

Committee: Licensing Sub-Committee	Hearing Date: 4 February 2019	Item no.
Subject: Licensing Act 2003 - Public Hearing in Respect of an Application for the Grant of a Premises Licence		
Name of Premises: Half Cup Address of Premises: Unit 9, 22-23 Bartholomew Close, EC1A 7BB		
Report of: Interim Director of Consumer Protection & Market Operations		Public / Non-Public
Ward: Farringdon Within		

1 Introduction and Purpose

- 1.1 The purpose of this meeting of the Sub-Committee is to consider and determine, by public hearing, an application for the grant of a premises licence under the provisions of the Licensing Act 2003, taking into consideration the representations of nine *other persons* detailed in paragraphs 5, together with 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:

Kuash Ltd
100-102 Judd Street
London WC1H 9NT

was received by the City of London licensing authority on 11th December 2018 for the grant of a premises licence in respect of the premises:

Half Cup
Unit 9
22-23 Bartholomew Close London EC1A 7BB

- 2.2 Full details of the application can be seen as Appendix 1
- 2.3 The application seeks permission for the sale of alcohol for consumption on and off the premises as shown in the following table:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of alcohol for consumption on & off the premises	N/A	Mon-Sun- 09:00-22:30

- 2.4 The operating schedule submitted with the application suggests steps intended to be taken in order to promote one or more of the four licensing objectives. Conditions consistent with this schedule which (modified as appropriate) could be included as conditions on the premises licence are attached as Appendix 2.

3 Licensing History of Premises

- 3.1 This is a newly built premises with no licensing history.

4 Representations from Responsible Authorities

- 4.1 No representations have been received from any responsible authority.

5 Representations from Other Persons

- 5.1 There have been nine representations against this application from members of the public. These representations are attached as Appendix 3 (i-ix).
- 5.2 The representations all maintain that granting the application would undermine the licensing objective of *the prevention of public nuisance*. (It will be noted that several representations include adverse references to the proposed provision of tables and chairs at the premises. A tables and chairs licence application has been received by the licensing office and will be determined under delegated authority).

6 Policy Considerations

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

City of London Corporation's Statement of Licensing Policy

- 6.2 The following pages/sections/paragraphs of the City of London Corporation's Statement of Licensing Policy are particularly applicable to this application.
- 6.3 Pages 14-16 address the licensing objective 'The prevention of crime and disorder' and pages 19-22 address the licensing objective 'The prevention of public nuisance'.

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.

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

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 City of London 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

The following sections/paragraphs of the statutory guidance issued under S182 of the Licensing Act 2003 are particularly applicable to this application (revised April 2018):

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.'* To which is added; *'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 as Appendix 4. A key to those premises is

included which indicates the maximum respective permitted hours for alcohol sales.

7.2 A plan of the premises can be seen as Appendix 5.

8 Public Notices

8.1 The statutory blue public notice was duly exhibited at the premises as evidenced by photographs taken on 8/12/18. Three photographs of the notice in-situ are attached as Appendix 6 (a-c)

8.2 A copy of the statutory newspaper advertisement in the Islington Tribune is attached as Appendix 7.

9 Summary

9.1 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 City of London 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.

10 Options

10.1 The Sub-committee must, having regard to the above-mentioned representations, take such of the following steps as it considers appropriate and necessary for the promotion of the licensing objectives:

- i) grant the application in the manner for which it was applied; or
- ii) reject the application in whole or in part.

- 9.2 The applicant and/or the persons making representations may appeal the decision of the Sub-Committee by notification to the Magistrates Court within twenty-one days of receiving formal notification of the decision.

11 Recommendation

- 11.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for the grant of a premises licence in accordance with paragraph 9 of this report.

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Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2017) Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. April 2018	MCP	5th Floor Walbrook Wharf Statutory Guidance