

Committee(s):	Date(s):	
Licensing Committee	22 October 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	
<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 from 1 July 2012 to 30 September 2012. 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>The report also gives a summary of the enforcement action taken under the Licensing Act 2003 between 1 July 2012 and 30 September 2012.</p> <p>Recommendations:</p> <p>To note the contents of the report.</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 between 1 July 2012 and 30 September 2012.
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.

4. Appendix IV details the conditions attached to the premises licences listed in Appendices I and II.

Routine Enforcement

5. 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.
6. Appendix III provides data from 1 July 2012 to 30 September 2012.
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 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 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. This process will be reviewed if the Code of Practice and associated Risk Assessment scheme are introduced in 2013.
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 Markets and Consumer Protection Department agreed in November 2011 outlines specific arrangements for cooperation between the Licensing Teams. As set out 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

Contact:

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Appendix I

New Licence Applications Issued by way of Delegated Authority (Jul-Sep 2012)

Name	Address	Ward	Details
St Mary Axe Plaza	30 St Mary Axe	Aldgate	A 00:00
Natural Kitchen	7 Pepys Street	Tower	A, L, (f) 00:00
Hispania Restaurant	72-74 Lombard Street	Langbourne	A, L, (f) 02:00
Liverpool Street St (Various Premises)	Station, EC2 7QM	Bishopsgate	L 05:00 (Temp Licence Jul-Sep 2012)
Barbican Cinemas	27 Beech Street	Cripplegate	A, (b) 23:15
Sainsbury's	72-78 Fleet Street	Castle Baynard	A 00:00
M&S Simply Food	Cannon Place, Cannon St	Dowgate	A 23:00

Total Licences Issued = 7

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.
Aldgate	1
Bishopsgate	1
Castle Baynard	1
Cripplegate	1
Dowgate	1
Langbourn	1
Tower	1

Appendix II

Licence Variations Issued by way of Delegated Authority (Jul-Sep 2012).

Name	Address	Ward	Details
Camino	Mincing Lane	Billingsgate	<ul style="list-style-type: none">• Addition of licensable activities• Extending latest terminal hour for alcohol sales from 00:00 to 02:00 Thu-Fri and Music/Dance from 23:00 to 01:00 Thu-Fri. Late night refreshment from 00:00 to 02:00 Thu-Fri.
Societe Generale	41 Tower Hill	Tower	<ul style="list-style-type: none">• To include the 3rd floor roof terrace for the sale of alcohol from 07:00 to 22:00.

Total Variations = 2

Number of Licences by Ward Order

WARD	No.
Billingsgate	1
Tower	1

Personal Licences Issued by way of Delegated Authority

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**Enforcement Action Carried out Under the Licensing Act 2003
1 July 2012 - 30 September 2012**

Total Number of Inspections	45
Number of Warning Letters	11
Number of Premises advised	5
Number of simple cautions	0
Number of suspension notices	59
Paid prior to suspension	13
Licence lapsed*	4
‘Dead’ Suspensions**	2
‘Live’ Suspensions***	5

*Licences are deemed lapsed in circumstances where the licence holder no longer exists e.g. a company has gone into liquidation.

**A ‘dead’ suspension is where the premises is closed but there is no evidence to suggest that the licence holder is still in existence. If the licence holder returns to the premises the outstanding fee will have to be paid in order for the licence to be resurrected.

***A ‘Live’ suspension is where the premises is still trading and can now no longer carry on licensable activities until the licence fee has been paid.

Number of complaints received 37

Breakdown of Complaints

<u>Date of Complaint</u>		<u>Subject of Complaint</u>
05/07/2012	Premises 1	music noise
05/09/2012	Premises 2	noise and odour complaint
27/07/2012	Premises 3	music
06/07/2012	Premises 4	music/people noise
05/07/2012	Premises 4	People noise on street
05/07/2012	Premises 4	People noise on street
08/08/2012	Premises 5	loud music coming from the licensed premises
07/07/2012	Premises 6	music was very loud and had a heavy beat
07/07/2012	Premises 6	loud music
02/09/2012	Premises 7	People noise on street
05/08/2012	Premises 7	People noise on street
05/08/2012	Premises 7	People noise on street
05/07/2012	Premises 8	music/people noise

05/07/2012	Premises 8	People noise on street
06/08/2012	Premises 8	beer deliveries
01/08/2012	Premises 8	loud music from pub
05/07/2012	Premises 8	People noise on street
14/09/2012	Premises 9	customers from the garden area
11/08/2012	Premises 9	noise levels at pub
27/07/2012	Premises 9	doors were open and music audible.
23/07/2012	Premises 10	loud constant thumping bass
24/07/2012	Premises 10	loud music and people noise
17/08/2012	Premises 11	Drinking outside
30/07/2012	Premises 11	music and noise on the street
13/08/2012	Premises 11	noise from putting out refuse
12/08/2012	Premises 11	noise from putting out refuse
23/07/2012	Premises 12	People noise on street
19/07/2012	Premises 13	loud music
04/08/2012	Premises 13	loud music from pub
31/08/2012	Premises 14	Complaints of revellers from licensed premises in the vicinity
05/08/2012	Premises 15	Music from a party.
06/07/2012	Premises 16	noise from karaoke
22/09/2012	Premises 17	Loud music
16/08/2012	Premises 18	loud music from pub
23/07/2012	Premises 19	delivery
08/08/2012	Premises 20	refuse collections
25/08/2012	Premises 21	music from PH

Conditions Applied to Licences Granted by way of Delegated Authority

St Mary Axe Plaza

1. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

Natural Kitchen

None

Hispania Restaurant

1. All named licensable activities are permitted to have an hour added to the terminal hour at the Vernal / Spring Equinox when British Summer Time begins.
2. The premises will not be used for Promoted Events. 'A promoted event is an event involving music and /or dancing where the musical entertainment is provided at any time between 11.00 pm (2300) and 7.00am(0700) by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is promoted to the general public'.
3. The premises shall operate and maintain a comprehensive CCTV system. The CCTV cameras shall continually record whilst the premises are open to the public.

Burger King (08), Uppercrust (13), Pasty Shop (11), Starbucks Broadgate (45), Delice de France (17), Starbucks Bishopsgate (03), Starbucks Kiosk (49)

None

Barbican Cinemas

1. All named licensable activities are permitted from the start time on New Year's Eve until the finish time on New Year's Day.
2. Prominent signage will be displayed in the cinema foyer requesting the customers leave the area quietly.
3. The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.

Sainsbury's

1. The premises shall install and maintain a comprehensive CCTV system. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 30 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
2. Prominent signage shall be displayed at all exits of the premises requesting that customers leave quietly.

M&S Simply Food

None

Camino

1. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
2. There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23.00 and 07.00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises license holder and the event is promoted to the general public.

Societe Generale

1. There shall be no supply of alcohol on the roof terrace after 22.00 hours.