

Committee(s):	Date(s):	Item no.
Licensing Committee	24 October 2011	
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 since 1 January 2011. 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>This will be a regular report detailing the number of licences and variations in the next relevant period following the previous reporting period.</p> <p>It also provides information regarding the Department's approach to routine enforcement in licensed premises and the way in which it responds to complaints.</p> <p>Recommendations:</p> <p>For Information</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 since January 1 2011.
2. Any questions of detail arising from these reports 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. If the information can not be found on the register then questions can be put to Peter Davenport, Licensing Manager on extension 3227 or by email to the Licensing Team at licensing@cityoflondon.gov.uk.

3. Both appendices provide data from 1 January 2011 until the 30 September 2011. Future reports will detail data for the next relevant period following the previous reporting period.

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 2011 until the 30 September 2011. Future reports will detail data for the next relevant period following the previous reporting period.
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.
15. During normal working hours complaints to EH&PP are dealt with directly but following a trial period last year, at all other times Street Environment

Officers (SEOs) in DoBE are the first point of contact. Complaints can be made by telephone via the Guildhall switchboard or through the general City of London Police number.

16. SEOs have now received appropriate training and will investigate any complaints on receipt by visiting the premises, contacting the complainant, recording and monitoring information, and if necessary seeking assistance from the police or an EHO.
17. EHOs are available on a standby basis at all times except Sunday, Monday and Tuesday evenings when senior managers can be contacted for advice and support. The standby officer is not located in the City but can be reached by the duty SEO on the telephone, and if the SEO does not have the necessary powers or expertise to resolve a complaint the standby officer will travel into the City.
18. In addition to the above, the police, SEOs, Licensing Officers and EHO monitor problem premises and areas outside normal office hours to ascertain if complaints are valid, or to check that specific venues are being properly managed to minimise disturbance and comply with conditions attached to their licence.
19. In order to provide an improved EHO presence in the City negotiations are underway with two adjoining local authorities to determine whether a shared service arrangement could provide out-of-hours cover.

Implications

20. 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
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JANUARY 2011

The Drift	110 Bishopsgate	Bishopsgate	A, L, (f), (i) 02:30
One New Change	1 New Change	Bread Street	A, (a), (e), (f), (g), (h) 22:00
Vino & Vino	16 West Smithfield	Farringdon Without	A, (b), (f) 22:30
Tsuru	10 Queen Street	Cordwainer	A, (e), (f) 23:00
K10	2 Leadenhall Place	Lime Street	A, L, (f) 23:30

MARCH 2011

Maddison's Roof Top	1 New Change	Bread Street	A, L, 02:00
Bishopsgate Kitchen	230 Bishopsgate	Bishopsgate	A, (e), (f) 23:00
	201 Bishopsgate	Bishopsgate	REFUSED
The Duke & Duchess	2-3 Creed Lane	Farringdon Within	A, L, (e), (f), (h), (i) 00:00
Gresham Club	89-91 Gresham Street	Cheap	A 02:00
Searcy's Champagne Bar	13 Upper Cheapside Passage	Bread Street	A, L 00:00

APRIL 2011

Hawksmoor	10 Basinghall Street	Coleman Street	A,L 02:00
Riverbank House	2 Swan Lane	Dowgate	A, (f) 00:00
Pasta Box	1 Goring Street	Aldgate	A, (f) 22:00
Sushi Samba	110 Bishopsgate	Bishopsgate	A,L,(b),(e),(f),(g),(h) 05:00

MAY 2011

	201 Bishopsgate	Bishopsgate	(a),(b),(e),(f),(g),(i) 18:00
Broad Gate Bars Ltd	33 Broadgate Circle	Bishopsgate	A, (f) 01:00
Sushinho	9a Devonshire Square	Bishopsgate	A,L,(e),(f),(g),(h),(i) 02:30
Moore Stephens	150 Aldersgate Street	Farringdon Within	A,L,(a),(b),(e) to (i) 00:00
Saddlers' Hall	40 Gutter Lane	Cheap	A, (e), (f), (i) 23:30
Alfords Deli	49 Farringdon Street	Farringdon Without	A, (b),(e),(f),(g),(i) 00:00

JUNE 2011

Etc Venues	120 Moorgate	Coleman Street	A, (f) 23:00
Shiso	74-75 Long Lane	Farringdon Within	A, (f) 20:00
La Bottega Del Caffè	20 Eastcheap	Bridge	A 22:00

JULY 2011

Wasabi	Liverpool Street Station	Bishopsgate	L 02:00
Southwark Bridge	Southwark Bridge	Vintry	A,(a),(b),(e) to (i) Sat 22:00
Luna	3 Middlesex Street	Portoken	A, L, (b),(e),(f) 01:30
Planet Organic	Devonshire Square	Bishopsgate	A, L 00:00

AUGUST 2011

Blackrock Investment	12 Throgmorton Avenue	Broad Street	A,L,(a),(e) to (i) 00:00
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SEPTEMBER 2011

Tea House	20-21 Widegate Street	Bishopsgate	A, (a), (e), (f)	23:00
CCT Venues	2 East Poultry Avenue	Farringdon Without	A,L, (a)to(c), (e)to(i)	01:00
Co-Operative	43-44 Houndsditch	Aldgate	A	23:00
Premier Inn	2 Dorset Rise	Castle Baynard	A, L, (b), (h)	00:30
Le Paris Grill Rest.	37 Crutched Friars	Tower	A, L, (f)	00:00
Ashurst LLP	5 Appold Street	Bishopsgate	A,(a),(c),(e)to(g),(i)	00:00
De Palo's	8 Bride Court	Castle Baynard	A	00:00
Clyde & Co	140 Houndsditch	Aldgate	A	00:00
Tesco Stores Ltd	142 Houndsditch	Aldgate	A	23:00
Enoteca	95 Gresham Street	Coleman Street	A, (f)	00:00

Total Licences Issued = 39

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.	DATE
Aldgate	4	April(1), Sep(3)
Bishopsgate	11	January(1), March(2), April(1), May(3), July(2), Sep(2)
Bread Street	4	January(1), March(2), Aug(1)
Bridge	1	June(1)
Castle Baynard	2	Sep(2)
Cheap	2	March(1), May(1)
Coleman Street	3	April(1), June(1), Sep(1)
Cordwainer	1	January(1)
Dowgate	1	April(1)
Farringdon Within	3	March(1), May(1), June(1)
Farringdon Without	3	January(1), May(1), Sep(1)
Lime Street	1	January(1)
Portsoken	1	July(1)
Tower	1	Sep(1)
Vintry	1	July(1)

Appendix II

Licence Variations Issued by way of Delegated Authority.

Name	Address	Ward	Details
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FEBRUARY 2011

The Drift	110 Bishopsgate	Bishopsgate	Vary layout and design
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MARCH 2011

The Railway Tavern	15 Liverpool Street	Broad Street	Extension 11:00 to 08:00
Marks & Spencer	100 St Pauls Churchyard	Bread Street	Extension 08:00 to 07:00
Barbecoa Restaurant	20 New Change Passage	Bread Street	Vary layout and design
Jamie's Italian	38 Threadneedle Street	Cornhill	Vary layout and design
Revolution	140-144 Leadenhall Street	Lime Street	Extension 02:00 to 03:30

APRIL 2011

Whistlestop	Liverpool St Concourse	Bishopsgate	Vary layout and design
Pizza Express	5 Fenchurch Place	Tower	Vary layout and design

MAY 2011

White Swan	20 Farringdon Street	Farringdon Within	Extension 00:00 to 04:00
Searcy's Champ Bar	13 Upper Cheapside	Bread Street	Extension 00:00 to 03:00
Corney & Barrow	37 Jewry Street	Tower	Extension 03:00 to 05:00
The Drift	110 Bishopsgate	Bishopsgate	Vary layout and design
Cape	2 Love Lane	Bassishaw	Change of Conditions

JUNE 2011

The Assembly	14 Seething Lane	Tower	Extension 03:00 to 04:00
The Gable	25 Moorgate	Coleman Street	Extension 01:00 to 03:00 (Thu)
The Sterling	30 St Mary Axe	Aldgate	Vary layout and design
The Gable	25 Moorgate	Coleman Street	Change of condition
Apt Bar	15 Queen Street	Cordwainer	Vary layout and design
Saddlers' Hall	40 Gutter Lane	Cheap	Add Late Night R to 00:00

JULY 2011

The Gallery	10-11 Austin Friars	Broad Street	Vary layout and design
The Sterling	30 St Mary Axe	Aldgate	Vary layout and design
Cape	2 Love Lane	Bassishaw	Change of condition
London Capital Club	15 Abchurch Lane	Candlewick	Extension 23:00 to 00:00
Jewel St Pauls	130 Wood Street	Cheap	Vary layout and design
The Golden Fleece	8-9 Queen Street	Cordwainer	Vary layout and design
Balls Brothers	52 Lime Street	Aldgate	Vary layout and design

AUGUST 2011

Mermaid Theatre	Puddle Dock	Castle Baynard	Alignment of hours to 02:00
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SEPTEMBER 2011

Marks & Spencer	44 Cheapside	Bread Street	Extension 10:00 to 07:00
Hawksmoor	10 Basinghall Street	Coleman Street	Addition of Live/Rec Music
Gordon Ramsay's	1 New Change	Bread Street	Extension 00:30 to 03:00
King's Stores	14 Widegate Street	Bishopsgate	Vary layout and design
The Hoop & Grapes	80 Farringdon Street	Farringdon Within	Extension 11:00 to 06:00
AON Ltd	10 Devonshire Square	Bishopsgate	Vary layout and design

Total Variations = 33

Number of Licences by Ward Order

WARD	No.	DATE
Aldgate	3	June(1), July(2)
Bassishaw	2	May(1), July(1)
Bishopsgate	5	Feb(1), April(1), May(1), Sep(2)
Bread Street	5	March(2), May(1), Sep(2)
Broad Street	2	March(1), July(1)
Candlewick	1	July(1)
Castle Baynard	1	Aug(1)
Cheap	2	June(1), July(1)
Coleman Street	3	June(2), Sep(1)
Cordwainer	2	June(1), July(1)
Cornhill	1	March(1)
Farringdon Within	2	May(1), Sep(1)
Lime Street	1	March(1)
Tower	3	April(1), May(1), June(1)

Appendix III

Enforcement Action Carried out Under the Licensing Act 2003 January 1 2011 - September 30 2011

Actions taken as a result of both proactive and reactive inspections

Number of Premises Inspected	132
Total Number of Inspections	181
Number of Warning Letters	35
Number of Notices Served	8
Number of Premises advised	17
Number of simple cautions	1

Two more premises are currently under investigation which may result in the institution of legal proceedings.

Complaints received concerning premises “licensed” under the Licensing Act 2003

Relating to noise nuisance	94*
Relating to obstruction of highway	05
Relating to breach of conditions	02

* Complaints relating to noise nuisance were investigated by the Pollution Control Team. Some of these complaints would have initially been received by the Licensing Team and subsequently passed to the Pollution Control Team. Many of the complaints relate to a number of concerns but are categorised under noise nuisance where this is the principle issue.

Where the complaint concerned a number of issues they were dealt with by the intervention of multi-disciplinary teams (Pollution Control, Licensing, Police).