

Committee(s):	Hearing Date(s):	Item no.
Licensing Sub-Committee	18 April 2019	
Subject: Licensing Act 2003 - Public Hearing in Respect of an Application for the Grant of a Premises Licence		
Name of Premises: Rocket Address of Premises: 20 Eastcheap, EC3M 1EB		
Report of: Interim Director of Consumer Protection & Market Operations		Public / Non-Public
Ward (if appropriate): Billingsgate		

1 Introduction and Purpose

- 1.1 The purpose of this 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 representation of one *responsible authority* and agreed conditions with another *responsible authority* as detailed in paragraph 4, together with the *policy considerations* detailed in paragraph 7 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:

Rocket Leisure Limited
Polygon Business Centre
18-20 Brommells Road
London, SW4 0BG

was received by the City of London licensing authority on 26 February 2019 for the grant of a premises licence in respect of the premises:

Rocket
20 Eastcheap
London, EC3M 1EB

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 the premises and other licensable activities (and opening hours) as shown in the following table:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of alcohol for consumption on the premises	N/A	Sun 10:00–00:00 Mon – Sat 10:00-02:30
Provision of recorded music, provision of live music, provision of performances of dance	N/A	Sun 10:00–00:00 Mon – Sat 10:00-03:00
Late Night Refreshment	N/A	Sun 23:00–00:00 Mon – Sat 23:00-03:00
Opening Hours	N/A	Sun 10:00–00:00 Mon – Sat 10:00-03:00

- 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 new application for a premises licence with no previous licensing history. That being the case there are no complaints recorded against the premises.

4 Representations from Responsible Authorities

- 4.1 There is one representation from a responsible authority, namely Environmental Health.

Environmental Health feel that the late night venue would be detrimental to the residential cluster in the vicinity and give rise to public nuisance.

Full details of this representation can be seen as Appendix 3(i).

The City of London Police originally submitted a representation but this was withdrawn upon agreement of a slight rewording of the promoted events condition with the applicant. This agreed wording is shown in condition 2 of Appendix 2.

Appendix 2 (i) shows the dispersal policy referenced in condition 10 of Appendix 2.

5 Mediation

- 5.1 Considerable attempt at mediation was made between Environmental Health and the applicant. Despite some tweaking of proposed hours no agreement was reached ahead of the hearing. For reference, emails of this correspondence are attached as Appendix 7.

6 Representations from Other Persons

- 6.1 There are no representations from other persons.

7 Policy Considerations

- 7.1 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

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

- 7.3 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 ten 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.’*

8 Map and Plans

- 8.1 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.
- 8.2 A plan of the premises can be seen as Appendix 5.

9 Public Notices

- 9.1 The statutory blue public notice was duly exhibited at the premises as evidenced by photographs taken on 21/3/19. Two photographs of the notice in-situ are attached as Appendix 6(i) and 6(ii).
- 9.2 A copy of the statutory newspaper advertisement was placed in City Matters and appeared in the edition 06 March – 19 March.

10 Summary

10.1 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.

11 Options

11.1 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 10.1(i) conditions consistent with the operating schedule are modified if any of them are altered or omitted or any new condition is added.

11.2 Where a licensing authority takes one or more of the steps stated in paragraph 10.1 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.

12 Recommendation

12.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for the grant of a premises licence in accordance with paragraph 10 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)	MCP	5th Floor Walbrook Wharf
Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. (April 2018)		Statutory Guidance