

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 17 JUNE 2014

APPLICANT: THE MEAT COMPANY ALDERSGATE LTD
PREMISES: UNIT 3, 200 ALDERSGATE STREET, EC1

PRESENT

Sub Committee:

Peter Dunphy CC (Chairman)
Marianne Fredericks CC
Michael Hudson CC

City of London Officers:

Rakesh Hira – Town Clerk’s Department
Paul Chadha – Comptroller & City Solicitor’s Department
Peter Davenport – Markets & Consumer Protection Department
Steve Blake – Markets & Consumer Protection Department

Applicant:

Represented by Robert Botkai – Partner, Winkworth Sherwood.

Witnesses:

Johnny Tomazos, Chief Executive Officer
Callum Hutchinson, Assistant General Manager
Jason Swan, Noise Consultant

Those making representations:

Jonathan Morton, Chairman, London House Residence Association
Robert Barker, Chairman, Barbican Association also representing Jane Smith, Chairman, Seddon House Group.
Jonathan Dennis, resident also representing Jonathan Perks
Deborah Tompkinson, resident

In attendance:

Alderman Vincent Keaveny
Clare James CC
Ann Holmes CC
Virginia Rounding CC

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public Hearing was held at 2.15 pm in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises ‘Unit 3, 200 Aldersgate Street, London, EC1’.

The Sub Committee had before them a report of the Director of Markets and Consumer Protection, which appended copies of:-

Appendix 1: Copy of Application

Appendix 2: Conditions consistent with the Operating Schedule

Appendix 3: Representations from Other Persons (39)

Appendix 4: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

In addition the following document, which was circulated to all parties prior to the Hearing, was also considered:

- Letter entitled 'Amendments to Application'.

The following documents were also made available at the Hearing:

- Booklet from the Applicant entitled 'The Meat Co'
 - Appendix 5 – Plan of the premises
- 2) The Hearing commenced at 2:16pm.
 - 3) The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present and the nature of the application. He explained that the Applicant had amended the application which removed regulated entertained and late night refreshment and now sought the following licensable activity:

<u>Activity</u>	<u>Proposed</u>
Supply of Alcohol	Monday to Saturday: 09:30 – 23:00 hours (<i>premises to be closed by 23:30 hours</i>) Sunday: 09:30 – 22:30 hours (<i>premises to be closed by 23:00 hours</i>)

- 4) The Applicant confirmed that the above was correct.
- 5) It was noted that no Members of the Sub Committee had any declarations.

- 6) The Chairman outlined the procedure which would be followed.
- 7) The Chairman invited Mr Morton to outline his objection to the application. He explained that London House was a residential block and if the application was granted a noise disturbance would be generated from the premises by smokers, people drinking outside the premises, people talking, customers arriving/leaving and from mini cabs arriving/leaving. It was the City Corporation's policy to limit noise nuisance between 23:00 hours and 07:00 hours and this location was not suitable for the venue as it would create a noise nuisance but if granted the application should be amended for the terminal hour for sale of alcohol to be 22:30 hours on all days with a view to the area being clear and quiet by 23:00 hours. There was a triangular landscape at London House with the potential for this area to be used by customers, which would create a further noise nuisance as it was surrounded by small buildings with noise bouncing around. Finally the refuse store area was behind London House and therefore the noise from bottles and other material could cause further noise for residents.
- 8) The Chairman invited Mr Dennis to outline his objection to the application. He explained that from previous experience of licensed premises being in close proximity to a residential block a noise nuisance would be created and a further concern related to the premises submitting Temporary Event Notices (TENs) which would exacerbate the situation. He agreed with Mr Morton that the terminal hour for the sale of alcohol should be 22:30 hours on all days with a view to the area being clear and quiet by 23:00 hours.
- 9) Mrs Tompkinson was invited to speak who explained that the London House flats did not have air conditioning and in order for ventilation the windows would need to be opened. In the event that the licence was granted customers would generate noise which would be directly heard in the flats at London House. She highlighted that the City Corporation's policy of limiting noise nuisance from licensed premises between 23:00 hours and 07:00 hours should be respected. She requested that the premises be shut by 22:30 hours due to the noise from the air conditioning facilities. In addition there were foxes commonly around the refuse store area, if more refuse was accumulated, from the premises, this would give rise to more foxes around the refuse store area.
- 10) The Chairman pointed out that the Sub Committee could only consider matters relating to licensing and not other matters which would most likely fall under the remit of planning or environmental health.
- 11) Mr Barker was invited to speak and explained that the premises had made no effort to contact the Barbican Association or residents at London House. There were internal design configuration concerns which the premises had said it would consider. The Barbican Association was generally content with the amended application however if all the

conditions could not be accepted by the Sub Committee they should form part of the premises management plan.

- 12) The Chairman emphasised that the re-designing of the internal design configuration was not a matter which the Sub Committee could take into account.
- 13) There were no questions from the Applicant or Sub Committee for those making representations.
- 14) Mr Botkai was invited to make his submissions on behalf of the Applicant. He explained that the premises would operate as a fine steak restaurant which would be food led and not as a musical dance venue. The original application had been submitted covering various licensable activities but it was not intended that the applicant would operate at that level. Mr Barker had contacted the premises and a meeting took place thereafter with various conditions agreed and the hours curtailed to 23:00 hours. The Applicant had gone further by cutting the hours of operation for Sundays and removed Late Night Refreshment from the application altogether. The necessary expert advice would be taken when air conditioning and extraction fans would be constructed and dialogue was being maintained with the Authority's environmental health team.
- 15) Mr Botkai asked questions of Mr Hutchinson and Mr Tomazos with reference being made to the following points:-
 - no more than 60 members of staff would be employed by the premises with a host at the front of the premises.
 - The windows of the premises were clear and therefore staff would monitor the area both inside and outside the premises.
 - It was not expected that customers would congregate outside the premises.
 - The host at the front of the premises will ensure that customers do not take any open end beverages outside the premises. The range of wines which were sold in unsealed containers were at a high end quality i.e. not available in supermarkets such as Waitrose and Sainsburys.
 - There will be an agreement with the taxi firm whereby the staff at the premises will telephone the taxi company on behalf of the customer with the customer remaining in the premises and then sending the customer out once the taxi had arrived.
 - A waste disposal plan was being discussed with the Environmental Health Officer with waste being contained within the building.
 - The bar area will be designed to have both food and drink with fixed seats and it was not expected that for example 70 people would be congregated in this area.
 - The configuration of the internal design would be looked at to ensure accessibility possibly through a minor variation application in the future.

- There would be one member of staff, who would have easy access to management, who would be tasked with manning the phones.
- 16) Mr Morton pointed out that there were no conditions which had been agreed by all five resident associations and highlighted that the loading bay was opened sided. The Chairman explained that this was not a licensing issue.
 - 17) A Member of the Sub Committee explained that the licensing and planning systems operated on different levels and for licensing the Applicant was only legally required to display a blue notice outside the premises and advertise the proposed application in the local newspaper. However the City Corporation encourages potential licensed premises to make contact with local residents and to undertake pre-application meetings which are facilitated by the City Corporation's Licensing Team.
 - 18) Mr Botkai explained that there would be gradual dispersal of customers leaving the premises and it was not anticipated that the premises would be at full capacity at 23:00 hours.
 - 19) The Chairman noted that some of the conditions put forward by the Applicant were either not enforceable or necessary however reference would be made to these in the decision letter of the Sub Committee.
 - 20) In response to a question by a Member of the Sub Committee relating to TENs, Mr Botkai said that it was not known how many TENs would be submitted.
 - 21) It was noted that under the legislation Live Music could take place in the premises until 23:00 hours.
 - 22) All parties were given an opportunity to sum up prior to Members of the Sub Committee withdrawing to deliberate and make their decision; accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
 - 23) The Chairman explained that a full decision would be circulated within five working days and that if the Sub Committee reached a decision this would be announced today.

All parties returned to the room

- 24) The Chairman thanked those who had remained to hear the decision of the Sub Committee. He explained that the full decision would be circulated to all parties however the application had been granted with the hours of operation being as per the revised application. There were three conditions added to the licence relating to CCTV, age verification and no sale of alcohol in unsealed containers for consumption off the premises. A number of conditions proposed by the Applicant related to planning matters or other areas of legislation and therefore a full note of

the Sub Committee's decision would set out the above along with those points which were deemed as an 'advisory note' for the premises.

- 25) The Chairman thanked all parties for attending.

The meeting closed at 4.14 pm

Chairman

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Copy of Decision letter circulated to all parties on 24 June 2014

Applicant: The Meat Company Aldersgate Ltd
Application: New Premises Licence
Premises: Unit 3 200 Aldersgate Street EC1
Date of Hearing: Tuesday 17 June 2014 at 2:15 pm

I write to confirm the decision of the Licensing Sub Committee at the hearing on 17 June 2014 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

1. This decision relates to an application made by the Meat Company Aldersgate Ltd for a new premises licence in respect of the premises 'The Meat Company, Unit 3, 200 Aldersgate Street, London, EC1A 4HD'.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Films, Live Music, Recorded Music, Performances of dance, Anything similar to live music, recorded music and performances of dance	N/A	Sunday to Thursday: 12:00 – 00:00 hours Friday to Saturday: 12:00 – 01:00 hours
Late Night Refreshment	N/A	Sunday to Thursday: 23:00 – 00:30 Friday to Saturday: 23:00 – 01:30 hours
Supply of Alcohol	N/A	Monday to Thursday: 09:30 – 00:00 hours Friday to Saturday: 09:30 – 01:00 hours Sunday: 12:00 – 00:00 hours

2. The application was subsequently amended by the Applicant to the following with both regulated entertainment and late night refreshment being removed altogether:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Monday to Saturday: 09:30 – 23:00 hours (<i>premises to be closed by 23:30 hours</i>) Sunday: 09:30 – 22:30 hours (<i>premises to be closed by 23:00 hours</i>)

3. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by those making representations and the Applicant. There were a number of issues and concerns which were raised both in the written representations and orally however it was noted that these were matters not relating to licensing and most likely fell under the remit of planning or environmental health and therefore were outside the scope of the Licensing (Hearing) Sub Committee.
4. In reaching the decision the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2013.
5. Furthermore, the Sub Committee took on board the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
6. In determining the application, the Sub Committee first and foremost put the promotion of the licensing objectives at the heart of their decision. In this instance, the most relevant of those objectives being the prevention of public nuisance.
7. The Sub-Committee took into account the representations regarding the potential for nuisance from the premises but was persuaded that the premises could operate without causing nuisance to local residents. In reaching this conclusion the Sub-Committee took into account the revised hours of operation and the removal of regulated entertainment from the application. The Sub-Committee was also satisfied that the premises would operate as a restaurant as opposed to a drinking

establishment and that by the very nature of a restaurant operation it was highly unlikely that all patrons would remain at the premises up until closing time but rather that there would be graduated departure of patrons during the course of the evening

8. It was the Sub Committee's decision to therefore grant the new premises licence, subject to the amended hours and conditions set out below.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Monday to Saturday: 09:30 – 23:00 hours <i>(premises to be closed by 23:30 hours)</i> Sunday: 09:30 – 22:30 hours <i>(premises to be closed by 23:00 hours)</i>

9. The Sub Committee then considered whether it was necessary and appropriate to impose any conditions upon the licence, to promote the relevant licensing objective and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.

10. The Sub Committee decided to impose the following conditions:

- The premises shall install and maintain a comprehensive CCTV system. All public entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data without any unreasonable delay when requested.
- An age verification scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 (of older if the licence holder so elects) shall provide documented proof that he/she is over 18 years of age. Proof of age

shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

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

11. The Sub Committee noted the other proposed conditions put forward by the Applicant and whilst the Sub Committee did not consider it to be appropriate or necessary to impose these proposals as conditions on the premises licence it did expect the applicant to implement the proposals. In particular, the Sub-Committee was expected that the premises ensured the following steps be implemented by the Applicant and that these steps be incorporated into a Management Plan applicable to the premises:-

- All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer on request.

- The premises be constructed and designed to avoid noise escape.
- A contact telephone number shall be made available to local residents which they can use to report any noise disturbance.
- A free taxi phone service and an internal waiting area will be provided for customers.
- Steps shall be taken to ensure that any taxi operator used by the licence holder will instruct its drivers that patrons of the venue may be collected in Albion Way and not on the Museum of London roundabout and not on Aldersgate Street north of the roundabout.
- All deliveries and refuse collection will be via the loading bay and not from the street.
- A notice shall be displayed at the exit to the premises with words to the effect that customers will be asked to depart quietly so as not to disturb nearby residents.

- The licence holder will take steps to discourage smokers from loitering outside the premises and will not permit them to take their drinks outside of the premises. Customers who do wish to smoke will be directed towards Montague Street. For the avoidance of doubt the intention is that smokers will be asked to stay away from residential premises.
12. If the Sub Committee was wrong and the conditions prove insufficient to prevent a public nuisance associated with these premises, all parties are reminded that any responsible authority, business, resident or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.
13. If any party is dissatisfied with this decision, he or she is reminded of the right to appeal, within 21 days of the date of this letter, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

Yours faithfully

Rakesh Hira

Clerk to the Licensing (Hearing) Sub Committee

Useful Numbers/Websites:

An 'Out of Hours' noise response service is available 24 hours a day by telephone:
0207 6063030

Licensing Policy and Code of Good Practice for Licensed Premises:
<http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Licensing-policy.aspx>

ENDS