

<b>Committee(s):</b> Licensing Sub-Committee	<b>Hearing Date(s):</b> 29 Nov 2021	<b>Item no.</b> 1
<b>Subject:</b> Licensing Act 2003 - Public Hearing in Respect of an Application for the Variation of a Premises Licence  Name of premises:           Barts Square Active One Ltd Address of premises:       63 Bartholomew Close EC1A 7BF		
<b>Report of:</b> Executive Director of Environment	<b>Public / <del>Non-Public</del></b>	
<b>Ward (if appropriate):</b> Farringdon Within		

## 1 Introduction

- 1.1 To consider and determine, by public hearing, the application to vary a premises license under the Licensing Act 2003, taking into account the representations 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:

**Barts Square Active One Ltd**  
**12 Castle Street**

**St Helier  
Jersey  
JE2 3RT**

was received by the City of London Licensing Authority on 18 April 2021 to vary the premises licence in respect of the premises at:

**63 Bartholomew Close (formerly Unit 7)  
EC1A 7BF**

- 2.2 The application seeks to extend the terminal hour for the supply of alcohol by an additional thirty minutes Thursday to Saturday as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sat: 10:00-23:00	Mon-Wed: 10:00-23:00
	Sun: 12:00-22:30	Thu-Sat: 10:00-23:30
		Sun: 12:00-22:30

The supply of alcohol is for on sales only.

Full details of the application are contained in a copy of the Application Form at Appendix 1.

- 2.3 The Operating Schedule submitted by the applicant suggests no further steps necessary in order to promote the licensing objectives.

**3 Licensing History of Premises**

- 3.1 The premises obtained their licence from the City of London Licensing Authority on 10 June 2019 following a hearing held on that date. The hearing was called following the receipt of eight representations from residents against the original application for a premises licence.
- 3.2 The premises has not been open for the supply of alcohol since it obtained its licence.
- 3.3 The current licence can be seen as Appendix 2 and the minutes of the licensing hearing as Appendix 3.
- 3.4 The premises applied for their original premises licence to trade as a bar/café/delicatessen.

## **Representations From Other Persons**

- 4.1 One representation has been received from an ‘other person’ against the granting of the variation. The representation against granting the variation is made on the basis that if granted it will undermine the licensing objective of the prevention of ‘public nuisance’.
- 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 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 the sub-committee 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 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.’ 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 along with the latest terminal hour for any other licensed activity if greater.
- 7.2 The plan of the premises is attached as Appendix 6.

## **8 Summary**

- 8.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives.
- 8.2 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 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 variation subject to any conditions consistent with the operating schedule modified to such extent that the sub-committee considers appropriate for the promotion of the licensing objectives; or
  - ii) reject the whole or part of the application

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.

For the purposes of paragraph 9.1(i) conditions are modified if any of them are altered or omitted or any new condition is added.

## **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.

Prepared by Peter Davenport  
Licensing Manager  
[Peter.davenport@cityoflondon.gov.uk](mailto:Peter.davenport@cityoflondon.gov.uk)

**Background Papers**

<u>BACKGROUND PAPERS</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2017)	MCP	3rd Floor Guild Hall
Statutory Guidance – ‘Revised Guidance Issued Under Section 182 of the Licensing Act 2003’. (April 2018)		<a href="#">Statutory Guidance</a>