

Committee(s): Licensing Sub-Committee	Hearing Date(s): 31st July 2018	Item no. 1
Subject: Licensing Act 2003 - Public Hearing in Respect of an Application for the Variation of a Premises Licence		
Name of Premises: Brewdog Address of Premises: Unit 3 Minster Building, Great Tower Street EC3R 5EA		
Report of: Director of Markets and Consumer Protection		Public / Non- Public
Ward (if appropriate): Billingsgate		

1 Introduction

- 1.1 To consider and determine, by public hearing, the application to vary a premises licence under the Licensing Act 2003, taking into account the representation of other persons detailed in paragraph 4 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:

Brewdog Retail Ltd
Balmacassie Commerical Park
Ellon
Aberdeenshire AB41 8BX

was received by the City of London Licensing Authority on 8 June 2018 to vary a premises licence in respect of the premises:

Brewdog

Unit 3 Minster Building
Great Tower Street
EC3R 5EA

- 2.2 The application seeks to vary the licence in extending the remit for off-sales. The licence holder wishes to remove Annex 2, Condition 3 which restricts the removal of alcoholic drinks from the premises, in open containers, save for consumption in a delineated external area. All permitted hours, licensable activities and opening hours are to remain the same.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sun 10:00– 00:00	No Change
Late Night Refreshment	Mon-Sun 23:00– 00:30	No Change

Full details of the application can be seen as Appendix 1.

- 2.3 The applicant has also supplied an external smoking, drinking and dining policy which offers further steps necessary to promote the licensing objectives. In addition to this three extra conditions have been agreed with the Licensing Authority. Both these documents can be seen in Appendix 2.

3 Licensing History of Premises

- 3.1 The premises received a licence on 17th November 2017, the Licence holder is Brewdog Retail Ltd.
- 3.2 A copy of the current premises licence can be seen as Appendix 3.

4 Representations from Other Persons

- 4.1 There has been one representation from ward councillor, Marianne Fredericks. The representation was against the granting of the variation on the grounds that one or more of the licensing objectives would be undermined, namely the prevention of Public Nuisance and promotion of Public Safety.
- 4.2 The representation can be seen in full as Appendix 4.

5 Representations From Responsible Authorities

- 5.1 There have been no representations from any of the Responsible Authorities.

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 outside of and leaving premises.

Paragraphs 115-121 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.

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 April 2017):

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.’ 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 as 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 copy of the premises plans can be seen as Appendix 6.

8 Summary

- 8.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives.

9 Options

i) modify the conditions of the licence; or

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 the appeal.

10 Recommendation

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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 2017	MCP	5th Floor Walbrook Wharf Statutory Guidance