

Committee(s): Licensing Sub-Committee	Hearing Date(s): 28 June 2018	Item no.
Subject: Licensing Act 2003 - Public Hearing in Respect of an Application for the Variation of a Premises Licence		
Name of Premises: The Merchant House Address of Premises: 8 Bride Court London EC4Y 8DU		
Report of: Director of Markets and Consumer Protection		Public / Non- Public
Ward (if appropriate): Castle Baynard		

1 Introduction and Purpose

- 1.1 The purpose of this meeting of the Sub-Committee is to consider and determine, by public hearing, an application to vary a premises licence under the Licensing Act 2003, taking into consideration 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:
London Bar Consultants Ltd

Beagho, Lisbellaw

Co. Fermanagh

was received by the City of London Licensing Authority on 3 May 2018 to vary a premises licence in respect of the premises:

The Merchant House

8 Bride Court

London EC4Y 8DU

- 2.2 The application seeks to vary the existing premises licence so as to add permission for the sale of alcohol on Saturdays between the hours of 11:00 hrs and 23:00 hrs.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon–Fri 11:00 – 00:00	Mon-Fri 11:00-00:00 Saturday 11:00-23:00

The sale of alcohol is currently for *on* the premises only and there is no proposal to alter this situation.

- 2.3 The operating schedule submitted with the application does not suggest any additional licence conditions pertinent to the variation sought. Full details of the application can be seen as Appendix 1.

3 Licensing History of Premises

- 3.1 A premises licence was first granted on 9 September 2011. The licence was granted subject to eight conditions which can be seen in Annex 2 of the current licence. A copy of the current licence is attached as Appendix 2.

4 Representations from Responsible Authorities

- 4.1 There have been no representations from responsible authorities.

5 Representations From Other Persons

- 5.1 There have been three representations against the application from other interested parties.
- 5.2 The three representations each maintain that granting the variation would undermine the licensing objective of *the prevention of public nuisance*. The representations can be seen as Appendix 3(i-iii).

6 Policy Considerations

- 6.1 In carrying out its licensing functions, the Licensing Authority must have regard to its statement of licensing policy and any 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.

The boxed comment on page 19 states the need to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers.

The boxed comment on page 19 also states an overriding policy principle namely, that each application will be decided on its individual merits.

Paragraphs 79 – 81 address the need of care when controlling noise particularly from those persons leaving a premises.

The boxed comment on page 22 considers various factors that should be taken into account when considering whether any licensable activity should be permitted.

Paragraphs 115-121 state the City of London 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.

Statutory Guidance

The following sections/paragraphs of the statutory guidance issued under S182 of the Licensing Act 2003 are particularly applicable to this application (revised April 2018):

Chapter 2 of the guidance covers the four licensing objectives. In particular, paragraph 2.15 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 2.16 indicates that the prevention of public nuisance could, in appropriate circumstances include, *‘the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.’*

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 standardised conditions which ignore these individual aspects should be avoided.’* To which is added; *‘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 as Appendix 4. A key to those premises is included which indicates the maximum respective permitted hours for alcohol sales.
- 7.2 A plan of the premises can be seen as Appendix 4.

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 City of London 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 and necessary for the promotion of the licensing objectives:

- i) grant the application in the manner for which it was applied; or
- ii) reject the application in whole or in part.

Any determination by the licensing sub-committee will not have effect until the end of 21 days following notification of the decision to the applicant by the licensing authority or, in the event of an appeal to the Magistrates' Court against the Sub-Committee's decision, the determination of that appeal.

10 Recommendation

10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a variation of 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 2017) Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. April 2018	MCP	5th Floor Walbrook Wharf Statutory Guidance