

Committee(s): Licensing Sub-Committee	Hearing Date(s) 9 November 2022	Item no.
Subject: Licensing Act 2003: - Hearing to consider an objection to four Temporary Event Notices		
Name of Premises: Simmons Bar Address of Premises: 21 Widegate Street, E1 7HP		
Report of: Juliemma McLoughlin – Executive Director Environment		Public / Non-Public
Ward (if appropriate): Bishopsgate		

1 Introduction

- 1.1 To consider and determine, by public hearing, objections against notification for four temporary events under the Licensing Act 2003.
- 1.2 Under the Licensing Act 2003 a standard temporary event notice submitted to the Licensing Authority may be objected to by the Police and/or Environment Health within three working days of its receipt. The objections can be on the grounds that one or more of the licensing objectives will be undermined.
- 1.3 A hearing to consider any objection notices has to be held within seven working days beginning with the day following the end of the period within which an objection notice may be given. The hearing must be at least 24 hours before the event is due to take place. Due to the timescales involved this report has been put forward at short notice.

2 Summary of Temporary Event Notices

- 2.1 Four temporary event notices were submitted by:
Night Light Leisure
■ Charing Cross Road
London
WC2H 0JR

They were received by the City of London Licensing Authority on 28 October 2022 for events to be held in respect of the premises:

Simmons Bar
21 Widgate Street
E1 7HP

2.2 Details of the proposed temporary events are as follows:

Date and time of events:

1. **From: Friday 2 December 2022**
Until: Sunday 4 December 2022
2. **From: Friday 9 December 2022**
Until: Sunday 11 December 2022
3. **From: Friday 16 December 2022**
Until: Sunday 18 December 2022
4. **From: Saturday 31 December 2022**
Until: Sunday 01 January 2023

Licensable activities sought:

- i) The sale by retail of alcohol (on the premises only)
- ii) The provision of regulated entertainment -
- iii) The provision of late night refreshment-Sat

Maximum number of people: 130

2.3 All the temporary event notices seek to extend the terminal hour for the sale by retail of alcohol and the provision of regulated entertainment, and to introduce the provision of late-night refreshment, as follows:

Activity	Current Licence	Proposed amendment of TEN applications
Supply of alcohol for consumption on the premises*	Sun–Wed 10:00-23:00 Thu-Sat 10:00-01:00	Sun–Thu no change Fri-Sat 10:00-03:00
The provision of regulated entertainment**	Sun–Wed 10:00-23:00 Thu-Sat 10:00-01:00	Sun–Thu no change Fri-Sat 10:00-03:00

The provision of Late Night Refreshment	n/a	Fri-Sat 23:00-03:00
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*Current licence is for on and off sales, proposed additional hours are for on sales only

**Slight variations of times on the current licence dependant on the type of regulated entertainment.

2.4 A copy of the Temporary Event Notices can be seen as Appendices 1 to 4.

3 Licensing History of Premises

3.1 A copy of the current licence can be seen as Appendix 5.

4 Objection notices received

4.1 An objection to the temporary event notice was received from the City of London Environmental Health Service on 28 October 2022. The basis of the objection is that the proposed event brings a significant risk of undermining the licensing objective ‘the prevention of public nuisance’.

4.2 A copy of the representation can be seen as Appendix 6.

5 Policy Considerations

5.1 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

5.2 The following sections/paragraphs of the City of London Corporation’s Statement of Licensing Policy, although not all directly related to the consideration of an objection to a temporary event notice, contain sections which are applicable to this report.

Paragraph 92 states an overriding policy principle namely, that each application will be decided on its individual merits.

Paragraph 92 also 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.

Paragraphs 97 to 103 provides information on Temporary Event Notices in general.

Statutory Guidance

- 5.3 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are particularly applicable to this application:

Chapter 7 relates in general to Temporary Event Notices. Of particular note is paragraph 7.28 (role of licensing authority and determination at the hearing) and paragraphs 7.32 – 7.34 (objection notices and the requirement to issue a counter notice if required).

6 Map and Plans

- 6.1 A plan of the premises is attached as Appendix 7.

7 Summary

- 7.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. 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 of London.

8 Options

- 8.1 The Sub-committee must, having regard to the objection notice;
- i) Give the premises user a counter notice if it considers it appropriate for the promotion of one or more of the licensing objectives to do so (which will stop the event from taking place).
- 8.2 If the Sub-committee decide not to issue a counter notice it must take one of the following steps:
- ii) Allow the event to go ahead but impose one or more of the existing premises licence conditions on the temporary event notice if it considers it appropriate for the promotion of a licensing objective to do so (but only insofar as such conditions are not inconsistent with the event); or
 - iii) Allow the event to go ahead as set out in the Temporary Event Notice
- 8.3 Following a decision by the Sub-committee one of more of the following actions will need to be taken at least 24 hours before the beginning of the event period specified in the temporary event notice:
- Where a counter notice is issued (option i) a copy is to be sent to the premises user, Police and Environmental Health along with a notice stating the reasons for the decision.
 - Where a counter notice is not issued but conditions have been added (option ii) the decision, along with a 'statement of conditions' must be given to the premises user, Police and Environmental Health
 - Where a counter notice is not issued (option iii) notice of the decision must be given to the premises user, Police and Environmental Health.

9 Recommendation

9.1 It is therefore RECOMMENDED that your Sub-committee determine this notice for a temporary event in accordance with paragraph 8 of this report.

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Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised January 2022)	MCP	3 rd Floor Guild Hall
Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. (April 2018)		Statutory Guidance