

| <b>Committee(s):</b>  | <b>Date(s):</b>        | <b>Item no.</b> |
|---|------------------------|-----------------|
| Licensing Committee   | 10 May 2012            |                 |
| <b>Subject:</b> Delegated decisions of the Director of Markets and Consumer Protection pertaining to premises licences.   | <b>Public</b>          |                 |
| <b>Report of:</b><br>Director of Markets and Consumer Protection  | <b>For Information</b> |                 |
| <p><b>Summary:</b></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 January 2012 to 31 March 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 January 2012 and 31 March 2012.</p> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• Members are invited to note the contents of this report.</li> </ul> |                        |                 |

## **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 January 2012 and 31 March 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](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](mailto:licensing@cityoflondon.gov.uk). In addition, full copies

of the applications for new licences and variations to licences are attached as Appendix IV.

## **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 January 2012 to 31 March 2012.
6. The Port Health and Public Protection (PH&PP) Service in the 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 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 2011 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:**

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## Appendix I

### New Licence Applications Issued by way of Delegated Authority.

| Name                   | Address                            | Ward              | Details   |
|------------------------|------------------------------------|-------------------|---|
| Rocket                 | 201 Bishopsgate                    | Bishopsgate       | A, L, (b), (c), (e), (f), (g), (h), (i)<br><b>01:00</b> |
| Central Criminal Court | Old Bailey                         | Farringdon Within | A<br><b>23:00</b>                                       |
| 196 Bishopsgate        | 196 Bishopsgate                    | Bishopsgate       | A<br><b>24 hr</b> (restricted to hotel guests)          |
| The Factory House      | 10 Lime Street                     | Lime Street       | A, L, (e), (f), (h), (i)<br><b>02:00</b>                |
| Herbert Smith LLP      | 10 Exchange Sq                     | Bishopsgate       | A, L, (e), (f), (g)<br><b>02:00</b>                     |
| WH Smith               | West Mall Liverpool Street Station | Bishopsgate       | A<br><b>22:00</b>                                       |

Total Licences Issued = 6

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       | 4   |
| Farringdon Within | 1   |
| Lime Street       | 1   |

## Appendix II

### Licence Variations Issued by way of Delegated Authority.

| Name             | Address                        | Ward           | Details  |
|------------------|--------------------------------|----------------|--|
| Mincing Exchange | 2 Minster Pavement             | Billingsgate   | Vary layout and design                             |
| Piccolino        | 11 Exchange Sq                 | Bishopsgate    | To licence outside area                            |
| Mermaid Theatre  | Puddle Dock                    | Castle Baynard | To extend ambit of licensed premises               |
| Bar Battu        | 47 Gresham St                  | Cheap          | To extend from 02:00 to 03:00 and add live music   |
| Bluu Bar         | 4 Moorgate                     | Coleman Street | To permit off sales                                |
| Revolution       | 1 America Sq                   | Tower          | To extend from 03:00 to 04:00 on Saturday          |
| The Folly        | 41 Gracechurch Street          | Candlewick     | To bring forward starting hour from 10:00 to 08:00 |
| The Anthologist  | 60 Gresham Street              | Cheap          | To bring forward starting hour from 10:00 to 08:00 |
| The Drift        | Heron Tower<br>110 Bishopsgate | Bishopsgate    | To bring forward starting hour from 10:00 to 08:00 |
| Elephant         | 119 Fenchurch Street           | Langbourn      | To extend from 00:00 to 01:00 and add Sundays      |
| Lamb Tavern      | 10-12 Leadenhall Market        | Lime Street    | To extend from 00:00 to 01:00                      |

Total Variations = 11

Personal Licences = 0

#### Number of Licences by Ward Order

| WARD           | No. | WARD           | No. |
|----------------|-----|----------------|-----|
| Billingsgate   | 1   | Cheap          | 2   |
| Bishopsgate    | 2   | Coleman Street | 1   |
| Candlewick     | 1   | Langbourn      | 1   |
| Castle Baynard | 1   | Lime Street    | 1   |
|                |     | Tower          | 1   |

**Enforcement Action Carried out Under the Licensing Act 2003  
1 January 2012 - 31 March 2012**

|                             |    |
|-----------------------------|----|
| Total Number of Inspections | 32 |
| Number of Warning Letters   | 5  |
| Number of Notices Served    | 2  |
| Number of Premises advised  | 10 |
| Number of simple cautions   | 1  |

A report is currently with the Comptroller and City Solicitor with recommendations for the institution of legal proceedings against a licensed premises for carrying out a licensable activity without a licence.

|                               |    |
|-------------------------------|----|
| Number of complaints received | 18 |
|-------------------------------|----|