

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 27 NOVEMBER 2014

APPLICANT: SAMMIE'S BAR LTD
PREMISES: SAMMIE'S BAR, 14 CROSSWALL, LONDON EC3N 2LJ

PRESENT

Sub Committee:

Peter Dunphy (Chairman)
Michael Hudson
Jamie Ingham Clark

City of London Officers:

Gregory Moore – Town Clerk's Department
David Arnold – Town Clerk's Department
Paul Chadha – Comptroller & City Solicitor's Department
Peter Davenport – Markets & Consumer Protection Department
Steve Blake – Markets & Consumer Protection Department
Sam Cook – Remembrancer's Department

Applicant:

Represented by David Dadds – Solicitor, Dadds LLP.
Witnesses:
Ms Samantha Hall – Director of Sammie's Bar Ltd.
Mr Freddie Hall

Those making representations:

Richard Lambert – Environmental Health Officer
Rita Jones – Licensing Inspector (City of London Police)
- Represented by Leo Charalambides
Marianne Fredericks – Resident

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held at 2:15 pm in the Committee Rooms, West Wing, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises 'Sammie's Bar, 14 Crosswall, London EC3N 2LJ'.

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 responsible authorities (2)

Appendix 4: Representations from other persons (4)

Appendix 5: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

Appendix 6: Plan of Premises

- 2) The Hearing commenced at 2:15 pm.
- 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.
- 4) It was noted that no Members of the Sub Committee had any declarations.
- 5) The Chairman outlined the procedure which would be followed.
- 6) The Chairman invited Mr Lambert to speak first regarding his representation made in respect of Sammie's Bar Ltd.'s application for a new Premises Licence. Mr Lambert outlined his concerns over the lack of control of noise from the provision of live and recorded music after 11:00 pm in a residential area. He was also concerned about local residents potentially experiencing an increase in noise levels at 02:00 am if patrons were to gather outside the Bar at closing times. He explained that these noise levels could continue later into the night if patrons did not disperse due to a lack of public transport facilities at that time. Finally, he added that there would be inadequate noise control if the windows and door to the Bar were left open until closing times during the provision of live and recorded music.
- 7) In response to a question from Mr Dadds (the Applicant's representative), Mr Lambert advised that there had been one complaint to Environmental Health since Sammie's Bar Ltd. began operating at the premises in February 2014. This was however an uncorroborated complaint, as Environmental Health Officers were unable to attend at the time and witness the reason for the complaint.
- 8) In response to a further question from a Member of the Panel, Mr Lambert added that he would recommend that the terminal hour be brought forward to before midnight to allow patrons to depart via public transport and avoid problems with dispersal late into the night.

- 9) The Chairman invited Ms Fredericks to speak next regarding her representation concerning Sammie's Bar Ltd.'s application for a new Premises Licence. Ms Fredericks was concerned that the area surrounding Sammie's Bar had become over-burdened with late night licenced Premises. She added that the City of London Police (CoLP) had already suffered from problems of dispersal in the area. Ms Fredericks was also concerned at the lack of control for preventing patrons from blocking walkways when gathered outside the Bar. Residents would suffer from an increase in litter on the walkway and late night noise so she suggested that the licence should not allow the Bar to operate beyond midnight.
- 10) In response to a question from Mr Dadds, Ms Fredericks advised that she had been sent several complaints about the Premises from local residents concerned about public safety. Ms Fredericks added that she had also informed Licensing Officers of her concern for an issue she witnessed in July 2014, which involved a vehicle being obstructed by patrons gathered outside the premises.
- 11) The Chairman invited Mr Charalambides to outline the CoLP's representations in respect of Sammie's Bar Ltd.'s application for a new Premises Licence. Mr Charalambides advised that they were primarily concerned with the threat to public safety and increase in public nuisance that would be caused by patrons gathering outside the premises late into the night. He added that drinking should not be permitted outside the premises at any time to prevent an increase in public nuisance and threat to public safety. He also explained that a regulatory framework for the provision of alcohol should reflect the needs of the local community. He argued that this would not be the case if the new Premises Licence was granted as the local residents had demonstrated no desire for another late night licence in the area.
- 12) In response to a question from Mr Dadds, Mr Charalambides advised that there had been no complaints from the public received by the CoLP since Sammie's Bar Ltd. began operating at the premises in February 2014. In response to a further question from a Member of the Panel, Mr Charalambides advised that the CoLP had not been asked to visit the premises for any reason in that period.
- 13) The Chairman then invited Mr Dadds to outline his submissions on behalf of the Applicant. Mr Dadds explained that they had already operated at the premises since February 2014 and had only received one unsubstantiated complaint during that time. He added that the Applicant was committed to managing the areas directly outside the premises. He explained that the area would be monitored for over-crowding and checked for empty glasses regularly. He then proposed that no person be allowed to remove drink from the premises after 9:00 pm. Mr Dadds explained that he and the Applicant had used benchmarking of other similar premises in the area as well as

considering public nuisance to local residents caused by outside drinkers before reaching the proposed time of 9:00 pm.

- 14) In response to a question from Ms Fredericks regarding the walkways outside not being part of the premises, Mr Dadds explained that people could not be prevented from gathering on public walkways but the Applicant would aim to manage this if the licence was granted. In response to a suggestion from Mr Charalambides, Mr Dadds advised that the Applicant would be happy to implement a chart to document when the areas outside the premises had been checked and cleaned if the licensing authority saw fit.
- 15) In response to a question from Mr Lambert regarding noise for local residents, Mr Dadds advised that music was restricted to within the premises and reiterated that only one complaint regarding the premises had been made to Environmental Health previously with no complaints made to the CoLP. In response to a further question from Mr Charalambides regarding training of staff to promote public safety and prevent public nuisance, Mr Dadds advised that all 12 members of staff would be trained directly by the Director of Sammie's Bar Ltd with assistance from Dadd's Solicitors as soon as the licence was issued.
- 16) In response to a question from Mr Charalambides concerning the operating schedule included in Sammie's Bar Ltd.'s original application form, Mr Dadd's advised that the applicant misunderstood advice from the CoLP regarding no alcohol being allowed to leave the premises in open bottles or containers. Having consulted with Dadd's Solicitors who advised that condition did not have to form part of the operating schedule, the applicant changed the proposal. Objectors opposed this change as others were unable to submit representations based on this, but Mr Dadd's explained that this would not have been included on public notice in any case.
- 17) In response to questions from Members of the Panel, Mr Dadds advised that windows and doors would remain closed during the provision of live music, which would only consist of Karaoke on the last Friday of each month, but SIA door staff would not be employed.
- 18) The Chairman invited Mr Lambert to issue a closing statement regarding his representation to Sammie's Bar Ltd.'s application for a new Premises Licence. He stated that the control of noise from people gathered outside the premises and live music from inside the premises should be considered in the conditions of a new Premises Licence.
- 19) The Chairman invited Ms Fredericks to submit a closing statement regarding her representation to Sammie's Bar Ltd.'s application for a new Premises Licence. She explained that her primary concerns were for the potential for public nuisance caused by late night noise and the lack of consideration for public safety with streets and walkways being obstructed by people gathered outside the premises. She added that the

premises was not suitable for the provision of live music due to its small size and proximity to local residents.

- 20) The Chairman invited Mr Charalambides to submit a closing statement regarding the CoLP's representation to Sammie's Bar Ltd.'s new Premises Licence application. He advised that their primary concern was regarding the consumption of drinks outside the premises at any time, which he believed would undermine the Licensing objectives for public safety and prevention of public nuisance. He suggested that the Applicant had no concrete plan to manage outside drinking or dispersal at closing times and had no plan to implement the Licensing Code of Conduct.
- 21) The Chairman then invited Mr Dadds to submit his closing statement on behalf of the Applicant. In response to Mr Lambert's representations, Mr Dadds advised Members of the Panel that Sammie's Bar Ltd. had been operating at the premises until 01:00 am at weekends without any complaints to the CoLP and only one to Environmental Health. He argued that the Applicant was alive to the issue of managing the walkway outside the premises and they had had no complaints from wheelchair or pushchair users.
- 22) There were no further questions from those making representations for the Applicant or Sub-Committee.
- 23) The Chairman thanked all parties for attending and explained that a full decision would be circulated within five working days.

The meeting ended at 16:00

Chairman

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Copy of Decision Letter circulated to all parties on 2 December 2014

Applicant: Sammie's Bar Ltd
Application: New Premises Licence
Premises: Sammie's Bar, 14 Crosswall, London EC3N 2LJ
Date of Hearing: Thursday 27 November 2014 at 2:15pm

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 27 November 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 Sammie's Bar Ltd, Carlton House, 101 New London Road, Chelmsford, Essex, CM2 0PP for a new premises licence in respect of the premises known as "Sammie's Bar", 14 Crosswall, London EC3N 2LJ.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Provision of Live Music	N/A	Sun – Wed 23:00 – 00:00 Thu – Sat 23:00 – 02:00
Provision of Recorded Music		Sun – Wed 11:00 – 00:00 Thu – Sat 11:00 – 02:00
Supply of Alcohol	N/A	Sun – Wed 07:00 – 00:00 Thu – Sat 07:00 – 02:00

The supply of alcohol would be for 'on' the premises only, with the premises open to the public between 07:00 and 00:30 (Sunday – Wednesday) and 07:00 to 02:30 (Thursday – Saturday).

2. The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the hearing by those making representations and the Applicant.
3. 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.
4. Furthermore, the Sub-Committee had regard to 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.

5. 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 and public safety. The representations focused primarily on the potential for public nuisance and the risk to public safety resulting from the applicant's inability to adequately manage patrons drinking outside the premises, as well as noise caused through dispersal and regulated entertainment events.
6. The Sub-Committee took into account the representations regarding the potential for public nuisance from the premises and the risk to public safety but concluded that the premises could, with the imposition of suitable conditions, operate without causing an unacceptable level of public nuisance to local residents or risk public safety.
7. In reaching its decision the Sub Committee took into account the fact that the premises had been operated by the applicant under an existing licence since February 2014 and that, during this period, there had been only one report to environmental health officers concerning public nuisance, which had been uncorroborated. There had also been no incidents requiring police attendance. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application. In this respect the Sub-Committee took into consideration the fact that this was an application for a new premises licence and, whilst acknowledging the oral and written representations in respect of potential for public nuisance and risk to public safety resulting from this application, the Sub-Committee was not convinced that the proposed operation of the premises would adversely affect the promotion of the licensing objectives given the proposed operating model.
8. The Sub Committee then considered whether it was necessary and appropriate to impose any conditions upon the licence, to promote the relevant licensing objectives and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance and public safety. The Sub-Committee gave lengthy consideration to the issue of patrons being allowed to take drinks outside the premises, taking into account the submissions made by those making representations that a condition should be imposed prohibiting the taking of drinks outside the premises at all times and the proposal put forward on behalf of the applicant that its patrons should be permitted to take drinks outside the premises until 21:00 hours. Whilst acknowledging the concerns expressed in relation to the disturbance caused by patrons taking drinks outside the premises and the risk to pedestrians not being able to pass freely along the footway, the Sub-Committee considered it unreasonable to prohibit patrons from drinking taking drinks outside the premises at all times. It noted that the Applicant had indicated that it would manage the area outside its premises to minimise noise and to ensure that its patrons would not obstruct pedestrian passage. The Sub-Committee was of the opinion that, if properly managed, it would be possible to permit the premises' patrons to take drinks outside the premises and therefore

concluded that it would be reasonable to permit them to take drinks outside until 21:00.

9. The Sub-Committee then went on to consider whether or not it was necessary to impose any conditions to prevent the escape of noise from the premises. The concerns of the City's Environmental Health Service were considered along with the size of the premises and the nature of the regulated entertainment to be provided (karaoke evenings on Friday nights once per month). In such circumstances the Sub-Committee decided that it was necessary and appropriate to impose a condition requiring that all windows and doors were to remain closed after 21:00 hours, save for access or egress, whilst regulated entertainment was being provided.
10. The Sub-Committee also decided that it was necessary and appropriate to impose the remaining conditions contained in Appendix 2i) of the Agenda papers.
11. It was the Sub-Committee's decision to therefore grant the premises licence, subject to the conditions consistent with the Operating Schedule and the informative set out below:
 1. *The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 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 recent data or footage with the absolute minimum of delay when requested. (MC01)*
 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 licence holder and the event is promoted to the general public. (MC02)*
 3. *All doors and windows shall remain closed at all times after 21:00 during the provision of regulated entertainment save for access or egress or in the event of an emergency. (MC12)*
 4. *A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15)*
 5. *A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 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 or an industry approved proof of age identity card. (MC21)*
 6. *Patrons are prohibited from taking any drinks outside the premises after 21:00 hours*

12. Further to the conditions outlined above, the Sub-Committee issued the following informative:

1. *The premises licence holder is expected to devise and implement measures to ensure that patrons drinking outside the premises are managed in such a manner that they do not cause public nuisance or prevent pedestrians from having free passage along the footway.*

13. The Sub-Committee also noted the proposed offer put forward by the Applicant, namely the commitment to make available a contact telephone number to nearby residents, local Common Councilmen and the City of London Licensing Team to be used in the event of complaints arising.

14. 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.

15. 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,

Gregory Moore

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/beer-and-entertainment/Pages/Licensing-policy.aspx>