

Example Premises

City of London

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Committee(s): Licensing Sub-Committee	Hearing Date(s): 17 February 2012	Item no.
Subject: EXAMPLE ONLY		
Licensing Act 2003 - Application for the variation of a premises licence.		
Name of Premises: Example One		
Address of Premises: Long Lane, Kent		
Report of: Director of Markets and Consumer Protection	Public / Non-Public	
Ward (if appropriate): Farringdon Within		

1 Introduction

- 1.1 To consider and determine, by public hearing, the application for a variation of a premises license under the Licensing Act 2003, taking into account the representations of the responsible authorities detailed in paragraph 4, 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:
Example Premises Ltd,
Long Lane
Kent
was received by the Licensing Authority on 14 March 2012 for the variation of a premises licence in respect of the premises:

Example Premises EC2A 4GH

A copy of the application can be seen as Appendix 1.

2.2 The premises currently has a premises licence granted on 30 August 2007. The current licence permits the following licensable activities:

- i) Supply of alcohol 12:00 - 02:00 Mon to Sat
- iii) Recorded Music 18:00 - 02:30 Mon to Sat
- iv) Late Night Refreshment 23:00 - 02:00 Mon to Sat

The licence also states that the opening hours will be:
12:00 to 02:30 Monday to Saturday

There are no licensable activities on a Sunday.

A copy of the current premises licence can be seen as Appendix 2

2.3 The application seeks to extend the current licensable activities to Sunday, to increase the terminal hour for the supply of alcohol to 03:00 and to add the additional licensable activity of the performance of plays on Mon to Thu from 12:00 – 23:00. In addition, the premises wishes to stay open an hour later every evening.

2.4 Summary of application:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Supply of Alcohol	Mon to Sat 12:00 – 02:00	Mon to Sun 12:00 – 03:00
Recorded Music	Mon to Sat 18:00 – 02:30	Mon to Sun 18:00 – 02:30
Late Night Ref ^m ent	Mon to Sat 23:00 – 02:00	Mon to Sun 23:00 – 02:00
Performance of Plays	None	Mon to Thu 12:00 – 23:00
Opening hours	Mon to Sat 12:00 – 02:30	Mon to Sun 12:00 – 03:30

3 Licensing History of Premises

3.1 The premises are a basement and ground floor bar and restaurant and operate under a premises licence that was first granted on 30 August 2007. The licence holders were, and still are, ABC Ltd. A plan of the premises can be seen as Appendix 3.

- 3.2 On 7 July 2008 the Licensing Authority received an application to vary the licence by adding 'off sales' and amending condition two to allow bottles and glasses to be taken from the premises until 22:00. The application received a number of representations and went to a hearing on 27 August 2008.
- 3.3 The decision of the hearing was to refuse the application in its entirety. A copy of the hearing decision can be seen as Appendix 4.
- 3.4 On 16 June 2010 the DPS was changed from Mr Turner to Mr Smith who is currently the DPS.
- 3.5 On 06 March 2011 an application was received to vary the premises licence by adding the licensable activity of 'recorded music'. No representations were received and the licence was granted on 04 April 2011.

4 Representations from Responsible Authorities

- 4.1 There is one representation from the City of London Police Licensing Team. The representation is against the application on the basis that the licensing objective of the prevention of crime and disorder will be compromised. The representation is produced in its entirety as Appendix 5.

5 Representations From Other Persons

- 5.1 Three representations have been received from 'other persons' and are attached in their entirety at Appendix 6.
- 5.2 Two representations have been made by local residents living close to the premises in question. Both of the representations are against the application on the basis that an increase in the terminal hour will disturb their sleep and create a public nuisance.
- 5.3 One representation has been made by another person living outside the City of London and is against the application. The other person regularly has to walk past the premises late at night and feels that the later terminal hour will lead to an increase in crime and disorder.

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.

Paragraphs 30-35 indicate that there is an expectation that the applicant will address the licensing objectives in their operating schedule. In particular, these paragraphs outline steps that should be proposed to prevent disturbance to local residents.

Paragraph 45 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.

Paragraph 62 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:

Section 2, paragraphs 2.1 to 2.51 of the guidance cover the four licensing objectives. In particular, paragraph 2.32 states that it is, '...important that in considering the promotion of [*the public nuisance licensing objective, licensing authorities*] focus on impacts of the licensable activities at the specific premises on persons living and working in the vicinity that are disproportionate and unreasonable.' Also, paragraph 2.33 indicates that the prevention of public nuisance

could, ‘include low-level nuisance perhaps affecting a few people living locally.....’

Paragraphs 10.19 to 10.21 refer to licensing hours. In particular paragraph 10.20 states, ‘Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.’

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.

8 Additional Information

- 8.1 The capacity of the premises is 250.
- 8.2 The premises is on a lease which is due to expire in eight months.

9 Summary

- 9.1 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.

10 Options

- 10.1 The Sub-committee must, having regard to the application and any representation, take such of the following steps (if any) as it considers necessary for the promotion of the licensing objectives:
 - i. grant the application subject to any conditions consistent with the operating schedule modified to such extent as the Sub-committee considers necessary 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; or
 - iii. reject the application

Any determination by the licensing panel will not have effect until the end of 21 days following notification of the decision to the appellant by the licensing authority. If the decision is appealed against, any determination will have effect after the appeal is disposed of.

11. Recommendation

11.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a variation of a premises licence in accordance with paragraph 10 of this report.

Prepared by P Davenport
Licensing Manager
peter.davenport@cityoflondon.gov.uk

Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy	M&CP	2 nd Floor Walbrook Wharf
Statutory Guidance – ‘October 2010 Amended Guidance Issued Under Section 182 Of The Licensing Act 2003’.		http://www.homeoffice.gov.uk/publications/alcohol/guidance-section-182-licensing?view=Standard&pubID=836513
Premises file	M&CP	2 nd Floor Walbrook Wharf