



## Licensing Committee

**Date:** MONDAY, 21 OCTOBER 2013  
**Time:** 1.45pm  
**Venue:** COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL

**Members:**

Marianne Fredericks (Chairman)	Sophie Fernandes
Edward Lord (Deputy Chairman)	Michael Hudson
Alex Bain-Stewart	Graham Packham
Deputy John Barker	Judith Pleasance
Jamie Ingham Clark	Chris Punter
Revd Dr Martin Dudley	Tom Sleigh
Peter Dunphy	James Tumbridge
Kevin Everett	

**Enquiries:** Rakesh Hira  
tel. no.: 020 7332 1408  
[rakesh.hira@cityoflondon.gov.uk](mailto: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. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

3. **PUBLIC MINUTES**

To agree the public minutes of the meeting held on 15 July 2013.

**For Decision**  
(Pages 1 - 4)

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

**For Information**

- a) Whistlestop, Fenchurch Street Railway Station, London, EC3M 4AJ - 4 July 2013 (Pages 5 - 12)
- b) Pause, 80-84 Leadenhall Street, London, EC3A 3DH - 8 July 2013 (Pages 13 - 22)
- c) Guildhall School of Music and Drama, 1 Milton Street, London, EC2Y 9BH - 6 August 2013 (Pages 23 - 34)
- d) Kirin Restaurant, 10 College Hill, London, EC4R 2RP - 13 August 2013 (Pages 35 - 44)
- e) Museum of London, 150 London Wall, London, EC2Y 5HN - 30 August 2013 (Pages 45 - 50)
- f) Pelt Trader, Arch 3, Dowgate Hill, London, EC4N 6AP - 3 September 2013 (Pages 51 - 60)
- g) Apium Noodle Bar, 50-52 Long Lane, Smithfield, London, EC1A 9EJ - 4 September 2013 (Pages 61 - 64)

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

The Comptroller & City Solicitor to be heard.

**For Information**

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

Report of the Director of Markets and Consumer Protection.

**For Information**  
(Pages 65 - 76)

7. **RESOLUTION OF THE PORT HEALTH & ENVIRONMENTAL SERVICES COMMITTEE**

To receive the resolution of the Port Health & Environmental Services Committee.

**For Information**  
(Pages 77 - 78)

8. **TERMS OF REFERENCE OF THE LICENSING COMMITTEE AND FREQUENCY OF MEETINGS**

Report of the Town Clerk.

**For Decision**  
(Pages 79 - 80)

9. **REVENUE BUDGETS - 2014/15**

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

**For Decision**  
(Pages 81 - 86)

10. **TABLES AND CHAIRS AND OTHER LICENSING FUNCTIONS INCLUDING OVERLAP WITH OTHER COMMITTEES**

Report of the Director of Markets and Consumer Protection.

**For Decision**  
(Pages 87 - 96)

11. **JOINT ACTION BY THE CITY POLICE, CITY CORPORATION LICENSING SERVICE AND LONDON FIRE BRIGADE**

Report of the Director of Markets and Consumer Protection.

**For Information**  
(Pages 97 - 100)

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

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

This page is intentionally left blank

# Agenda Item 3

## LICENSING COMMITTEE

Monday, 15 July 2013

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

### Present

#### Members:

Marianne Fredericks (Chairman)	Kevin Everett
Edward Lord (Deputy Chairman)	Michael Hudson
Alex Bain-Stewart	Graham Packham
Deputy John Barker	Judith Pleasance
Jamie Ingham Clark	Chris Punter
Revd Dr Martin Dudley	Tom Sleigh
Peter Dunphy	James Tumbridge

#### Officers:

Simon Murrells	- Town Clerk's Department
Rakesh Hira	- Town Clerk's Department
Ignacio Falcon	- Town Clerk's Department
David Smith	- Director, Markets & Consumer Protection
Jon Averbs	- Markets & Consumer Protection Department
Steve Blake	- Markets & Consumer Protection Department
Peter Davenport	- Markets & Consumer Protection Department
Paul Chadha	- Comptroller & City Solicitor's Department
Jenny Pitcairn	- Chamberlain's Department

The Chairman welcomed Graham Packham to the Committee.

#### 1. **APOLOGIES**

There were no apologies.

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

There were no declarations.

3. **PUBLIC MINUTES**

The public minutes of the meeting held on 15 May 2013 were approved as a correct record.

Matters Arising

**Licensing Committee – Training Sessions**

It was noted that training sessions were in the process of being organised and that Members would be contacted about these in due course.

**Central City Resident’s Meeting**

The Chairman informed the Committee that at a recent Central City Resident’s meeting the City Corporation and its Traffic Light Scheme for licensed premises had been complimented upon by residents. The Chairman also highlighted that a report would be submitted to the next Committee meeting on how various bodies (e.g. environmental health, fire service, licensing service and City Police) co-ordinated their site visits to feed into the Traffic Light Scheme. The Chairman thanked the Licensing Team and the City Police Licensing Team on all their efforts in rolling out the scheme.

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

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

4.1 **Cos Bar, 148 Queen Victoria Street, London, EC4V 4BY - 21 May 2013**

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

The Comptroller and City Solicitor informed the Committee that there were no outstanding appeals.

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

A report of the Director of Markets and Consumer Protection detailed the premises licences and variations to premises licences granted under the Licensing Act 2003 by the Licensing Service from 1 April 2013 to 30 June 2013. The report also provided a summary of the enforcement action taken and presented the first data from the Traffic Light risk assessment scheme introduced within the City of London on 1 April 2013.

The Licensing Manager presented the report highlighting the licensed premises which had hit the ‘red’ status in June 2013 under the Traffic Light Scheme and that it was envisaged that these would fall into a lower category in due course.

In response to a question by a Member, the Licensing Manager reported that the names of the premises would be included in future reports.

It was noted that Novus Leisure had decided not to have any promoted events at any of their premises in the City.

## **RECEIVED**

### **7. SEX ESTABLISHMENTS - ANNUAL REVIEW OF FEES**

The Committee considered a report of the Director of Markets and Consumer Protection which explained that the City Corporation was required to set annual fees for those premises requiring a licence under the Local Government (Miscellaneous Provisions) Act 1982 as a sex establishment. The report outlined the recent case law which had indicated that the process for setting the fees must be robust and that income received through the licensing process must not exceed the cost of administering that process.

It was noted that the report would also be submitted to the Port Health & Environmental Services Committee along with a request for clarification on whether the Licensing Committee had been given responsibility for licensing all sex establishments or just for Sexual Entertainment Venues (SEVs). The Chairman explained that the terminology used in previous reports had been an oversight and that the intention had been for the Port Health & Environmental Services Committee to transfer responsibility for licensing of all sex establishments to the Licensing Committee.

A discussion took place and a Member queried the difference between the proposed fees for an application for an SEV and an application for a sex shop/sex cinema. The Licensing Manager explained that the resources required for dealing with an SEV application were deemed to be higher than that for dealing with applications for other sex establishments hence the cost to be recovered through fees was higher.

It was noted that the fee set initially for SEVs had taken into account the large costs associated with the process of adopting and implementing the SEV licensing regime along with the preparation of the policy relating to applications but following a recent decision of the Court of Appeal (the "Hemmings" judgement), those costs were not included in the calculation of the revised fee proposed in the report.

The Deputy Chairman pointed out that the cost of the initial consultation was to help this Committee and the Court of Common Council to reach the correct policy approach for SEVs. It was now perverse to offset the cost of the consultation onto licensed premises and would potentially open the City Corporation to judicial review.

It was noted that the administrative costs of holding a Licensing (Hearing) Sub Committee to consider sex establishment applications were taken into account in the fees set out in the report and that a full breakdown would be circulated to Members in due course.

**RESOLVED** – That Members agree the proposed fees for 2013/14 (as set out in Appendix 1 of the report).

**8. REVENUE OUTTURN 2012/13**

The Committee considered a joint report of the Chamberlain and the Director of Markets and Consumer Protection which compared the revenue outturn for the services overseen by this Committee in 2012/13 with the final budget agreed for the year. The report highlighted that the total net income during the year was £5,000 whereas the total agreed expenditure budget was £37,000 representing an under spending of £42,000.

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

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

There were no questions.

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

**Simon Murrells**

The Chairman thanked Simon Murrells for his support to the work of the Committee as this was his last meeting as the Assistant Town Clerk responsible for Licensing Committee matters.

**City of London Police – Licensing Team**

The Chairman thanked Rita Jones, the previous City of London Police Licensing Inspector, for her hard work and dedication and informed the Committee that Hector McKoy had now replaced her.

**The meeting closed at 2.15pm**

-----  
Chairman

**Contact Officer: Rakesh Hira**  
**tel. no.: 020 7332 1408**  
**rakesh.hira@cityoflondon.gov.uk**



**MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE**

**HELD ON 4 JULY 2013**

**APPLICANT: SELECT SERVICE PARTNER LTD**  
**PREMISES: WHISTLESTOP, FENCHURCH STREET RAILWAY STATION, EC3M 4AJ**

**PRESENT**

**Sub Committee:**

Rev Dr Martin Dudley CC (Chairman)  
Deputy John Barker OBE CC  
Jamie Ingham Clark CC

**City of London Officers:**

Alistair MacLellan – Town Clerk’s Department  
Rakesh Hira – Town Clerk’s Department  
Paul Chadha – Comptroller & City Solicitor’s Department  
Peter Davenport – Markets & Consumer Protection Department

**Applicant:**

Represented by Nicola Smith and supported by Bob di Giuseppe (Head of Operations Excellence, Select Service Partner Ltd) and Ahsan ul Haq (Multi Unit Manager, Select Service Ltd).

**Representations of objection:**

Robert Benton

**Licensing Act 2003 (Hearings) Regulations 2005**

- 1) A public Hearing was held at 10.00am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises ‘Whistlestop, Fenchurch Street Railway Station, EC3M 4AJ’.

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

- Appendix 1: Copy of Application
- Appendix 2: Current Premises Licence
- Appendix 3: Current Conditions
- Appendix 4: Representations from Other Persons (1)

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

Appendix 6: Current Plan of Premises

In addition the following documents, which were circulated to all parties prior to the Hearing, were also considered:

- Letter dated 20 June 2013 from Alistair MacLellan providing an amended list of premises to that found on page 28 of the original Committee Agenda Pack.
  - Letter dated 28 June 2013 providing witness statements by Mick Buckley (National Operations Manager, Select Service Partner Ltd) and Ahsan ul Haq (Multi Unit Manager, Select Service Partner Ltd).
- 2) The Hearing commenced at 10:00am.
  - 3) The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present and the nature of the application.
  - 4) It was noted that no Members of the Sub Committee had any declarations.
  - 5) The application sought to extend the current terminal hour for the sale of alcohol to 01:00 and add Late Night Refreshment until 01:00. Recorded music remains unchanged and is unrestricted.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sat 08:00 – 23:00 Sun 10:00 – 22:30	<b>Mon – Sun 08:00 – 01:00</b>
Recorded Music	No Restrictions	No Restrictions
Late Night Refreshment	Not Currently Licensed	<b>Mon – Sun 23:00 – 01:00</b>

- 6) The Chairman invited Mr Benton to provide a summary of his objections to the application. Mr Benton began by referring to the two witness statements from Mr Buckley and Mr al Haq, noting that Mr al Haq had stated there was no requirement for the premises to monitor the consumption of alcohol off the premises. Mr Benton felt that this was not an acceptable position for the applicant to take, and that there was an inherent responsibility on the applicant given that crime tended to be associated with the Night Time Economy. Given the nature of the application Mr Benton failed to see why people travelling home late at night would need to buy alcohol, and similarly why people travelling into

Fenchurch Street to socialise in the City would need to be able to purchase alcohol in the station. Mr Benton was of the opinion that alcohol consumption after 23:00hrs should be in supervised premises. He argued that given the last train from Fenchurch Street left at 00:20hrs there existed no reason for the premises in question to extend its license until 01:00hrs. He concluded by saying there existed a responsibility for everyone – the City included – to encourage responsible drinking and that the City should keep in mind the fact alcohol consumption on trains caused problems hundreds of miles away from the point of sale.

- 7) The Chairman then asked Mrs Smith if she wished to pose any questions to Mr Benton. In response to questions from Mrs Smith, Mr Benton confirmed that he was the Manager of the East India Arms in Fenchurch Street, but that he was addressing the Sub Committee as a local Resident. In response to further questions he confirmed that the licensed hours of the East India Arms were 10:00hrs – 01:00hrs Thurs – Sat, that these hours were historic but that his premises tended to close at 23:00hrs at the latest. Nevertheless he confirmed that he had chosen to retain the license until 01:00hrs.
- 8) In response to a question from the Chairman, Mr Benton stated that in general his premises closed between 21:30hrs and 22:00hrs during the week.
- 9) The Chairman then invited Mrs Smith to address the Sub Committee. Mrs Smith proceeded to outline the four strands of the licensing application before noting that of these, the only contested item was the hours for the sale of alcohol.
- 10) In response to a request from the Chairman, Mrs Smith explained the proposed plan of the premises set out on page 29. Mrs Smith explained that there was a direct entry to the premises from the station concourse, and that the tills were situated at the far end of the premises with a clear line of sight through the premises onto the concourse. She noted that dark shaded areas on the plan denoted areas set aside for the display of alcohol, and that there were no self-service facilities. She added that there would be some limited display of alcohol in other areas of the premises. She noted that the premises also sold snacks, food, and confectionary. It traded, essentially, as a small convenience store.
- 11) In response to a question from the Chairman, Mr ul Haq confirmed that the chiller cabinets in the premises were used for soft drinks and sandwiches as well as for alcohol.
- 12) Mrs Smith proceeded to give a statement in support of the application. She noted that the premises had traded without significant problems or issues for over a decade. She added that whilst the opening hours of the premises were not restricted, the sale of alcohol was. She explained that whilst trains from Fenchurch Street did in general finish by 01:00hrs

there was a degree of flexibility in the timing depending on the day of the week and ad hoc cancellations. For example whilst on Fridays the last train was 00:25hrs, on Saturdays it was 00:40hrs and for this reason the applicant wanted the flexibility offered by a variation in its license. Mrs Smith continued by noting that the premises was not open when the station closed, and that the current application had received no objections from the likes of the British Transport Police, the Health and Safety Executive or Network Rail.

- 13) In support of her statement Mrs Smith referred to the photographs in the witness statement provided by Mr Buckley. Mrs Smith stated that there was no signage for the premises either in the external windows of the station or in the station entrance itself, and that given it was on the upper concourse access to the premises was limited to those who accessed the station itself. She further noted that the applicant, Select Service Partner Ltd, was a national business operating 260 outlets including the Marks and Spencer Simply Food franchise. At present the applicant was operating 17 licensed Whistlestops, and in each of these it operated the 'Challenge 25' scheme aimed at under-age drinkers. Store Managers were responsible for monitoring refusal of sales, and premises staff are only entitled to serve customers once they have if they had been trained for the 'Challenge 25' scheme. This training was refreshed with a worksheet every four weeks and in detail every six months. Mrs Smith added that the applicant's internal audit team – which monitored alcohol sales performance - reported directly to the Board and that premises that failed to meet internal audit standards had to report to the Board's senior committee. Mrs Smith noted that each premises had a licensing log and that she was able to provide a copy to the Committee for them to inspect. Furthermore, the premises in question had never failed an internal audit and there was no record of complaint against the premises from either National Rail or the station operator.
- 14) Mrs Smith went on to comment on the objections raised by Mr Benton. She argued that some of his objections were of a commercial nature and therefore not relevant. Regarding his concerns over irresponsible drinking, she stated that staff of Select Service Partner Ltd were trained not to sell alcohol to drunk persons, and that there was no history of enforcement issues at the premises. She argued that given the location of the premises it was unlikely irresponsible or underage drinking would be a problem given the clear visuals in the premises and the location being monitored by National Rail CCTV. She added that premises staff were trained on how to deal with proxy sales for underage drinkers, and that given the premises was an off-license there was no requirement for staff to monitor alcohol consumption off the premises. She observed that nevertheless the station itself was monitored by National Rail, the station operator, and the Police. In concluding Mrs Smith noted that it was in the applicant's interest to ensure there were no problems with alcohol sales; the premises would only be open at the same time as the station itself; and there was a precedent for alcohol sales in the station already

given the Upper Crust (another Select Service Partner outlet) was licensed until 01:00hrs.

- 15) In response to an invitation from the Chairman, Mr Benton stated that he had no questions to put to the applicant.
- 16) In response to question from a member of the Sub Committee, Mrs Smith stated that premises staff did carry out some limited monitoring in the immediate vicinity of the premises.
- 17) In response to a question from a member of the Sub Committee member, Mrs Smith stated that the station's closing time was dependent on the last train. The times of the last trains varied depending on the working week (00:25hrs) and the weekend (00:40hrs) and that delays sometimes meant the last train left the station later than planned.
- 18) In response to question from a member of the Sub Committee on the average customer footfall after 23:00hrs, Mr ul Haq replied that the premises was generally busy at present, with some requests for the sale of alcohol. He said that footfall in general was around 800-900 persons.
- 19) In response to a question from the Chairman on who was the premises supervisor, Mr ul Haq stated that the dedicated premises supervisor was Mr Milan Patel, who was present in the premises each day of the week and on two weekends a month.
- 20) In response to a comment from Mr Benton querying the need to sell spirits after 23:00hrs, Mr di Giuseppe replied that Select Service Partner Ltd was a national company that took its obligations over the sale of alcohol seriously, and that issues over alcohol sales were monitored by an internal audit team that had direct access to the company's Board.
- 21) In response to a question from Mr Boden on noise vibration, Ms Hawker said that they felt it best if they reacted to noise nuisance issues as they arose and that at that point a noise or vibration assessment could take place. Mr ul Haq added that furthermore the premises in question had not been subject to any complaints since 2003, but that nevertheless any complaints that arose would be taken very seriously.
- 22) Mrs Smith drew attention to page 6 of the Committee Report and paragraph 6.3 in particular, noting that the Sub Committee was obliged to make an evidence-based decision. She argued that, Mr Benton notwithstanding, there was an absence of substantive objections. She concluded by saying that the applicant had demonstrated a good trading at the premises in question and that the applicant currently operated the longer hours in question at its unit in Liverpool Street without any issues.
- 23) The Chairman noted the applicant's request for the removal of existing conditions 1 and 2, and asked the applicant if they had any objection to

conditions 3 and 4 being removed also, given they were not strictly speaking conditions.

- 24) Upon retiring to consider its decision, the Sub Committee returned and announced its decision to grant the application given the Sub Committee found no evidence that the licensing objectives would not be promoted if it granted the requested variation.
- 25) The Chairman thanked everyone for attending and confirmed that a decision letter would be circulated in due course.

**The meeting closed at 11.55am**

-----  
Chairman

**Contact Officer: Alistair MacLellan**  
**Tel. no. 020 7332 1416**  
**E-mail: [alistair.maclellan@cityoflondon.gov.uk](mailto:alistair.maclellan@cityoflondon.gov.uk)**

*Copy of Decision Letter text sent to all Parties on 12 July 2013*

1. This decision relates to an application made by Select Service Partner Ltd for a variation to a premises licence in respect of the premises 'Whistlestop, Fenchurch Street Railway Station, EC3M 4AJ'.

The application sought to extend the current terminal hour for the sale of alcohol to 01:00am. Recorded music remains unchanged and is unrestricted.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sat 08:00 – 23:00 Sun 10:00 – 22:30	<b>Mon – Sun 08:00 – 01:00</b>
Recorded Music	No Restrictions	No Restrictions
Late Night Refreshment	Not Currently Licensed	<b>Mon – Sun 23:00 – 01:00</b>

2. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant, and a local resident.
3. 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.
4. Furthermore, the Sub Committee took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
5. 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 is primarily that of public safety.
6. The Sub Committee found no evidence that the licensing objectives would not be promoted if it granted the requested variation. The Sub Committee have therefore decided to grant the variation.
7. The Sub Committee decided that no conditions were necessary.
8. The Sub Committee considered the existing conditions, set out in Appendix 3 on page 23 (Conditions consistent with the Operating Schedule) and was of the opinion that these be revoked.
9. If the Sub Committee was wrong and the conditions prove insufficient to prevent a public nuisance associated with these premises, 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.

10. 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.

Yours sincerely

**Alistair MacLellan**

Clerk to the Licensing (Hearing) Sub Committee



**MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE**

**HELD ON 8 JULY 2013 AT 10:00 AM**

**APPLICANT: SWIZZLESTICK LIMITED**  
**PREMISES: PAUSE, 80-84 LEADENHALL STREET, LONDON, EC3A 3DH**

**PRESENT**

**Sub Committee:**

Edward Lord CC (Chairman)  
Marianne Fredericks CC  
Rev Dr Martin Dudley CC

**City of London Officers:**

Rakesh Hira – Town Clerk’s Department  
Xanthe Couture – Town Clerk’s Department  
Paul Chadha – Comptroller & City Solicitor’s Department  
Peter Davenport – Markets & Consumer Protection Department  
Steve Blake – Markets & Consumer Protection Department

**Applicant:**

Andrew Buchanan (Managing Director, Swizzlestick Limited).

**Representations of objection:**

Hugh Morris CC  
Dhruv Patel CC  
Richard Lambert  
Yvonne Courtney

**In attendance:**

Adam Curtis  
Jessica Judge

**Licensing Act 2003 (Hearings) Regulations 2005**

- 1) A public hearing was held at 10:00am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises ‘Pause’, 80-84 Leadenhall Street, London, EC3A 3DH’.

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

Appendix 1: Copy of Application

Appendix 2: Current Premises Licence

Appendix 3: Current Conditions

Appendix 4: Conditions consistent with the operating schedule

Appendix 5: Representations from responsible authorities (1)

Appendix 6: Representations from Other Persons (5)

Appendix 7: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales.

Appendix 8: Current Plan of Premises

In addition the following documents, which were circulated to all parties prior to the Hearing, were also considered:

- A report of information relating to the application compiled by the applicant Andrew Buchanan, Managing Director of Swizzlestick Limited.
- 2) The Hearing commenced at 10:00am.
  - 3) The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present and the nature of the application.
  - 4) It was noted that no Members of the Sub Committee had any declarations.
  - 5) The application sought to extend the current terminal hour for the sale of alcohol to 03:00 hours and add the category of 'Anything of a Similar Description to Live Music Recorded Music or Performances of Dance' as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sat 11:00 – 00:00 Sun 12:00 – 22:30	Mon-Thu 11:00 - 00:00 <b>Fri 11:00 – 3:00</b> Sat 11:00 - 00:00 Sun 12:00 – 22:30
Live Music, Recorded Music, Dance	Mon-Sat 13:00 – 00:00	Mon-Thu 13:00 – 00:00 <b>Fri 13:00 – 03:00</b> Sat 13:00 – 00:00
Anything of a	Not currently licensed	<b>Mon-Thu 13:00 – 00:00</b>

similar nature to Live Music, Recorded Music or Dance		<b>Fri</b> <b>13:00 – 03:00</b> <b>Sat</b> <b>13:00 – 00:00</b>
Late Night Refreshment	Mon-Sat 23:00 – 00:00	Mon-Thu 23:00 – 00:00 <b>Fri</b> <b>23:00 – 03:00</b> Sat      23:00 – 00:00

In addition the applicant wished to provide all licensable activities from their commencement on New Year's Eve until the terminal hour on New Year's Day.

- 6) The Chairman invited Mr Buchanan to provide an outline of the application and the concessions proposed. He highlighted that Swizzlestick Limited had been a business in the City for many years. Mr Buchanan stated he had requested the variation to the licence to increase the success of the business and remain competitive. This required Pause to develop as an exclusive private hire event club as opposed to a lunch and dinner venue.
- 7) Mr Buchanan outlined that on Wednesday evenings the clientele was predominantly corporate, Friday was considered "club night" and Saturdays attracted engagement parties and private functions. Pause had developed advertisements and had built third party affiliations to attract further business related to this clientele.
- 8) Mr Morris, who spoke on behalf of other persons making representations, explained that he welcomed a diverse economy and wanted businesses to be successful, but this premises had created noise nuisance and had disturbed residents over time. Mr Morris explained that there was no guarantee that the variation to the premises licence would ensure that noise breakout into the early hours of the morning would be within limits. There were frequent and routine levels of noise disturbance that had occurred over four years and infringed on residents' rights to peace and quiet. Mr Morris added that the applicant had circulated photos of the premises but they were not time or date stamped and therefore could not be used as evidence of the premises' dispersal policy in action.
- 9) In response to concerns raised by Members of the Sub Committee and Mr Morris over noise nuisance over many years, Mr Buchanan stated that Pause had been the holder of one premise licence for the past nine years, but different members of staff may have been present day to day. Mr Buchanan advised he had become Designated Premises Supervisor (DPS) three years ago.
- 10) Mr Buchanan pointed out that he had spoken with Mr Lambert, City of London (CoL) Environmental Health Officer, to address concerns over the requested variation to the licence. Appendix 5i highlighted that CoL

Markets and Consumer Protection Department had received complaints from standalone music systems used at the premises, and a condition had been sought that a standalone unit could not be used. This was in addition to the existing condition for a noise limiter.

- 11) The Chairman noted that the Sub Committee had received the report supplied by the applicant and had taken some time to review the information provided. He emphasised that it would have been helpful for the picture to be date and time stamped.
- 12) Mr Buchanan stressed that since he had become DPS of Pause 3 years ago, he had worked with residents and this was paramount to the success of the business. He reported that over the last 12 months the premises had carried out 42 late night events and during this period there had been no evidence of noise nuisance from either the Environmental Health Officer or the Police, except for one incident on 3 March 2013. Mr Buchanan explained this isolated incident had been due to a noise breakout from extra speakers that had been brought into the premises which was against company policy. As a result of that instance, the business had since taken steps to ensure noise disturbance was minimal.
- 13) Mr Buchanan stated that the variation to the premises licence sought was part of the marketing and business plan developed at the start of the year. In creating the business plan, consultation with the Police and the Environmental Health Officer had been undertaken to ensure any outstanding noise nuisance concerns had been resolved in relation to those concerns raised by Mr Morris and residents. Evidence included a number of email exchanges to ensure there were no noise breakout or dispersal issues. Events had also been cancelled in the past that would have caused public nuisance concerns.
- 14) It was noted the dispersal policy was maintained through the contracts established by the premises with event promoters and corporate parties. Mr Buchanan stated that some of the noise complaints may have been in relation to a venue located next door to Pause. He advised that noise breakout was always resolved, and following the 3 March 2013 noise outbreak incident he undertook to resolve it. Mr Buchanan explained that investigations with a contractor had been undertaken, and internal changes were made to the music system to ensure noise levels could be altered to ensure no noise breakout would occur.
- 15) The Chairman inquired if the applicant had spoken to residents directly and Mr Buchanan stated this had not happened as it had not been possible to obtain the contact details of residents and he felt it would have been intrusive to knock on the doors of residents. Letters had been sent after representations had been made. Mr Buchanan had also been in touch with Mr Figures, a resident who had made a representation following the application included in the report supplied by the applicant (Item 3.10 – Residents Feedback).

- 16) The Chairman explained that the Police would only make representations because of crime and disorderly behaviour, so the fact that no representation by the Police had been made was not indicative that there were no concerns. Mr Buchanan stated that the premises employed sufficient managers and security guards who did nightly patrols of the area. He explained that during consultation with the Environmental Health Officer there had been no incidences of nuisance. In regards to the photos of evidence provided as part of the report of information, Mr Buchanan stated he had not realised they were not date or time stamped as they were emailed to him at the end of the night when Pause closed. The Chairman advised that photos could be supplied at a later time with a date and time stamp but Mr Buchanan had none available to present to the Sub Committee.
- 17) The Chairman drew Mr Buchanan's attention to the City of London's Statement of Licensing Policy, Code of Good Practice for Licensed Premises and Model Conditions which stated that licensed premises holders should be in regular contact with residential neighbours when in a residential neighbourhood. Mr Buchanan stated that on the 16 June 2013 he was in contact with a resident regarding a noise disturbance. That night, Mr Buchanan had done noise testing on the premises and had found no noise disturbance, which indicated that the noise disturbance was from a residential dwelling.
- 18) In response to a query from the Chairman, Mr Buchanan stated that he did not wish to surrender condition 3.1 listed in Annex 3 of the existing Premises license, agreed at the previous hearing in 2007. This condition provided for the provision to extend the terminal hour of alcohol, regulated entertainment and late night refreshment until 02:00 hours on up to 30 occasions per calendar year with 7 day notice given to the Police. Mr Buchanan added that this permission was used for Saturday night events.
- 19) The Chairman queried if it was in fact 42 late night events that took place in the last year to which Mr Buchanan agreed, and stated these were used as a combination of temporary event notices (TENs) and the condition on the existing premise licence resolved at the previous hearing in 2007. The Chairman inquired if the private parties were bonafide private parties or were they also used by promoters. Mr Buchanan stated Pause was conscious of the aims of promoters, and when entering into a contract held meetings with the event promoter.
- 20) Mr Buchanan stated that a Promotion Event Risk Assessment Form 696 was obtained when Pause hosted promoted events. He added that 40% of promoted events required TENs that permitted the premises to be open until 03:00. These were a standard term that applied to all events. A Member of the Sub Committee queried as to whether food was required when promoted events took place and it was explained by the Applicant that it was potentially the case that no food would be provided

on the premises. If the external contractor violated the conditions stated in the contract for hire produced by the Applicant, the deposit would not be returned. The Sub Committee raised concern over the lack of consistency between the premise licence, City of London licensing policy and the terms and conditions agreed with event hire companies. Mr Buchanan stated if updates were required to the terms and conditions with event hire companies then this could be undertaken and include the requirement of food.

- 21) The Sub Committee stated it seemed the applicant had a lack of concern for the wellbeing of its customers and a lack of urgency in dealing with local residents. Mr Buchanan stated that his interest was in ensuring the license terms were met. The Sub Committee and applicant agreed the venue hire terms and conditions conveyed the premise license, operating schedule and conditions. Mr Buchanan stated the City of London's Statement of Licensing Policy, Code of Good Practice for Licensed Premises and Model Conditions was an item addressed at management meetings and Pause had been taking steps to receive positive points for enforcing positive practices.
- 22) In response to a question by a Member of the Sub Committee relating to whether the premises was purpose built to be a restaurant or a club, Mr Buchanan reported that the premises was a basement venue in the City with a sound system, and the only issue had been additional speakers. The sound system had been modernised to create sound limiting as found in other venues within the City. A Member of the Sub Committee stated there had been issues with other venues in the City and Mr Morris added that the noise complaints dated back further than four years. Members of the Sub Committee were concerned that the noise complaints dated back to 2007 and that the DPS had changed since that time with complaints unresolved.
- 23) Mr Buchanan stated since the previous hearing for a variation held on 30 November 2007, where the conditions had been agreed for a noise inhibitor, and to extend the terminal hour of supply of alcohol, regulated entertainment and sale of late night refreshment, the plan for Pause had been adapted to reflect a need to increase footfall and revenue levels (Premises licence - Annex 3). A Member of the Sub Committee inquired if the dispersal policy was the same for all company's venues and the applicant replied that they were slightly different.
- 24) In reply to a query from a Member of the Sub Committee on whether a meeting had taken place with Mr Figures as suggested by the report supplied by the applicant, Mr Buchanan replied it had not. Mr Morris stated the dispersal issues had not been resolved and was concerned that if the variations were granted, more disturbances would occur and felt the existing evidence of disturbances had not been dealt with. Mr Lambert stated that noise testing and the dispersal had been monitored and there did not seem to be any major issues.

- 25) Mr Buchanan stated he did not want to be another business that closed, and would work to change the terms and conditions of the event contracts and also engage with residents through a newsletter as suggested.
- 26) Mr Chadha stated that many of the conditions on the existing premise licence were not relevant or enforceable and it was agreed with the Applicant that these would be revised or removed.
- 27) Members of the Sub Committee withdrew to deliberate and make their decision; accompanied by representatives of the Town Clerk and the Comptroller and City Solicitor.
- 28) The Chairman said that a full decision would be circulated in due course and thanked all parties for attending.

**The meeting closed at 11.45am**

-----  
Chairman

**Contact Officer: Xanthe Couture**  
**Tel. no. 020 7332 3113**  
**E-mail: [xanthe.couture@cityoflondon.gov.uk](mailto:xanthe.couture@cityoflondon.gov.uk)**

Decision letter circulated to all parties on 16 July 2013

1. This decision relates to an application made by Swizzlestick Ltd for a variation to a premises licence in respect of the premises 'Pause, 80-84 Leadenhall Street, London, EC3A 3DH'.

The application sought to extend the current terminal hour for the sale of alcohol to 03:00 hours and add the category of 'Anything of a Similar Description to Live Music Recorded Music or Performances of Dance' as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sat 11:00 – 00:00 Sun 12:00 – 22:30	Mon-Thu 11:00 - 00:00 <b>Fri 11:00 – 3:00</b> Sat 11:00 - 00:00 Sun 12:00 – 22:30
Live Music, Recorded Music, Dance	Mon-Sat 13:00 – 00:00	Mon-Thu 13:00 – 00:00 <b>Fri 13:00 – 03:00</b> Sat 13:00 – 00:00
Anything of a similar nature to Live Music, Recorded Music or Dance	Not currently licensed	<b>Mon-Thu 13:00 – 00:00</b> <b>Fri 13:00 – 03:00</b> <b>Sat 13:00 – 00:00</b>
Late Night Refreshment	Mon-Sat 23:00 – 00:00	Mon-Thu 23:00 – 00:00 <b>Fri 23:00 – 03:00</b> Sat 23:00 – 00:00

In addition the applicant wished to provide all licensable activities from their commencement on New Year's Eve until the terminal hour on New Year's Day

2. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant, Environmental Health and those representing local residents.
3. 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 2013.

4. Furthermore, the Sub Committee took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
5. 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 being the prevention of public nuisance.
6. The Sub Committee decided to grant the variation relating to 'Anything of a similar nature to Live Music, Recorded Music or Dance' as follows:
 

Mon-Thu	13:00 – 00:00
Fri	13:00 – 00:00
Sat	13:00 – 00:00
7. The Sub Committee decided **not** to grant the variation seeking the extension of permitted hours for licensable activities to 03.00 hours on Friday night/Saturday morning. The Sub Committee concluded that the applicant had not taken into consideration the possibility of noise and other forms of nuisance resulting from the dispersal of its clientele in the early hours of the morning and the effects that such nuisance would have on local residents and therefore permitting the variation would have undermined the licensing objective of prevention of public nuisance. Furthermore, the Sub Committee noted that the premises licence holder already had permission to operate until 02.00 hours Saturday night/Sunday morning on up to 30 occasions a year and was of the view that to grant the extension of hours sought would place an unreasonable burden on local residents. Whilst noting that the issues relating to the escape of noise from sound amplification equipment would appear to have been resolved, the Sub Committee was concerned that this was only a recent development and was relatively untested. The Sub Committee also noted that the applicant had not taken practical steps to consult with the local residents prior to submitting the application.
8. The Sub Committee considered the existing conditions, set out at Annexes 2 and 3 of the premises licence (points 1 – 4). The Sub Committee was of the view that these should be removed as they were no longer necessary or enforceable conditions. Points 5 and 6 on Annex 2 of the premises licence should also be removed and would appear in the permissions on the premises licence rather than as conditions. Condition 2 of Annex 3 would also be removed as this was now a mandatory condition.

9. The Sub Committee encouraged the applicant to take the City of London's Code of Good Practice for Licensed Premises and Traffic Light System into consideration with regard to the premises.
10. 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.
11. 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.

**MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE**

**HELD ON 6 AUGUST 2013**

**APPLICANT:** THE CITY OF LONDON CORPORATION, EC2P 2EJ  
**PREMISES:** THE GUILDHALL SCHOOL OF MUSIC AND DRAMA,  
EC2Y 9BH

**PRESENT**

**Sub Committee:**

Edward Lord OBE JP (Chairman)  
Peter Dunphy CC  
James Tumbridge CC

**City of London Officers:**

Alistair MacLellan – Town Clerk’s Department  
Paul Chadha – Comptroller & City Solicitor’s Department  
Peter Davenport – Markets & Consumer Protection Department  
Steve Blake - Markets & Consumer Protection Department

**Applicant:**

Represented by Craig Baylis (Partner, Berwin Leighton Paisner LLP) and supported by Tom Harrington (Deputy Head of Estates and Facilities Management, GSMD)

**Representations of objection:**

Robert B Barker  
Trevor Kavanagh (on behalf of Brian Parkes)  
Tim Macer  
Nazar Sayigh

**In attendance:**

Marianne Fredericks CC  
Vivienne Littlechild CC  
Peter Lisley (Assistant Town Clerk, Town Clerk’s Department)  
David Smith (Director of Markets and Consumer Protection)  
Xanthe Couture (Town Clerk’s Department)  
Philippa Sewell (Town Clerk’s Department)

---

**Licensing Act 2003 (Hearings) Regulations 2005**

A public Hearing was held at 10.30am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises ‘The Guildhall School of Music and Drama, 1 Milton Street, EC2Y 9BH’.

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

- Appendix 1: Copy of Application
- Appendix 2: Conditions consistent with the operating schedule
- Appendix 3: Plan of Premises
- Appendix 4: Representations from Other Persons (4)
- Appendix 5: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

In addition the following documents, which were circulated to all parties prior to the Hearing, were also considered:

Letter dated 31 July 2013 from Alistair MacLellan detailing an amendment to the original application and enclosing a revised Visitor Management Plan

Letter dated 2 August 2013 from Alistair MacLellan providing additional photographs from Mr Barker and Mr Macer, detailing concerns that map on page 53 of original agenda pack did not reflect building 'footprint' of new GSMD, and a further revised Visitor Management Plan

- 
1. The Hearing commenced at 10:30am.
  2. The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present and the nature of the application.
  3. It was noted that no Members of the Sub Committee had any declarations of interest, that the Licensing (Hearing) Sub Committee was entirely independent of the Guildhall School of Music and Drama. Those making representations confirmed they had no concerns over the nature of the application.
  4. The application, as amended, sought to provide for:
    - 5. Supply of Alcohol**  
Mon to Sun 10:30 – 22:30
    - 6. Plays, Films, Live Music, Recorded Music, Performances of Dance**  
Mon to Fri 08:00 – 22:30  
Sat & Sun 10:00 – 22:30
    - 7. Supply of Alcohol, Plays, Films, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment**  
On no more than 12 occasions per calendar year the terminal hour shall be 23:30.

8. The Chairman asked those present if they were content with the application, as amended. Mr Baylis replied that the Applicant was content, and in response to a request from Mr Barker it was agreed to further amend the application by adding Public Holidays to Section L of the Application.
9. In response to a question from the Chairman, the Applicant confirmed that the application for the terminal hour to be 2330hrs on no more than 12 occasions per year applied to the application as a whole.
10. The Chairman outlined the format of the Hearing, noting that he would ask the Applicant to introduce the Application and to address the relationship between the GSMD and the Barbican Centre in particular. He would then invite those making representations to address the Hearing. The Applicant would then have the opportunity to address any matters arising during the course of the Hearing. The Chairman concluded by noting he intended to take a short break one hour into the Hearing.
11. Mr Baylis, for the Applicant, introduced the Application, noting the level of consultation had taken place, beginning during the summer of 2012. This level of consultation reflected the desire of the GSMD to build a consensus with Barbican residents that could be manifested in the proposed Visitor Management Plan. Regarding the application for extended opening on 12 occasions per year, he noted that the GSMD had worked hard to raise funds for the Milton Court site through sponsorship and that the 12 occasions were primarily for corporate sponsorship events.
12. Mr Harrington, as per the Chairman's request, outlined the relationship between the GSMD and the Barbican Centre. He noted that both venues had a strong practical relationship and shared skills and experience between their staffs, particularly on an operational level. Upon being prompted by Mr Baylis, he confirmed that should late night events occur at both venues, then dedicated dispersal teams would be on duty to ensure smooth egress of attendees.
13. Mr Baylis then addressed the Hearing on Appendix 2 – Conditions consistent with the operating schedule, noting that MC23 'Children under the age of 18...' was irrelevant and could, if the Panel chose, be omitted.
14. The Chairman replied that the Panel had reviewed Appendix 2 and was of the opinion that it could be amended significantly and that this would be detailed in the Sub Committee's decision letter.
15. In response to concerns from a Member of the Sub Committee over the impact of any potential restrictions on the GSMDs ability to host corporate events, the Chairman asked the Applicant if they would be content to apply for Temporary Event Notices (TENs) in instances when it was necessary to stage such events. The Applicant replied that such events would be infrequent and therefore they were content to deal with these under TENs.

16. The Chairman then invited those making representations to address the Hearing.
17. Mr Barker began by noting that he felt the main issue under consideration was the prevention of public nuisance. He noted that during the planning stage of the Milton Court site residents were assured that the new premises would close at 2300hrs and therefore the residents chose not to object to the Planning Application on that basis.
18. The Chairman highlighted that light emitting from the premises after closing hours was not a licensing matter.
19. Mr Barker then referred to the photographs in the agenda pack dated 2 August, noting that the glazed building past the zebra crossing in the first photograph showed the premises, and its footprint was now c.15 feet further forward than the previous building on that site. Furthermore in the second photograph the amount of glazing in the new building was very apparent. This glazing served to amplify noise from street level and also overlooked bedroom balconies on the north side of Speed House and Willoughby House. He noted that the shape of the balconies further served to amplify noise. Mr Barker stated that the Planning & Transportation Committee that considered the GSMD application had agreed that the building should not be open to the public after 2300hrs, and this reflected the fact that the old GSMD licence had only run until that time of the evening. He argued that any events that the GSMD wished to stage that continued after 2300hrs could be held at the Barbican Centre. He was furthermore concerned to hear that the proposed Visitor Management Plan was unenforceable and that if this was the case it made it imperative to seek to limit the licensed hours at the new GSMD premises to 2300hrs. He concluded by expressing concern at the fact that as both the Applicant and the Licensing Authority, the City of London could not prosecute itself in the event of complaints regarding the licensing regulations.
20. At the request of the Chairman, Mr Chadha confirmed that the City of London would not be able to prosecute itself for any breach of licensing or environmental protection legislation but that the GSMD license could be reviewed at the request of a responsible authority or interested party.
21. Mr Barker said that he understood the desire of the GSMD to stage conferences and similar events and that he had no issue with the building opening from 0800hrs, except on public holidays. Nevertheless the commercial imperative imposed by corporate sponsorship alluded to by Mr Baylis before the Panel was the first time it had been alluded to throughout the year-long consultation process. He finished by urging the Panel to protect residential amenity by having the venue close from 2300hrs.
22. In response to a question from the Panel Mr Barker replied that for the venue to be effectively closed and not posing public nuisance from 2300hrs, he felt that in practice this would mean performances and events finishing around 2245hrs.

23. Mr Kavanagh then addressed the Hearing, beginning by concurring with the points made by Mr Barker. He said he was addressing the Hearing on behalf of the c.100 Speed House flats facing the new GSMD. He too called on the City of London to prevent potential public nuisance, stating that the new Heron Building had demonstrated the potential for amplification of noise. He felt that events closing late in the evening would impact negatively on residents, with a recent 'soft-opening' at the GSMD providing a practical example. He noted that pubs in the vicinity of Speed House routinely closed before 2300hrs and the terrace at the Heron Club was closed by 2200hrs, meaning that Silk Street was often quiet by 2300hrs, and that anything to the contrary would impact of children of Speed House enjoying a proper night of sleep. He referred to the planning application for the new GSMD, noting that residents had not opposed it on being told the venue would not be open after 2300hrs, but the current licensing application evidently contradicted this commitment. He also noted that residents had been told the venue would primarily be for students, but that arguably the commercial imperative outlined by Mr Baylis ran contrary to this assertion.
24. At the invitation of the Chairman, Ms Vivienne Littlechild CC addressed the Hearing, noting that she had been told that although the GSMD had applied for extended opening on 12 occasions a year, it would apply for extended opening on a greater number of occasions at a later stage. In response to a comment from Mr Baylis that this observation was irrelevant and that the Panel was concerned only with the licensing application before it that day, Ms Littlechild responded that such a remark was indicative of the Applicant's attitude towards local residents.
25. In response to a question from the Panel, Mr Kavanagh and Ms Littlechild stated they were seeking to have the venue closed to the public by 2300hrs.
26. Mr Macer then addressed the Hearing, noting that he wished to comment on the design, management and proximity of the venue to Barbican residences. He said that during the design stage of the premises it was not anticipated that the venue would be used for large numbers of people exiting late at night, given that it was envisaged the venue would be used for education, not entertainment. He referred to photographs distributed on 2 August, querying if the position of the entrance on Silk Street was appropriate for the egress of 600 persons. Furthermore whilst he welcomed the level of consultation, the venue should ideally have had more dispersal points, an issue the proposed Visitor Management Plan seeks to address. He noted that a nearby venue – Amber – staged closure of the various spaces within the venue to achieve measured, quiet egress of patrons. He concluded by noting that the photographs before the Hearing demonstrated how close the new GSMD was to Barbican residences, and that there were no intervening buildings to block the sound arising from street level.
27. Mr Sayigh then addressed the hearing, noting that he concurred with the three sets of verbal representation made previously. He told the Panel that he wished to give a personal perspective to those representations made already, given he had lived with his family in Willoughby House for nine years. He noted that he

objected to opening past 2300hrs on any day, and opening at all on Sundays and Public Holidays. He informed the Panel that his residence looked directly into the GSMD atrium. He noted that Barbican residents had already patiently endured four years of construction of the new GSMD building. He informed the Sub Committee that his youngest child was ordinarily in bed at 1900hrs, and his eldest had commenced studying for her GCSEs. Furthermore he noted that several residents of Willoughby House were either elderly or vulnerable and in need of respite from public nuisance and noise.

28. In response to a question from the Panel both Mr Sayigh and Mr Kavanagh confirmed they were opposed to extended hours including weekends and public holidays.

29. *An adjournment took place between 11.35am – 11.50am.*

30. The Chairman noted that the map on page 53 of the original agenda pack omitted the Barbican Centre, and therefore invited those making representations to make any comments they wished on the impact egress from that premises currently had on Barbican residents.

31. Mr Macer answered that generally those persons exiting the Barbican Centre used various exits and routes so that, whilst there was some impact on Barbican residents, it was not a particular problem.

32. Mr Barker replied that as per his representation, the Barbican Centre had exits for patrons on four levels which meant any sound arising was less discernible to residents.

33. The Chairman invited Mr Baylis to make some closing remarks in light of the comments from those making representations. Mr Baylis replied that it appeared to him that the main issue in question was the application for extended hours beyond 2300hrs on 12 occasions per year. He reiterated that the GSMD had been engaging residents from a year in advance of the application, and had offered major compromise by amending the application from 30 occasions per year compared to 12 now sought. He accepted that the Sub Committee had a balancing act to follow by attempting to reconcile the wishes of the applicant with the concerns of local residents. He queried whether concerns over loss of sleep were legitimate given extended opening was sought for only 12 occasions a year. He argued that dispersal from the venue was likely to be staged, and called upon the Panel to consider the proposed Visitor Management Plan, namely the commitments that no early mornings would follow late nights; use of alternative exits; encouraging patrons to move on once outside the premises. He concluded that there was every indication that the GSMD intended to work with Barbican residents, and that the nature of the venue as an arts centre gave it a character that was arguably different compared to other Night Time Economy establishments.

34. In response to a query from the Chairman, Mr Baylis committed to amend Section 2, point 10 of the VMP so that signage would be displayed at all times, not just after 2200hrs.



35. In response to a call for any final questions from the Chairman, Mr Barker queried the different character of the GSMD compared to other venues. He argued that the proposed number of events including those on the 12 occasions per year included events such as Jazz. He questioned precisely what Mr Baylis meant by characterising the GSMD as a different venue to an equivalent premises open after 2300hrs. Mr Baylis responded that his characterisation could be interpreted at the wish of those listening.
36. Mr Macer responded to a common query during the Hearing from the Panel by stating the concerns of residents were centred mainly on the premises being open after 2300hrs, rather than in the mornings.
37. Mr Barker stated that the Barbican Association was reasonably content with the proposed amendments to the application.
38. The Chairman advised those present that the Panel would retire and would return to inform those present of its decision. He further informed those present that the Panel's full decision would be circulated by post within the normal timescales.
39. *The Panel retired to consider its decision at 12.15pm and returned at 12.25pm.*
40. The Chairman committed to circulating the Panel's full decision in due course. He informed those present that the Sub Committee was minded to grant the bulk of the application, i.e. Sunday-Monday until 2230hrs. Given the controversy over extended opening on 12 occasions per year the Sub Committee was motivated to do its best to ensure that residents were disturbed as little as possible whilst at the same time affording the new premises the opportunity to demonstrate it could manage late night opening responsibly. Therefore the application was granted for extended opening until 2300hrs on 12 occasions per year, with it being envisaged the premises would be clear of the public by 2330hrs. The Panel was also minded to amend the Conditions consistent with the operating schedule and that these amendments would be set out in full in the decision letter.

**The meeting closed at 12.30pm**

-----  
Chairman

**Contact Officer: Alistair MacLellan**

**Tel. no. 020 7332 1416**

**E-mail: [alistair.maclellan@cityoflondon.gov.uk](mailto:alistair.maclellan@cityoflondon.gov.uk)**

*Decision letter circulated to all parties on 7 August 2013*

**COMMON COUNCIL OF THE CITY OF LONDON**  
**LICENSING (HEARINGS) SUB-COMMITTEE**

6 August 2013

Application by  
**THE CITY OF LONDON CORPORATION**  
In respect of:  
**GUILDHALL SCHOOL OF MUSIC & DRAMA**  
**1 MILTON STREET, LONDON EC2Y 9BH**

---

**DECISION**

---

1. This is an application made by the City of London Corporation for a new Premises Licence for premises known as the Guildhall School of Music & Drama at 1 Milton Street, London EC2Y 9BH.
2. It is worthwhile noting for the record that, whilst this is an application made by the City of London Corporation, each of the Members of this Sub-Committee are wholly independent from the Guildhall School of Music & Drama in that none of us are Governors of the School or have in any way been involved in the development of this new building.

**APPLICATION**

3. The application, as now amended, is to provide for:

**Supply of Alcohol**

Mon to Sun 10:30 – 22:30

**Plays, Films, Live Music, Recorded Music, Performances of Dance**

Mon to Fri 08:00 – 22:30

Sat & Sun 10:00 – 22:30

**Supply of Alcohol, Plays, Films, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment**

On no more than 12 occasions per calendar year the terminal hour shall be 23:30.

4. The application stated that the hours which premises shall open to the public for licensable activities will be 08:00 to 23:00 Mondays to Fridays, 10:00 to 23:00 on Saturdays and Sundays apart from 6 occasions per calendar year when the start time on a Saturday may be 08:00 and on no more than 12 occasions per calendar year when the terminal hour shall be midnight, when there has been licensable activity taking place.

## **REPRESENTATIONS**

5. Representations have been received in respect of the application from the Barbican Association, the Speed House Group, Willoughby House Group, and Nazar Sayigh. All of the representations objected to the application on the basis that if it was granted the premises would create a public nuisance in the form of excessive noise caused by the arrival/departure of patrons.

## **CONSIDERATION**

6. We have carefully considered the application and the representations submitted in writing and orally at the hearing by Mr Bayliss and Mr Harrington on behalf of the applicant, and Mr Barker, Mr Kavanagh, Mr Macer, and Mr Sayigh. In reaching our decision the we 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 Licensing Policy.
7. Furthermore, we took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless we are satisfied that it was necessary and appropriate to refuse all, or part, of an application or necessary and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
8. In determining the application before us today, we must, first and foremost, put the promotion of the licensing objectives at the heart of our decision. In this instance, the most relevant of those objectives is clearly the prevention of public nuisance.
9. As these are new premises, there is no track record of activity on which to base a judgment of the likely impact of the premises on local residents and businesses. We did however hear evidence of the effect of sound in Silk Street and of the reflective nature of the glass and steel structure of the new building and of aspects of the Barbican Estate itself. We also heard that a soft-opening or test event held at the premises in recent weeks did lead to some noise nuisance to local residents, albeit this was earlier in the day than the proposed closure times. In light of this evidence, we considered that the concerns expressed by the residents were well founded and that there is a risk of some limited public nuisance arising from the premises were they to be irresponsibly managed.
10. The Sub-Committee welcomed the steps taken by the applicant to assuage the fears of residents, including the significant level of consultation undertaken and the development of the Visitor Management Plan, which we considered to be an exemplar of good practice. We also

noted that the applicant had scaled back the application from thirty occasions of later opening to only twelve in response to the concerns of those making representations. We were also reminded that the nature of the operation – that of a music and drama conservatoire and related performance space – was less likely to cause a disturbance than other licensed premises such as a nightclub or bar.

11. In reaching our decision, the Sub-Committee was especially mindful of paragraph 59 of the City's Statement of Licensing Policy, namely that we should strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers.

### **CONCLUSIONS AND DECISION**

12. We concluded that, in all the circumstances, we wanted to afford the applicant the opportunity to demonstrate that it could manage the premises responsibly, but also felt that it was reasonable to cut back the later hours in order to ensure that there would be no disturbance to neighbours after midnight. The Sub-Committee therefore decided to grant the application in the following terms:

#### **Supply of Alcohol**

Mon to Sun 10:30 – 22:30

#### **Plays, Films, Live Music, Recorded Music, Performances of Dance**

Mon to Fri 08:00 – 22:30

Sat, Sun & 10:00 – 22:30

Public holidays

with the premises to be closed to the public by 23:00.

#### **Supply of Alcohol, Plays, Films, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment**

On no more than 12 occasions per calendar year the terminal hour shall be 23:00, with the premises to be closed to the public by 23:30.

13. The Sub-Committee believed that these hours of operation, together with any use of Temporary Event Notices at the premises, would allow the operator and residents to be able to judge whether it was possible to utilise the premises late at night without causing undue disturbance.

### **CONDITIONS**

14. Mindful of the nature of the premises and of the concerns expressed, we consider that the following conditions to be appropriate to ensuring the good management of the proposed activities, namely:
  - i. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:

- (a) all crimes reported to the venue;
- (b) all ejections of patrons;
- (c) any incidents of disorder (disturbance caused by a group of people; and
- (d) seizures of drugs or offensive weapons.

There is no requirement to record the above incidents where they do not relate to a licensable activity.

- ii. The premises licence holder shall prepare and implement a written dispersal policy at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
- iii. Patrons shall not be permitted to take drinks or glass containers with them when leaving the premises.
- iv. Prominent signage shall be displayed at all exits from the premises requesting that patrons leave quietly.

#### **RIGHT OF REVIEW**

- 15. If we are wrong and these conditions prove insufficient to prevent public nuisance associated with these premises, all parties are reminded that any responsible authority or business or resident in the vicinity is entitled to apply for a review of the licence which may result, amongst other things, in a further variation of the conditions or the removal of a licensable activity for this area.

#### **RIGHT OF APPEAL**

- 16. 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.

C E Lord, OBE JP CC (Chairman)

P G Dunphy, CC

J R Tumbridge, CC

This page is intentionally left blank

**MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE**

**HELD ON 13 AUGUST 2013**

**APPLICANT: ZONYI LIMITED**  
**PREMISES: KIRIN RESTAURANT 10 COLLEGE HILL EC4R 2RP**

**PRESENT**

**Sub Committee:**

Edward Lord OBE JP (Chairman)  
Marianne Fredericks CC  
Jamie Ingham Clark CC

**City of London Officers:**

Xanthe Couture – Town Clerk’s Department  
Ru Rahman – Comptroller & City Solicitor’s Department  
Peter Davenport – Markets & Consumer Protection Department

**Applicant:**

Represented by Liping He (Zonyi Limited)

**Representations of objection:**

Heather Corben  
Michael Wilshire

**In attendance:**

Rakesh Hira (Town Clerk’s Department)  
Mr Liang Wang (Kirin Restaurant)

---

**Licensing Act 2003 (Hearings) Regulations 2005**

A public Hearing was held at 10.00am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises ‘Kirin Restaurant, 10 College Hill, London, EC4R 2RP’.

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

- Appendix 1: Copy of Application
- Appendix 2: Conditions consistent with the operating schedule
- Appendix 3: Plan of Premises
- Appendix 4: Representations from Other Persons (2)

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

---

1. The Hearing commenced at 10:00am.
2. The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present and the nature of the application.
3. The Chairman outlined the format of the Hearing, noting that he would ask the Applicant to introduce the application. He would then invite those making representations to address the Hearing. The Applicant would then have the opportunity to address any matters arising during the course of the Hearing.
4. The Chairman noted that there was an amendment to paragraph 3.1 and 3.2 of the report of the Director of Markets and Consumer Protection to state that the restaurant was located in a basement with a small reception area and did not intend to have an outside seating area.
5. The application, sought to provide for:
  6. **Supply of Alcohol**  
Mon to Sun 11:00 – 03:00
  7. **Late Night Refreshment**  
Mon to Sun 23:00 – 03:00
  8. **Plays, Films, Live Music, Recorded Music, Performances of Dance**  
Mon to Sun 11:00 – 23:00
9. The application stated that the hours which premises shall open to the public for licensable activities would be Monday to Sunday 11:00hrs to 03:00hrs and the supply of alcohol was for both 'on' and 'off' sales.
10. The Chairman invited Ms He to provide an outline of the application.
11. Ms He introduced the Application noting that the premises was operating on a twenty year lease from the landlord, which did permit for running a nightclub but the Applicant was operating the space as a high quality Chinese restaurant. Ms He understood the reservations of neighbours in regards to the proposed hours of licensable activities and stated the premises had done sound improvements and had experienced no complaints.
12. The Chairman sought to clarify if a sound check had taken place to which the Applicant replied that work had been undertaken to check if noise leakage would occur via the ceiling of the basement premises. Noise leakage would also be avoided since no live music or loud music occurred after 23:00hrs.



- 13.**The Applicant explained that the application sought to provide the premises with business opportunities and that another restaurant in the area had licensable activities permitted until 03:00hrs.
- 14.**The Chairman stated that the Sub Committee was concerned that licensable activities permitted until 03:00hrs would result in customers leaving the restaurant late at night and potentially causing a disturbance to residents.
- 15.**The Applicant responded explaining that the premises would advise customers to be quiet upon leaving the premises and that they would not be consuming alcohol off the premises.
- 16.**A Member of the Sub Committee queried if the Applicant intended to have Films and Live Music until 23:00hrs. The Applicant replied that this was not the case but could potentially happen in the future. Live Music was currently played on Thursday and Friday nights but was a costly expense.
- 17.**The Sub Committee asked the Applicant to clarify the meaning of adult entertainment as stated in section M of the application. The Applicant specified that 'adult entertainment' did not include anything that could fall into the category of sexual entertainment and it had been an error to include it in the application.
- 18.**Ms He clarified for the Sub Committee that the premises contained separate dining areas and private rooms.
- 19.**The Chairman then invited those making representations to address the Hearing.
- 20.**Ms Corben began by noting that Whittington House was comprised of 8 flats that were all occupied and was concerned that by the premises being open until 03:00hrs it would cause a public nuisance when customers exited and walked towards College Hill. Ms Corben felt that 23:00hrs would be a much more suitable closing time, and notices to leave quietly did not necessarily work. There was also no evidence that noise nuisance would not occur if Live Music played until 23:00hrs. Ms Corben requested a condition be added to the licence that stated no adult entertainment would be permitted.
- 21.**Mr Wilshire addressed the Hearing, adding that his flat backed onto the premises. In response to a query from a Member of the Sub Committee it was noted that if there was traffic on College Hill there was capacity for noise to funnel upwards causing a noise nuisance.
- 22.**A Member of the Sub Committee stated that due to the fact that Whittington House was a listed building it was possible that it had single glazed windows that could not be altered. The characteristics of the windows also did not resolve that noise leakage would occur if the bedroom windows were opened. Mr Wilshire added that it should not be required to re-design the house due to the risk of noise nuisance.

- 23.** The Chairman asked if there were any further questions for the representations and if there was anything else those making representations would like to add.
- 24.** Ms He stated that the premises would post a notice reminding customers to leave quietly; regardless of what time they left the premises. The Applicant added that this was the first premises the Applicant had operated in London and suggested the premises could have a condition to adjust the time of closing within the hours of the licensable activity. The Chairman remarked that this was at the discretion of the licence holder. It was noted a nearby premises whose licensable activities extended until 03:00hrs, normally undertook to close at 23:00hrs.
- 25.** In regards to the clientele of those attending in the late hours the Applicant stated that these customers included staff and people who would come from other areas of London who may otherwise go to Chinatown but desired a high quality experience.
- 26.** Mr Wilshire stated that he desired a degree of certainty on the hours of the licensable activity and that closing at 23:00hrs seemed appropriate.
- 27.** *The Panel retired to consider its decision at 10.30am and returned at 10:50am.*
- 28.** The Chairman committed to circulating the Sub Committee's full decision in due course. He informed those present that the Sub Committee was minded to achieve a balance between the needs of business and the rights of the residents to not have their sleep unduly disturbed at night. The Sub Committee did not feel licensable activities until 03:00 hours was reasonable given the nature of trade in the City and the location of the premises, although it was important to consider accommodating customers who worked late.
- 29.** Therefore the application was granted for the Supply of Alcohol and Late Night Refreshment until 00:00hrs. The Panel removed permissions related to Plays, Films, and Performance of Dance that the Licence holder was not undertaking. Live Music was permitted until 23:00hrs, and as such permission was not required.
- 30.** The Sub Committee noted that alcohol would only be permitted on site and no promoted events were permitted. The applicant would provide a telephone number for residents to contact the premises if required, and would also display a notice for customers to leave quietly via College Street rather than College Hill. The condition relating to CCTV found in Appendix 2 would be amended. The Chairman stated he felt the decision reached was a compromise and that the Applicant had the right to appeal the decision.
- 31.** The Applicant queried whether the decision reached meant that drinks could not be taken outside the premises. The Chairman confirmed that this was correct.

**The meeting closed at 10.55am**

---

Chairman

**Contact Officer: Xanthe Couture**  
**Tel. no. 020 7332 3113**  
**E-mail: [xanthe.couture@cityoflondon.gov.uk](mailto:xanthe.couture@cityoflondon.gov.uk)**

**COMMON COUNCIL OF THE CITY OF LONDON**  
**LICENSING (HEARINGS) SUB-COMMITTEE**

XX August 2013

Application by  
**ZONYI LIMITED**  
In respect of:  
**KIRIN RESTAURANT**  
**10 COLLEGE HILL, LONDON, EC4R 2RP**

---

**DECISION**

---

1. This is an application made by the Zonyi Limited for a new Premises Licence for the premises known as Kirin Restaurant at 10 College Hill, London EC4R 2RP.

**APPLICATION**

2. The application was to provide the following licensable activities:

**Supply of Alcohol**

Mon to Sun 11:00 – 03:00

**Late Night Refreshment**

Mon to Sun 23:00 – 03:00

**Plays, Films, Live Music, Recorded Music, Performances of dance**

Mon to Sun 11:00 – 23:00

3. The application stated that the hours which premises shall open to the public for licensable activities would be Monday to Sunday 11:00 hours to 03:00 hours and the supply of alcohol was for both 'on' and 'off' sales.

**REPRESENTATIONS**

4. Representations have been received in respect of the application from two residents of Whittington House located on College Hill. The representations objected to the application on the basis that if it was granted the premises would create a public nuisance in the form of excessive noise caused by the arrival/departure of patrons.

**CONSIDERATION**

5. We have carefully considered the application and the representations submitted in writing and orally at the hearing by Ms He on behalf of the applicant, and Ms Corben and Mr Wilshire – local residents. In reaching

our decision we 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 Licensing Policy.

6. Furthermore, we took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless we are satisfied that it was necessary to refuse all, or part, of an application or necessary to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
7. In determining the application before us today, we must, first and foremost, put the promotion of the licensing objectives at the heart of our decision. In this instance, the most relevant of those objectives is clearly the prevention of public nuisance.
8. This was the first premises the Licence holder had operated in London beyond premises operated in China. We heard evidence of the effect of sound on College Hill, a narrow one lane street with high buildings that could funnel noise, and the nature of Whittington House as a listed building featuring single glazed windows whose bedrooms back onto the premises. In light of this evidence, we considered that the concerns expressed by the residents were well founded and that there was a risk of some limited public nuisance arising from the premises were they to be irresponsibly managed.
9. The Applicant stated that sound checks had taken place and that they expected to have Live Music no more than twice a week due to costs and would conclude by 23:00 hours. We clarified with the applicant that adult entertainment, as stated in the application, did not include sexual entertainment. We noted that the applicant did not wish to have 'off sales' for the consumption of alcohol off the premises. We were also reminded that the premises would operate as a high quality Chinese restaurant and customers would be reminded to leave quietly and that the premises were less likely to cause a disturbance than other licensed premises such as a nightclub or bar.
10. In reaching our decision, the Sub-Committee was especially mindful of paragraph 59 of the City's Statement of Licensing Policy, namely that we should strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers.

## **CONCLUSIONS AND DECISION**

11. We concluded that, in all the circumstances, we wanted to afford the applicant the opportunity to demonstrate that it could manage the premises responsibly, but also felt that it was reasonable to cut back the later hours in order to ensure that there would be minimal disturbance to neighbours. The Sub-Committee therefore decided to grant the application in the following terms:

### **Supply of Alcohol**

Mon to Sun 11:00 – 00:00

### **Late Night Refreshment**

Mon to Sun 23:00 – 00:00

### **Recorded Music**

Mon to Sun 11:00 – 23:00

12. The Sub-Committee believed that these hours of operation would allow the operator and residents to be able to judge whether it was possible to utilise the premises late at night without causing undue disturbance.
13. The supply of alcohol is for 'on' sales and accordingly there should be no sales of alcohol for consumption off the premises.
14. The Sub-Committee noted that the Licence holder was requested to ask patrons to exit the premises via College Street and Queen Street rather than via College Hill which passed through a residential area.
15. The permissions relating to the licensable activities that the Licence holder was not undertaking – i.e. Plays, Films, and Performances of Dance. Live Music was permitted until 23:00 hours, and as such permission was not required.

## **CONDITIONS**

16. Mindful of the nature of the premises and of the concerns expressed, we consider that the following conditions to be appropriate to ensuring the good management of the proposed activities, namely:
- i. An amendment to the CCTV Condition consistent with the operating schedule as stated in Appendix 2 as follows:  
*“The premises shall install and maintain a comprehensive CCTV system which shall cover all entry and exit points. 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 available to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested. “*

- ii. 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 hours and 07:00 hours by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.
- iii. 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.
- iv. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

#### **RIGHT OF REVIEW**

17. If we are wrong and these conditions prove insufficient to prevent public nuisance associated with these premises, all parties are reminded that any responsible authority, business, resident or 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 further variation of the conditions or the removal of a licensable activity for this area.

#### **RIGHT OF APPEAL**

18. 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.

C E Lord, OBE JP CC (Chairman)  
M B Fredericks, CC  
J Ingham Clark, CC

This page is intentionally left blank



**LICENSING (HEARING) SUB COMMITTEE**  
**FRIDAY, 30 AUGUST 2013**

**APPLICANT:** Heather Madill on behalf of the Museum of London  
**PREMISES:** Museum of London, c/o 150 London Wall EC2Y 5HN

**PRESENT**

**Sub Committee:**

Kevin Everett CC (Chairman)  
Peter Dunphy CC

**In attendance:**

**City of London Officers:**

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

**Applicant:**

Mr S O'Sullivan – Head of Retail and Hospitality (Museum of London) – representing Ms Heather Madill  
Mr G Stratfold – Head of Visitor Services (Museum of London)

**Representation of objection:**

Mr R B Barker – Chairman of the Barbican Association's Licensing Sub Committee

**Licensing Act 2003 (Hearings) Regulations 2005**

- 1) A public Hearing was held at 10.30 AM in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the Museum of London, 150 London Wall, EC2Y 5HN

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sun 08:00 – 00:00	<b>Mon-Sun 08:00 – 01:00</b>
Live Music/Recorded Music/Films	Mon-Sat 08:00 – 23:00 Sun 08:00 – 18:00	<b>Mon-Sun 08:00 – 01:00</b> Plus change from indoors only to both indoors and outdoors*
Provision of Dance/Making Music	Mon-Sun 10:00 – 00:00	<b>No longer licensable activities</b>

Performances of Dance	Mon-Sat 10:00 – 22:00 Sun 10:00 – 18:00	<b>Mon-Sun 08:00 – 01:00</b> Plus change from indoors only to both indoors and outdoors*
Plays	Mon-Sat 10:00 – 23:00 Sun 10:00 – 18:00	<b>Mon-Sun 08:00 – 01:00</b> Plus change from indoors only to both indoors and outdoors*
Late Night Refreshment	Not currently licensed	<b>Mon-Sun 23:00 – 01:00</b> Both indoors and outdoors*

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

- Appendix 1: Copy of Application
- Appendix 2: Current Licence
- Appendix 3: Conditions consistent with Operating Schedule
- Appendix 4: Representation from Other Persons (Mr R B Barker)
- Appendix 5: Map of subject premises, together with other licensed premises in the area and their latest terminal time for alcohol sales.

- 2) The Hearing commenced at 11 am.
- 3) The Chairman opened the Hearing by introducing himself, along with the other Member of the Sub Committee, the officers present and the nature of the application. Before commencing the Hearing, the City Solicitor asked the Applicant to confirm that Ms Heather Madill had made this application on behalf of the Museum
- 4) No Members of the Sub Committee made declarations.
- 5) The Applicant sought a variation to extend the permitted hours as set out in paragraph (1) above.
- 6) The Chairman invited Mr Barker to present his objections; submitted on behalf of the Barbican Association (BA). The Panel noted that the BA was a Recognised Tenants Association (RTA) under the Landlord and

Tenant Act 1985. Of 2000 flats and some 4000 residents, approximately 1200 residents subscribed to the Barbican Association.

- 7) Mr Barker stressed that, whilst being very supportive of the Museum and its educational objectives, he remained concerned about the potential for public nuisance should the Museum extend its hours of operation to 1 am. Mr Barker explained that the walkway was frequently used by Museum patrons and, on dispersal; there was some footfall through the Estate. Should patrons be consuming alcohol until 1 am, the risk of noise disturbance was likely to increase.
- 8) The Panel noted the proximity of Thomas More House, Mountjoy House and Wallside to the Museum. Mr Barker was also concerned that the closure of part of the walkway, from mid September 2013, would further increase footfall through the Estate. Mr Barker drew the Panel's attention to the fact that the Museum's Garden Court was only 30 yards from Mountjoy House (containing 10 flats) and overlooked its roof. Mr Barker accepted that, whilst noise levels might not be noticeable against street traffic at 10 pm, this might not be the case at 1 am and therefore asked for the Garden Court to close at 12 midnight.
- 9) Mr Barker was concerned at the capacity of the venue; i.e. the web site advertised up to 1,000 for a reception and the capacity of the "London Wall Bar and Kitchen" was 100 seated and 200 standing. Whilst he had reached a consensus with the Museum about closing at 12.45am, not 1 am, he had asked for the number of late events to be limited to 25 a year. He also asked if the Museum could email the BA, on a monthly basis, advising them of the month's forthcoming events. Mr Barker also felt that there should be no plays, films or music in the garden court after midnight.
- 10) In commenting on the Museum's proposed dispersal policy Mr Barker suggested that the Museum employ 3 SIA officers; for events after midnight, that patrons be encouraged to disperse away from the Estate and that signs be displayed asking for quiet when leaving. In answer to a question from the Sub-committee the City Solicitor advised the Sub-Committee that it was open to it to impose a condition on the licence requiring the premises to have a dispersal policy should it consider such a condition necessary and appropriate for the promotion of one or more of the licensing objectives or, alternatively, to simply note the existence of such a policy and any breach of the policy might be relevant in the event of a future review of the premises licence.
- 11) The Applicants opened their case by stating that they valued their relationship with the Barbican residents and had met with Mr Barker on several occasions in order to reach a consensus (as set out in the supplementary pack on pages 5-8). The Panel noted that the Museum had never received a complaint from a resident and they were determined to maintain this good relationship. The Applicant advised

that the majority of events ended at 11pm and the average attendance for a dinner was 250 – 300.

- 12) The Variation was being sought as the Museum had applied for 4 Temporary Event Notices in the past year. The Variation would not only avoid the need to make further applications but would also assist their marketing strategy; by offering extra facilities to potential clients. The Applicant stressed that demand was expected to be low, with the busiest times of the year being October to December.
- 13) The Applicant advised that guests were always encouraged to disperse via St Paul's; which had the best capacity for public transport and taxis, particularly after 1 am.
- 14) In respect of the bar and kitchen, the Applicant was fully aware that this was part of the premises and therefore subject to the same Licence. The Applicant also stressed that there had never been any intention to use the "London Wall Bar and Kitchen" until 1 am.
- 15) In response to a question from the Chairman about door staff, the Applicant advised that, during an event, 2 SIA staff were employed on each door, with 3 more within the building and up to 8 for VIP events. A duty manager was always on site during events, trained in effective dispersal. A number of hosts were employed at each event and clients also had their own event manager on site. The Applicant also offered to include, as part of the dispersal policy, an out of hours contact number in the event of any noise disturbance.
- 16) The Applicant was happy to comply with the request for signage. The City Solicitor advised that, whilst its positioning outside the premises might be subject to planning and/or highways consent, temporary, mobile signage could be provided and there was no limit on the use of signs within the premises.
- 17) In response to a question, the Applicant advised that, whilst they had never received a complaint from a resident, they had not held any events in the Garden Court. However, they envisaged its use as a breakout area and advised that recorded, not live music, would be played in this area.
- 18) Having put their cases and answered questions from the Panel, the Objector and Applicant were invited to make closing statements.
- 19) Mr Barker advised that he would like to give assurance to the Barbican Association members by limiting the number of events to 25 a year. He also asked that the Bar and Kitchen and Garden Court close at 12 midnight.

- 20) The Applicant stressed that their reputation to date had been impeccable and therefore felt it unnecessary to limit the number of events to 25. They also asked that all parts of the premises be treated the same.
- 21) The Panel suggested removing existing conditions 1 and 2 from the Licence as they were ineffective and superfluous. All parties agreed to this
- 22) 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.
- 23) **It was the Sub Committee's decision to grant the extension of permitted hours to 00.45 am on Monday to Friday, with the exception of the Garden Court, which shall cease at 12 midnight**
- 24) The Chairman said that a full decision would be circulated in due course and thanked all parties for attending the Hearing. The applicant was encouraged to take the City of London's Code of Good Practice for Licensed Premises and Risk Assessment Guidance into consideration with regard to the premises.

**Contact Officer: Julie Mayer**  
**Tel. no. 020 7332 1410**  
**E-mail: [julie.mayer@cityoflondon.gov.uk](mailto:julie.mayer@cityoflondon.gov.uk)**

This page is intentionally left blank

**MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE**

**HELD ON 3 SEPTEMBER 2013**

**APPLICANT: JONATHAN DALTON**  
**PREMISES: PELT TRADER ARCH 3 DOWGATE HILL EC4N 6AP**

**PRESENT**

**Sub Committee:**

Edward Lord OBE JP (Chairman)  
Jamie Ingham Clark CC  
Revd Dr Martin Dudley CC

**City of London Officers:**

Xanthe Couture – Town Clerk’s Department  
Paul Chadha – Comptroller & City Solicitor’s Department  
Peter Davenport – Markets & Consumer Protection Department

**Applicant:**

Represented by Jennifer Leitner (Bloomsbury Leisure Group), Piers Warne (TLT Solicitors) and James Turner (Manager, Pelt Trader) all representing Jonathan Dalton

**Representations of objection:**

Timothy Straker QC, speaking on behalf of CBRE Ltd and Cannon Bridge Properties Ltd

**In attendance:**

Mark Wheatley CC  
Josh Abrim, CBRE Ltd  
Kevin Burke, Director of Security Europe, NYSE Euronext

---

**Licensing Act 2003 (Hearings) Regulations 2005**

A public Hearing was held at 10.00am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises ‘Pelt Trader, Arch 3, Dowgate Hill, EC4N 6AP’.

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

- |             |   |
|-------------|---|
| Appendix 1: | Copy of Application                               |
| Appendix 2: | Current Licence                                   |
| Appendix 3  | Conditions consistent with the operating schedule |

- Appendix 4: Representations from Other Persons (7)
- Appendix 5: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales
- Appendix 6: Plan of Premises

In addition the following documents, which were circulated to all parties prior to the Hearing, were also considered:

Additional evidence submitted on behalf of Simmons & Simmons LLP on 28 August 2013, in addition to the original representation by CBRE Ltd.

Additional documentation from Bloomsbury Leisure Group on behalf of the Applicant submitted on 30 August 2013, which provided an amended crowd management plan, additional photographs of the premises, two customer letters and a customer petition.

- 
1. The Hearing commenced at 10:00am.
  2. The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present and the nature of the application.
  3. The Chairman outlined the format of the Hearing, noting that he would ask the Applicant to introduce the application. He would then invite those making representations to address the Hearing. The Applicant would then have the opportunity to address any matters arising during the course of the Hearing.
  4. The Chairman noted that the Director of Markets and Consumer Protection would be advising on the distance of the premises to the bollards at some point during the Hearing.
  5. The application, sought to amend the sole condition on the licence, which limited drinking outside the premises to between 19:00hrs and 21:00hrs, as follows:

*“The sale of alcohol for consumption off the premises in unsealed containers will only be permitted until 21:00hrs each day.”*
  6. The Chairman invited Mr Warne to provide an outline of the application.
  7. Mr Warne introduced the Application noting that concerns that the pavement area would be blocked when the application for the premises licence had been granted. Subsequent research by the Applicant had shown that the pavement and roadway did not have high levels of pedestrian traffic and pedestrians walked on the roadway regardless of if there were customers standing on the pavement. Their analysis had concluded pedestrian and vehicle traffic was not



substantial with an average of 11 pedestrians per minute passing on the pavement and road of the premises. People left work at different times and the roadway was not used as an access road. Vehicle traffic was predominantly related to Livery Company events and vehicle traffic occurred later in the evening. Mr Warne noted that in relation to this application, no representations had been received from the Livery Companies or residents and no representations received had concerns with regards to noise nuisance. Mr Turner, the Manager of the premises, concurred with research findings.

8. Mr Warne stated the Applicant had met with CBRE and the tenancy managers of Cannon Bridge House. Mr Warne added that the photo of the premises submitted by two of the representations was the same photo which displayed one of the two entrances of Cannon Bridge House. Photos supplied by the Applicant showed that the entrance of Cannon Bridge House was clear, and that individuals who were not Pelt Trader customers also stood in front of the building. Two letters submitted by the Applicant were in favour of the variation to the premises license and were from employees of companies within Cannon Bridge House. A petition had also been signed by customers that showed that customers were from businesses in the area.
9. The Applicant had also been in discussion with the highway authority on the use of barriers in front of the premises and Mr Warne stated that if complaints occurred, the Applicant would remove these barriers.
10. In regards to the representation submitted by CBRE (Appendix 4iii), the Applicant noted that there was no claim that noise nuisance would occur if the variation to the premises licence was granted. In response to the representation made by Ms Sargent (Appendix 4v) which cited beer bottles outside the premises on the 19<sup>th</sup> of June 2013, Mr Warne advised that the premises did not sell any beverages in glass bottles.
11. A Member of the Sub Committee asked if the pedestrian flow varied over the winter and summer months and Mr Warne replied that he was satisfied the management plan would cope with variations in pedestrian traffic.
12. A Member of the Sub Committee stated that the Applicant had presented a number of claims that had not been independently tested. Mr Warne replied that it was up to the Applicant to conduct the assessment and present the findings to the Sub Committee whose role was to ensure the application would not violate the licensing objectives if granted. The Applicant had observed the flow of pedestrian traffic as had been requested at the last Hearing and had produced a good management plan.
13. The Chairman then invited those making representations to address the Hearing.
14. Mr Straker began by asking Mr Warne if the expectation was, if the permission to amend the sole condition was granted, that people would be using the pavement from 12:00hrs onwards and subject to barriers to inhibit the movement of customers. Mr Warne responded that the premises had been the

exploring the use of barriers, which would be managed through the crowd management plan.

- 15.** Mr Straker then asked if there had been calculations done on the number of people that would be outside the premises after 12:00hrs, and Mr Warne replied that not many would be outside, perhaps five to ten people at a time. He advised the number of people outside on the pavement could be managed through the crowd management plan, and the Applicant was happy to amend so as to ensure barriers were only used when it assisted access. Mr Warne clarified that the outside area extended up to but not including the archway depicted in the additional documentation submitted by the Applicant (pg10). Under no circumstances were customers permitted to go to the left of the Cannon Bridge House entrance and this had been explained to staff.
- 16.** Mr Straker inquired as to how staff monitored the outside area to which Mr Warne advised that employees could see the entrance from behind the bar and assessed the outside area continuously when there was a sufficient amount of usage to warrant it.
- 17.** The Chairman stated that the conditions within the crowd management plan had to be clearly enforceable and the management plan was too flexible to be enforced by licensing officers. Mr Warne replied by stating that the crowd management plan was flexible in order for it to be amended according to how busy the premises could be. A Member of the Sub Committee replied that police officers were the only ones capable of controlling customers as the premises had limited capacity through controlling drink consumption. Mr Turner advised that a similar crowd management plan worked well at another premises owned by the Applicant, as customers respected the need to comply with the management plan in order to preserve the outside drinking area.
- 18.** In a response to a query from Mr Straker, the Applicant stated an external consultant had not been employed to undertake the pedestrian count as the lack of traffic did not warrant it.
- 19.** Mr Straker stated there was a tension between the use of the pavement by pedestrians and customers of the Pelt Trader who wished to drink and smoke. If the variation was granted, the area outside the premises would result in customers being on the pavement from 12:00hrs to 19:00hrs as a site of all day drinking in a busy thoroughfare that could obstruct the highway. There was also the concern that the use of barriers could cause further obstruction to the pavement.
- 20.** In response to a query the Chairman, Mr Straker stated the use of the pavement was considered a problem for those who worked in Cannon Bridge House whether at midday or 19:00hrs as it impacted their safety by limiting the space available on the pavement and negatively impacted the image and operations of Cannon Bridge House as a place of important business in the City.

- 21.** The Chairman asked if there were any further questions for the representations and if there was anything else those making representations would like to add.
- 22.** Mr Warne stated that when the Applicant was granted the premises licence, the condition was placed on the licence to ensure the premises abided by the licensing objectives. Since that time, the licensing objectives had not been violated and this was confirmed by the lack of representations at the current hearing from Livery companies and residents in the area. The premises had also used Temporary Event Notices (TENs) in the past and felt that if there were concerns with the requested variation to the existing condition, the Licensing Authority had the right to review the condition and the license. Mr Warne referenced the High Court ruling on the Thwaites v Wirral Borough Magistrates' Court case which had highlighted the importance of evidence as opposed to speculation presented.
- 23.** Mr Warne reiterated that the research undertaken by the Applicant had shown that between 17:00hrs and 19:00hrs there was not a significant amount of people leaving work who were using the roadway or the pavement in front of the premises. He added that there was also a significant amount of pubs in the area that allowed for customers to use the pavement outside their premises, and in comparison, the Pelt Trader had a larger pavement.
- 24.** For clarification, the Sub Committee was advised that the distance of the premises to the bollards was 4.13 metres and the distance from the premises to the inside kerb edge was 4.84 metres.
- 25.** *The Panel retired to consider its decision at 10.55am and returned at 11:21am.*
- 26.** The Chairman committed to circulating the Sub Committee's full decision in due course. He informed those present that there was no justification in not granting the variation application, therefore the application was granted and agreed that the condition on the premises licence governing the consumption of alcohol would be varied to read:

*"There shall be no sale of alcohol off the premises in unsealed containers after 21:00hrs."*
- 27.** It was of the view that the Applicant's amended crowd management plan (Appendix 1i, additional documentation) was too flexible to be imposed as an enforceable condition on the premises licence. It was also noted the area outside the premises was not one that could be regulated through the City of London Licensing Authority.
- 28.** The Sub Committee encouraged the applicant to take the City of London's Code of Good Practice for Licensed Premises and Risk Assessment Guidance into consideration with regard to the premises.

**The meeting closed at 11.22am**

---

Chairman

**Contact Officer: Xanthe Couture**  
**Tel. no. 020 7332 3113**  
**E-mail: [xanthe.couture@cityoflondon.gov.uk](mailto:xanthe.couture@cityoflondon.gov.uk)**

**COMMON COUNCIL OF THE CITY OF LONDON**  
**LICENSING (HEARINGS) SUB-COMMITTEE**

1 October 2013

Application by  
**JONATHAN DALTON**  
In respect of:  
**PELT TRADER**  
**ARCH 3, DOWGATE HILL, EC4N 6AP**

---

**DECISION**

---

***I am writing to confirm the decision of the Licensing Sub Committee at the hearing on 3 September 2013 in relation to the above-mentioned premises. The Sub Committee's decision is set out below.***

1. This decision relates to an application for a variation to the existing Licence, made by Jonathan Dalton, for the premises known as Pelt Trader, Arch 3, Dowgate Hill, London, EC4N 6AP.
2. The variation to the existing Licence sought to amend the sole condition on the licence, which limited drinking outside the premises to between 19:00hrs and 21:00hrs, as follows:

*“The sale of alcohol for consumption off the premises in unsealed containers will only be permitted until 21:00hrs each day.”*
3. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by representatives of the applicant, Ms Jennifer Leitner, Mr Piers Warne and Mr James Turner and Mr Timothy Straker QC representing CBRE Ltd and Cannon Bridge Properties Limited.
4. In reaching its decision, the Sub Committee was 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 2013 and Licensing Code of Practice.
5. Furthermore, the Sub Committee took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
6. 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 being the prevention of public nuisance and public safety.

7. In reaching its decision the Sub Committee took into account the additional documentation received from the Applicant including an amended crowd management plan, two customer letters in support of the application, a petition signed by customers of the premises and photographs of customers outside the premises. An additional written submission was received from CBRE Limited and was also considered.
8. It was noted the Applicant had assessed the amount of traffic from pedestrians and vehicles passing outside the premises. Their analysis had concluded pedestrian and vehicle traffic was not substantial with an average of 11 pedestrians per minute passing on the pavement and road of the premises. The Applicant stated an external consultant had not been employed to undertake the pedestrian count as the lack of traffic did not warrant it. Vehicle traffic was predominantly related to Livery Company events occurring nearby and the resulting traffic took place later in the evening. It was noted that in relation to this application, no representations had been received from the Livery Companies or residents who resided near the premises and no representations received had claimed concerns over noise nuisance.
9. The Sub Committee heard submissions as to the effect of customers of the Pelt Trader drinking and smoking outside the premises obstructing the highway and causing pedestrians to walk in the road and pass glasses and cigarette ends left on the pavement. It was noted that this was considered a problem for those who work in Cannon Bridge House whether at midday or 19:00hrs as it impacted their safety by limiting the space available on the pavement and negatively impacted the image and operations of CBH as a place of important business in the City. There was also concern that if the variation was granted, the area outside the premises would result in customers being on the pavement from 12:00hrs to 19:00hrs as a site of all day drinking in a busy thoroughfare. There was concern that the use of barriers by the Applicant could cause further disruption by restricting the space available on the pavement. For clarification, the Sub Committee noted that the distance of the premises to the bollards was 4.13 metres and the distance from the premises to the inside kerb edge was 4.84 metres.
10. The Sub-Committee concluded that there was insufficient evidence to satisfy it that to grant the variation as sought would result in a failure to promote the licensing objectives. The Sub-Committee was satisfied that the manner in which the Applicant currently managed clientele drinking outside the premises was acceptable and did not cause public nuisance and that if the Applicant was able to maintain the current levels of management and supervision there was no justification in not granting the variation application. Accordingly, it decided to grant the variation and agreed that the condition on the premises licence governing the consumption of alcohol should be varied to read:

*“There shall be no sale of alcohol off the premises in unsealed containers after 21:00hrs.”*

11. The Sub Committee then went on to consider whether any additional conditions should be placed on the premises licence as a result of the variation of the licence. It was of the view that the Applicant's amended crowd management plan (Appendix 1i) was too flexible to be imposed as an enforceable condition on the premises licence. As the Applicant had advised that the amended crowd management plan was successful in managing the area outside the premises and customers understood the need to comply with the City's Licensing Objectives in order to maintain the conditions of the premises licence the Sub-Committee urged the Applicant to continue with its implementation.
12. If the Sub Committee was wrong and the conditions prove insufficient to prevent a public nuisance associated with these premises, 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.
13. The Sub Committee encouraged the applicant to take the City of London's Code of Good Practice for Licensed Premises and Risk Assessment Guidance into consideration with regard to the premises.
14. 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.

Yours faithfully

Xanthe Couture  
Clerk to the Licensing Sub Committee

This page is intentionally left blank



**LICENSING (HEARING) SUB COMMITTEE**  
**WEDNESDAY, 4 SEPTEMBER 2013**

**APPLICANT:** Mr Christopher Peel, on behalf of Evans and Peel  
**PREMISES:** Apium Noodle Bar, 50 – 52 Long Lane, Smithfield  
EC1A 9EJ

**PRESENT**

**Sub Committee:**  
Marianne Fredericks CC (Chairman)  
Deputy John Barker  
Judith Pleasance CC

**In attendance:**

**City of London Officers:**  
Julie Mayer -Town Clerk's Department  
Paul Chadha-Comptroller & City Solicitor's Department  
Andrew Hewitt - Markets & Consumer Protection Department

**Applicant:**  
Mr Christopher Peel – Evans and Peel Ltd

**Representation of objection:**  
Mr G Lawrence CC – Chairman of the Smithfield Market Traders' Association

**Licensing Act 2003 (Hearings) Regulations 2005**

- 1) A public Hearing was held at 10.00 AM in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the Apium Noodle Bar, 50-52 Long Lane, Smithfield EC1A 9EJ

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol (on and off sales)	Mon-Wed 11:30 – 15:00	<b>Mon-Sat 10:00 – 00:00</b>
	17:30 – 23:00	<b>Sun 10:00 – 23:00</b>
	Thu-Fri 11:30 – 23:00	
	Sat 11:30 – 15:00	
	17:30 – 23:00	
	Sun not licensed	
Recorded Music	Mon-Wed 11:30 – 15:00	<b>Mon-Sat 08:00 – 00:30</b>
	17:30 – 23:00	<b>Sun 08:00 – 23:30</b>
	Thu-Fri 11:30 – 23:00	

	Sat 11:30 – 15:00 17:30 – 23:00 Sun not licensed	
Late Night Refreshment	Not currently licensed	<b>Mon-Sat 23:00 – 00:00</b> <b>Sun not requested</b>

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

- APPENDIX 1 – Copy of Application
- APPENDIX 2 – Copy of Licence
- APPENDIX 3 – Current Conditions
- APPENDIX 4 – Conditions Consistent with Operating Schedule
- APPENDIX 5 – Representation by Mr G Lawrence
- APPENDIX 6 – Map of subject premises
- APPENDIX 7 – Current Plans
- APPENDIX 8 – New Plans

- 2) The Hearing commenced at 10 am.
- 3) The Chairman opened the Hearing by introducing herself, along with the other Member of the Sub Committee, the officers present and the nature of the application.
- 4) No Members of the Sub Committee made declarations.
- 5) The Applicant sought a variation to extend the permitted hours as set out in paragraph (1) above.
- 6) In the absence of the objector, the Chairman invited Mr Peel to present his application.
- 7) Mr Peel set out his application for a themed restaurant, similar to an American 'speakeasy'. The Panel noted that the application was not for a bar and alcohol would only be served with food. Off sales would be in sealed containers; they are often purchased as gifts in presentation boxes.

- 8) The applicant had consulted widely with the local community, inviting them to inspect the site. He had tried to contact Mr Lawrence and would continue to do so, in order to address any concerns he might have. He would be closing at midnight, given the volume of traffic, from the market trade, from 1am onwards. The Panel noted that the pavement along Long Lane had quite a steep drop curb and therefore, patrons would need to disperse at the crossing, away from the premises.
- 9) In response to questions from the panel, the Applicant explained that, given the high rentals in the area, he sought to make his business sustainable by extending the lunchtime trade into early evening. Given the small kitchen, the number of covers would be limited to 50 upstairs and 30 downstairs and children would not be permitted after 6pm.
- 10) The sub committee retired to consider its decision.
- 11) **It was the Sub Committee's decision to grant the Variation of permitted hours, as set out in paragraph 1 above.**
- 12) The Sub Committee went on to consider whether it was necessary and appropriate to impose any additional conditions upon the licence and concluded that it was not. The 'grandfathering' condition of serving alcohol with a meal would be retained. It was also agreed that suggested conditions MC01 and MC15 could be removed as they were now covered by the City of London's Licensing Code of Best Practice.
- 13) The Applicant was encouraged to take the City of London's Code of Good Practice for Licensed Premises and Risk Assessment Guidance into consideration with regard to the premises.

**Contact Officer: Julie Mayer**  
**Tel. no. 020 7332 1410**  
**E-mail: [julie.mayer@cityoflondon.gov.uk](mailto:julie.mayer@cityoflondon.gov.uk)**

This page is intentionally left blank

<b>Committee(s):</b>	<b>Date(s):</b>	
Licensing	21 October 2013	
<b>Subject:</b> Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	<b>Public</b>	
<b>Report of:</b> Director of Markets and Consumer Protection	<b>For Information</b>	
<p><b>Summary:</b></p> <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 2013 to 30 September 2013. 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 gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 July 2013 and 30 September 2013. This report also presents data from the ‘traffic light’ risk scheme introduced within the City of London on 1 April 2013. The data covers the period 1 Apr 2013 to 31 August 2013.</p>		

## 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 2013 and 30 September 2013.
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/business/licensing/beer-and-entertainment/Pages/Search-the-public-register.aspx>. or by contacting Peter Davenport, Licensing Manager, on extension 3227 or by email to the Licensing Team at [licensing@cityoflondon.gov.uk](mailto: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 2013 to 30 September 2013.
7. Licensing Officers undertake routine enforcement visits checking on premises licence conditions where there are concerns, e.g. closing times, compliance with Temporary Event Notices and managing numbers of people consuming alcohol outside venues, and 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 add to the top level premises list that that comprises those premises that have accrued the most points under the 'traffic light' risk scheme. These are then targeted by relevant enforcement officers.
10. This report details data produced from the 'traffic light' risk scheme for the period of 1 April 2013 to 31 August 2013. 8 premises have accrued a sufficient number of points to turn 'Red' and 7 premises a sufficient number to turn 'Amber'. Further details can be seen in Appendix V.
11. 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.

12. 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.
13. 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**

14. Any complaints about licensed premises are dealt with by the relevant agency/team, e.g. crime and disorder – Police, fire safety – London Fire Brigade. As far as PH&PP are concerned, complaints relating to the conditions on a licence will be dealt with in the first instance by the Licensing Team, but if there are noise issues the Pollution Team will also be involved.
15. 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**

16. 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](mailto:peter.davenport@cityoflondon.gov.uk)

**New Licence Applications Issued by way of Delegated Authority (Jul-Sep 2013)**

Name	Address	Ward	Details	
Co-Op	55 Ludgate Hill	Farringdon Within	A, L	01:00
AIG Europe Ltd	58 Fenchurch Street	Tower	A	23:00
Enoteca	21 Watling Street	Cordwainer	A, (f)	00:00
Pictet Asset Mngt	120 London Wall	Coleman Street	A, L	00:00
Bacari	25 Wormwood Street	Bishopsgate	A, (f)	00:00
St. Swithins Bistro	21-23 St Swithins Lane	Candlewick	A	23:00

Total Licences Issued = 6

Key to Details:

- |                            |                           |
|----------------------------|---------------------------|
| A Sale of Alcohol          | (e) Live Music            |
| L Late Night Refreshment   | (f) Recorded Music        |
| (a) Plays                  | (g) Performances of Dance |
| (b) Films                  | (h) Making Music          |
| (c) Indoor Sporting Events |                           |
| (d) Boxing or Wrestling    |                           |

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

Number of Licences by Ward Order

WARD	No.
Bishopsgate	1
Candlewick	1
Coleman Street	1
Cordwainer Street	1
Farringdon Within	1
Tower	1



## Appendix II

### Licence Variations Issued by way of Delegated Authority (Jul-Sep 2013).

Name	Address	Ward	Details
Grange St Pauls	10 Godliman Street	Castle Baynard	<ul style="list-style-type: none"> <li>• To permit the sale of alcohol in the St Pauls Suites to residents only.</li> </ul>
Burger Lobster	1 Bread Street	Cordwainer	<ul style="list-style-type: none"> <li>• Extension of terminal hour to 01:00 Mon-Sat</li> </ul>
Williams Ale & Wine House	22-24 Artillery Passage	Bishopsgate	<ul style="list-style-type: none"> <li>• Extension of terminal hour to 00:00 Thu-Sat</li> </ul>
The Chancery	9 Cursitor Street	Farringdon Without	<ul style="list-style-type: none"> <li>• Variation of layout and extension of terminal hours to 03:00 Mon-Sun</li> </ul>
Dirty Martini	158 Bishopsgate	Bishopsgate	<ul style="list-style-type: none"> <li>• Variation of layout and extension of terminal hours to 03:00 Mon-Sat</li> </ul>
Vintry	119 Cannon Street	Candlewick	<ul style="list-style-type: none"> <li>• Remove condition to permit off sales in unsealed containers</li> </ul>
Slug & Lettuce	5-11 Fetter Lane	Castle Baynard	<ul style="list-style-type: none"> <li>• Extension of terminal hours to 02:00. Removal of outdated conversion conditions.</li> </ul>

Total Variations = 7

#### Number of Licences by Ward Order

WARD	No.
Bishopsgate	2
Candlewick	1
Castle Baynard	2
Cordwainer	1
Farringdon Without	1

### Personal Licences Issued by way of Delegated Authority

01 Jul 2013 – 30 Sep 2013      7

**Enforcement Action Carried out Under the Licensing Act 2003  
1 July 2013 - 30 September 2013**

Total Number of Inspections	55
Number of Warning Letters	6
Number of Premises advised	7
Number of simple cautions	0
Number of suspension notices	13
Paid prior to suspension	7
Licence lapsed*	2
‘Dead’ Suspensions**	3
‘Live’ Suspensions***	1

\*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      36

<u>Complaint type/description</u>	<u>Date Received</u>	<u>Ward</u>	<u>Outcome</u>
-----------------------------------	----------------------	-------------	----------------

<b>Grand Union, The Blue Anchor Public House, Rolls Passage, London, WC2A 1EL.</b>			
Loud Music and noisy people outside PH	25/09/2013	Farringdon Without	Resolved informally
<b>Patch, 58-62 Carter Lane, London, EC4V 5EA.</b>			
Noise from people outside and loud music	20/09/2013	Farringdon Within	In progress
Loud music and patrons outside	16/08/2013	Farringdon Within	Informally resolved
Noise of patrons outside and amplified music from 6:30 pm onwards,	16/08/2013	Farringdon Within	Unresolved
Noise of patrons outside and amplified music	08/08/2013	Farringdon Within	In progress
Noise from patrons outside	25/07/2013	Farringdon Within	Unresolved
Noise from amplified music	19/07/2013	Farringdon Within	No action required

<b>The Brewery on Chiswell Street Ltd, Chiswell Street, EC1Y 4SA.</b>			
Noise from people leaving shouting in the street	13/07/2013	Coleman Street	Resolved informally
Noise from Loud Music	06/07/2013	Coleman Street	Unresolved
Noise from people standing outside	12/09/2013	Coleman Street	In progress
<b>Arts Centre, Barbican Arts And Conference Centre, Silk Street, London, EC2Y 8DS.</b>			
Early morning noise originating from deliveries being made to the Barbican Centre	02/09/2013	Cripplegate	Referred to Barbican
Noise from people talking/shouting in outside/conservatory area of the Barbican Centre - due to an event being held there.	05/09/2013	Cripplegate	No action required
Noise from people on the Compass restaurant terrace and windows having been left open at Searcys. Also noise from deliveries	20/08/2013	Cripplegate	Informally resolved
Noise from fan has got loud again after it was resolved last year	20/08/2013	Cripplegate	In Progress
<b>DAB Club, 14 Long Lane, London, EC1A 9PN.</b>			
Very Loud music at the DAB night club	24/08/2013	Farringdon Within	Resolved informally
Loud amplified music	18/08/2013	Farringdon Within	Resolved informally
Loud beat & boom from music from club	30/08/2013	Farringdon Within	Resolved informally
<b>Mansell Street Estate Community Centre</b>			
Music noise from community centre	01/07/2013	Portsoken	Resolved informally
Music noise from community centre	01/07/2013	Portsoken	Resolved informally
<b>Conservatory, Barbican Arts And Conference Centre, Beech Street, London.</b>			
Wedding crowd making a lot of noise while photos being done	03/08/2013	Cripplegate	Informally resolved
Noisy crowd of people related to event	31/07/2013	Cripplegate	Informally resolved
<b>Rack &amp; Tenter P.H., Tenter House, Tenter House, 45 Moorfields, London.</b>			
Noise from patrons drinking outside	04/09/2013	Coleman Street	Informally resolved
Noise from patrons drinking outside	27/08/2013	Coleman Street	No action possible
<b>Volupte Lounge, 7-9 Norwich Street, London, EC4A 1EJ.</b>			
Loud music + people in the street smoking	16/09/2013	Farringdon Without	In progress
<b>The Hung Drawn &amp; Quartered, The Hung Drawn And Quartered Public House, 27 Great Tower Street, London, EC3R 5AQ.</b>			
Loud music	07/09/2013	Tower	Resolved informally
<b>Clause Club, 1 Lovatt Lane</b>			
Noise from car stereos parked in botolph street - patrons of Clause in Lovatt Lane	26/08/2013	Bridge	In progress

<b>The Cuban, Retail Unit 2b, 1 Ropemaker Street, London, EC2Y 9AW.</b>			
Noise from persons near club	06/07/2013	Coleman Street	Informally resolved
<b>The Butcher's Hook and Cleaver, The Butcher's Hook And Cleaver Public House, 61 West Smithfield, London, EC1A 9DY.</b>			
Email rec'd re noise from the above pub	08/07/2013	Farringdon Without	Informally resolved
<b>The Olde Wine Shades, 6 Martin Lane, London, EC4R 0DJ.</b>			
Noise from amplified music escaping from the Olde Wine Shades wine bar - loud dance music with a heavy bass line.	18/07/2013	Candlewick	Informally resolved
<b>Common Parts, Stationers Hall, Stationers Hall, Stationers Hall Court, London.</b>			
Loud music from a party at Stationer's Hall	26/07/2013	Farringdon Within	In progress
<b>Cheshire Cheese, The Cheshire Cheese Public House, 48 Crutched Friars, London, EC3N 2AP.</b>			
Noise from loud music coming from the Chesire Cheese every Friday and Saturday.	29/07/2013	Tower	Informally resolved
<b>The Shakespeare, The Shakespeare Public House, 2 Goswell Road, London, EC1M 7AA.</b>			
Noise from patrons outside	06/08/2013	Cripplegate	Resolved informally
<b>Pelt, Dowgate Hill</b>			
Noise from deliveries and blocking of pavement	07/08/2013	Dowgate	Resolved informally
<b>Lattey &amp; Dawe Solicitors, 21 Liverpool Street, Ec2m 7rd.</b>			
Noise from a rock band outside McDonalds across from 21 Liverpool Street.	07/08/2013	Bishopsgate	Resolved informally
<b>Be At One, 28 King William Street, London, EC4R 9AT.</b>			
Noise caused by refuse collections	12/08/2013	Candlewick	Resolved
<b>Camino Resturant Bar, 33 Black Friars Lane, London, EC4V 6EP.</b>			
Noise from a party for staff from restaurant	16/08/2013	Farringdon Within	Resolved

Conditions Applied to Licences Granted by way of Delegated Authority

**Co-Op**

None

**AIG Europe Ltd**

1. The provision of licensable activities is restricted to: employees and officers of the organisations in occupation, or their associated companies; and bona fide guests of the said employees, officers and companies; and persons attending any bona fide private event at the premises.

**Enoteca**

1. The premises shall install and maintain a comprehensive CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public.

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

**Pictet Asset Management**

None

**Bacari**

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

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

**St. Swithins Bistro**

None

**Grange St. Pauls**

1. The sale of alcohol for consumption off the premises is permitted to residents only in the St Paul's Suites.

**Burger Lobster**

None

**Williams Ale**

None

**The Chancery**

None

### **Dirty Martini**

None

### **Vintry**

None

### **Slug & Lettuce**

1. The premises licence holder shall advise the Police of any promoted event\* that is to take place at the premises by completing a Risk Assessment form (696) provided by the Police and submitting this to the City of London Police Licensing Office, at least 14 days before the event. A further debrief from provided by the Police must be completed by the premises licence holder and submitted to the Police not more than seven days after the event.

*\*A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 11:00pm and 7:00am by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.*

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

3. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:

- (a) All ejections of customers
- (b) Any incidents of disorder (disturbance caused either by one person or a group of people)
- (c) Seizure of drugs or offensive weapons

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

5. A log shall be kept at the premises detailing all refused sales of alcohol.. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the City of London Corporation.

6. An additional hour may be added to all standard and non-standard times permitted by this licence on the day that British Summertime commences.

Premises obtaining sufficient points on the Risk Scheme to reach Red or Amber. (Apr – Aug 2013)

**RED** (20 penalty points or at least 10 from one licensing objective)

Premises A - Billingsgate (Crime and Disorder – 21)	21
Premises B – Bread Street (Crime and Disorder – 17, General - 4)	21
Premises C - Walbrook (Crime and Disorder – 16)	16
Premises D - Bishopsgate (Crime and Disorder – 11, Public Safety -2)	13
Premises E – Coleman Street (Crime and Disorder – 12)	12
Premises F - Cordwainer (Crime and Disorder – 10)	10
Premises G – Lime Street (Crime and Disorder – 10)	10
Premises H – Castle Baynard (Crime and Disorder – 10)	10

Billingsgate	1	Castle Baynard	1	Lime Street	1
Bishopsgate	1	Coleman Street	1	Walbrook	1
Bread Street	1	Cordwainer	1		

**AMBER** (11 penalty points or at least 6 from one licensing objective)

Premises I – Cornhill (Crime and Disorder – 9)	9
Premises J – Bridge & Bridge Without (Crime and Disorder – 7, Public Nuisance - 2)	9
Premises K - Cordwainer (Crime and Disorder – 7)	7
Premises L – Castle Baynard (Crime and Disorder – 6)	6
Premises M – Bridge & Bridge Without (Crime and Disorder – 6)	6
Premises N – Bridge & Bridge Without (Crime and Disorder – 6)	6
Premises O – Bread Street (Crime and Disorder – 6)	6

Bread Street	1	Castle Baynard	1
Bridge &	3	Cordwainer	1
Bridge Without		Cornhill	1



# Agenda Item 7

FROM: **PORT HEALTH & ENVIRONMENTAL SERVICES  
COMMITTEE**

**Monday, 9 September 2013**

TO: **LICENSING COMMITTEE**

**Monday, 21 October 2013**

A report of the Director of Markets and Consumer Protection was considered relative to the annual review of fees and governance arrangements for Sex Establishments in the City.

RESOLVED - That,

- a) the proposed fees for 2013/14 as set out in the Appendix to the report be approved;
- b) the governance of all types of sex establishments be dealt with by the Licensing Committee, which includes sex shops, sex cinemas, hostess bars and SEV's;
- c) the Terms of Reference be updated accordingly.

This page is intentionally left blank

# Agenda Item 8

<b>Committee:</b> Licensing	<b>Date:</b> 21 October 2013
<b>Subject:</b> Terms of Reference of the Licensing Committee and Frequency of Meetings	Public
<b>Report of:</b> Town Clerk	For Decision

## Summary

1. As part of the post-implementation review of the changes made to the governance arrangements in 2011 it was agreed that all Committees should review their terms of reference. This will enable any proposed changes to be considered in time for the reappointment of Committees by the Court of Common Council.
2. The terms of reference of the Licensing Committee are set out at Appendix A for your consideration. They have been amended to take on board the resolution of the Port Health & Environmental Services Committee which features on your agenda. It is proposed that the approval of any further changes to the Committee's terms of reference be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.
3. The Committee is also required to review the frequency of its Committee meetings.

## Recommendations

- a) That, subject to any comments, the amended terms of reference of the Committee be approved for submission to the Court, as set out at Appendix A, and that any further changes required in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman; and
- b) Members consider whether any change is required to the frequency of the Committee's meetings.

## **Contact:**

Rakesh Hira

Telephone: 020 7332 1408

Email: [rakesh.hira@cityoflondon.gov.uk](mailto:rakesh.hira@cityoflondon.gov.uk)

**LICENSING COMMITTEE**

**Terms of Reference**

To be responsible for:-

- (a) the City of London Corporation's licensing functions under the following legislation:-
  - (i) Licensing Act 2003:-
  - (ii) Gambling Act 2005:-
  - (iii) Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009:-
    - (a) the licensing of ~~sexual entertainment venues~~ all types of sex establishments such as sex shops, sex cinemas, hostess bars and sexual entertainment venues.
    - (b) action to prohibit the consumption of alcohol in designated public places as detailed in sections 12-16 of the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2001
    - (c) the implementation of those sections of any Acts of Parliament and/or European Legislation which direct that the local authority take action in respect of those duties listed at (a) above, including the functions contained in Sections 2(1) and 2(2) of the Hypnotism Act 1952
    - (d) determining which of its functions and responsibilities may be delegated to enable the Director of Markets and Consumer Protection to act on its behalf.
- (b) The appointment of the Director of Markets and Consumer Protection (in consultation with the Port Health and Environmental Services Committee and the Markets Committee);
- (c) Making recommendations to the Court of Common Council regarding:-
  - (i) the City Corporation's Statement of Licensing Policy; and
  - (ii) The Statement of Licensing Principles in respect of the Gambling Act 2005.

# Agenda Item 9

<b>Committee(s):</b>	<b>Date(s):</b>
Licensing	21 October 2013
<b>Subject:</b> Revenue Budgets - 2014/15	<b>Public</b>
<b>Report of:</b> The Chamberlain Director of Markets and Consumer Protection	<b>For Decision</b>

## 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 2014/15, 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 the introduction of a Late Night Levy for certain premises if agreed by Members. This has not been reflected in the budget changes presented in this report, as the financial implications are dependent on the option chosen.

Summary Of Table 1	Latest Approved Budget 2013/14 £'000	Original Budget 2014/15 £'000	Movement  £'000
Expenditure	471	423	(48)
Income	(504)	(503)	1
Support Services and Capital Charges	157	157	0
Total Net Expenditure	124	77	(47)

Overall, the 2014/15 provisional revenue budget is £77,000, a decrease of £47,000 compared with the latest approved budget for 2013/14. Main reasons for this reduction are :-

- One-off carry-forwards from 2012/13 totalling £35,000 are included in the 2013/14 latest approved budget.
- Further one-off costs of £10,000 for the purchase of new software for online applications are included in the 2013/14 latest approved budget.

### **Recommendations**

The Committee is requested to:

- review the provisional 2014/15 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 the introduction of a Late Night Levy, review of premises licence fee structure to ensure full cost recovery, 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 2014/15. 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 now likely to be in October 2014. The income budget for these fees for 2014/15 has been set at the existing 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 has the option of introducing a Late Night Levy whereby a separate fee is charged to licensed premises selling alcohol after midnight. This will be the subject of a separate report to your Committee. If agreed, the budget for 2014/15 will need to be revised to reflect the financial implications in line with the option chosen.

### **Proposed Revenue Budget for 2014/15**

7. The proposed Revenue Budget for 2014/15 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 2014/15 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 final 1% of the total 2% efficiency savings required by 2014/15 and a 2% cash limit allowance for pay and price increases, 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.

Table 1 Analysis of Service Expenditure	Actual 2012/13 £'000	Latest Approved Budget 2013/14 £'000	Original Budget 2014/15 £'000	Movement 2013/14 to 2014/15 £'000	Paragraph Reference
<b>EXPENDITURE</b>					
Employees	308	404	365	(39)	11
Premises Related Expenses (see note i)	45	45	45	0	
Supplies & Services (see note ii)	0	20	11	(9)	12
Committee Contingency	0	2	2	0	
<b>Total Expenditure</b>	<b>353</b>	<b>471</b>	<b>423</b>	<b>(48)</b>	
<b>INCOME</b>					
Customer, Client Receipts	(550)	(504)	(503)	1	
<b>Total Income</b>	<b>(550)</b>	<b>(504)</b>	<b>(503)</b>	<b>1</b>	
TOTAL EXPENDITURE/ (INCOME) BEFORE SUPPORT SERVICES AND CAPITAL CHARGES	<b>(197)</b>	<b>(33)</b>	<b>(80)</b>	<b>(47)</b>	
<b>SUPPORT SERVICES AND CAPITAL CHARGES</b>					
Central Support Services and Capital Charges	63	37	37	0	
Recharges within Fund	111	105	105	0	
Recharges Across Funds	16	15	15	0	
<b>Total Support Services and Capital Charges</b>	<b>190</b>	<b>157</b>	<b>157</b>	<b>0</b>	
<b>TOTAL NET EXPENDITURE/(INCOME)</b>	<b>(7)</b>	<b>124</b>	<b>77</b>	<b>(47)</b>	

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.

9. 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.
10. Overall there is a reduction of £47,000 in the overall budget between the 2013/14 latest approved budget and the 2014/15 original budget. This movement is explained by the variances set out in the following paragraphs.
11. The 2013/14 latest approved budget includes one-off carry-forwards from 2012/13 of £35,000 for temporary staff employed on specific projects.



12. The 2013/14 latest approved budget also includes one-off costs of £10,000 relating to the planned purchase of new software to enable an improved online application process.
13. A summary of the movement in manpower and related staff costs are shown in Table 2 below. The costs shown include those for agency staff, who are not included in the manpower full-time equivalent figures.

Table 2 - Manpower statement	Latest Approved Budget 2013/14		Original Budget 2014/15	
	Manpower Full-time equivalent	Estimated cost £000	Manpower Full-time equivalent	Estimated cost £000
Licensing	6.9	404	6.9	365
<b>TOTAL LICENSING</b>	<b>6.9</b>	<b>404</b>	<b>6.9</b>	<b>365</b>

### **Potential Further Budget Developments**

14. The provisional nature of the 2014/15 revenue budget recognises that further revisions may be required, particularly in relation to:
- the potential introduction of a Late Night Levy;
  - review of premises licence fee structure to ensure full cost recovery; and
  - central and departmental recharges.

### **Revenue Budget 2013/14**

18. The forecast outturn for the current year is £124,000 in line with the latest approved budget.

Contact:  
Simon Owen | [simon.owen@cityoflondon.gov.uk](mailto:simon.owen@cityoflondon.gov.uk) | x1358  
*Chamberlain's Department*

**APPENDIX 1**

<b>Support Service and Capital Charges from/to Licensing Committee</b>	<b>Actual 2012/13 £000</b>	<b>Latest Approved Budget 2013/14 £000</b>	<b>Original Budget 2014/15 £000</b>
<b>Support Service and Capital Charges</b>			
Insurance	2	2	2
IS Recharges - Chamberlain	7	6	6
Capital Charges	2	2	2
Support Services - Chamberlain	13	11	11
Comptroller and City Solicitor	36	14	14
Miscellaneous	3	2	2
<b>Total Support Services and Capital Charges</b>	<b>63</b>	<b>37</b>	<b>37</b>
<b>Recharges Within Funds</b>			
Tables and Chairs – Planning and Transportation Committee	51	28	28
Walbrook Wharf Offices – Port Health and Environmental Services Committee	60	77	77
<b>Recharges Across Funds</b>			
Directorate Recharge – Markets Committee	16	15	15
<b>TOTAL SUPPORT SERVICE AND CAPITAL CHARGES</b>	<b>190</b>	<b>157</b>	<b>157</b>

<b>Committee(s):</b>	<b>Date(s):</b>
Licensing	21 October 2013
<b>Subject:</b> Tables and Chairs and other Licensing Functions including overlap with other Committees	<b>Public</b>
<b>Report of:</b> <b>Director of Markets and Consumer Protection</b>	<b>For Decision</b>
<b>Summary</b>	
<p>At your Committee in May 2013 it was requested that a report be produced detailing the overlaps, if any, of the various licensing activities undertaken to look at whether any changes or improvements could be made.</p> <p>There is significant interaction of responsible authorities with the Licensing Service particularly in the primary role of administration of the Licensing Act 2003. In addition there are parallel but separate regulatory processes operating through the Department of the Built Environment (DBE) and the Planning and Transportation Committee for planning applications.</p> <p>The administration of Tables and Chairs licences does not in practice cause conflicts with premises licences but policy and guidelines for granting of the licences needs to be updated. Similarly changes in legislation for street trading are anticipated next year if the City of London (Various Powers) Bill proceeds through Parliament and a policy on this issue will need to be produced and agreed by the appropriate Committee.</p>	
<b>Recommendation(s)</b>	
<p>Members consider and agree the proposals set out in paragraphs 34 and 35, taking account any points arising from the discussion of this report at your Committee meeting.</p>	

## Main Report

### **Background**

1. The primary licenses dealt with by Director of Markets and Consumer Protection Licensing Team include:-

#### Licensing Committee:

- Premises licences (Alcohol and regulated entertainment)
- Gambling and Lotteries
- Sex Establishments
- Charitable collections (on behalf of City Police)

#### Port Health and Environmental Services Committee:

- Miscellaneous licences and authorisations (e.g. Poisons, Explosives (Fireworks), Hairdressers, Scrap Metal Dealers)
- Massage and Special Treatment Premises
- Street Trading (in Middlesex Street only)

#### Planning and Transportation Committee:

- Tables and Chairs
  - Other licences/permits e.g. 'A' Boards, scaffolds, hoardings, art installations; temporary and permanent dealt with by Department of Built Environment (DBE).
2. At your Committee in May 2013 it was requested that a report be produced detailing the overlaps, if any, of the various licensing activities undertaken and to consider whether any changes or improvements could be made.
  3. The aim of this report is to provide a short description of the process for the various licensing activities and the Committee governance of each. Each area described includes commentary on any potential cross over issues where there is the possibility of duplication or conflict between Committees or where there is input of more than one City service.

## **Current Position**

### Alcohol and regulated entertainment

4. The Licensing Act 2003 established a single integrated system for licensing premises that are used for alcohol, entertainment and late night refreshment. Under this legislation, each local authority is known as the 'licensing authority' and is responsible for licensing alcohol, entertainment and late night refreshment in its geographical area. This, as your Committee will be aware, is the primary work of the team in dealing with promotion of the four licensing objectives by licence holders in more than 750 separate premises in the City and in particular new applications for premises licences, minor and major variations to existing licences and submissions of Temporary Event Notices.
5. The administrative work is undertaken and coordinated by the Licensing Service but there is substantial cross-over of work with City Police Licensing Team and Environmental Health Pollution team in responding to matters particularly pertaining to the crime and disorder and prevention of public nuisance objectives. From previous reports you will be aware of the work involved with the Code of Good Practice for licensed premises and the launch of the traffic light assessment scheme earlier this year. There is a local liaison partnership meeting which meets once a month to share information and discuss problem areas/new initiatives and this includes invitations to the above responsible authorities as well as Department of Built Environment Planning Officers, Parking Enforcement Officers, City Police Force Intelligence, Safer City Partnership and London Fire Brigade.
6. In addition there is a parallel regime of control exercised by planning legislation controls overseen by the Planning and Transportation Committee, which in particular will have regard to the relevant local plan and controls the location, design and planning use of premises to protect the amenity of an area or local residents.
7. In order to contribute to this regime the Environmental Health Pollution Team comments on new planning applications as far as possible and requests specific conditions to some planning applications.
8. Planning Officers have recently been provided with access to the Markets and Consumer Protection local database to make it easier to provide informed comment on licence applications in a similar manner to Pollution Team contribution to planning applications. Where the Licensing Service is aware of any hours of operation conflicts between

planning conditions and premises licence applications/ variations the applicant is notified of the need to abide by all regulatory regimes.

9. There is considerable overlap in terms of 'joined up working' of officers both internally in the City Corporation and with external agencies, but there is clarity that the licensing regime is controlled by the Licensing Authority and your Committee.

### Gambling

10. The Gambling Act 2005 transferred powers from the Court to local authorities, known as 'licensing authorities', making them responsible for issuing premises licences for gambling in their geographical area.
11. Two main activities covered by the Act are providing facilities for gambling and using premises for gambling. The licensing authority does this in the City primarily by licensing premises for gambling activities, considering notices given for the temporary use of premises for gambling, regulating gaming and gaming machines in alcohol-licensed premises and registering small society lotteries.
12. The City of London Licensing Authority aims to permit the use of premises for gambling in so far as the authority think fit reasonably consistent with the licensing objectives which are; Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime, Ensuring that gambling is conducted in a fair and open way, and, Protecting children and other vulnerable people from being harmed or exploited by gambling.
13. Preventing gambling from being a source of crime and 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 people from being harmed or exploited by gambling.
14. There is far less gambling licensing activity in the City compared with sale of alcohol with 48 betting shops licences and 86 premises with 2 or less gaming machines. Whilst there is some officer consultation with City Police as with Licensing Act 2003 there is very limited overlap with other Committees or officers in other departments with this subject matter.

## Sex Establishments

15. The Police and Crime Act 2009 has given local authorities greater control over these venues (that provide lap dancing, pole dancing and similar activities) including the option of rejecting licence applications or limiting the number of SEVs in any one area. Following a public consultation and a decision by the Court of Common Council the City Corporation has adopted its own policy on SEVs indicating that within its area there is unlikely to be anywhere suitable although this does not discount the potential for applications under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (licensing of sex establishments, sex cinemas and hostess bars). There are none presently in the City.
16. There was some potential for overlap with Port Health and Environmental Services Committee who deal with some of these establishments with potential public health interest however the control of all these matters was confirmed to be the remit of your Committee in a report in July 2013 further ratified in September 2013 by Port Health and Environmental Services Committee.

## Street Trading

17. Street trading in the City is regulated by the City Corporation under the City of London Various Powers Act 1987. Middlesex Street (Petticoat Lane Market) contains the only market stalls in the City of London. With the exception of these market stalls, street trading is not permitted on any public street or place in the City of London geographical area. This may change next year if the current City of London (Various Powers) Bill in Parliament is enacted allowing for temporary street trading licences. This would need a new street trading policy to be agreed and this will be the subject of consultation and agreement by appropriate Committees. At present this is a function which reports to the Port Health and Environmental Services Committee.

## Massage and Special Treatments

18. Massage and special treatment licences in the City of London are issued under Part IV of the London County Council (General Powers) Act 1920.
19. If providing massage and/or special treatments (MST) in the City a licence is needed for premises for treatments which include; massage, manicure, chiropody, light (such as sun beds), electric, vapour, other

baths and other similar treatments. In addition a separate registration is required for acupuncture, tattooing, piercing or electrolysis.

20. These matters are dealt with by the Licensing Team, although inspections are undertaken by Environmental Health Officers to ensure good health and safety practices are maintained, and as a public health matters are within the remit of the Port Health and Environmental Services Committee, there is no significant overlap of responsibilities with other Committees or Departments.

### Charitable Collections

21. All charitable street and house-to-house collections must be licensed by the City of London Corporation if they are carried out in streets or public spaces within the authority's geographical area. There are different kinds of collection principally street collections and house to house collections. The matter is something which is dealt with by legislation which is the concern of the City Police Commissioner but all operational matters for the granting of permits are dealt with by the Licensing Team. Any review of procedures will need to be agreed with the City Police.

### Miscellaneous Licences

22. A variety of legislation requiring licensing or registration covers these areas which include; registration of hairdressers, explosives (fireworks), storage of poisons, registration of scrap metal dealers and registration of motor salvage operators. The remit is again heavily based on either health and safety requirements and to some extent the control of waste and its disposal and consequently remain matters within the ambit of the Port Health and Environmental Services Committee

### Tables and Chairs

23. An individual, or corporate body, wishing to place tables and chairs on the public highway including a City Walkway (the 'highway'), must first seek the necessary licence under the Highways Act 1980. The view has previously been taken that planning permission is not normally required to place tables and chairs on the highway.
24. The City Planning Officer's (CPO) report amending delegations and Director of Environmental Services (DES) report concerning Day Time economy and the Street Scene submitted to Planning and Transportation Committee on 1 July 2008, resolved that the administration and enforcement of tables and chairs on the highway be transferred from CPO



to DES, and that DES or an appropriate delegated officer assume responsibility for this function. This has subsequently devolved to the Markets and Consumer Protection Department.

25. This was agreed to 'join up' and enhance efficiency for the administration and enforcement of tables and chairs matters.
26. The Planning and Transportation Committee is the Committee responsible for tables and chairs and the Licensing Team in the Markets and Consumer Protection Department have, in liaison with Planning Officers, taken responsibility for the operational administration of this function. Tables and chairs (T&C) licence applications may in some circumstances require planning permission, subject to counsel's opinion; however, most tables and chairs applications arrive separately from any planning process and are also, usually, separate from the premises licence process although there is no reason, except the wishes of the businesses concerned, why these should not be applied for concurrently. (However, the determination procedures for each are distinct, and the outcome of one cannot predetermine the outcome of another).
27. Licences are normally dealt with through delegated powers to officers either by grant of the tables and chairs licence with conditions or refusal of the application having regard to existing internal guidelines (discussed further below). The relatively small size of most applications, and their normally un-contentious nature, has meant that during the last decade, approvals or refusals have been subject to only two appeals to the Planning and Transportation Committee regarding delegated officer decisions, one in 2000 and one in 2008, both of which supported the delegated officer decisions.
28. There are 110 establishments in the City of London for which tables and chairs licences are granted or under consideration of which 56 are licensed premises for the purchase of alcohol under the Licensing Act 2003. The remaining 54 are associated with coffee shops/sandwich bars. All current licences are renewed annually with the same consultation processes as for an initial application. The number of new applications was 14 in 2012 with a further 13 to date this year. As an indication of the times for which they were granted, of 68 applications to date this year, 11 were to 11pm or later, none has been issued beyond midnight.
29. To decide if T&C can be permitted, officers use an internal set of guidelines based agreed by Committee in 1983. Issues which would be considered include the space remaining for pedestrians, amenity use for public and patrons, access for businesses and people, access to services

and provision of services in the highway, street scene aesthetics such as type and amount of equipment, visual clutter (e.g. barriers, umbrellas and heaters) and impairment of traffic sight lines. Environmental concerns include issues regarding cleansing, or the prevention of persons congregating outside of the T&C area, and the risk of additional noise.

30. Once the tables and chairs licence is granted, almost all complaints or concerns received are those concerning the impact on the environment such as noise, litter, public safety and obstruction from rowdy users. However, all of these have related to tables and chairs locations associated with the purchase of alcohol authorised by a premises licence under the Licensing Act 2003. There is therefore an additional opportunity for these concerns to be raised in relation to review of the premises licence. No such complaint has been received in respect of non-licensed premises.
31. It is theoretically possible that there could be a discrepancy between a premises licence and T&C licence. However, with present arrangements it is usual that applications for tables and chairs are made separately, and subsequent to, applications for premises licences. This allows for any constraints within the premises licence to be reflected by the T&C licence as the operational approval is within the same licensing team. If planning approval is necessary, it is likely that the planning application would be dealt with first, prior to any separate tables and chairs licence decision.

#### Other Highways Licences

32. In a similar way to T&C licences an individual or corporate body, wishing to place scaffolds, hoardings or other temporary obstructions (e.g. art installations) on the public highway including a City Walkway must also first seek the necessary licence under the Highways Act 1980. These are obtained through the Highways Team in Department of Built Environment (DBE). 'A' boards are treated as obstructions but may be the subject of a report from DBE on setting out policy with regard to these items and whether they should be licensed. Permits issued for street closures and crane operations are matters which have some environmental concern for the Environmental Health Pollution Team but not for the Licensing Service.
33. There is limited cross over here as the main concerns with these licences are obstruction of the highway and public safety although very occasionally there is a need for administration of Temporary Event Notices under Licensing Act 2003 by the Licensing Service where installations are there to provide for public performance.

## **Proposals**

34. The main areas of overlap in operation are the parallel operation of the licensing and planning regimes principally in the area of the sale of alcohol. A new local plan is currently under consultation for the City coordinated by DBE. In the matter of night time entertainment in relation to planning applications it is currently being proposed that new developments and extension of existing premises planning approvals for this purpose will only be permitted where there is no unacceptable impact on the amenity of neighbours or other noise sensitive uses. In addition, applicants will be required to submit management statements detailing how design and operation of the proposed development will protect the amenity of the neighbours. This is analogous to the operating statement required under the Licensing Act 2003 for new premises applications. It is proposed that this stance is supported with comment on applications continuing to be made, as at present, by the Environmental Health Pollution Team.
  
35. Policy and guidelines for the issue of tables and chairs licences were agreed by the then Planning and Communications Committee on 26 April 1983. They have not been formally reviewed or revised since then. To take account of changing circumstances in the City, and to capture any necessary improvements a review of this has been carried out and it is proposed that, after internal discussion with DBE, this will be the subject of a report to the various Committees involved in 2014.

## **Corporate & Strategic Implications**

36. The proposals for improvements to processes fits with one of the City Corporation's three aims of the Corporate Plan 2013 – 2017 in that it seeks to evolve a service 'to provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes'. It also meets one of the five key policy priorities KPP2 in that it seeks to 'maintain the quality of our services whilst (reducing our expenditure and) improving our efficiency'

## **Implications**

37. The work undertaken in applying the proposals is expected to remain within the existing budgets of Markets and Consumer Protection Department.

## **Conclusion**

38. There is significant interaction of responsible authorities with the Licensing Service particularly in the primary role of administration of the Licensing Act 2003. This does have parallel but separate regulatory processes operating through DBE and Planning and Transportation Committee. Comment has been made on the proposed new Local Development Plan for the City with respect to night time entertainment and this should complement the regime operated by your Committee. The administration and operation of T&C licences does not in practice cause conflicts with premises licences but policy and guidelines for granting of the licences needs to be updated. Similarly the changes in street trading legislation anticipated next year if the City of London (Various Powers) Bill proceeds through parliament will also necessitate a new street trading policy being drafted, consulted upon and agreed by the appropriate Committee.

## **Background Papers:**

Licensing of Tables and Chairs – Licensing Committee 18 July 2011

### **Steve Blake**

Assistant Director Environmental Health and Public Protection

T: 020 7332 1604

E: [steve.blake@cityoflondon.gov.uk](mailto:steve.blake@cityoflondon.gov.uk)

<b>Committee(s):</b>	<b>Date(s):</b>
Licensing	21 October 2013
<b>Subject:</b> Joint action by the City Police, City Corporation Licensing Service and London Fire Brigade	<b>Public</b>
<b>Report of:</b> <b>Director of Markets and Consumer Protection</b>	<b>For Information</b>
<b>Summary</b>	
<p>At your Committee in July 2013 your Chairman requested that a report be produced concerning the joint night time inspections being undertaken by the responsible authorities over the last year. This report indicates the issues being raised during these inspections in three main areas of the licensing objectives; public safety, crime and disorder and public nuisance. It then notes how information is shared and used in the new Traffic Light Assessment Scheme introduced this year.</p>	

## Main Report

### **Background**

1. At the July meeting of your Committee the Chairman suggested that the good work being undertaken jointly by City Police, City Corporation Licensing Service in occasional combined night time visits to City licensed premises should be the subject of a brief report.
2. The aim of this report is to inform you of the type of work undertaken and matters found during the inspections.

### **Current Position**

3. The responsible authorities, London Fire Brigade, City Police, Licensing Service and Environmental Health have initiated a series of late night enforcement visits to test compliance of the City night time entertainment economy with the various legislative regimes they administer but focussing on the promotion of the four licensing objectives required of premises operating under Licensing Act 2003.
4. The visits have mainly been undertaken on Friday nights on 20 December 2012, 1 March, 5 July, 6 September as well as Saturday 1 June and Thursday September 18. It is anticipated that the next joint visit will be on Friday before Christmas, December 20 2013.

5. The London Fire Brigade are mainly concerned with aspects of public safety. They have found a number of problems on these visits including the blocking of fire escapes with delivered goods and storage of explosive LPG canisters next to the escape routes. In addition, problems with fire alarm systems, staff unaware of management plans for evacuation and unsafe use of candles has been discovered in City premises. The normal action is requiring rectification at time of visit for urgent matters or, more usually the issue of a Notice of Deficiency for re-inspection to confirm the matter has been adequately resolved.
6. The City Police Licensing Team provide support for the visits ensuring fast access to other members of the joint inspection and are primarily concerned with issues of crime and disorder as well as the other licensing objectives. Typical matters found on these visits have been concerned with the controlled arrival, queuing/external drinking and particularly dispersal of large numbers of patrons from premises. The Police also have raised concerns on these visits regarding the interaction of traffic with pedestrians on dispersal for safety and particularly measures taken to reduce incidents of violence, theft and prevent serving of persons who have already consumed sufficient alcohol.
7. The Environmental Health Officer role in the joint inspection is primarily concerned with prevention of public nuisance to neighbours which is usually a noise matter and related to music from the premises or, as with City Police, linked to dispersal arrangements or arrangements/conditions for external consumption of alcohol. Issues of waste being deposited external to premises have been a regular problem noted during these visits. In addition problems with Food Hygiene, Pest control and Health and Safety, particularly in kitchen areas are noted, management spoken to as appropriate and then passed for the Environmental Health Food Team for re-inspection and confirmation of improvements. Where the Licensing Service is aware of problems with specific premises licence conditions these are also checked on the visits. Problems found on these inspections include the permitting of drinks being taken outside and the storage/use of tables and chairs after permitted hours in the licence.
8. Where concerns have been raised on the joint night time visits a return visit is made by one of the responsible authorities to the premises to see what action is being taken to rectify matters. On occasion this may include asking the appropriate level of management to attend the Public protection Office to meet City Police and/or Public Protection Officers and discuss an action plan to address items of concern.

9. All matters found by the various authorities on these inspections are now collated by the City Licensing Service. They are scored using the Traffic Light Assessment Scheme launched alongside the Code of Good Practice for Licensed Premises. This, dependent on points allocated then indicates the necessary action depending on the severity of what has been found.
10. The City Licensing Service host the City Licensing Liaison Partnership in a monthly meeting of the responsible authorities, including City Police, London Fire Brigade , as well as officers from Safer City Partnership and various sections of Department of Built Environment at Walbrook Wharf. The meeting is to share information on licensing matters and uses the scoring system from the Traffic Light Scheme to indicate where problems are arising and suggest future joint inspection areas and premises.

### **Corporate & Strategic Implications**

11. The joint inspections fit with one of the City Corporation's three aims of the Corporate Plan 2013 – 2017 in that it seeks to evolve a service 'to provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes'. It also meets one of the five key policy priorities KPP2 in that it seeks to 'maintain the quality of our services whilst (reducing our expenditure and) improving our efficiency'

### **Implications**

12. The work undertaken in applying the proposals is expected to remain within the existing budgets of Markets and Consumer Protection Department.

### **Conclusion**

13. The joint visits and enforcement action undertaken at night appears to be a very useful adjunct to normal day time inspection testing the management control of premises when business is at its height. It is anticipated that the authorities involved will continue to carry out this work in 2014.

### **Steve Blake**

Assistant Director Environmental Health and Public Protection

T: 020 7332 1604

E: [steve.blake@cityoflondon.gov.uk](mailto:steve.blake@cityoflondon.gov.uk)

This page is intentionally left blank