

Committee(s):	Date(s):	
Licensing Committee	16 July 2012	
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 2012 to 30 June 2012. 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 also gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 April 2012 and 30 June 2012.</p> <p>Recommendations:</p> <p>To note the contents of the 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 April 2012 and 30 June 2012.
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.

Routine Enforcement

4. 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.
5. Appendix III provides data from 1 April 2012 to 30 June 2012.
6. The Port Health and Public Protection (PH&PP) Service in the new Department of Markets and Consumer Protection undertakes a wide range of regulatory functions. PH&PP employs Environmental Health Officers (EHOs), Trading Standards Officers and Licensing Officers all of whom enforce legislation in licensed premises
7. Licensing Officers undertake some routine enforcement visits in checking on premises licensing 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 is being changed to reflect the recent restructuring. It 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 PH&PP 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 make up the top level premises list that comprises those that are causing the most enforcement problems. These are then targeted by relevant enforcement officers.

10. 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.
11. The Memorandum of Understanding (MoU) between the City of London Police and the former Department of Environmental Services that your Committee approved in July outlines specific arrangements for cooperation between the Licensing Teams. As outlined in the MoU, the teams are preparing an enforcement protocol and a joint code of good practice for licensed premises.
12. 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

13. 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 may also be involved.
14. 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

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

Background Papers:

none

Contact:

Peter Davenport x3227

peter.davenport@cityoflondon.gov.uk

Appendix I

New Licence Applications Issued by way of Delegated Authority.

Name	Address	Ward	Details
Costa Coffee	Unit 6, Liverpool St	Bishopsgate	L 05:00
Costa Coffee	Unit 11, Liverpool St	Bishopsgate	L 05:00
Nando's	27 Lime Street	Langbourn	A, L 00:00
Mexican Express	46 Moorgate	Coleman Street	A, (e) 03:00
La Mexicana	78-81 Fetter Lane	Farringdon Without	A, (f) 00:00
Punto Pasta	23 Russia Row	Cheap	A, L, (b), (e), (f), (h) 01:00
Wetherspoons	Unit 3, Cannon St Station	Dowgate	A, L 00:00
Lorenzo's	1a Pudding Lane	Bridge	A,L,(a&b),(e&f),(g),(i) 05:00
Fantonis	55 Long Lane	Farringdon Within	L 00:00
Cheapside	Cheapside & Surrounding Area	Cheap, Bread Street, Cordwainer	(a), (e), (f), (g), (h), (j) 19:00 (one day only)
Burro Burrito	30-33 Minories	Tower	A 23:00

Total Licences Issued = 11

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 | (i) Dancing |
| (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.
Bishopsgate	2
Bridge	1
Cheap	2
Coleman Street	1
Dowgate	1
Farringdon Within	1
Farringdon Without	1
Langbourn	1
Tower	1

Licence Variations Issued by way of Delegated Authority.

Name	Address	Ward	Details
Trinity House	Tower Hill	Tower	Removal of conditions relating primarily to use only for private functions Addition of Late Night Refreshment
Corney and Barrow	12-14 Mason's Avenue	Coleman Street	Vary layout & design
Corney & Barrow t/a Devonshire Terrace	Unit 19 Devonshire Sq	Bishopsgate	Vary layout & design Extend external licensable area Addition of dance, live and recorded music
Davys	Plantation Place, 20 Mincing Lane	Billingsgate	Vary layout, removal of obsolete condition, increase terminal hour from 00:00 to 02:00.

Total Variations = 4

Number of Licences by Ward Order

WARD	No.
Billingsgate	1
Bishopsgate	1
Coleman Street	1
Tower	1

Personal Licences Issued by way of Delegated Authority

Apr 2012 - Jun 2012 5

**Enforcement Action Carried out Under the Licensing Act 2003
1 April 2012 - 30 June 2012**

Total Number of Inspections	45
Number of Warning Letters	6 (one not yet written)
Number of Notices Served	2
Number of Premises advised	7
Number of simple cautions	0
Number of suspension notices	28
Paid prior to suspension	19
Licence lapsed*	5
‘Dead’ Suspensions**	2
‘Live’ Suspensions***	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 no longer 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.

Legal proceedings are still ongoing against a premises for the following offences:

- 1) Carrying on a licensable activity otherwise than in accordance with an authorisation contrary to s.136(1)(a) of The Licensing Act 2003;
- 2) Using a premises as a sex establishment other than in accordance with the terms of a licence contrary to Para 6 Sch 3 of The Local Government (Miscellaneous Provisions) Act 1982.

Number of complaints received 10

Breakdown of Complaints

Premises A		Number of complaints to date: 3
<u>Complaint Type/Description</u>	<u>Date Received</u>	<u>Ward</u>
Loud music. Informal warning	11/06/2012	Aldgate
Loud music. Informal warning	11/06/2012	Aldgate
Group of people making noise in street unrelated to premises	08/05/2012	Aldgate

Premises B		Number of complaints to date: 1
<u>Complaint Type/Description</u>	<u>Date Received</u>	<u>Ward</u>
Complaint after event re Karaoke at premises. No return contact from complainant.	25/05/2012	Farringdon Without
Premises C		Number of complaints to date: 1
<u>Complaint Type/Description</u>	<u>Date Received</u>	<u>Ward</u>
Complaint to Police re loud music. None audible on attendance but manager moved music to rear of premises.	18/06/2012	Tower
Premises D		Number of complaints to date: 2
<u>Complaint Type/Description</u>	<u>Date Received</u>	<u>Ward</u>
Noise generated by one-off staff party. Informal warning.	28/05/2012	Bishopsgate
Premises E		Number of complaints to date: 1
<u>Complaint Type/Description</u>	<u>Date Received</u>	<u>Ward</u>
Complaint received after event of loud noise. Manager contacted complainants to keep them informed of future events.	10/04/2012	Broad Street
Premises F		Number of complaints to date: 1
<u>Complaint Type/Description</u>	<u>Date Received</u>	<u>Ward</u>
Noise from smokers o/s premises. Advice given.	18/06/2012	Cripplegate
Premises G		Number of complaints to date: 1
<u>Complaint Type/Description</u>	<u>Date Received</u>	<u>Ward</u>
Loud noise. Manager to only run events in basement and keep complainants informed of future events.	02/04/2012	Bishopsgate
Premises H		Number of complaints to date: 1
<u>Complaint Type/Description</u>	<u>Date Received</u>	<u>Ward</u>
Loud music - complainant did not want any follow up.	04/05/2012	Farringdon Within