

Committee(s):	Date(s):
Licensing Committee	15 July 2013
Subject: Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.	Public
Report of: Director of Markets and Consumer Protection	For Information
<p>Summary:</p> <p>This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 April 2013 to 30 June 2013. It does not include any premises where Members have been involved in the decision making process i.e. decisions made at licensing sub-committee hearings.</p> <p>The report gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 April 2013 and 30 June 2013. This report also presents the first data from the ‘traffic light’ risk scheme introduced within the City of London on 1 April 2013. The data covers the period 1 April 2013 to 31 May 2013.</p>	

Main Report

Premises Licence Applications

1. Pursuant to the instructions from your committee, I attach for your information a list detailing ‘premises licence’ applications (Appendix I) and variations (Appendix II) granted by the Licensing Service between 1 April 2013 and 30 June 2013.
2. The report also contains information appertaining to the number of personal licences issued. This information is also contained in Appendix II.
3. Any questions of detail concerning premises licences can be obtained from the Corporation’s public register which can be found on http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Business/Licences_and_street_trading/Public_register.htm. or by contacting Peter Davenport, Licensing Manager, on extension 3227 or by email to the Licensing Team at licensing@cityoflondon.gov.uk.

4. Appendix IV details the conditions attached to the premises licences listed in Appendices I and II.

Routine Enforcement

5. This report also outlines the enforcement activity of the Licensing Service in relation to premises with a licence granted under the Licensing Act 2003 (Appendix III). The table in Appendix III shows the number of visits undertaken, number of complaints received and the number of enforcement actions taken. Enforcement actions include warning letters, notices, simple cautions, legal proceedings etc.
6. Appendix III provides data from 1 April 2013 to 30 June 2013.
7. Licensing Officers undertake routine enforcement visits checking on premises licence conditions where there are concerns, e.g. closing times, compliance with Temporary Event Notices and managing numbers of people consuming alcohol outside venues, and also in response to complaints. The Departmental Policy Statement on Enforcement is followed prior to escalating action and taking legal proceedings.
8. The Departmental Policy Statement on Enforcement conforms to the Regulators' Compliance Code and the regulatory principles required under the Legislative and Regulatory Reform Act 2006. It sets out the general principles and approach which Officers are expected to follow and addresses issues of proportionality, consistency, targeting, transparency and accountability.
9. More widely, enforcement arrangements are currently coordinated at the Licensing Liaison Partnership meetings that are held monthly and are attended by representatives from all enforcement agencies. Joint visits are organised via this forum and subsequent reports are used to add to the top level premises list that that comprises those premises that have accrued the most points under the 'traffic light' risk scheme. These are then targeted by relevant enforcement officers.
10. This report introduces for the first time data produced from the 'traffic light' risk scheme for the months of April and May 2013. Six premises have accrued a sufficient number of points to turn 'Red' and six premises a sufficient number to turn 'Amber'. Further details can be seen in Appendix V.
11. There is a very good working relationship between the PH&PP Licensing Team, The City of London Police Licensing Team and the PH&PP Pollution Control Team, all of whom are based at Walbrook Wharf.

12. The Memorandum of Understanding (MoU) between the City of London Police and the Markets and Consumer Protection Department agreed in November 2011 outlines specific arrangements for cooperation between the Licensing Teams.
13. The other City Corporation Department that is routinely involved in enforcement is the Department of the Built Environment (DoBE). Where it appears that a material change of use has occurred, or there is a failure to comply with any condition attached to a planning permission or a breach of planning controls, when it is expedient to do, officers from this Department seek authorisation to take enforcement action under the Town and Country Planning Act 1990.

Response to complaints

14. Any complaints about licensed premises are dealt with by the relevant agency/team, e.g. crime and disorder – Police, fire safety – London Fire Brigade. As far as PH&PP are concerned, complaints relating to the conditions on a licence will be dealt with in the first instance by the Licensing Team, but if there are noise issues the Pollution Team will also be involved.
15. Investigations are undertaken and if there are grounds for a review of the licence in relation to the licensing objectives, then the responsible authorities can apply accordingly. In practice, potential applications are considered at the Licensing Liaison Partnership meetings, and agencies/authorities support one another in providing evidence and making applications.

Implications

16. There are no financial, legal or strategic implications that arise from this report

Background Papers:

None

Contact:

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Appendix I

New Licence Applications Issued by way of Delegated Authority (Apr-Jun 2013)

Name	Address	Ward	Details	Time
Marubeni Sports Club	95 Gresham Street	Coleman Street	A, (f)	23:00
L'Antipasto City	2 Botolph Alley	Bridge & Bridge Without	A	10:30
Wahaca	1 New Change	Bread Street	A, L, (f)	00:00
Bar Works	26 Farringdon Street	Farringdon Within	A, L, (b),(e),(f),(g)	03:00
Skygarden	20 Fenchurch Street	Bridge & Bridge Without	A, L, (f),	00:00

Total Licences Issued = 5

Key to Details:

- | | |
|----------------------------|---------------------------|
| A Sale of Alcohol | (e) Live Music |
| L Late Night Refreshment | (f) Recorded Music |
| (a) Plays | (g) Performances of Dance |
| (b) Films | (h) Making Music |
| (c) Indoor Sporting Events | |
| (d) Boxing or Wrestling | |

Times stated are the latest terminal hour for at least one of the licensable activities.

Number of Licences by Ward Order

WARD	No.
Bread Street	1
Bridge/Bridge w/o	2
Coleman Street	1
Farringdon Within	1

Appendix II

Licence Variations Issued by way of Delegated Authority (Apr-Jun 2013).

Name	Address	Ward	Details
The Gallery	10-11 Austin Friars	Broad Street	<ul style="list-style-type: none">• Variation of layout
Hamilton Hall	32 Upper Concourse, Liverpool Street Station	Bishopsgate	<ul style="list-style-type: none">• Variation of layout
HMS President	Victoria Embankment	Farringdon Without	<ul style="list-style-type: none">• Extension of terminal hour for alcohol sales on Sunday from 22:30 to 02:00 plus removal of a number of outdated conditions.
Artigiano	70 St Pauls Churchyard	Bread Street	<ul style="list-style-type: none">• Increase in hours of licensable activities from Wed-Fri to every day and from a terminal hour of 22:30 to 23:00.
Mermaid Theatre	Puddle Dock	Castle Baynard	<ul style="list-style-type: none">• Variation of layout and major refurbishment

Total Variations = 5

Number of Licences by Ward Order

WARD	No.
Bishopsgate	1
Bread Street	1
Broad Street	1
Castle Baynard	1
Farringdon Without	1

Personal Licences Issued by way of Delegated Authority

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Appendix III

Enforcement Action Carried out Under the Licensing Act 2003 1 April 2013 - 30 June 2013

Total Number of Inspections	56
Number of Warning Letters	12
Number of Premises advised	14
Number of simple cautions	0
Number of suspension notices	18
Paid prior to suspension	10
Licence lapsed*	3
'Dead' Suspensions**	2
'Live' Suspensions***	3

*Licences are deemed lapsed in circumstances where the licence holder no longer exists e.g. a company has gone into liquidation.

**A 'dead' suspension is where the premises is closed but there is no evidence to suggest that the licence holder is still in existence. If the licence holder returns to the premises the outstanding fee will have to be paid in order for the licence to be resurrected.

***A 'Live' suspension is where the premises is still trading and can now no longer carry on licensable activities until the licence fee has been paid.

Number of complaints received 26

Breakdown of Complaints:

<u>Complaint type/description</u>	<u>Date Received</u>	<u>Ward</u>	<u>Outcome</u>
Mumbai Square, 7 Middlesex Street			
Amplified music	12/05/2013	Portsoken	Resolved informally
Pause, Basement Retail Unit, 80 Leadenhall Street			
Noise - People on street	02/06/2013	Aldgate	Resolved informally
Noise - People on street	11/06/2013	Aldgate	Resolved informally
Noise - People on street/ Amplified music	21/06/2013	Aldgate	Case still in progress
Amplified music	28/06/2013	Aldgate	Case in progress
Rabobank International, 1 Queenhithe			
Noise Complaint/Noise-Entertainment	17/05/2013	Vintry	Resolved informally

1 Lombard Street, Restaurant, 1 Lombard Street				
Early AM Deliveries / Street cleaning	07/06/2013	Walbrook	Resolved informally	
Early AM Deliveries / Street cleaning	12/06/2013	Walbrook	Case still in progress	
Clause, 1 Lovat Lane				
Amplified Music	19/05/2013	Bridge & B/W	Resolved informally	
The Grange City Hotel, 8-14 Cooper's Row				
Early AM deliveries	24/06/2013	Tower	Case still in progress	
Gilt London, 14 New London Street				
People noise on street	12/04/2013	Tower	Resolved informally	
Kings Stores Public House, 14 Widgate Street				
Amplified music	16/05/2013	Bishopsgate	Resolved informally	
Slug And Lettuce, 5-11 Fetter Lane				
Amplified music	31/05/2013	Castle Baynard	Resolved informally	
Wood Street Bar and Restaurant, 53 Fore Street				
People noise outside / breach of licence condition	28/05/2013	Cripplegate	Case still in progress	
People noise outside / breach of licence condition	28/05/2013	Cripplegate	Case still in progress	
Neo Pizzeria, 131 Aldersgate Street				
People noise on street	07/04/2013	F'don Within	No action possible	
People noise on street	02/06/2013	F'don Within	Resolved informally	
People noise on street	02/06/2013	F'don Within	No action possible	
Noise from bottle disposal at night	23/06/2013	F'don Within	Case still in progress	
People noise on street	05/06/2013	F'don Within	Case still in progress	
Jamies, 1 Alban Highwalk				
Amplified Music	06/04/2013	Bassishaw	Resolved informally	
Natural Kitchen, 7 Pepys Street				
Noise and ASB from people in street using tables and chairs	11/04/2013	Tower	Resolved informally	
The Pelt Trader, Arch 3, 23 Dowgate Hill				
People noise on street	20/06/2013	Dowgate	Case still in progress	
People noise on street	19/06/2013	Dowgate	Case still in progress	
Bird of Smithfield, 26 Smithfield Street				
Amplified music	10/05/2013	F'don Within	Resolved informally	
Amplified radio noise	15/06/2013	F'don Within	Resolved informally	

Conditions Applied to Licences Granted by way of Delegated Authority

Marubeni

None

L'Antipasto City

None

Wahaca

1. The premises shall install and maintain a CCTV system. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
3. The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.
4. A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 21 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Bar Works

1. The premises shall maintain a CCTV system that ensures the entry point is covered to enable frontal identification of every person entering. The CCTV cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
2. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:
 - all crimes reported to the venue
 - all ejections of customers
 - any incidents of disorder (disturbance caused either by one person or a group of people)
 - seizures of drugs or offensive weapons
 - any refusal of the sale of alcohol during the hours the premises is licensed to sell it
3. The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.
4. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

5. A Challenge 21 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 21 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

Skygarden

None

The Gallery

None

Hamilton Hall

None

HMS President

None

Artigiano

None

Mermaid Theatre

None

Premises obtaining sufficient points on the Risk Scheme to reach Red or Amber.

RED (20 penalty points or at least 10 from one licensing objective)

Premises 1 - Billingsgate (Crime and Disorder – 13. GBH, Drunkenness, Public Order, Common Assault, ABH)	13
Premises 2 - Walbrook (Crime and Disorder – 12. Affray, Common Assault, Theft, ABH, ABH)	12
Premises 3 - Cordwainer (Crime and Disorder – 11. Drunkenness, Common Assault, Common Assault, ABH, ABH)	11
Premises 4 - Cordwainer (Crime and Disorder – 10. GBH, GBH)	10
Premises 5 – Castle Baynard (Crime and Disorder – 10. Affray, Possession of drugs, GBH)	10
Premises 6 - Cheap (Crime and Disorder – 10. ABH, Possession of Drugs, Possession of Drugs, ABH)	10

AMBER (11 penalty points or at least 6 from one licensing objective)

Premises 7 – Bread Street (Crime and Disorder – 9. Affray, ABH, Robbery)	9
Premises 8 - Bishopsgate (Crime and Disorder – 8. Affray, GBH)	8
Premises 9 - Bishopsgate (Crime and Disorder – 6. ABH, Common Assault, Drunkenness) (Public Safety – 2. Fire safety deficiency)	8
Premises 10 – Castle Baynard Crime and Disorder – 7. GBH, Public Order)	7
Premises 11 – Bread Street (Crime and Disorder – 7. Possession of offensive weapon, Affray)	7
Premises 12 - Aldgate (Crime and Disorder – 6. GBH, Drunkenness)	6

Aldgate	1	Bread Street	2	Cordwainer	2
Billingsgate	1	Castle Baynard	2	Walbrook	1
Bishopsgate	2	Cheap	1		