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| Committee(s): Licensing Sub-Committee | Hearing Date(s): 13 August 2019 | Item no. |
| Subject: Licensing Act 2003 - Public Hearing in Respect of an Application for the Grant of a Premises Licence | | |
| Name of Premises: Daisy Green Address of Premises: 2 London Wall Place, EC2Y 5DH | | |
| Report of: Director of Consumer Protection & Market Operations | | Public / Non- Public |
| Ward (if appropriate): Coleman Street | | |

1 Introduction

- 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 representations of ‘responsible authorities’ as detailed in paragraph 4, ‘other persons’ as 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:
Daisy Green Food Ltd
1 Manchester Square
London
W1U 3AB

was received by the City of London licensing authority on 21 June 2019 for the grant of a premises licence in respect of the premises:

Daisy Green
2 London Wall Place
London, EC2Y 5DH

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

| <u>Activity</u> | <u>Current Licence</u> | <u>Proposed Licence</u> |
|-----------------|------------------------|-------------------------|
| Sale of alcohol | N/A | Mon – Sun 11:00 - 23:00 |

The supply of alcohol is for the consumption both on and off the premises.

The premises is intending to open between 07:00 and 23:30 Monday to Sunday.

- 2.4 The operating schedule submitted with the application suggests a number of 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.
- 3.2 The premises is intending to become a bar/café.

4 Representations from Responsible Authorities

- 4.1 There are two representations from responsible authorities, namely the City of London Police and Environmental Health. Both feel that granting

the license, as applied for, will undermine the licensing objective of the prevention of public nuisance. In addition, the Police feel that it would also undermine the objective of the prevention of crime and disorder.

4.2 The representations can be seen in full as Appendix 3(1) and 3(2)

5 Representations from Other Persons

5.1 There are 37 representations from other persons. 36 of these representations are against the granting of the licence with most feeling that the terminal hour applied for is too late and will undermine the licensing objective of ‘the prevention of public nuisance’.

5.2 There is one representation in favour of the application albeit the representation suggest that the hours applied for the supply of alcohol are too long.

5.3 The representations can be seen in full as Appendices 4(1) to 4(37).

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.

Pages 19-22 address the licensing objective ‘The prevention of public nuisance’, with paragraphs 79 – 81 addressing 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 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

- 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 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 5. A key to those licensed premises is included which indicates the maximum respective permitted hours for alcohol sales or for late night refreshment.

7.2 A plan of the premises can be seen as Appendix 6.

8 Public Notices

8.1 The statutory blue public notice was duly exhibited at the premises as evidenced by officers on 27/6/19. Copies of the photographs taken of the blue notice can be seen as Appendices 7(1) and 7(2).

8.2 A copy of the statutory newspaper advertisement was placed in the Islington Tribune in the edition of Friday 28 June 2019.

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 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) refuse to specify a person in the licence as the designated 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.

10.2 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.

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 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 |