

<b>Committee(s):</b>  <b>Licensing Sub-Committee</b>	<b>Hearing Date(s):</b>  <b>16 June 2020</b>	<b>Item no.</b>  <b>1</b>
<b>Subject:</b>  <b>Licensing Act 2003 - Public Hearing in Respect of an Application for the Variation of a Premises Licence</b>  <b>Name of premises:</b> <b>The George and Vulture</b>  <b>Address of premises:</b> <b>2-3 Castle Court</b> <b>London, EC3V 9DL</b>		
<b>Report of:</b>  <b>Director of Markets and Consumer Protection</b>		<b>Public / <del>Non-Public</del></b>
<b>Ward (if appropriate):</b>  <b>Langbourn</b>		

## **1    Introduction**

- 1.1 To consider and determine, by public hearing, the application to vary a premises license under the Licensing Act 2003, taking into account the representations of ‘other persons’ detailed in paragraph 4, 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:

**Thomas Jeffrey Paget** (please see paragraph 3.2)  
c/o [REDACTED] Station Street  
Huddersfield  
[REDACTED]

was received by the City of London Licensing Authority on 25 February 2020 to vary the premises licence in respect of the premises at:

**George & Vulture**  
**3 Castle Court**  
**London, EC3V 9DL**

### 2.2 The application seeks to remove conditions 2 (a) to 2(d) inclusive and 3(a) to 3(c) inclusive. These refer to children under 14 being on the premises and restrictions on use of credit sales. These conditions were ‘grandfathered’ across from the Licensing Act 1964.

The application also seeks to remove condition 4 which states, ‘*The small bar at the rear of the ground floor to be used for the purpose of serving to the waiters only and not for the consumption thereof of intoxicating liquors by the public.*’ The effect of removing this condition is to permit alcohol to be purchased directly by customers from the small bar at the rear of the premises.

### 2.3 All permitted hours, licensable activities and opening hours are to remain the same. The sale of alcohol is for both on and off the premises. Full details of the application are contained in the copy of the Application Form at Appendix 1.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon–Sat: 10:00– 23:00	No Change
Recorded Music	No restrictions	No Change

### 2.4 The Operating Schedule submitted by the applicant suggests no further steps necessary in order to promote the licensing objectives.

## 3 Licensing History of Premises

- 3.1 The premises received a licence on 13 September 2005 trading as The George & Vulture.
- 3.2 The application to vary the licence was made by Mr Paget who was the previous Licence holder. However, the licence had been transferred to Samuel Smith (Southern) on the 11 February. The instructing solicitors were not aware the current licence holders (Samuel Smith (Southern)) had applied to transfer the licence directly and thus the variation application was still in the name of the old licence holder. This was amended by the licensing team on our records and deemed to be a correctly made application.
- 3.3 A copy of the current premises licence can be seen as Appendix 2.

#### **4 Representations From Other Persons**

- 4.1 There are five representations from ‘other persons’. The representations are against granting the variation primarily on the basis that if granted it will undermine the licensing objective of ‘the prevention of public nuisance’.
- 4.2 The representations can be seen in full as Appendix 3(i) to 3(v).

#### **5 Representations from Responsible Authorities**

- 5.1 There have been no representations from any of the Responsible Authorities.

#### **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.

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

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 outside of and leaving premises.

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 as 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.
- 8.2 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 Public Notices**

- 9.1 The statutory blue public notice was duly exhibited at the premises as evidenced by photographs attached as Appendix 6(i) to 6(iv) and were verified to be accurate by a Licensing Officer.

## **10 Options**

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

- i) modify the conditions of the licence; or
- ii) reject the whole or part of the application

Any determination by the licensing sub-committee will not have effect until the end of 21 days following notification of the decision to the applicant by the licensing authority or, in the event of an appeal to the Magistrates' Court against the Sub-Committee's decision, the determination of the appeal.

For the purposes of paragraph 10.1(i) conditions are modified if any of them are altered or omitted or any new condition is added.

## **11 Recommendation**

11.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a variation of a premises licence in accordance with paragraph 10 of this report.

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## **Background Papers**

<u>BACKGROUND PAPERS</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2017)	MCP	3rd Floor Guild Hall
Statutory Guidance – 'Revised Guidance Issued Under Section 182 Of The Licensing Act 2003'. April 2017		<a href="#">Statutory Guidance</a>