

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 21 December 2015

APPLICANT: Humble Grape Limited
PREMISES: 1 St Bride's Passage, London, EC4Y 8EJ

PRESENT

Sub Committee:

Marianne Fredericks (Chairman)
The Revd. Dr. Martin Dudley
Jamie Ingham Clark

City of London Officers:

David Arnold – Town Clerk's Department
Gemma Stokley – Town Clerk's Department
Paul Chadha – Comptroller & City Solicitor's Department
Peter Davenport – Markets & Consumer Protection Department

Applicant:

Represented by Neill McCann, Joelson Wilson LLP
James Dawson, Owner, Humble Grape Limited

Those making representations:

Henrika Priest CC – Resident
William Gardiner – Resident

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public Hearing was held at 10:30AM in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises '1 St Bride's Passage, London, EC4Y 8EJ'.

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

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

Appendix 5: Plan of Premises

- 2) The Hearing commenced at 10:30am.
- 3) The Chairman opened the Hearing by introducing herself, the other Members of the Sub Committee, the officers present and the nature of the application.
- 4) The Chairman sought confirmation from the applicant regarding a description of the proposed new premises. Mr Niall McCann, the solicitor representing the applicant, advised that the proposed premises would be a modern wine shop, bar and restaurant. The bar and restaurant would serve food and imported fine wines for up to 160 covers. All bar and waiting staff would be qualified to at least intermediate level by the Wine and Spirit Education Trust (WSET) to ensure that corporate and private wine-tasting events were delivered to a high standard. Wine from the shop at the front of the premises was intended to be for off-sales only, not for consumption in the bar or restaurant.
- 5) Mr McCann added that the applicant was currently in discussions with the landlord with a view to provide an outdoor seated eating and drinking area in the courtyard located at the rear of the premises. If negotiations with the landlord were successful, the courtyard would provide seating for 20 – 30 people.
- 6) In response to concerns regarding late night dispersal on busy nights, Mr McCann advised that signage would be placed at exits to remind patrons to keep noise levels down and the Maître d' would instruct all leavers to exit straight onto New Bridge Street to avoid local residences. Staff would also be on hand to order taxis whilst patrons remained inside the premises whilst they waited. Gradual dispersal was anticipated as corporate events were expected to end by approximately 8:00pm whereas private patrons may stay later into the evening. The Chairman noted that the applicant had not yet provided a dispersal policy, which would be required as soon as possible.
- 7) In response to a Sub-Committee Member's question regarding the provision of corporate wine-tasting events, Mr James Dawson (applicant – owner of Humble Grape Limited) advised that they were expected to take place approximately two to three times per week as there was a high demand for these types of events in the City of London amongst local businesses. Mr Dawson added that the events would be held in a separate private room for anywhere between 10 – 50 people.
- 8) Mr William Gardiner and Ms Henrika Priest, Common Councilman for the Ward of Castle Baynard, advised the Sub-Committee of the concerns outlined in their previously submitted representations.
- 9) Ms Priest noted that it was useful to have been provided with a statement of case from the applicant but it should have been provided sooner, which Mr McCann acknowledged and accepted. Ms Priest welcomed the condition to restrict outside drinking proffered in the statement of case but added that hers and Mr Gardiner's concerns regarding late night dispersal and noise levels caused outside drinkers in

the courtyard remained. The Sub-Committee were advised that late night dispersal would cause disruption to local residents as patrons were free to exit the large premises in any direction, despite being encouraged by the Maître d' to exit via New Bridge Street.

- 10) Ms Priest recommended that the terminal hours for the supply of alcohol should be kept at 00:00 or brought forward to 23:30 throughout the week and outside drinking should be completely restricted. Mr Gardiner suggested that the terminal hour for the supply of alcohol should be earlier than 00:00 or 23:30 on Saturdays as this was currently the only day of respite for local residents who weren't disrupted by post-work outside drinking.
- 11) The Sub-Committee considered these concerns and, in response to Members' questions, the applicant agreed to amend their application to include a terminal hour for the sale of alcohol and late night refreshments on Saturdays to 00:00. The applicant also agreed to no off-sales of alcohol except for in sealed containers and to return with an application for variation to the licence, if granted, to include the courtyard for on and off sales in future if the landlord agreed to its' use.
- 12) The Chairman thanked all parties and explained that the Sub-Committee would now retire to deliberate on the application. The Chairman explained that it was expected that the Sub-Committee would come to a decision that day and therefore invited all present to remain in the meeting room while the Sub-Committee considered its decision.
- 13) The Sub-Committee retired at 11.25am.
- 14) At 11.55am the Sub-Committee returned from their deliberations and explained that they had reached a decision. The Chairman thanked those who had remained to hear the decision of the Sub-Committee.
- 15) 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.
- 16) In reaching its decision the Sub Committee took into account the character of the area and the proposed business operations of the applicant. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application.
- 17) The Chairman reported that it was the Sub-Committee's decision to grant the premises licence as offered by the applicant as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon – Wed 11:00 – 00:00

		Thu – Fri	11:00 – 01:00
		Sat	11:00 – 00:00
		Sun	11:00 – 23:00
Late Night Refreshment	N/A	Mon - Wed	23:00 – 00:30
		Thu – Fri	23:00 – 01:30
		Sat	11:00 – 00:00

- 18) The Chairman went on to explain that the conditions to the grant of the licence were as follows:
- 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 is open for licensable activities and during all times 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 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)
 - Prominent signage shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC16)
 - There shall be no sales of alcohol in unsealed containers for consumption off the premises (MC18)
- 19) The Sub-Committee also requested that the applicant provide a copy of its dispersal policy, which it has previously supplied to the City of London Police, within 14 days of the date of the hearing.
- 20) The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would be circulated to all within five working days.

The meeting closed at 12.00pm

Chairman

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Copy of the Interim Decision circulated to all parties on 11 January 2016

THE COMMON COUNCIL OF THE CITY OF LONDON

LICENSING SUB-COMMITTEE

Marianne Fredericks (Chairman)
 The Revd. Dr. Martin Dudley
 Jamie Ingham Clark

Humble Grape Limited, 1 St Bride's Passage, London, EC4Y 8EJ

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 21 December 2015 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Marianne Fredericks (Chairman), The Revd. Dr. Martin Dudley and Jamie Ingham Clark.

Also in attendance where Mr Niall McCann - solicitor representing the applicant and Mr James Dawson, Founder of Humble Grape.

Ms. Henrika Priest, local resident and Common Councilman for Castle Baynard Ward and Mr William Gardiner a local resident, who had both made representations against the application.

1. This decision relates to an application made by Humble Grape Limited, 7 Altenburg Gardens, London SW11 1JH for a new premises licence in respect of the premises situated at 1 St Bride's Passage, London, EC4Y 8EJ.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon - Wed 11:00 – 00:00 Thu - Sat 11:00 – 01:00 Sun 11:00 – 23:00
Late Night Refreshment	N/A	Mon - Wed 23:00 – 00:30 Thu – Sat 23:00 – 01:30

2. The supply of alcohol would be for both 'on' and 'off' the premises with the premises open to the public between 11:00 and 00:30 Monday to Wednesday, 11:00 to 01:30 Thursday to Saturday and 11:00 to 23:30 on Sunday.

Prior to the date of the hearing, the applicant, in response to a number of objections from local residents, submitted a Statement of Case, providing further information and which proffered the following condition in response to concerns regarding outside drinking:-

- Patrons shall not be permitted to take open drinks outside the Premises save for in the rear courtyard area.
3. At the start of the Hearing, the Chairman sought confirmation from the applicant regarding a detailed description of the proposed new premises and the premises internal layout.
 4. Mr McCann advised that the proposed premises would be a modern wine shop, bar and restaurant. The bar and restaurant would serve food and imported fine wines for up to 160 covers. The Applicant had included within their Statement of Case a sample menu and wine list. All bar and waiting staff would be qualified to at least intermediate level by the Wine and Spirit Education Trust (WSET) to ensure that corporate and private wine-tasting events were delivered to a high standard. Wine from the shop at the front of the premises was intended to be for off-sales only, not for consumption in the bar or restaurant.
 5. Mr McCann added that the Applicant was currently in discussions with the landlord with a view to provide an outdoor seated eating and drinking area in the courtyard located at the rear of the premises. If negotiations with the landlord were successful, the courtyard would provide seating for 20 – 30 people.
 6. Representations received against the application had raised concerns regarding dispersal of patrons from the premises. The Sub-Committee Hearing was informed that the Applicants had drawn up a dispersal policy which had been shown to the City of London Police. The Chairman noted that the applicant had not yet provided a copy of the dispersal policy and the applicant agreed to forward a copy to the Licensing Department within 14 days. Mr McCann also advised that signage would be placed at the exist and the Maître d' would instruct all leavers to exit straight onto New Bridge Street to avoid local residences. Staff would also be on hand to order taxis whilst patrons remained inside the premises whilst they waited. Gradual dispersal was anticipated as corporate events were expected to end by approximately 8:00pm, whereas private patrons may stay later into the evening.
 7. The Sub Hearing also heard from Mr William Gardiner and Ms Henrika Priest, who advised the Sub-Committee of their concerns outlined in their submitted representations.
 8. Ms Priest noted that it was useful to have been provided with a Statement of Case from the Applicant, but it should have been

provided sooner, which Mr McCann acknowledged and accepted. Ms Priest welcomed the condition to restrict outside drinking proffered in the Statement of Case, but added that hers and Mr Gardiner's concerns regarding late night dispersal and noise levels caused by outside drinkers in the courtyard remained. They considered that late night dispersal from the premises would cause disruption to local residents.

9. Ms Priest recommended that the terminal hours for the supply of alcohol should be kept at 00:00 or brought forward to 23:30 throughout the week and outside drinking should be completely restricted. Mr Gardiner suggested that the terminal hour for the supply of alcohol should be earlier than 00:00 or 23:30 on Saturdays as this was currently the only day of respite for local residents who weren't disrupted by post-work outside drinking.
10. The Sub-Committee considered these concerns and, in response the Applicant offered to amend its application to include a terminal hour for the sale of alcohol and late night refreshments on Saturdays to 00:00. With regards to the outside courtyard area, the Applicant decided that it would not seek to include it within the application before the Sub-Committee, but return at a later date with an application for variation to the licence to include the courtyard area, if the landlord agreed to them being able to use it. It therefore offered to amend its proposed condition regarding drinking outside the premises so as to prohibit any sale of alcohol in unsealed containers for consumption off the premises.
11. 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.
12. 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.
13. 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.
14. 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.

15. In reaching its decision the Sub Committee took into account the character of the area and the proposed business operations of the Applicant and the information provided by the Applicant. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application.

16. It was the Sub-Committee's decision to grant the premises licence as offered by the applicant as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon – Wed 11:00 – 00:00
		Thu – Fri 11:00 – 01:00
		Sat 11:00 – 00:00
		Sun 11:00 – 23:00
Late Night Refreshment	N/A	Mon - Wed 23:00 – 00:30
		Thu – Fri 23:00 – 01:30
		Sat 11:00 – 00:00

17. 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.

18. Mindful of the nature of the premises and the concerns expressed, the Sub-Committee considered the following, standard, conditions to be appropriate and necessary to promote the licensing objectives:

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 is open for licensable activities and during all times 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 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. *Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly. (MC16)*
3. *There shall be no sales of alcohol in unsealed containers for consumption off the premises. (MC18)*

19. The Sub-Committee noted that the Applicant had offered to provide a contact number which could be made available to local residents to enable them to contact the premises manager in the event that they were suffering disturbance from activities at the premises.

20. The Sub-Committee also requested that the applicant provide a copy of its dispersal policy, which it has previously supplied to the City of London Police, within 14 days of the date of the hearing. This has now been provided.
21. 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.