

Committee: Licensing (Hearing) Sub-Committee	Hearing Date: 3 April 2014
Subject: Licensing Act 2003 - Application for a new premises license	
Name of premises: 107 Leadenhall Address of premises: 107 Leadenhall Street, EC3A 4AF	
Report of: Director of Markets and Consumer Protection	Public
Ward (if appropriate): Aldgate	

1 Introduction

- 1.1 To consider and determine, by public hearing, the application for a new premises license under the Licensing Act 2003, taking into account the representations of other persons 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:

Leadenhall 107 Limited
23 Grosvenor Gardens
SW1W 0BP

was received by the City of London Licensing Authority on 11 February 2014 for a new premises licence in respect of the premises:

**107 Leadenhall Street
EC3A 4AF**

- 2.2 The application was amended by additions to the operating schedule detailing further steps the premises intend to take in order to promote the four licensing objectives. Full details of the application are contained in the copy of the Application Form at Appendix 1a. Details of the amendments are contained in emails from the applicant and can be seen as Appendices 1b and 1c.
- 2.3 Appendix 1b effectively seeks to add the ‘No promoted Events’ condition to the operating schedule of the licence. In addition, it seeks to remove the non-standard ‘New Year’s Eve’ timings from the original application contained in sections 10, 11, 13, 14 and 15.

Appendix 1c effectively seeks to add to the operating schedule the intention to have a dispersal policy in place.

- 2.4 The application is to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon to Tue 10:00 – 00:00 Wed to Sun 10:00 – 02:30
Recorded Music, Anything of a similar description to recorded or live music	N/A	Mon to Tue 08:00 – 00:00 Wed to Sun 08:00 – 02:30
Live Music	N/A	Mon to Tue 18:00 – 00:00 Wed to Fri 18:00 – 02:30 Sat and Sun 12:00 – 02:30
Late Night Refreshment	N/A	Mon to Tue 23:00 – 00:00 Wed to Sun 23:00 – 02:30

- 2.5 The supply of alcohol is for ‘on’ the premises only.
- 2.6 The Operating Schedule submitted by the applicant suggests a number of steps intended to be taken in order to promote the four licensing objectives. Those conditions which are consistent with the operating schedule and could be included on the licence are attached as Appendix 2. These conditions take into consideration the additional conditions contained within the applicant’s amendments.
- 2.7 The mandatory licence conditions can be found in the Licensing Act 2003, sections 19-21. Also, in the Schedule to The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

3 Licensing History of Premises

- 3.1 The premises is a basement bar/restaurant and has not held a premises licence before. The intention is to create a ‘high end’ establishment serving modern European cuisine.

4 Representations from Responsible Authorities

- 4.1 There are no representations from responsible authorities.

5 Representations From Other Persons

- 5.1 One representation has been received from ‘other persons’. The representation is against the granting of the application on the basis that it would undermine the licensing objective concerning the prevention of public nuisance.
- 5.2 The representation suggests start times in relation to the sale of alcohol of 18:00, the playing of recorded music from 20:00 and the playing of live music from 21:00.
- 5.3 The representation is attached in its entirety at Appendix 3.

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.

City of London Corporation's Statement of Licensing Policy

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

Paragraph 29 states that in completing the operating schedule, applicants should set out in some detail how they intend to run the premises in order to promote the four licensing objectives.

Paragraph 50 states an overriding policy principle namely, that each application will be decided on its individual merits, with the process complying with the regulations made under the Licensing Act 2003.

Paragraphs 51-54 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.

Paragraph 59 addresses the need to strike a fair balance between the desires and expectations of operators and the benefits to the community of licensed venues with the reasonable expectations of local residents and workers not to be disturbed during night time hours.

Paragraph 66 introduces a number of relevant matters to be considered by the City Corporation when assessing the likelihood of a particular licensable activity causing an unacceptable adverse impact, particularly on local residents and businesses.

Paragraph 84 – It is the policy of the City Corporation to consider very carefully the implications of granting a licence when the hours sought extend into the early hours of the morning.

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 October 2012):

Chapter 2 of the guidance covers the four licensing objectives. In particular, paragraph 2.18 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 2.19 indicates that the prevention of public nuisance could, ‘include low-level nuisance perhaps affecting a few people living locally.....’

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 standard 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 at Appendix 4. A key of those premises is included which indicates the maximum permitted hours for alcohol sales in respect of each premises.
- 7.2 A 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. 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.

Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2013)	MCP	5th Floor Walbrook Wharf
Statutory Guidance – ‘June 2013 Amended Guidance Issued Under Section 182 Of The Licensing Act 2003’		https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance
Premises file	MCP	5th Floor Walbrook Wharf