

## City of London Corporation Committee Report

<b>Committee(s):</b> Licensing Sub-Committee	<b>Hearing Date:</b> 10/12/2024
<b>Subject:</b> <b>Licensing Act 2003 - Public Hearing in Respect of an Application for the Variation of a Premises Licence</b>	<b>Public report:</b> For Decision
<b>Name of Premises</b>	Proud City
<b>Address of Premises</b>	4 Minster Pavement, London, EC3R 7PP
<b>Ward</b>	Billingsgate
<b>This proposal:</b> <ul style="list-style-type: none"><li>• provides statutory duties</li></ul>	To determine an application for a Variation of a Premises Licence in line with the duties under the Licensing Act 2003 to promote the licensing objectives
<b>Does this proposal require extra revenue and/or capital spending?</b>	No
<b>Report of:</b>	Katie Stewart – Executive Director Environment
<b>Report author:</b>	Robert Breese

### Summary

The purpose of this sub-committee is to consider and determine, by public hearing, an application for the variation of a premises licence under the provisions of the Licensing Act 2003, taking into consideration the representations of responsible authorities and other persons, as detailed in paragraph 4, together with policy considerations detailed in paragraph 8 of this report.

### Recommendation(s)

Members are asked to:

- Determine this application for the variation of a premises licence under the provisions of the Licensing Act 2003 and in accordance with paragraph 10 of this report.
- 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.

# Main Report

## 1. Background

1.1. An application made by:

**City Galleries Limited  
32 John Adam Street  
London  
WC2N 6BP**

was received by the City of London licensing authority on 16 October 2024 for the variation of a premises licence in respect of the premises:

**Proud City, 4 Minster Pavement, London, EC3R 7PP**

1.2. Full details of the application can be seen as Appendix 1.

1.3. The proposed application is a variation application to the existing licence held by the venue, which is a cabaret club, restaurant and nightclub premises. The application seeks to increase the terminal hour for all current licensable activities on a temporary basis, and attach numerous conditions shown as Appendix 3.

1.4. Clarification was sought by the City of London Licensing team as to the addition of four licensable activities as detailed on the application form – Perform Plays, Indoor Sports, Boxing/Wrestling, Entertainment Similar to (e) (f) (g). The applicant confirmed this was an error on their part and thus the application is amended to remove any reference to these additional licensable activities.

1.5. The current licence at the premises can be seen as Appendix 1 (a).

1.6. The proposed change of hours applied for each activity in the application is shown in column 3 of the table below, with the current licence hours in column 2.

<u>Activity</u>	<u>Current licence hours</u>	<u>Proposed licence hours</u>
<b>Supply of Alcohol for consumption on &amp; off the premises, Exhibit Film, Live Music, Recorded Music, Perform Dance</b>	Sun – Thurs: 10:00-02:00 Fri – Sat: 10:00-03:00	<b>Sun – Weds: 10:00-03:00 Thurs – Sat: 10:00-05:00</b>
<b>Late Night Refreshment</b>	Sun – Thurs: 23:00-02:00 Fri – Sat: 23:00-03:00	<b>Sun – Weds: 23:00-03:00 Thurs – Sat: 23:00-05:00</b>
<b>Opening Hours</b>	Sun – Thurs: 10:00-02:30 Fri – Sat: 10:00-03:30	<b>Sun – Weds: 10:00-03:00 Thurs – Sat: 10:00-05:00</b>

## **2. Pre-Application Meeting**

- 2.1. Paragraph 8.46 of the statutory guidance to the Licensing Act 2003 encourages applicants to seek the view of responsible authorities before formally submitting their application. This is reinforced at paragraph 44 of the City Corporation's Statement of Licensing Policy.
- 2.2. The applicant initially contacted the City of London Police Licensing Team in Spring 2024 to discuss this application. Off the back of these discussions a more formal pre-application meeting was arranged on 22<sup>nd</sup> May 2024. This was attended by the applicant, members of the City of London Police Licensing team, members of the City of London Licensing Team, and members of the City of London Environmental Health Pollution team.
- 2.3. The applicant explained the intent of the application and how they felt the changes they propose to make in their application would impact their operation, if granted.
- 2.4. Off the back of this meeting, further discussions were held between the City of London Police Licensing team, the City of London Licensing Team, and the City of London Environmental Health Pollution team.
- 2.5. The three responsible authorities involved in the discussions wished to see numerous conditions attached as part of the Variation application, with the consensus that the current conditions attached to the licence would be insufficient to promote the licensing objectives in light of the proposed changes.
- 2.6. The three responsible authorities also wished to see an overarching condition proposed stating that the extension of hours would be temporary in the first instance, noting that any issues arising from the proposed extension of hours could potentially be dealt with in future by reviewing the licence.
- 2.7. The City of London Environmental Health Pollution team noted the number of complaints received over the last few years, from both the applicant's premises and those premises on streets close to the applicant's premises. They noted the importance of adding conditions so as to mitigate the potential impacts of the premises being open an additional 2 hours. These included prohibiting the admittance of new customers to the premises after 2am, only permitting entry to and exit from the premises using the Mincing Lane door after this time, and seeking a dispersal policy from the applicant.
- 2.8. The City of London Police noted the number of incidents of crime and disorder at the premises over the last 12 months, in relation to both in-house and externally promoted events. They sought a restricted capacity for the period that the proposed Variation application would extend hours, the venue having been split into 2 rooms and subject to agreement that only one side of the venue would be in operation after 3am. The applicant currently has the ability to run 2 events (joint capacity 600) terminating at 3am, and this condition seeks to limit capacity to 350 after 3am. They also noted that the applicant has been providing

risk assessments for promoted events at the venue on a voluntary basis, and welcomed the opportunity to add a formal condition to the licence stating that they must submit risk assessments with a prescribed notice period of 14 days prior to each event.

- 2.9. All such recommendations as proposed by the responsible authorities were agreed by the applicant, and these form the basis of all of the proposed conditions attached as Appendix 3.
- 2.10. Notwithstanding the pre-application discussions between the applicant and the three responsible authorities listed in paragraph 2.2, which dealt with the concerns raised by those authorities, nothing done has the effect of determining the application.

### **3. Deregulation considerations**

- 3.1. The applicant benefits from Live Music and Recorded music already as licensable activities, with a terminal hour exceeding 2300 hours and no relevant conditions, so the deregulatory changes in respect of those activities are not under consideration in determining this application.

### **4. Representations**

#### **Representations from Responsible Authorities**

- 4.1. There is one representation from 'responsible authorities' in respect of this application, namely from the City of London Planning team. This representation contends that the increased hours of licensable activities are likely to lead to an increase in the level of disturbance to neighbouring residential occupiers, contrary to the licensing objective 'prevention of public nuisance'.

#### **Representations from 'Other Persons'**

- 4.2. There are seven representations from 'other persons', including 2 from elected members of the City of London. All of these seek for the application to be rejected, on the basis that granting the licence as applied for would undermine the licensing objectives of prevention of crime and disorder, prevention of public nuisance and public safety.

- 4.3. All representations received can be seen in full as Appendix 2 (a) – 2 (h).

### **5. Conditions**

#### **Conditions drawn from the Operating Schedule**

- 5.1. The operating schedule submitted with the applications suggests steps intended to be taken to promote one or more of the four licensing objectives. Conditions that are consistent with the steps described in the operating schedule and appropriate for the promotion of the licensing objectives can be included on the premises licence. A summary of such conditions is

attached as Appendix 3.

### **Conditions agreed with Responsible Authorities**

5.2. As noted in paragraph 2.5, the proposed conditions document attached as Appendix 3 was formulated off the back of discussions between various responsible authorities, and agreed between those responsible authorities and the applicant.

5.3 Any additional conditions imposed by the Licensing Authority should be confined to the subject matter of the variation and must not seek to restrict the existing licence.

### **6. Licensing/Planning History of Premises**

6.1. The building has had a live licence since the Licensing Act 2003 came into effect on 24<sup>th</sup> November 2005, and was transferred to the current licence holders in 2009.

### **7. Map and Plans**

7.1. A map showing the location of the premises and detailing terminal hour for alcohol sales and late-night refreshment at nearby premises, is attached as Appendix 4.

7.2. The current plan of the premises can be seen as Appendix 5 (a) and 5 (b).

### **8. Policy Considerations**

8.1. In carrying out its licensing functions, the Licensing Authority must have regard to its statement of licensing policy and any statutory guidance issued under s 182 of the Licensing Act 2003.

#### ***City of London Corporation's Statement of Licensing Policy (2022)***

The following pages/sections/paragraphs of the City of London Corporation's Statement of Licensing Policy are particularly applicable to this application.

Pages 15-17 address the licensing objective 'The prevention of crime and disorder' and pages 22-25 address the licensing objective 'The prevention of public nuisance'.

Paragraph 92 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.

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

Certain aspects of paragraphs 97 – 99 are relevant as they address the need of care when controlling noise from those persons leaving a premises – which can apply equally to staff at the premises.

Paragraph 104 considers various factors that should be taken into account when considering whether any licensable activity should be permitted.

Paragraphs 138-144 (Section 13) state the City of London Corporation's policy on setting conditions which may be applicable dependant on the step(s) taken by members as stated in paragraph nine of this report.

### **Statutory Guidance**

8.2. The following sections/paragraphs of the statutory guidance issued under S182 of the Licensing Act 2003 are particularly applicable to this application (revised December 2022):

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.*' To which is added; '*Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.*'

## **9. Corporate & Strategic Implications**

Strategic implications – Dynamic economic growth, vibrant thriving destination, providing excellent services.

Financial implications - none

Resource implications - none

Legal implications – see paragraph 11.2 below.

Risk implications - none

Equalities implications – none

Climate implications - none

Security implications - none

## **10. Options**

10.1. 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 City of London 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.

10.2. The Sub-committee must, having regard to the representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) grant the licence subject to any conditions consistent with the operating schedule modified to such extent as the Sub-committee considers appropriate for the promotion of the licensing objectives and include the mandatory conditions contained in Ss. 19-21 of the Licensing Act 2003;
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the designated premises supervisor;
- (d) reject the application

For the purposes of paragraph 10.2 (a) conditions consistent with the operating schedule are modified if any of them are altered or omitted or any new condition is added.

## 11. Conclusion

11.1. The Sub-Committee must determine this application for a new premises licence in accordance with paragraph 10 of this report.

11.2. Where a licensing authority takes one or more of the steps stated in paragraph 10.2 above the applicant, or the holder of the licence and/or a person who made relevant representations in relation to the application, may appeal the decision to the Magistrates' Court. Any appeal must be commenced within 21 days following notification of the decision to the appellant by the licensing authority.

## Appendices

- Appendix 1 – Application Form
- Appendix 1 (a) – Current Licence
- Appendix 2 – Representations
- Appendix 3 – Proposed Conditions
- Appendix 4 – Map of Nearby Premises and Terminal Hours
- Appendix 5 – Current Plan

## Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2022)	MCP	3rd Floor Guildhall

Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. (December 2022)		<a href="#">Statutory Guidance</a>
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