (a) A customer dispersal policy can minimise noise disturbance to local residents from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening.</p> <p>(b) A gradual change in music style and reduction in volume, for example quiet or mellow music towards the end of an evening and increasing lighting levels can help to reduce the potential for rowdy behaviour.</p> <p>(c) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p> <p>PN10 (a) Display prominent notices close to the exit doors, requesting patrons to leave the premises and quickly and quietly.</p> <p>(b) Display notices in car parks reminding patrons that they are in a residential area and to leave quickly and quietly and not to slam doors, rev engines, sound horns or play loud music.</p> |

| | |
|---|---|
| <p>Noise and nuisance from customers arriving and leaving the premises (cont)</p> | <p>(c) Make announcements at the end of an evening, requesting patrons to leave the premises and area quickly and quietly.</p> <p>PN11 (a) Provide a free taxi phone service and an internal waiting area for customers to prevent noise disturbance to neighbours.</p> <p>(b) Steps should be taken to ensure that any taxi operators used and all their drivers are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.</p> |
| <p>Noise and nuisance from customers using external areas such as beer gardens or forecourts</p> | <p>PN12 Display prominent signs in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.</p> <p>PN13 Restrict the use of external areas after 10pm if premises are in a residential area.</p> <p>PN14 (a) Door supervisors or staff should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.</p> <p>(b) For private forecourts, a physical barrier such as a rope should be used to mark the boundary of the area outside the premises where customers are allowed.</p> <p>(c) Limit the number of smokers permitted outside at any one time after a certain time.</p> <p>(d) Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time.</p> <p>(e) Locate smoking areas away from residential premises.</p> <p>(f) Do not permit customers to congregate on and block the public highway to passers by.</p> |
| <p>Noise from staff and entertainment providers leaving the premises</p> | <p>PN15 Staff and performers who depart late at night or in the early hours on the morning when the business has ceased trading, should conduct themselves in such a manner as to avoid causing disturbance to nearby residents. This includes the loading and unloading of artists' equipment.</p> |

| | |
|--|---|
| <p>Noise and disturbance caused by deliveries, collections and waste disposal</p> | <p>PN16 Commercial deliveries, collections and storage/ disposal of waste, including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted to normal working hours between 8am and 6pm Monday to Friday.</p> |
| <p>Litter and waste around the premises</p> | <p>PN17 (a) Flyers should not be distributed outside the premises by the licence holder or any staff employed by the licence holder.</p> <p>(b) Licence holders should ensure that promoters of events at their premises do not distribute flyers outside the premises.</p> <p>PN18 (a) Procedures should be in place for the prompt collection of street litter generated by the premises for example flyers, cigarette butts or food wrappers.</p> <p>(b) Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.</p> <p>(c) Use wall or floor mounted cigarette bins in designated smoking areas for customers.</p> |
| <p>Disturbance from external lighting</p> | <p>PN19 External lighting for the premises should be turned off after the premises are closed to the public.</p> |
| <p>Noise or odours from plant and machinery</p> | <p>PN20 Plant and machinery should not cause nuisance to local residents by way of noise, odours or vibration. Acoustic measures such as screening, enclosures, anti-vibration mounts, silencers or timing clocks should be used if necessary.</p> |

Protection of children from harm

This section provides guidance on good practice for the protection of children from harm at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the protection and management of children from harm at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks of harm to children attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing the well being of children at their premises.

All applications for new licences and variations should address the steps proposed to protect children from harm and this is best achieved through a premises risk assessment.

Licence holders should have clear documented policies and procedures in place which identify all age restricted risks at their premises and measures implemented to prevent, manage and respond to those risks.

| Risk | Good practice measure |
|--|---|
| <p>Children accessing licensed premises</p> | <p>CH1 (a) A documented policy setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premises including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises.</p> <p>(b) All staff including door staff and bar staff should be trained on the policy.</p> <p>CH2 (a) Restrict access to children depending on the nature of the business and / or circumstances.</p> <p>(b) The admission of children can be restricted up until a specified time in the evening.</p> <p>(c) The admittance of children can only be permitted if they are accompanied by an adult.</p> |
| <p>Underage sales of alcohol</p> | <p>CH3 (a) Operate a strict ‘No ID – No Sale’ policy. ‘Challenge 21’ scheme serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.</p> |

Underage sales of alcohol (cont)

(b) A 'Challenge 25' scheme gives staff additional support and encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.

(c) Only accept photographic driving licences, passports or PASS (Proof of Age Standards Scheme) cards approved as means of ID. If you accept other forms of ID such as EU National ID cards, these must bear a photograph, date of birth and holographic mark.

(d) Use till prompts to remind staff to ask for proof of age.

(e) Prominently advertise the scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.

CH4 Display posters at the premises stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales).

CH5 Adverts or promotions for alcohol should not appeal to young persons.

CH6 (a) Keep a refusals book (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.

(b) The book should contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused.

(c) The book should be made available to Police and authorised Council officers on request

(d) The book should be reviewed on a regular basis to see if any patterns emerge.

CH7 (a) Staff training in the age related sections of the Licensing Act 2003 should be provided to all door, bar and till staff. This includes the ability to competently check customers' identification where necessary.

(b) A record should be kept of the date and name of person trained.

| | |
|--|--|
| <p>Access to age restricted films</p> | <p>CH8 (a) Adequate provisions for restricting children from viewing age restricted films should be in place at the premises.</p> <p>(b) Staff should be trained to check ages at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the British Board of Film Classifications (BBFC).</p> |
| <p>Access to age restricted gaming machines</p> | <p>CH9 Age restricted gaming or vending machines should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.</p> |
| <p>Access to entertainment of an adult nature</p> | <p>CH10 (a) Children under the age of 18 should be excluded from the premises or part of the premises when specified activities such as adult entertainment are taking place.</p> <p>CH11 Adverts for entertainment of an adult nature should not be displayed externally on the premises or in any part of the premises internally where they can be seen by young persons.</p> |

Useful Contacts

City of London Licensing Authority

Markets and Consumer Protection

PO Box 270, Guildhall

London EC2P 2EJ

Telephone: 020 7332 3406

Email: licensing@cityoflondon.gov.uk

City Police licensing team

Walbrook Wharf

78-83 Upper Thames Street

London EC4R 3TD

Telephone: 020 7601 2736

Email: licensingoffice@cityoflondon.pnn.police.uk

Environmental Health

Department of Markets and Consumer Protection (Pollution)

City of London Corporation

PO Box 270, Guildhall

London EC2P 2EJ

Telephone: 020 7606 3030

Email: publicprotection@cityoflondon.gov.uk

Health and Safety Executive

<http://www.hse.gov.uk>

Institute of Acoustics

<http://www.ioa.org.uk>

Secured by Design

www.securedbydesign.com

Information sources used in the preparation of this guide:

Association of Licensed Multiple Retailers (ALMR)
(incorporating BEDA – Bar Entertainment and Dance Association)
<http://www.almr.org.uk>

Best Bar None
<http://bbnuk.com>

British Beer and Pub Association (BBPA)
(Licensed Property: Noise Control, Managing Safety in Bars, Clubs and Pubs)
<http://www.beerandpub.com>

British Institute of Innkeeping (BII)
<http://www.bii.org>

City of London Corporation licensing
(Statement of Licensing Policy 2011)
<http://www.cityoflondon.gov.uk>

City of London police licensing
<http://www.cityoflondon.police.uk>

Department for Communities and local government (DCLG)
<http://www.communities.gov.uk>

Drinkaware
<http://www.drinkaware.co.uk>

Health and Safety Executive
<http://www.hse.gov.uk>

Home Office (alcohol and drugs)
(Home Office guidance issued under S182 of the Licensing Act 2003, Home Office practical guidance for preventing and dealing with alcohol related problems, Alcohol Strategy 2012)
<http://www.homeoffice.gov.uk/drugs/>

Institute of Acoustics
<http://www.ioa.org.uk>

London Drug Policy Forum
(Safer Nightlife, Drugs at the Door)
<http://www.cityoflondon.gov.uk>

Metropolitan police licensing: Safe and Sound 2012 publication

National Counter Terrorism Security Office (NaCTSO)
(Security advice for bars, pubs and nightclubs)
<http://www.nactso.gov.uk>

The Portman Group
<http://www.portmangroup.org.uk>

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Introduction

The City of London Corporation will introduce a licensing traffic light scheme applicable to all premises in its area with the benefit of a premises licence or club premises certificate issued under the provisions of the Licensing Act 2003. The scheme will operate in conjunction with the Corporation's Code of Good Practice for licensed premises.

Aim of the scheme

The City of London Corporation's traffic light scheme will be led by the City of London Licensing Authority and will provide a formal structure for the licensing authority and responsible authorities to deal with problematic licensed premises in a fair and transparent way.

The scheme will provide a simple but effective monitoring tool which brings together the findings of the licensing authority and responsible authorities in a way that flags up problematic premises at an early stage. It will take a holistic partnership approach to dealing with problem premises under all four licensing objectives and will also recognise good practice. Advice and support will be offered to problematic premises with a view to improving standards at their premises and to prevent or minimise subsequent problems. The aim is to avoid the need for enforcement action such as prosecution or licence review but will not replace action where it is necessary for the promotion of the licensing objectives.

The scheme does not override the right of any responsible authority to review a premises licence or club premises certificate at any stage where problems occur at those premises.

Information sources

Collating information from all the relevant responsible authorities and enforcement agencies under all four licensing objectives will provide a comprehensive overview of problems occurring at licensed premises in the City of London. Information sources will include the police and fire authorities and the City of London's trading standards, pollution, health and safety and waste management teams. Care will be taken not to duplicate information where it has been received from more than one source.

Allocation of points

The scheme will be based on a points system where details of incidents at licensed premises are collected and analysed on a monthly basis and penalty points marked against premises for each relevant incident that occurs there. Relevant incidents under all four licensing objectives will carry penalty points on a sliding scale depending on the severity of the incident. Incidents must be clearly linked to the operation of the premises and complaints about premises must be substantiated.

The scheme will also recognise good practice and award credit points for any good practice measures implemented by the licence holder to improve standards at their

premises to prevent or minimise subsequent problems. Credit points will be removed if the good practice measure has been removed or is not being actively used.

The criteria for allocating points are attached as Appendix 1.

Trigger levels

Premises will fall into a green, amber or red zone based on their total penalty points at a given time. The trigger level for the zones is dependent on how the points have been accumulated as follows:

| | |
|--------------|--|
| GREEN | 0 - 10 penalty points across all four licensing objectives |
| AMBER | 6 – 9 under any one licensing objective 11 - 19 penalty points across all four licensing objectives |
| RED | 10+ points under any one single licensing objective 20+ penalty points across all four licensing objectives |

Green zone

At the launch of the City of London Corporation’s traffic light scheme, the green zone will be the base line for all premises. Premises that promote the licensing objectives and operate without incident will remain in the green zone. Premises in the green zone are generally well run and pose no significant risks that will undermine the licensing objectives.

Amber zone

As problems are identified and premises accumulate penalty points, the total points for their premises at a given time may take them from green to amber zone. Premises in the amber zone require close monitoring and engagement to prevent an escalation of incidents and will be notified as soon as they move in to the amber zone.

The licence holder and/or the designated premises supervisor will be contacted by the licensing authority or relevant responsible authority to carry out a self assessment based on the problems they are experiencing. A self assessment form will be provided. The City of London Corporation’s Code of Good Practice for Licensed Premises should be referred to when considering measures to implement. An action plan will then be agreed between the licence holder and/or designated premises supervisor and the licensing authority and/or relevant responsible authority. The aim of the action plan is to bring premises back into the green zone by improving standards and to prevent or minimise subsequent problems occurring. The

premises will be monitored to ensure that the action plan has the desired effect and credit points will be awarded for effective measures implemented at the premises

Red zone

There will be a further notification to the licence holder and/or designated premises supervisor if points accumulate to move the premises from amber to red zone. Premises in the red zone are undermining the licensing objectives and require immediate action by the licence holder.

Each red zone case will be reviewed by the licensing authority and/or responsible authority and treated on its individual merits. The licensing authority and/or relevant responsible authority may take any of the following actions it considers appropriate:

- The licensing authority and/or relevant responsible authority may meet with the licence holder with the aim of bringing the premises back to amber and then green zone. They may decide to revise the action plan agreed at amber stage and set a time period for the premises to implement remedial measures;
- If the action plan agreed at amber stage has not been implemented and problems persist or problems have failed to be addressed by the action plan, the licensing authority in its role as responsible authority will consider whether a review of the premises licence is appropriate. If the majority of points are gained from areas of crime and disorder or public nuisance, the police or environmental health responsible authorities will be expected to take the lead role for any possible review.

Formal action

Formal action such as prosecution or review of a licence or certificate will not be dependent on premises moving in to the red zone.

The licensing authority and/or relevant responsible authority may proceed with a prosecution at any stage irrespective of the traffic light zone the premises is in, if it is in the public interest to do so.

Similarly, the licensing authority and/or relevant responsible authority may review a premises licence or club premises certificate at any stage irrespective of the traffic light zone the premises is in, if a matter arises at the premises that undermines one or more of the licensing objectives.

How long will points stay on a premises record?

Penalty points imposed on premises will remain for a rolling 12 month period. Any points that are over 12 months old will be removed for the purposes of the traffic light scheme but may still be taken into consideration in any subsequent prosecution or review if relevant. Credit points for good practice measures implemented will be removed if the good practice measure has been removed or is not being actively used.

If premises change ownership and management, any points in place prior to the transfer will cease to have effect and the total will be reset to zero. If there is any evidence to link the new owner/management with the outgoing owner/management (ie. an attempt to circumvent the traffic light scheme), the points will remain on the premises record.

City of London traffic light points system for licensed premises

Penalty points for problems / incidents linked to premises (points are per incident unless otherwise indicated and incidents must directly link to the premises)

(COL = City of London, COLP = City of London Police, LFB = London Fire Brigade)

| Points | Crime and Disorder licensing objective | Public Safety licensing objective | Public Nuisance licensing objective | Protection of Children from Harm licensing objective |
|--------|---|--|--|--|
| 1 | Theft of personal property* (COLP) Drunkenness and disorder (COLP) Race, homophobic, hate abuse (COLP) Criminal damage (COLP) | Unconscious drunk or ill person and no first aid facility at premises (COL) Notification of fire safety deficiency with no follow up visit required (LFB) | Substantiated complaints about litter (general or smoking related) (COL) Evidenced obstruction of the highway (COL) | |
| 2 | Common Assault (COLP) Public order offence (COLP) Possession of drugs (COLP) | Drink spiking (COLP) Notification of fire safety deficiency with follow up visit required (LFB) | Substantiated complaints about noise from customers entering/leaving premises or using an external area (COL) Substantiated complaints about noise from within premises (COL) | |
| 3 | ABH / minor wounding (COLP) Affray / violent disorder (COLP) Robbery (COLP) | Enforcement Notice other than Article 11, 13 or 14 (LFB) | | |
| 4 | Supply or concerned in the supply of drugs on/at the premises (COLP) Possession of offensive weapon (COLP) Assault on emergency services officer (COLP) | Article 11 or Article 13 Enforcement Notice - fire safety arrangements / fire detection and warning (LFB) | Noise abatement notice served on the premises (COL) | Evidence of children being exposed to entertainment of an adult nature, age restricted film or age restricted gaming machine |
| 5 | GBH / serious wounding / GBH with intent (COLP) Possession of firearm (COLP) Sexual assault / Rape (COLP) | Article 14 Enforcement Notice - means of escape (LFB) Article 31 Notice - prohibit use of premises, restrict capacity (LFB) | Noise abatement notice not complied with | Evidence of an underage sale (COL / COLP) |

* 1 penalty point if more than 5 thefts in a month and subject to a maximum of 5 points over a rolling 12 month period

An evidenced breach of licence condition or unlicensed activity will carry 2 penalty points per breach. Where the breach results in a prosecution it will carry 5 penalty points.

City of London traffic light points system for licensed premises

Credit points for good practice measures implemented at premises (points are per measure unless otherwise indicated and must remedy the problem/incident)

(COL = City of London, COLP = City of London Police, LFB = London Fire Brigade)

| Points | Crime and Disorder licensing objective | Public Safety licensing objective | Public Nuisance licensing objective | Protection of Children from Harm licensing objective |
|--------|--|--|---|--|
| 1 | Theft prevention measures implemented* Staff training on drunkenness / drink-aware posters displayed Evidence of a working refusals register Detention for the police of person(s) found with drugs on the premises CCTV recordings provided to Police | First aid provisions made available at premises Fire safety deficiencies rectified by follow up visit Anti-drink spiking products used Duty of care policy introduced | Implementing a customer dispersal policy Displaying advisory notices where none required by condition or statute Restricting the use of external areas after 10pm | Adopting a challenge 21 or challenge 25 scheme |
| 2 | Employment of additional door staff Detention for the police of person(s) responsible for violence inside the premises Detention for the police of person(s) found entering premises with drugs Implementing a door management policy where none exists | Plastic/polycarbonate drinking vessels introduced Implementing a policy to manage capacity Enforcement Notice complied with | Sound attenuation measures implemented Enforcement Notice complied with Implementing a door management policy where none exists | |
| 3 | Confiscation of weapons at the door Confiscation of drugs at the door Good crime scene preservation | | | |
| 4 | | | | |
| 5 | | | | |

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* 1 credit point per measure implemented subject to a maximum of 5 points over a rolling 12 month period

Where a licence holder rectifies a problem / incident identified at their premises, the licensing authority may add up to an additional 2 credit points

| | | |
|--|-----------------|--|
| Committee(s): | Date(s): | |
| Licensing | 22 October 2012 | |
| Subject: Gambling Act 2005: Review of Statement of Licensing Principles | Public | |
| Report of: Director of Markets and Consumer Protection | For Decision | |

Summary

The Gambling Act 2005 requires all licensing authorities to produce and publish a Statement of Licensing Principles. As prescribed by the statutory timetable the City Corporation produced its first such statement at the time the Act came into force in January 2007.

The legislation requires that all authorities review their policy at three yearly intervals. This report was last reviewed in January 2010 and therefore is required to be reviewed by January 2013.

Since the production of the current licensing statement three years ago the guidance issued to licensing authorities has been revised. Attached to this report is the current licensing statement with minor amendments to reflect the latest guidance.

It is proposed that this updated document form the basis of the proposals sent for consultation to statutory bodies and persons representing those affected by the legislation and those persons carrying on gambling businesses in the City.

Recommendations

It is recommended that your Committee:-

- Agree the draft Licensing Principles text for consultation.
- Agree the time table and methodology to determine the final text and adoption of the Statement of Licensing Principles.

Main Report

Background

1. The Gambling Act 2005 (the ‘Act’) requires licensing authorities to prepare and publish a statement of licensing principles (the ‘policy’) that they will apply in exercising their functions under the Act. The legislation further prescribes that the policy shall remain valid for a period of three years, after which it must be reviewed and re-published.
2. The current policy was published in January 2010. It is therefore now necessary for the City Corporation to prepare the publication of its policy to run for three years from January 2013.

3. In order to comply with the statutory process the Corporation must consult with the following:
 - The Chief Officer of Police for the City of London
 - Persons representing the interests of persons carrying on gambling businesses within the City
 - Persons representing the interests of persons who may be affected by the City exercising its functions under the Act
4. The City's current policy was largely based on a concise template drafted by the Local Authority Coordinating Body on Regulatory Services (now Local Government Regulation) with additions to specifically suit the City of London and amended to reflect Government changes to published guidance. By using this template the Corporation has ensured that the statutory requirements and inclusions recommended by the Guidance were adhered to.
5. During the period that the City's policy has been current there has been no evidence of any deficiency in its content. The amendments in the new policy being solely to reflect current Government guidance.

Current Position

6. Since the current policy was drafted the Gambling Commission has again rewritten its guidance (Guidance to Licensing Authorities 4th Edition) which it published in September 2012. The current policy has been updated to reflect the latest guidance albeit the changes have been minor. A copy can be seen as Appendix 1 with the changes from the 2010 policy listed in Appendix 2.
7. The Gambling industry as controlled by the Gambling Act 2005 has a relatively light impact on the City of London. The City is not permitted to have a casino and the majority of licences are for betting shops.

Premises licensed within the City are currently as follows:-

| | |
|--|----|
| Betting Shops | 42 |
| Adult Gaming Centre | 0 |
| Alcohol licensed premises with two or less amusement machines (One time notification only) | 86 |
| Alcohol licensed premises with three or more amusement machines. | 20 |

Proposals

8. It is proposed that the draft document at Appendix 1 form the basis of the paper that will be forwarded to consultees. It is brought to your Committee today for any amendments considered necessary at this stage. It is

proposed that the consultation period run for six weeks enabling all parties wishing to make comment to do so.

9. Once the consultation is complete the responses will be considered and the Statement of Licensing Policy further amended where considered appropriate. A copy of this amended policy will be sent to the Licensing Reference Sub-Committee for their comments and to finalise any text.
10. The final report will then go before this committee in January 2013 for final agreement and then be formally adopted by the Court of Common Council on 19 January 2013. This is a mandatory process to comply with statutory requirements.

Corporate & Strategic Implications

11. The proposals within this report will meet one of the overriding objectives contained within the service's business plans to meet the legal requirements of relevant legislation.

Implications

12. There are no direct financial or risk implications for the Corporation's services associated with this report. Costs for the publication of the new policy can be met within current budget.

Background Papers:

Previous Statement of Licensing Principles - January 2010

Guidance to licensing authorities 4th edition – September 2012 (Gambling Commission)

Appendices

Appendix 1: Statement of Licensing Principles – 2013

Appendix 2: Amendments to 2010 Statement of Licensing Principles

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

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CITY OF LONDON CORPORATION

GAMBLING ACT 2005

STATEMENT OF LICENSING PRINCIPLES

January 2013

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All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in [September 2012.]

FOREWORD

[To be added]

PART A

GENERAL

1. The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 It should be noted that the Gambling Commission has stated:
‘The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.’

1.3 The City of London Corporation is aware that, as per Section 153, in making decisions about premises licences and [provisional statements] it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice [under section 24 of the Act]
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the [licensing] authority’s statement of policy.

2. Introduction

2.1 The City of London Corporation provides local government services for the financial and commercial heart of Britain, the “Square Mile”. It is committed to maintaining and enhancing the status of the business City as the world’s leading international financial and business centre through the policies it pursues and the high standard of services it provides. Its responsibilities extend far beyond the City boundaries in that it also provides a host of additional facilities for the benefit of the nation. These include open spaces such as Epping Forest and Hampstead Heath and the Barbican Arts Centre.

2.2 The City of London combines its ancient traditions and ceremonial functions with the role of a modern and efficient local authority, looking after the needs of its residents, businesses and over 320,000 people who come to work in the “Square Mile” every day. Among local authorities the City of London is unique; not only is

it the oldest in the country but it operates on a non-party political basis through the Lord Mayor, Aldermen and Members of the Court of Common Council. The Lord Mayor, in particular, has an important role as the principal ambassador of the City of London Corporation and the Business City, supporting and promoting the City generally and particularly as the world's leading international financial and business centre both at home and abroad; consulting widely within the City community on business needs.

- 2.3 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from 'time to time' and any amended parts re-consulted upon. The statement must then be re-published.
- 2.4 The City of London Corporation consulted widely upon this statement before finalising and publishing it. A list of those persons consulted is provided below.
- 2.5 The Gambling Act requires that the following parties are consulted by licensing authorities:
 - the Chief Officer of Police;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
- 2.6 List of persons this authority consulted:

[to be added following consultation]
- 2.7 Our consultation took place [to be added following consultation]
- 2.8 The full list of comments made and the consideration by the City of London Corporation of those comments is available by request to the contact details at the end of this document.
- 2.9 The policy was approved at a meeting of the Court of Common Council on [to be added] and was published via our website in [to be added]. Copies were placed in the public libraries in the City of London as well as being available at the Guildhall.
- 2.10 Should you have any comments as regards this policy statement please send them via e-mail or letter to the contact details at the end of this document.
- 2.11 It should be noted that this policy statement will not override the right of any person able to make an application, make representations about an application, or

apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

- 3.1 In producing the final statement, the City of London Corporation declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.
- 3.2 In producing the final statement the City of London Corporation gave appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the Corporation took into account the following factors:
- who is making the representations (what is their expertise or interest)
 - relevance of the factors to the licensing objectives
 - how many other people have expressed the same or similar views
 - how far the representations relate to matters that the licensing authority should be including in its policy statement

4. Responsible Authorities

- 4.1 The City of London Corporation is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the City of London Corporation's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Director of Community and Children's Services for this purpose.
- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the City of London Corporation's website at: www.cityoflondon.gov.uk

5. Interested Parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

'For the purposes of this Part a person is an interested party in relation to an

application for or in respect of a premises licence if, in the opinion of the City of London Corporation which issues the licence or to which the application is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b).'

5.2 The City of London Corporation is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- each case will be decided upon its merits
- this authority will not apply a rigid rule to its decision making
- it will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.15
- it will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices

5.3 Interested parties can be persons who are democratically elected such as Aldermen, Common Councilmen and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the elected representative represents the ward likely to be affected. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

5.4 If individuals wish to approach Aldermen & Common Councilmen to ask them to represent their views then care should be taken that they are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Section as detailed at the end of the document.

5.5 Where an application is made for a premises licence an interested party, as detailed in paragraph [5.3] of this document, or a responsible authority may make representations in writing to the City of London Corporation. Such representations must be made within such period as the Government set and must relate to the licensing objectives.

5.6 Where a licence is held an interested party or a responsible authority may apply for a review. Applications for review must be made in a manner and format which [complies with The Gambling Act 2005 (Premises Licences) (Review) Regulations 2007.]

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that the City of London Corporation applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The City of London Corporation will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 The City of London Corporation's principle is that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:
 - proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - consistent: rules and standards must be joined up and implemented fairly;
 - transparent: regulators should be open, and keep regulations simple and user friendly;
 - targeted: regulation should be focused on the problem, and minimise side effects.
- 7.3 Following the Gambling Commission's Guidance for local authorities the City of London Corporation will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 7.4 The City of London Corporation has adopted and implemented a risk-based inspection programme, based on;
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission, in particular at Part 36
 - The principles set out in this statement of licensing policy
- 7.5 The main enforcement and compliance role for the City of London Corporation in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the City of London Corporation but will be notified to the Gambling Commission.
- 7.6 The City of London Corporation will also keep itself informed of developments as regards the work of the [Department of Business Innovation and Skills] in its consideration of the regulatory functions of local authorities.
- 7.7 Bearing in mind the principle of transparency, the City of London Corporation's enforcement/compliance protocols/written agreements will be available upon request from the Licensing Section detailed at the end of this document.

8. Licensing Authority Functions

- 8.1 Licensing authorities are required under the Act to:
- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
 - issue Provisional Statements
 - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities through issuing Club Gaming Permits and/or Club Machine Permits
 - issue Club Machine Permits to Commercial Clubs
 - grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register small society lotteries below prescribed thresholds
 - issue Prize Gaming Permits
 - receive and Endorse Temporary Use Notices
 - receive Occasional Use Notices

- provide information to the Gambling Commission regarding details of licences issued (see section 6 above concerning Exchange of Information)
- maintain registers of the permits and licences that are issued under these functions

8.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B

PREMISES LICENCES

1. General Principles

- 1.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 The City of London Corporation is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it considers such use to be:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and,
 - in accordance with the authority's statement of licensing policy.
- 1.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities 'moral objections to gambling are not a valid reason to reject applications for premises licences' (except as regards any 'no casino resolution' - see section 4 below concerning Casinos) and also that unmet demand is not a consideration for a licensing authority.
- 1.4 Definition of "premises". In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether

different parts of a building can properly be regarded as being separate premises will depend on the circumstances.

The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

1.5 The City of London Corporation takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

The City of London Corporation will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

1.6 Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.61 - 7.66 of the Guidance.

- 1.7 Multiple Premises - The City of London Corporation recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will normally contact first should any compliance queries or issues arise.
- 1.8 Location - The City of London Corporation is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Planning:

The Gambling Commission Guidance to Licensing Authorities states:

7.60 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.67 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 1.9 Duplication with other regulatory regimes - The City of London Corporation will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

- 1.10 Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the City of London Corporation has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 1.11 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - The City of London Corporation is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's

Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. The City of London Corporation is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

- 1.12 Ensuring that gambling is conducted in a fair and open way - The City of London Corporation has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 1.13 Protecting children and other vulnerable persons from being harmed or exploited by gambling - The City of London Corporation has noted that the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children). The City of London Corporation will, therefore, consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 1.14 The City of London Corporation will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.
- 1.15 As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that 'it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.' The City of London Corporation will consider this licensing objective on a case by case basis.
- 1.16 Conditions - Any conditions attached to licences will be proportionate and will be:
 - relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises;
 - reasonable in all other respects.

- 1.17 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the City of London Corporation will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. The City of London Corporation will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.
- 1.18 The City of London Corporation will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance. The Secretary of State has prescribed the categories of gaming Machine and current details of the stakes and prizes of each category are available on the City of London's website in the licensing section.
- 1.19 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years of age.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

- 1.20 As per the Gambling Commission's Guidance, the City of London Corporation will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.21 It is noted that there are conditions which the licensing authority cannot attach to premises licences as follows:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated);
- conditions in relation to stakes, fees, winnings or prizes.

1.22 Door Supervisors – The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether they need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as in the Guidance, Part 33).

2. Adult Gaming Centres

2.1 The City of London Corporation will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that people under 18 years of age do not have access to the premises.

2.2 The City of London Corporation will expect applicants to offer their own measures to meet the licensing objectives. Appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

2.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. Licensed Family Entertainment Centres

- 3.1 The City of London Corporation will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that people under 18 years of age do not have access to the adult only gaming machine areas.
- 3.2 The City of London Corporation will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
 - CCTV
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entry
 - notices / signage
 - specific opening hours
 - self-barring schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare.
 - measures / training for staff on how to deal with suspected truant school children on the premises
- 3.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.
- 3.4 The City of London Corporation will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The City of London Corporation will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

4. Casinos

- 4.1 No Casinos resolution – The City of London Corporation has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the City of London Corporation decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Court of Common Council.

5. Bingo Premises

- 5.1 The City of London corporation notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

- 5.2 Guidance further states:-

18.6 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6. Betting Premises

- 6.1 Betting machines – The City of London Corporation will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 years of age to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

- 6.2 While the City of London Corporation has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will normally consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter.

7. Travelling Fairs

- 7.1 It will fall to the City of London Corporation to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 7.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

7.3 It has been noted that the 27 days statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The City of London Corporation will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

8. Provisional Statements

- 8.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 8.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 8.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 8.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 8.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 8.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

9. Reviews:

9.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives;
- in accordance with the authority's statement of licensing policy.

Consideration will also be given as to whether the request for a review is frivolous, vexatious or substantially the same previous representations or requests for review.

9.2 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

9.3 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and

(d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

- 9.4 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 9.5 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs

PART C

PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

1. **Unlicensed Family Entertainment Centre (FEC): Gaming Machine Permits (Statement of Principles on Permits - Schedule 10, Paragraph 7)**
- 1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

The Gambling Commission's Guidance for local authorities also states:

[In its Licensing Authority Statement of Policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given

that the premises will particularly appeal to children and young persons, licensing authorities may want to give weight to matters relating to child protection issues.]

1.3 Guidance also states:

‘An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act) and
- that staff are trained to have a full understanding of the maximum stakes and prizes.’

1.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.

1.5 Statement of Principles - The City of London Corporation will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

2. Alcohol Licensed Premises: Gaming Machine Permits - Schedule 13, Paragraph 4(1)

2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);

- the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 2.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and ‘such matters as they think relevant.’ The City of London Corporation considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that people under 18 years of age do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 2.3 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 2.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 2.5 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits: Statement of Principles on Permits - Schedule 14, Paragraph 8 (3)

- 3.1 The Gambling Act 2005 states that a licensing authority may ‘prepare a statement of principles that they propose to apply in exercising their functions under this Schedule’ which ‘may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit’.
- 3.2 The City of London Corporation has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;

- and that the gaming offered is within the law.
- 3.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 3.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize);
 - participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (three machines of categories B, C or D).

4.2 Gambling Commission Guidance states:

[‘...members’ clubs must have at least 25 members and be established and conducted ‘wholly or mainly’ for purposes other than gaming, unless the gaming is restricted to bridge and whist. Members’ clubs must be permanent in nature, but there is no need for a club to have an alcohol licence....’]

4.3 The Commission Guidance also notes that ‘licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members’ or commercial club or miners’ welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant’s premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the

- applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the Police.’

4.4 There is also a ‘fast-track’ procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission’s Guidance for local authorities states ‘Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced.’ and ‘The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under Schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.’

4.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

5.1 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that ‘The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place’. In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises. This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.’

6. Occasional Use Notices:

6.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The City of London Corporation will though consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice.

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Items amended in the Statement of Licensing Principles (Appendix 1) are minor in nature and can be found on the following pages:

Page 1

Page 2

Page 3 – paragraph 1.3

Page 4 – paragraphs 2.6, 2.7 and 2.9

Page 5 – whole of paragraph 3.2

Page 6 – Paragraphs 5.5 and 5.6

Page 8 – Paragraph 7.6

Page 21 – Paragraph 1.2

Page 22 – Paragraph 1.5 (deletion of repeated words)

Page 24 – Paragraph 4.2

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| | | |
|--|-----------------|--|
| Committee(s): | Date(s): | |
| Licensing Committee | 22 October 2012 | |
| Subject: Late Night Levy and Early Morning Restriction Orders | Public | |
| Report of: Director Markets and Consumer Protection | For Information | |
| <p><u>Summary</u></p> <p>The Police Reform and Social Responsibility Act 2011 (PRSRA) has introduced the power for licensing authorities to impose a late night levy on the whole of the City and also to impose an Early Morning Restriction Order on part or all of the City as a means of changing the balance of the night time economy in favour of the general community.</p> <p>Further guidance on the application of both measures is still to be published. This report sets out the maximum expected revenue of the levy and seeks the views of Members in proceeding with either of the two measures.</p> <p>Recommendations</p> <ul style="list-style-type: none"> • Whilst this report is primarily for information it is recommended that Members consider the options set out at paragraphs 21 -25 and indicate their preference. | | |

Main Report

Background

1. The Police Reform and Social Responsibility Act 2011 (PRSRA) has introduced the power for licensing authorities to impose a late night levy on the whole of their area and also to impose an Early Morning Restriction Order on part or all of their area. Draft regulations, The Late Night Levy (Application and Administration) Regulations 2012, have been published for the late night levy but final regulation and the detailed guidance on the application of both of these measures has yet to be published.
2. The late night levy (the levy) enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It will be a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. However, the licensing authority can also choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations.

3. An Early Morning Alcohol Restriction Order (EMRO) is a power in the Licensing Act 2003 that will enable licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives.

Current Position

Late Night Levy

4. The aim of the levy is to empower local areas to charge businesses that supply alcohol late into the night for the extra enforcement costs that the night-time economy generates for police and licensing authorities. The rationale behind this is that the Government in The Coalition Agreement included the commitment to permit local councils to charge more for late night licences to pay for additional policing. The Government consider it right that businesses which profit by selling alcohol in the night-time economy should contribute towards these costs, rather than relying on other taxpayers in the community to bear the full costs.
5. If a licensing authority chooses to introduce the levy in their area, all licensed premises which are authorised to supply alcohol in the levy period will be affected. Premises that do not wish to operate in the levy period will be able to make a free minor variation to their licence before the levy is introduced to alter their hours so as to avoid the levy.
6. Licensing authorities will have the discretion to offer an exemption from the levy to the following categories of premises and schemes:
 - Premises with overnight accommodation
 - Theatres and cinemas
 - Bingo halls
 - Community Amateur Sports Clubs
 - Community premises
 - Country village pubs
 - Business Improvement Districts
7. Premises will have to meet specific criteria to be considered for these exemptions. Licensing authorities will also have the discretion to exempt premises that only open late on New Year's Eve.
8. Licensing authorities will have the discretion to offer a 30% reduction from the levy to premises that are either a member of a best practice scheme (the

scheme must fulfil specific criteria), or in receipt of Small Business Rate Relief and have a rateable value of less than £12,000.

9. The amount of the late night levy will be set at a national level. The charge is calculated according to rateable value. This system applies to the existing licence fee and the levy charge will be collected alongside the annual licence fee. The following charges will apply to the levy:

| Rateable Value (£) | Rateable Band | Amount (£) |
|--------------------|---------------|--|
| 0 -4,300 | A | 299 |
| 4,301 – 33,000 | B | 768 |
| 33,301 -87,000 | C | 1,259 |
| 87,001 – 125,000 | D | 1,365 2,730 if exclusively or primarily for sale of alcohol for consumption on the premises |
| 125,001 + | E | 1,493 4,440 if exclusively or primarily for sale of alcohol for consumption on the premises |

10. A multiplier is applied to premises in Band D and E that primarily or exclusively sell alcohol for consumption on the premises. This is set to ensure that larger clubs and bars make a higher contribution towards the levy.
11. The City Police would receive at least 70% of the net levy revenue. The licensing authority can retain up to 30% of the net levy revenue to fund other activities besides policing. There will be restrictions on the types of services that licensing authorities can fund with the levy revenue to ensure that levy is spent on tackling alcohol-related crime and disorder and services connected to the management of the night-time economy. The licensing authority will be able to deduct permitted administration, collection and enforcement costs from the gross levy revenue.
12. Appendix 1 sets out the maximum potential income attributable to City Police and City Licensing Authority assuming no variations to hours are applied for to avoid the levy and no scheme is accredited to allow for a 30% reduction in fee. Both of these are unlikely eventualities. The Police have given an initial indication to us that their preference would be to apply the levy at 0100 (closing after midnight). This would provide maximum revenue before exemptions and any discounts of £474,949 of which £332,464 must go to City Police and the remaining £142,484 to the licensing authority to deal with the night time economy. The relevant figures if the levy were exercised at 0200 (closing after 0100) are £301,917 with £211,341 to City Police and £90,575 to the licensing authority.

13. The legislation with power to apply the levy will come into force on 31 October 2012. Licensing authorities will need to consult the police, licensed premises and other relevant parties before deciding whether to introduce the levy in their area. The Government anticipate that the earliest date that a licensing authority could introduce a levy would be approximately June 2013. The consultation process will have to follow the final regulations and detailed guidance which is yet to be published.
14. In making a decision to introduce the levy the licensing authority must, as a minimum, consider the costs of policing and other arrangements for reduction or prevention of crime and disorder connected with the sale of alcohol between midnight and 6 a.m. and the desirability of raising revenue to be applied to such arrangements.
15. There are other wider considerations which may also be taken into account such as: the economic effects of the levy on operators, City Police's own capacity to fund crime prevention, the effect of the levy on voluntary schemes for reducing crime and disorder (Safety Thirst), whether there are any alternative means to reduce crime and disorder such as a Business Crime Reduction Partnership, and the equitability of changing the burden to operators rather than the community. These options would be addressed in any further detailed report on this issue.

Early Morning Restriction Orders (EMRO)

16. The Police Reform and Social Responsibility Act 2011 extended the flexibility of the existing EMRO power in the Licensing Act 2003 to provide licensing authorities with an additional tool to address specific problems caused by late night drinking. The 2011 Act extended these un-commenced powers to cover a longer period each night and lowered the threshold for introducing them. Licensing authorities will now have the power to make EMRO's if they consider this appropriate for the promotion of licensing objectives, rather than necessary. The Government states that EMRO's are being introduced alongside various other measures aimed at rebalancing the Licensing Act 2003 in favour of local communities, and to increase the powers available to licensing authorities and the police to tackle alcohol-related problems in local areas.
17. EMROs are a local power that licensing authorities can choose whether or not to exercise. The EMRO may be selected for all or part of the local authority area, will apply to hours of the day between midnight and 6 a.m., may apply different hours for different days, and may be either open ended or for a limited period. The test for the consideration of an EMRO is whether it is appropriate. In determining that an EMRO is appropriate in a particular area the licensing authority will need to be satisfied that this is being applied for the promotion of the four licensing objectives (the prevention of crime and disorder; public safety; the prevention of public

nuisance; and the prevention of children from harm) under the Licensing Act 2003. This may not necessarily preclude wider considerations being taken into account.

18. If a licensing authority introduces an EMRO, it will apply to premises licences, club premises certificates and temporary event notices that operate within the specified EMRO period. Licensing authorities will be required to advertise the proposal to make the EMRO and demonstrate that they have evidence to justify doing so, as well as considering representations, before its introduction.
19. Following its public consultation, *Dealing with the Problems of Late Night Drinking*, the Government announced that in relation to EMROs there will be no exemptions for types of premises, as there are in relation to the late night levy to ensure that EMROs will be a simple tool for licensing authorities to use to readjust the focus of their night-time economy away from problem drinking, if such a measure would promote the licensing objectives. The Government will however ensure that the provision to supply alcohol to residents through mini-bars and room service in premises with overnight accommodation is not subject to an EMRO and, in recognition of New Year Eve's status as a night of national celebration, EMROs will not apply on New Year's Eve.
20. The introduction of an EMRO could be suggested by the public, the Police, Members or the Licensing Authority. The licensing authority decides whether or not to introduce an EMRO. The Government expects to bring legislation to create EMROs into force on 31 October 2012 although detailed guidance on the process and its application is still awaited. It is anticipated by Government that the earliest date that a licensing authority could make an EMRO would be approximately March 2013.

Options

Late Night Levy

21. As the levy is not mandatory the City could simply keep the power in abeyance and carry on with the normal operation of the City Police and licensing authority.
22. Officers consider that it would be beneficial in principle to adopt the levy as a mechanism to provide more resources for proactive activities in areas such as Carter Lane and Minories which have previously been the subject of complaint regarding crime and disorder and public nuisance. Officers will consult with City Police about their costs and how the potential levy revenue would be allocated as well as considering, when issued, the impact of the guidance on consultation and other related processes in more detail before Members need to reach a decision, following a further report to Grand Committee.

23. If Members subsequently decide to proceed with a levy this will need to be the subject of a full report to Licensing Committee and Court of Common Council.

EMRO

24. The creation of one or more EMROs is not mandatory and the City could simply keep the power in abeyance and carry on with the normal operation of the City Police and licensing authority.
25. In previous reports to the Committee there has been no evidence found for Cumulative Impact Areas. There are areas, for example Carter Lane, that may in the future have the potential to be considered for application of an EMRO and Officers could be instructed to identify the evidence available when detailed guidance has been published and advise the Committee, or The Licensing Reference Sub – Committee, whether they consider it appropriate to utilise this power.

Proposals

26. Officers consider that, as a general principle, the levy may benefit the City in providing greater resource for ensuring compliance of the night time economy with the licensing objectives and would welcome Members agreement. As crucial guidance on the application of the two measures is yet to be published it is proposed that the Committee discuss the general outline of these measures and give guidance to Officers on possible hours of operation for the levy, taking into account the maximum potential revenue available as set out in paragraph 11, 12 and Appendix 1. Similarly, if there are any areas that the Committee consider should be the subject of an EMRO, this could then be examined by Officers alongside consideration of the necessary processes when the government guidance is finally issued.

Corporate & Strategic Implications

27. The possible use of the levy encompasses two key policies in the Corporate Plan 2012 -2016; KPP1 ‘Supporting and promoting the international and domestic finance and domestic business sector’ and KPP2 ‘seeking to maintain the quality of our public services whilst reducing our expenditure and improving our efficiency’. The consideration of use of these two new measures, the levy and EMRO, also fits with one of the City Corporation’s 3 strategic aims ‘to provide modern, efficient and high quality services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes’.

Implications

28. The full legal implications will only become clear once final regulation and accompanying guidance is published by Government. It is clear from the draft regulations on the levy that there will need to be specific accounts produced to Committee confirming the amounts raised by the levy and detailing how this has been spent in relation to the night time economy.

Conclusion

29. Draft Regulations and primary legislation is in place for the introduction of two new measures, the levy and EMROs, although detailed guidance on the processes and application is yet to be published. At the time of this report it is possible for Members to consider the general principles of whether the introduction of the levy or specific area EMROs is something they wish Officers to pursue and subsequently report back to the appropriate Committee(s).

Background Papers:

Appendices

Appendix 1: Table of Maximum Potential Revenue from the Levy

Contact:

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Premises Rateable
Band

Time Premises Trade To On At Least
One Occasion Each Week

01:00 02:00 03:00 04:00 05:00 06:00

01:00 02:00 03:00 04:00 05:00 06:00

| | | | | | | | |
|------------------------|-------|-----------------------|----|---|---|---|---------|
| A | 1 | 1 | 5 | 0 | 0 | 0 | |
| B | 6 | 2 | 3 | 4 | 1 | 0 | |
| C | 56 | 43 | 16 | 1 | 0 | 2 | |
| D | 13 | 11 | 11 | 0 | 0 | 3 | |
| D (multiplier) | 2 | 5 | 3 | 1 | 1 | 0 | |
| E | 32 | 25 | 12 | 2 | 0 | 1 | |
| E (multiplier) | 6 | 8 | 5 | 7 | 1 | 0 | |
| If Levy applied after: | 00:00 | Fee payable would be: | | | | | 474,949 |
| If Levy applied after: | 01:00 | Fee payable would be: | | | | | 301,917 |
| If Levy applied after: | 02:00 | Fee payable would be: | | | | | 144,435 |
| If Levy applied after: | 03:00 | Fee payable would be: | | | | | 57,171 |
| If Levy applied after: | 04:00 | Fee payable would be: | | | | | 16,044 |
| If Levy applied after: | 05:00 | Fee payable would be: | | | | | 8,106 |

| | | | | | | | |
|----------------|------|-------|-------|-------|-------|------|------|
| A | 299 | 299 | 299 | 1495 | 0 | 0 | 0 |
| B | 768 | 4608 | 1536 | 2304 | 3072 | 768 | 0 |
| C | 1259 | 70504 | 54137 | 20144 | 1259 | 0 | 2518 |
| D | 1365 | 17745 | 15015 | 15015 | 0 | 0 | 4095 |
| D (multiplier) | 2730 | 5460 | 13650 | 8190 | 2730 | 2730 | 0 |
| E | 1493 | 47776 | 37325 | 17916 | 2986 | 0 | 1493 |
| E (multiplier) | 4440 | 26640 | 35520 | 22200 | 31080 | 4440 | 0 |

173,032 157,482 87,264 41,127 7,938 8,106

| Premises Rateable Band | Time Premises Trade To On At Least One Occasion A Week | | | | | |
|------------------------|--|-------|-------|-------|-------|-------|
| | 01:00 | 02:00 | 03:00 | 04:00 | 05:00 | 06:00 |
| A | 1 | 1 | 5 | 0 | 0 | 0 |
| B | 6 | 2 | 3 | 4 | 1 | 0 |
| C | 56 | 43 | 16 | 1 | 0 | 2 |
| D | 13 | 11 | 11 | 0 | 0 | 3 |
| D (Multiplier) | 2 | 5 | 3 | 1 | 1 | 0 |
| E | 32 | 25 | 12 | 2 | 0 | 1 |
| E(Multiplier) | 6 | 8 | 5 | 7 | 1 | 0 |

| Premises Rateable Band | Individual Fee Per Premises In Band | Total Fees Per Lastest Trading Times | | | | | |
|------------------------|-------------------------------------|--------------------------------------|---------|--------|--------|-------|-------|
| | | 01:00 | 02:00 | 03:00 | 04:00 | 05:00 | 06:00 |
| A | 299 | 299 | 299 | 1495 | 0 | 0 | 0 |
| B | 768 | 4608 | 1536 | 2304 | 3072 | 768 | 0 |
| C | 1259 | 70504 | 54137 | 20144 | 1259 | 0 | 2518 |
| D | 1365 | 17745 | 15015 | 15015 | 0 | 0 | 4095 |
| D (multiplier) | 2730 | 5460 | 13650 | 8190 | 2730 | 2730 | 0 |
| E | 1493 | 47776 | 37325 | 17916 | 2986 | 0 | 1493 |
| E (multiplier) | 4440 | 26640 | 35520 | 22200 | 31080 | 4440 | 0 |
| Total | | 173,032 | 157,482 | 87,264 | 41,127 | 7,938 | 8,106 |

Possible Incomes If Levy Set At Various Times

| | | | |
|------------------------|-------|-----------------------|---------|
| If Levy applied after: | 00:00 | Fee payable would be: | 474,949 |
| If Levy applied after: | 01:00 | Fee payable would be: | 301,917 |
| If Levy applied after: | 02:00 | Fee payable would be: | 144,435 |
| If Levy applied after: | 03:00 | Fee payable would be: | 57,171 |
| If Levy applied after: | 04:00 | Fee payable would be: | 16,044 |
| If Levy applied after: | 05:00 | Fee payable would be: | 8,106 |