

Committee: Licensing Sub-Committee	Hearing Date: 29 January 2015
Subject: Licensing Act 2003 - Application for a new premises license	
Name of premises: Contemporary Pub Company Ltd Address of premises: 6 Carmelite Street	
Report of: Director of Markets and Consumer Protection	Public / Non-Public
Ward (if appropriate): Castle Baynard	

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:

Contemporary Pub Company Limited
PLS Management Ltd Gough house
57 Eden Street
Kingston Upon Thames
KT1 1DA

was received by the City of London Licensing Authority on 8 December 2014 for a new premises licence in respect of the premises at:

**6 Carmelite Street
EC4Y 0BX**

2.2 Full details of the application are contained in the copy of the Application Form at Appendix 1.

2.4 The application is to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Films, Recorded Music, Anything of a similar description to recorded music	N/A	Mon - Sat 11:00 – 00:00 Sun 11:00 – 22:30
Supply of Alcohol	N/A	Mon - Sat 11:00 – 00:00 Sun 11:00 – 22:30
Late Night Refreshment	N/A	Mon - Sat 23:00 – 00:00

2.5 The supply of alcohol is for both ‘on’ and ‘off’ the premises. With the premises open to the public between 11:00 and 00:00 Monday to Saturday and 11:00 to 22:30 on Sunday.

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.

2.7 The mandatory licence conditions can be found in the Licensing Act 2003, sections 19-21. Also, in the Schedules to The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (as amended) and The Licensing Act 2003 (Mandatory Conditions) Order 2014.

3 Licensing History of Premises

- 3.1 The premises is to operate as a 'contemporary bar with a high end food offering'.
- 3.2 The premises has not held a licence previously.

4 Representations from Responsible Authorities

- 4.1 There is one representations from Environmental Health who are against the granting of a licence due to insufficient information in the application form regarding dispersal of customers and steps taken to prevent the licensing objective of 'prevention of public nuisance' being undermined.
- 4.2 They recommend the addition of conditions concerning:
 - A written dispersal to be in place
 - Keep quiet signage to be displayed
 - No drinks or glasses to be taken outside the premises
 - No sale of alcohol in unused containers for consumption off the premises
 - Contact number being available for the residents if the need to complain arises
- 4.3 The representation from Environmental Health can be seen in full as Appendix 3.

5 Representations From Other Persons

- 5.1 There are eleven representations from other persons which are against the granting of a licence to these premises on the basis that they believe one or more of the licensing objectives will be undermined. However, if the licence was to be granted the consensus of opinion is that the closing time should be earlier and no later than 23:00.
- 5.2 The majority of the representations feel that the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance will be undermined with some feeling that the objective relating to the protection of children from harm will also be undermined.

- 5.3 The persons objecting to the granting of the licence are concerned that the premises is adjacent to residential properties and that noise generated by customers of the premises will cause them to be disturbed..
- 5.4 The representations can be seen in full as appendices 4(i) to 4(xi).

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.

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 5. 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 6.

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.

9 Options

- 9.1 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) To refuse to specify a person in the licence as the premises supervisor;
 - iv) Reject the application.

For the purposes of paragraph 9.1(i) conditions consistent with the operating schedule are modified if any of them are altered or omitted or any new condition is added.

- 9.2 Where a licensing authority takes one or more of the steps stated in paragraph 9.1 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.

10 Recommendation

- 10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a premises licence in accordance with paragraph 9 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 2013)	MCP	5th Floor Walbrook Wharf
Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. October 2014		www.statutory guidance