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| <b>Committee(s):</b><br><br><b>Licensing Sub-Committee</b>  | <b>Hearing Date(s):</b><br><br><b>2<sup>nd</sup> October 2018</b> | <b>Item no.</b><br><br><b>1</b>       |
| <b>Subject:</b><br><br><b>Licensing Act 2003 - Application for a new premises license</b><br><br><b>Name of premises:</b> <b>Stem + Glory</b><br><br><b>Address of premises:</b> <b>60 Bartholomew Close</b><br><b>London, EC1A 7BF</b> |   |                                       |
| <b>Report of:</b><br><br><b>Director of Markets and Consumer Protection</b>   |   | <b>Public / <del>Non-Public</del></b> |
| <b>Ward (if appropriate):</b><br><br><b>Farringdon Within</b>   |   |                                       |

## **1    Introduction**

- 1.1 To consider and determine, by public hearing, the application for a new premises license under the Licensing Act 2003, taking into account the representations of ‘other persons’ detailed in paragraph 5, and the policy considerations detailed in paragraph 6 of this report.
- 1.2 The decision of the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives, namely:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

## 2 Summary of Application

2.1 An application made by:

**Herbivore Restaurants Ltd t/a Stem + Glory**  
**13 King Street**  
**Cambridge**  
**CB1 1LH**

was received by the City of London Licensing Authority on 9 August 2018 for a new premises licence in respect of the premises at:

**Stem + Glory**  
**60 Bartholomew Close**  
**London, EC1A 7BF**

2.2 Full details of the application are contained in the copy of the Application Form at Appendix 1.

2.3 The application is to provide the following activities:

| <u>Activity</u>        | <u>Current Licence</u> | <u>Proposed</u>       |
|------------------------|------------------------|-----------------------|
| Supply of Alcohol      | N/A                    | Mon–Wed 11:00 – 23:00 |
|                        |                        | Thu-Sat 11.00 – 23.30 |
|                        |                        | Sun 11.00 – 22.30     |
| Late Night Refreshment | N/A                    | Thu-Sat 23.00 – 23.30 |

2.4 The premises will be open to the public between 07:00 and 23:30 Mon to Wed, 07.00 – 00.00 Thu-Sat & 07.00 – 23.00 Sun. The supply of alcohol is for on and off the premises.

2.5 The Operating Schedule submitted by the applicant suggests a number of steps intended to be taken in order to promote the four licensing objectives. Those conditions which are consistent with the operating schedule and could be included on the licence are attached as Appendix 2.

2.6 The mandatory licence conditions can be found in the Licensing Act 2003, sections 19-21. Also, in the Schedules to The Licensing Act 2003

(Mandatory Licensing Conditions) Order 2010 (as amended) and The Licensing Act 2003 (Mandatory Conditions) Order 2014.

### **3 Licensing History of Premises**

- 3.1 This a new application within a new development, the premises has not had a premises licence before. Opposite the unit lies The Butcher's Hall and Wright & Bell, both of which have recently been granted new premises licences.
- 3.2 The business is described as a Vegan Restaurant. Stem + Glory wish to supply alcohol on the ground floor level, with both inside and outside dining areas. They also wish to allow customers to consume alcohol outside the venue, though have proposed a condition that would restrict off-sales to those seated at tables and chairs. A tables and chairs application has yet to be submitted.

#### **Complaints**

- 3.3 Not applicable as premises not yet trading.

### **4 Representations from Responsible Authorities**

- 4.1 There is a representation from the City of London Environmental Health team – detailed in appendix 3 (i). The representation suggests that if outside drinking is permitted beyond 21.00 hours it will undermine the licensing objective of 'the prevention of public nuisance'.

### **5 Representations From Other Persons**

- 5.1 There are fifteen representations from 'other persons'. The representations are against the granting of the licence primarily on the basis that if granted it will undermine the licensing objective of 'the prevention of public nuisance'.
- 5.2 The representations can be seen in full as Appendix 3(ii) to 3(xvi).

## **6 Policy Considerations**

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

### **City of London Corporation's Statement of Licensing Policy**

- 6.2 The following sections/paragraphs of the City of London Corporation's Statement of Licensing Policy are particularly applicable to this application.

Paragraphs 79 – 81 address the need of care when controlling noise particularly from those persons leaving a premises.

The boxed comment on page 19 states the need to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers.

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

The boxed comment on page 22 considers various factors that should be taken into account when considering whether any licensable activity should be permitted.

Paragraphs 115-121 state the Corporation's policy on setting conditions which may be applicable dependant on the step(s) taken by members as stated in paragraph nine of this report.

### **Statutory Guidance**

- 6.3 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are particularly applicable to this application (revised April 2017):

Chapter 2 of the guidance covers the four licensing objectives. In particular, paragraph 2.15 states that it is, '...important that in considering the promotion of *[the public nuisance licensing objective,*

*licensing authorities]* focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.’ Also, paragraph 2.16 indicates that the prevention of public nuisance could, in appropriate circumstances include, ‘the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.’

Chapter 10 refers to conditions attached to premises licences with paragraph 10.10 stating that, ‘Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.’ Also, ‘Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.’

## **7 Map and Plans**

- 7.1 A map showing the location of the premises together with nearby licensed premises is attached at Appendix 4. A key of those premises is included which indicates the maximum permitted hours for alcohol sales in respect of each premises along with the latest terminal hour for any other licensed activity if greater.
- 7.2 The plan of the premises is attached as Appendix 5.

## **8 Summary**

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

## **9    Options**

- 9.1 The Sub-committee must, having regard to the representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
- i) grant the licence subject to any conditions consistent with the operating schedule modified to such extent as the Sub-committee considers appropriate for the promotion of the licensing objectives and include the mandatory conditions contained in Ss. 19-21 of the Licensing Act 2003;
  - ii) exclude from the scope of the licence any of the licensable activities to which the application relates;
  - iii) To refuse to specify a person in the licence as the premises supervisor;
  - iv) Reject the application.

For the purposes of paragraph 9.1(i) conditions consistent with the operating schedule are modified if any of them are altered or omitted or any new condition is added.

- 9.2 Where a licensing authority takes one or more of the steps stated in paragraph 9.1 above the applicant, or the holder of the licence and/or a person who made relevant representations in relation to the application, may appeal the decision to the Magistrates' Court. Any appeal must be commenced within 21 days following notification of the decision to the appellant by the licensing authority.

## **10   Recommendation**

- 10.1 It is therefore recommended that your Sub-Committee determine this application for a premises licence in accordance with paragraph 9 of this report.

Prepared by            Robert Breese  
                                Licensing Officer

## **Background Papers**

| <u>BACKGROUND PAPERS</u>   | <u>DEPT</u> | <u>FILE</u>  |
|--|-------------|--|
| Corporation of London Statement of Licensing Policy (revised Jan 2017)<br><br>Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. April 2017 | MCP         | 5th Floor Walbrook Wharf<br><br><a href="#">Statutory Guidance</a> |