

Committee(s):	Date(s):	Item no.
Licensing Committee	16 January 2012	
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	
Summary: This report details the premises licences, and variations to premises licences, granted under the Licensing Act 2003 by the Licensing Service from 1 October 2011 to 31 December 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. The report also gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 October 2011 and 31 December 2011. Recommendations: To note the contents of this report.		

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 between 1 October 2011 and 31 December 2011.
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. or by contacting Peter Davenport, Licensing Manager, on extension 3227 or by email to the

Licensing Team at 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 October 2011 to 31 December 2011.
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.

Implications

15. There are no financial, legal or strategic implications that arise from this report

Background Papers:

none

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Appendix I

New Licence Applications Issued by way of Delegated Authority.

Name	Address	Ward	Details
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OCTOBER 2011

Yumilicious	74 Leadenhall Market	Lime Street	A, L	00:00
Eat	140 Aldersgate Street	Farringdon Within	A	22:00
Morgan M	50 Long Lane	Farringdon Within	A, L	00:00
Caffe Vergnano	37 Lower New Change Passage	Bread Street	A, L, (e), (f), (i)	01:00
SJ Berwin	10 Queen Street Place	Vintry	A	00:00

NOVEMBER 2011

The Merchant	Liverpool St. Station	Bishopsgate	A, L	00:30
Bank of NY Mellon	160 Queen Victoria Street	Farringdon Within	A, L	00:00
Oyster Shed	1 Angel Lane	Dowgate	A, L	01:30
Motel One	24-26 Minories	Tower	A, L, (b), (h)	01:00
L'Atelier Des Chefs	10 Foster Lane	Cheap	A, L	00:30

DECEMBER 2011

Society Generale	12 Exchange House, Primrose Street	Bishopsgate	A, L	00:00
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Total Licences Issued = 11

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
Bishopsgate	2	Nov(1), Dec(1)
Bread Street	1	Oct(1)
Cheap	1	Nov(1)
Dowgate	1	Nov(1)
Farringdon Within	3	Oct(2), Nov(1)
Lime Street	1	Oct(1)
Tower	1	Nov(1)
Vintry	1	Oct(1)

Appendix II

Licence Variations Issued by way of Delegated Authority.

Name	Address	Ward	Details
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OCTOBER 2011

Jamies	47 Ludgate Hill	Farringdon Within	Extension from 23:00 to 01:00
Montcalm Hotel	42-46 Chiswell Street	Coleman Street	Vary layout and design
Searcy's (Gherkin)	30 St Mary's Axe	Aldgate	Extension from 23:00 to 03:00 + add live music

NOVEMBER 2011

The Kitchen at Tower	Byward Street	Tower	Remove 1 condition + add live music
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DECEMBER 2011

The Wall	45 Old Broad Street	Cornhill	Vary layout and design
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Total Variations = 5

Number of Licences by Ward Order

WARD	No.	DATE
Aldgate	1	Oct(1)
Coleman Street	1	Oct(1)
Cornhill	1	Dec(1)
Farringdon Within	1	Oct(1)
Tower	1	Nov(1)

Personal Licences Issued by way of Delegated Authority

Jan 2011 - Sep 2011 6
 Oct 2011 - Dec 2011 2

Total issued since 15 April 2005 156

Appendix III

Enforcement Action Carried out Under the Licensing Act 2003 1 October 2011 - 31 December 2011

Total Number of Inspections	56
Number of Warning Letters	6
Number of Notices Served	1
Number of Premises advised	19
Number of simple cautions	0

Investigations are currently taking place into two premises. One is currently with the Comptroller and City Solicitor with a recommendation for a simple caution. The other is likely to be the subject of a review.

Number of complaints received	18
	(14 related to noise nuisance, 2 related to a breach of conditions, 2 related to obstruction of highway)