

Committee(s):	Date(s):
Licensing	21 January 2015
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
Summary: <p>This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 October 2014 to 31 December 2014. 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 October 2014 and 31 December 2014. This report also presents data from the ‘traffic light’ risk scheme introduced within the City of London on 1 April 2013. The data covers the period 1 May 2014 to 31 October 2014.</p> Recommendation:- <p>It is recommended that Members note the contents of this report.</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 October 2014 and 31 December 2014.
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/business/licensing/alcohol-and-entertainment/Pages/Search-the-public-register.aspx>. 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 October 2014 to 31 December 2014.
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 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 details data produced from the 'traffic light' risk scheme for the period of 1 May 2014 to 31 October 2014. 3 premises have accrued a sufficient number of points to be classified as 'Red' and 7 premises a sufficient number to be classified as 'Amber'. Members of this committee will note that this is the second report where 'traffic light' data is produced over a six month period and not the normal twelve month period. Further details can be seen in Appendix V.

11. There is a very good working relationship between the Port Health & Public Protection (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 (Oct-Dec 2014)

Name	Address	Ward	Details
Shoryu	Unit T3, 1 Broadgate	Bishopsgate	A, L, (f) 01:00
Nabarro LLP	125 London Wall	Bassishaw	A 23:00
The Botanist	Broadgate Circle	Bishopsgate	A, L, (e), (f) 02:00
Bea's of Bloomsbury	83 Watling Street	Bread Street	A, L 00:00
Aubaine (Broadgate) Ltd	Broadgate Circle	Bishopsgate	A, L, (f) 01:00
Unit UT and UT2	Broadgate Circle	Bishopsgate	A, L, (f) 01:00
Banh Mi Bay	33 Cannon Street	Cordwainer	A, (f) 23:00
Poncho	11 Queens Head Passage	Bread Street	A, 22:30
Poncho	5 Great New Street	Castle Baynard	A, 22:30
The Tasting Room	10 Exchange Square	Bishopsgate	A, L, (b), (e), (f) 00:30
Pilpel	1A Wine Office Court	Castle Baynard	A, 21:00
Motel One UK	24-26 Minories	Tower	A, L, (b), (f) 02:00
Waitrose	25 Walbrook	Walbrook	A, 23:00
Premier Inn	28 Great Tower Street	Tower	A, L, (b) 00:00
Gino D'Acampo	201 Bishopsgate	Bishopsgate	A 22:00

Total Licences Issued = 15

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

WARD	No.
Bassishaw	1
Bishopsgate	6
Bread Street	2
Castle Baynard	2
Cordwainer	1
Tower	2
Walbrook	1

Appendix II

Licence Variations Issued by way of Delegated Authority (Oct-Dec 2014).

Name	Address	Ward	Details
Burger & Lobster	52 Threadneedle Street	Cornhill	<ul style="list-style-type: none"> • Vary hours to bring outside Levy period. • Extend terminal hour on Sunday to 00:00 (from 22:30) • Vary layout of premises • Bring forward start time for alcohol sales to 08:00 (from 11:00) • Tidy up conditions
Bishopsgate Institute	230 Bishopsgate	Bishopsgate	<ul style="list-style-type: none"> • Extend terminal hours for alcohol sales from 23:30 to 02:00 • Extend terminal hours for other licensable activities from 23:30 to 03:00.
M&S Food to Go	Fenchurch St Railway	Tower	<ul style="list-style-type: none"> • Change of layout • Bring forward start time for alcohol sales to 06:00 (from 08:00)
Rhubarb	20 Fenchurch Street	Bridge and Bridge Without	<ul style="list-style-type: none"> • Extend hours for current licensable activities to 07:00–02:00 (from 08:00 – 00:00) • Add live music from 12:00 to 02:00

Total Variations = 4

Number of Licences by Ward

WARD	No.
Bishopsgate	1
Bridge/Bridge Without	1
Cornhill	1
Tower	1

Personal Licences Issued by way of Delegated Authority

01 Oct 2014 – 31 Dec 2014 2

Appendix III

Enforcement Action Carried out Under the Licensing Act 2003 1 October 2014 - 31 December 2014

Total Number of Inspections	47
Number of Warning Letters	7
Number of Premises advised	10
Number of simple cautions	3
Number of suspension notices	25
Paid prior to suspension	16
Licence lapsed*	1
'Dead' Suspensions**	4
'Live' Suspensions***	2
Still to be determined	2

*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 between 1 October 2014 and 31 December 2014

Outcome Code

No action required - Complaint unjustified.

Informally Resolved - Complaint justified but not statutorily actionable - informal action taken results in satisfactory outcome.

Resolved / Compliance - Complaint justified and statutorily actionable; formal or informal action taken results in satisfactory outcome.

Unresolved - Noise not reduced or controlled, nor have preventive measures to prevent recurrence been implemented.

Total number of complaints: 30

<u>Details</u>	<u>Date</u>	<u>Outcome</u>	<u>Ward</u>
Abbey, St Clare House, 30-33 Minories, London, EC3N 1DD			
Noise from Abbey Bar	23/12/2014	Case still in progress	Tower
Complaint about people standing outside the bars fire exit to smoke and making noise	25/11/2014	Case still in progress	Tower
Cote Restaurant Limited, 57 Whitecross Street, London, EC1Y 8AA			
Complaint of noise from the rear of the Cote Restaurant either refrigeration unit or air con unit	03/11/2014	Case still in progress	Cripplegate
Dirty Dicks Public House, Dirty Dicks Public House, 202 Bishopsgate, London, EC2M 4NR			
Loud rock music coming from Dirty Dicks public house at Bishopsgate	08/11/2014	Resolved informally	Bishopsgate
Dirty Martini Monument, 1 Lovat Lane, London, EC3R 8DT			
Noise from people outside smoking, loud talking/shouting/laughter.	22/11/2014	Case still in progress	Bridge and Bridge Without
Noise from licenced premises, Dirty Martinis	16/10/2014	Resolved informally	Bridge and Bridge Without
Jamie's, 155 Bishopsgate, London, EC2M 3TQ			
Complaint about excessive music noise from Jamie's Bar	05/12/2014	No action possible	Bishopsgate
Complaint about loud music from Jaimie's bar	11/12/2014	Case still in progress	Bishopsgate
Music noise from Jaimie's Bar, 155 Bishopsgate	12/12/2014	Case still in progress	Bishopsgate
Complaint about excessive noise from this venue	18/10/2014	Resolved informally	Bishopsgate

Motel One UK Ltd, 24-26 Minories, London, EC3N 1BQ

Email re possible problems from new Hotel use drinking outside and door access.	23/12/2014	Case still in progress	Tower
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Mumbai Square, 7 Middlesex Street, London, E1 7AA

Loud P.A system noise from Mumbai Square Indian Restaurant on Middlesex Street	09/12/2014	Resolved informally	Portsoken
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Neo Pizzeria, 131 Aldersgate Street, London, EC1A 4JQ

Woken in the early hours, around 02-30 am on Saturday, 13 December by bags of bottles crashing to the pavement under our windows as NEO cleaned up after their late closing time. There were three black sacks full of empties.	14/12/2014	Case still in progress	Farringdon Within
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Complaint about music noise	06/12/2014	No action possible	Farringdon Within
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Patch, 58-62 Carter Lane, London, EC4V 5EA

Complaint re noisy crowd outside after closing	07/12/2014	Resolved informally	Farringdon Within
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Complaint re: loud music and noise from patrons outside	21/12/2014	Resolved informally	Farringdon Within
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Revolution, Retail Unit, 1 America Square, London, EC3N 2LS

Noise from licenced premises in the area, coming from Revolution America Square	02/11/2014	Resolved informally	Tower
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Noise from Bar	30/11/2014	Case still in progress	Tower
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Sainsbury's Local, 60 Fetter Lane, London, EC4A 1AA

Noise from delivery outside Sainsbury's	21/10/2014	Resolved informally	Castle Baynard
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Slug and Lettuce, 9 Stoney Lane, London, E1 7BH

Noise from bottles disposal	10/12/2014	Ceased not likely to recur	Aldgate
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The Alice, Five Acre Square, 133-137 Houndsditch, London, EC3A 7BX

Noise from bottle disposal	10/12/2014	Resolved informally	Aldgate
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The Anthologist, 58 Gresham Street, London, EC2V 7BB

Complaint about noise from revellers leaving the venue, the volume of the music and mini cabs blocking the street	19/10/2014	Resolved informally	Walbrook
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The Old Bengal Warehouse, 16A New Street, London, EC2M 4TR

Noise from bars in New Street	11/10/2014	No action possible	Bishopsgate
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The Pelt Trader, Arch 3, 23 Dowgate Hill, London, EC4R 2SU

Music noise from Pelt Trader	14/12/2014	Resolved informally	Dowgate
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The Shakespeare, The Shakespeare Public House, 2 Goswell Road, London, EC1M 7AA

Noise at Golden Lane Estate issue is with flat directly above Shakespeare which is used for staff working at the pub.	07/10/2014	Resolved informally	Cripplegate
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Noise at weekends from the Shakespeare pub.	06/10/2014	Resolved informally	Cripplegate
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The St Barts Brewery, 66 West Smithfield, London, EC1A 9DY

Misc noise from St Barts	12/12/2014	Case still in progress	Farringdon Within
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The Telegraph, The Telegraph Public House, 11 Telegraph Street, London, EC2R 7AR

Noise from 6.00 am beer delivery by Fullers in Tokenhouse Yard.	10/12/2014	Resolved informally	Coleman Street
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Wood Street Bar and Restaurant, 53 Fore Street, London, EC2Y 5EJ

Complaint about customers making noise on leaving the Wood Street Bar	19/12/2014	Case still in progress	Cripplegate
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Yager Bar, 2 Old Change Court, London, EC4M 8EN

Complaint of loud music coming from the Yager Bar	26/10/2014	Resolved informally	Bread Street
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Conditions Applied to Licences Granted by way of Delegated Authority

NEW APPLICATIONS

Shorvu

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and 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. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

Nabarro

1. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

2. The provision of licensable activities shall be restricted to: employees and officers of the organisations in occupation, or their associated companies; and bona fide guests of the said employees, officers and companies; and persons attending any bona fide private event at the premises.

The Botanist

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and 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. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

3. Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time between 2300 and 0700 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

Bea's of Bloomsbury

None

Aubaine

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and 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. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

Unit UT & UT2

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and 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. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

Banh Mi Bay

None

Poncho (Queens Head Passage)

None

Poncho (Great New Street)

1. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

2. The area marked 'outdoor seating' on the plan attached to the licence will not be used after 21:00 hours on any day the premises are open to trade.

Tasting Room

None

Pilpel

None

Motel One

1. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

Waitrose

None

Premier Inn

None

Gino D'Acampo

None

VARIATIONS

Burger & Lobster

- 1) All doors and windows shall remain closed after 23.00 hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency.
- 2) There shall be no sales of alcohol for consumption off the premises before 11am.
- 3) Alcohol shall only be sold to a person sitting down eating a meal, and for consumption with that meal, before 11am.

Bishopsgate Institute

None

M&S Food to Go

None

Rhubarb

None

Appendix V

Premises obtaining sufficient points on the Risk Scheme to reach Red or Amber. (May 2014 – October 2014)

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

1 – Walbrook (Crime and Disorder – 14, Public Nuisance - 5)	19
2 – Lime Street (Crime and Disorder – 13)	13
3 – Billingsgate (Crime and Disorder – 11)	11

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

1 – Tower (Crime and Disorder – 9)	9
2 – Bishopsgate (Crime and Disorder – 8)	8
3 – Castle Baynard (Crime and Disorder – 8)	8
4 – Coleman Street (Crime and Disorder – 8)	8
5 – Bridge & Bridge Without (Crime and Disorder – 6, General - 2)	8
6 – Cordwainer (Crime and Disorder – 8)	8
7 – Coleman Street (Crime and Disorder – 8)	8