



LICENSING (HEARING) SUB COMMITTEE

Date: MONDAY, 24 APRIL 2017

Time: 11.00 am

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

APPLICANT: Louie's Bar

PREMISES: 46 Moorgate, EC2R 6EL

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LICENSING (HEARING) SUB COMMITTEE PROCEDURE FOR PUBLIC HEARINGS

1. This procedure shall apply to all public hearings conducted under the provisions of the Licensing Act 2003.
2. Public hearings conducted under the provisions of the Licensing Act 2003 shall take the form of a discussion led by the licensing authority. Cross-examination will be permitted when the Sub Committee considers it to be required. The conduct of hearings shall be broadly based, subject to the discretion of the Sub Committee, on the points set out below.
3. At the start of the hearing the Chairman of the Sub Committee will introduce him/herself and other Members of the Sub Committee as well as the City Corporation officers present. Anyone making representations will then be asked to introduce themselves and anyone accompanying them. The applicant will then do likewise.¹
4. The Chairman will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Sub Committee will then make any rulings necessary in respect of requests for witnesses to be heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support, consideration should be given to having one spokesman on behalf of all parties so as to avoid repetition. Although the use of a spokesman will be encouraged by the Sub Committee, the decision rests with those parties making representations.
6. In the event of disorder or persistent disregard of the authority of the Chair, the Chairman may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Sub Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.

¹ In hearings where a licence is being reviewed, references in this procedure to 'applicant' should be read as references to the licence holder and references to 'those making representations' should be read as references to those applying for the review.

9. In the event that the Sub Committee has decided that cross-examination will be permitted, those making representations will be invited to ask questions of the applicant and their witnesses (if any). The applicant and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
10. The Chairman will ask all parties if there is anything else they would like to add in support of their respective cases.
11. Those making representations will then be invited to make closing submissions followed by the applicant.
12. The Sub Committee will then retire to consider their decision. They may call for assistance by the representatives of the Town Clerk and/or the Comptroller & City Solicitor but those persons will play no part in the decision-making process.
13. In due course, the Sub Committee will return to announce their decision or to inform those present when the decision will be given.

Committee(s): Licensing Sub-Committee	Hearing Date(s): 24 April 2017	Item no.
Subject: Licensing Act 2003 – Hearing to Consider an Objection to a Temporary Event Notice		
Name of premises: Louie’s Bar Address of premises: 46 Moorgate. EC2R 6EL		
Report of: Director of Markets and Consumer Protection		Public / Non-Public
Ward (if appropriate): Coleman Street		

1 Introduction

- 1.1 To consider and determine, by public hearing, objections against notification for a temporary event under the Licensing Act 2003.
- 1.2 Under the Licensing Act 2003 a standard temporary event notice submitted to the Licensing Authority may be objected to by the Police and/or Environment Health within three working days of its receipt. The objections can be on the grounds that one or more of the licensing objectives will be undermined.
- 1.3 A hearing to consider any objection notices has to be held within a further seven working days beginning with the day following the end of the period within which an objection notice may be given. Due to the timescales involved this report has been put forward at short notice.

2 Summary of Temporary Event Notice

- 2.1 A temporary event notice was submitted by:
Mel Serpes

And was received by the City of London Licensing Authority on 10 April 2017 for an event to be held in respect of the premises:

**Louie's Bar
46 Moorgate
EC2R 6EL**

2.2 Details of the proposed temporary event are as follows:

Date of event:

27 April 2017 – 3 May 2017.

Time for event:

11:00 to 03:00 each day

Licensable activities sought:

i) Sale of alcohol (on and off the premises)

ii) Provision of regulated entertainment

iii) Provision of late night refreshment

Maximum number of people:

499

2.3 A copy of the Temporary Event Notice can be seen as Appendix 1.

3 Licensing History of Premises

3.1 The premises is a ground floor bar, restaurant and take-away which operated under a premises licence that was first granted on 16 April 2012. The licence holders were Mexican Express Ltd of 125 Aldersgate Street, EC1A 4JA.

3.2 During March of this year it was brought to the attention of the Licensing Team that the premises may not have a designated premises supervisor. On investigation it was discovered that Mexican Express Limited had been dissolved on 7 February 2017 and thus the premises licence lapsed on that day. The twenty eight days in which the licence could have been transferred had also lapsed and the current business had therefore been trading without a licence since that date.

3.3 The business claim to have sent the necessary paperwork to the licensing team in January 2017 but there is no record of the local authority ever having received it. On 31 March 2017 Louie's Bar were

given notice that until a new premises licence has been granted, no further licensable activity (including the sale of alcohol) shall take place on the premises. To date a new licence application has not been received although the licensing team are in pre-meet discussions with Ms Serpes.

4 Objection notices received

- 4.1 An objection notice was received from the City of London Police Licensing Team on 11 April 2017. The basis of the objection is that the proposed event would undermine the ‘prevention of crime and disorder’ and the ‘prevention of public nuisance’ licensing objectives.
- 4.2 A copy of the objection notice can be seen as Appendix 2.

5 Policy Considerations

- 5.1 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing policy and statutory guidance issued under s 182 of the Licensing Act 2003.

City of London Corporation’s Statement of Licensing Policy

- 5.2 The following sections/paragraphs of the City of London Corporation’s Statement of Licensing Policy, although not all directly related to the consideration of an objection to a temporary event notice, contain sections which are applicable to this report.

The boxed comment on page 19 states an overriding policy principle namely, that each application will be decided on its individual merits.

The boxed comment on page 19 also states the need 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.

Statutory Guidance

- 5.3 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are particularly applicable to this application:

Chapter 7 relates in general to Temporary Event Notices. Of particular note is paragraph 7.28 (role of licensing authority) and paragraphs 7.32 – 7.35 (objection notices).

6 Map and Plans

- 6.1 A map showing the location of the premises together with nearby licensed premises is attached at Appendix 3.

7 Summary

- 7.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1998. The Corporation must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the City.

8 Options

- 8.1 The Sub-committee must, having regard to the objection notice,
- i) Give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so (which will stop the event from taking place).
- 8.2 If the Sub-committee decide not to issue a counter notice it must take the following step:
- ii) Allow the event to go ahead as set out in the Temporary Event Notice
- 8.3 Following a decision by the sub-committee one of more of the following actions will need to be taken at least 24 hours before the beginning of the event period specified in the temporary event notice:
- Where a counter notice is issued (option i) a copy is to be sent to the premises user, Police and Environmental Health along with a notice stating the reasons for the decision.

- Where a counter notice is not issued (option ii) notice of the decision must be given to the premises user, Police and Environmental Health.

9 Recommendation

9.1 It is therefore RECOMMENDED that your Sub-Committee determine this notice for a temporary event in accordance with paragraph 8 of this report.

Prepared by P Davenport
 Licensing Manager
 peter.davenport@cityoflondon.gov.uk

Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy revised January 2017.	MCP	5 th Floor Walbrook Wharf
Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. March 2015		Statutory Guidance

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10TH APRIL 2017



Temporary Event Notice



£21 L1901290

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other (please state)
Surname	<i>Seaton</i>
Forenames	<i>Michael</i>
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	Day [REDACTED]
4. Your place of birth	[REDACTED]
5. National Insurance Number	[REDACTED]
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
<i>Carfax Rd Stages Middlesex</i>	
Post town	Postcode <i>UB34RD</i>
7. Other contact details	
Telephone numbers	[REDACTED]
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	[REDACTED]

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
<div style="background-color: black; width: 100px; height: 20px; display: inline-block;"></div> Moorgate London EC2R6EL	
Post town London	Postcode EC2R6EL
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
<div style="background-color: black; width: 100px; height: 20px; display: inline-block;"></div> Moorgate London EC2R6EL	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Restaurant, Bar Club	

Please describe the nature of the event below. (Please read note 5)
Sale of Alcohol & Bittlings to include

5. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
2017 2017		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
from 11 am to 3 am. 11.00 to 03.00 hrs		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		Max permitted
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input checked="" type="checkbox"/>
	Both	<input checked="" type="checkbox"/>

27TH APRIL 2017 - 3RD MAY 2017 - PER
CACC
MCC STOPS
10/04/17

Do you currently hold a valid personal licence? (Please tick)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority			
Licence number			
Date of issue			
Date of expiry			
Any further relevant details			

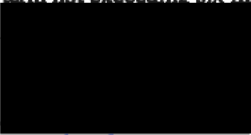
Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

c. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		


Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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7. Checklist (Please read note 15)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declaration (Please read Section 7)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	5/4/17
Name of Person signing	Mal. Saper

For completion by the licensing authority

I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the licensing authority
Date	
Name of Officer signing	

Davenport, Peter

From: Hall John [REDACTED]
Sent: 11 April 2017 10:23
To: Breese, Robert
Cc: [REDACTED] Douglas Simon; Davenport, Peter
Subject: Louies Bar (NOT PROTECTIVELY MARKED)
Attachments: 00206BE03C7F170410095036.pdf

Importance: High

Classification: NOT PROTECTIVELY MARKED

Dear Robert,

Police object to this Temporary Event Notice as we believe that if in place it would undermine the crime prevention objective of crime & disorder and public nuisance. The proprietor of the premises has neglected to ensure that the original licence was protected (after 'company' bankruptcy) due to their lack of understanding of the law in general and the Licensing Act in particular. To that end, the premises traded without a licence for several weeks. Subsequent enquiries suggest that (criminal) offences may have been committed to progress a variation of a licence. There is evidence to suggest that Promoted Events have run at the premises in contravention to a condition on the licence.

The proprietor cannot be trusted to lawfully manage their premises as their past and recent history suggests. It is accepted that a Temporary Event Notice is a vehicle for even the less experienced (in matters of licensing) to have the facility of temporarily trading as if they were a licensee but the evidence suggests that the applicant should not have that facility.

Kind Regards

[REDACTED]

John Hall
Licensing Officer
[REDACTED]

Please consider the environment before printing my email

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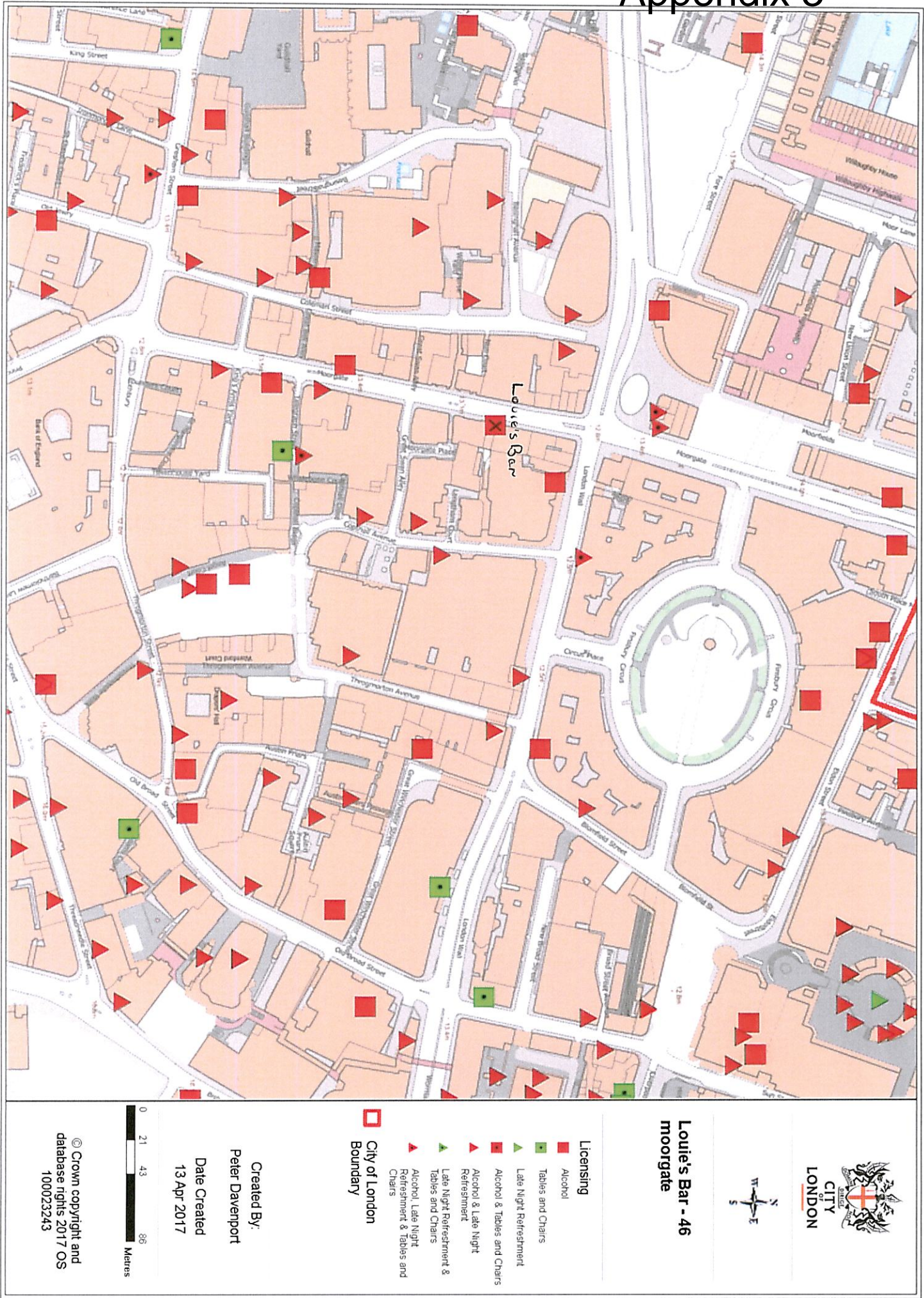
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