MINUTES OF THE LICENSING REVIEW (HEARING) SUB COMMITTEE

HELD ON TUESDAY 9 FEBRUARY 2016

APPLICANT: **W W MOOR PLACE LIMITED**

PREMISES: **WEWORK, 1 FORE STREET, LONDON EC2Y 5EJ**

PRESENT
Sub Committee:
Jamie Ingham Clark (Chairman)
Revd. Dr. Martin Dudley
Peter Dunphy

Applicant:
Craig Baylis, Counsel representing the Premises
Mr Shelford Cupid, Facilities Manager for WeWork Limited

Responsible Authorities and Other Persons:
Ms Rachel Sambells, City of London Environmental Health Officer
Robert Barker, resident
Nancy & Geoff Chessum, residents
Elizabeth Hirst, resident
Helen Kay, resident
Vivienne Littlechild, Common Councilman for the Ward of Cripplegate and resident
Tim Macer, resident
Natalie Robinson, resident
Hilary Sunman, resident
Geoff Tuffs, resident

In Attendance:
Marianne Fredericks, Chairman of the Licensing Committee
Mr Paul Chadha, Comptroller and City Solicitor's Department
Ms Ola Williams, Comptroller and City Solicitor's Department
Mr Steve Blake, Department of Markets and Consumer Protection
Mr Stephen Aznar, Department of Markets and Consumer Protection
Mrs Gemma Stokley, Town Clerk's Department

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 11:00am in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises '1 Fore Street, London EC2Y 5EJ.'

The Sub Committee had before them the following documents:-

Appendix 1 – Report of the Director of Markets and Consumer Protection:
Copy of Application
Amendment to Application

Appendix 2 – Conditions Consistent with the Operating Schedule

Appendix 3 – Representations from Responsible Authorities:
Environmental Health

Appendix 4 – Representations from Other Persons
Residents

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

Appendix 6 - Plan of Premises

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1) The Hearing commenced at 11:00am.

2) The Chairman introduced the Sub-Committee members and confirmed that all papers had been considered by the Sub-Committee in advance of the hearing. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Sub-Committee.

3) The Chairman opened the hearing by underlining that the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives and that these could only be promoted during licensed hours.

4) The Chairman invited the applicant to outline precisely how the business/licence would work.

5) Mr Bayliss, on behalf of the applicant, drew attendees attention to the amended application which stated that there would be no consumption of alcohol on the external terraces and that the supply of alcohol would be limited to 14:00 to 20:00 he further clarified that, following discussions with residents, this would now be for Monday-Friday only, excluding Public Holidays. The Applicant confirmed that all of these points were now formally offered as conditions.

6) With regard to the premises, Mr Bayliss commented that this was located within a very large building and covered seven floors in total. He commented that there were currently eight WeWorks in operation across London, including two others already situated within the City. The company had been running for some time now and the building in question had also been open for some time. Mr Bayliss advised that WeWork was, effectively, serviced offices with a mixture of users – some long and some short term – all of whom paid to use the space. In return for their payment, users were given use of dedicated space and access to a number of amenities. All of the seven floors within the premises had

'Pantry' areas where users could help themselves to tea, coffee, soft drinks and beer/cider via zip taps that could be controlled by WeWork and switched on/off as necessary.

7) Mr Bayliss went on to state that WeWork had previously been unaware that a licence was required but, following advice from the City's Licensing Officers, it was made clear that in paying for membership, users were also effectively paying for the alcohol provided hence the licence application. Mr Bayliss highlighted that workers in any office could bring their own alcohol in to their place of work – as there was no sale on site, no licence was required. Offices were also permitted to hold celebratory events. WeWork were now simply seeking to licence the zip taps on each floor between the hours of 14:00 – 20:00 on weekdays only, excluding public holidays.

8) Mr Baylis recognised that it was fair to say that, to date, WeWork had not done their best to control those promotional/celebratory events held on the premises. However, the Facilities Manager had recently met with residents at the premises in an attempt to reach out to them and had also drafted a Management Policy offering a number modifications/conditions to try and allay their concerns. WeWork were taking concerns raised around their non-licensable activities very seriously and, via the Management Plan, were proposing that the external terraces be closed at certain times, qualified door staff be present and that events were only to be held on the ground floor.

9) In response to a question from the Chairman of the Sub-Committee as to how staff planned to supervise the use of the zip taps dispensing alcohol, Mr Cupid reported that there was now a member of staff managing the Pantry areas on each floor and that the zip taps/'kegerators' could be locked by staff if there were any concerns that these were being abused.

10) In response to a question regarding how under-age drinking would be prevented at the premises, Mr Cupid reported that all staff were currently undertaking 'Challenge 25' training.

11) The Chairman invited those representing the responsible authorities to address the Sub-Committee. The Sub-Committee heard from Ms Sambells of the Environmental Health Office who stated that, whilst the amendments proposed by the applicant were very welcome, some concerns around how drinking and use of the external terraces would be properly controlled given the history of the premises still remained. Mr Cupid reported that the doors to the external terraces would be locked at 18:00 hours. Previously, there had been no security presence on site outside of that provided by the landlord. There would now be two qualified door/security staff present – one of whom would stand at the exit to WeWork to prevent drinks from leaving the premises. The 7th floor would also have its own reception and member of security staff with a clear line of sight to the external terrace.

12) Ms Sambells went on to state that she was concerned that the Management Policy put together by the applicant had not previously been shared with Environmental Health.

13) The Chairman invited those who had made representations as 'other persons' to address the Sub Committee.

14) Mr Barker stated that residents' particular objection to this licence was on the grounds of prevention of public nuisance. He referred to previous issues with and complaints lodged about the premises which were detailed within the representation from Environmental Health. Mr Barker underlined the proximity of the two WeWork external terraces to bedrooms in Willoughby House which was as close as 24metres in places. He appreciated that the external terraces had therefore now been excluded from the amended licence application. He stated that he was content that the problems outlined were now closer to resolution but that concerns remained around those accessing the building given that members could also invite guests onto the premises who could also partake of the unlimited alcohol on offer. Finally, he reiterated concerns around events hosted at the premises some of which had been very large events in the past and could, feasibly, involve in excess of 200 people going forward.

15) Mr Macer addressed the Sub-Committee and drew their attention to the written representation from the Willoughby House Group. Mr Macer stated that, whilst it was easy to view WeWork as a normal office operation, it was, in fact, very different with a 'club-like' atmosphere and alcohol an integral part of the culture which was the company's unique selling point. Mr Macer reiterated the point that the external terraces were just 24m from residents' bedrooms in places – including the bedrooms of children. He stated that he was grateful for the recent co-operation from WeWork on this matter and that he welcomed the open dialogue that had now been established. Mr Macer concluded by stating that his concern moving forward was how to ensure that there was no repeat of past issues for residents and who they should contact if this were the case. He added that a further concern remained around children on the premises given that there would be no under 18 door policy.

16) Natalie Robinson stated that many of her issues had been resolved in the dialogue earlier in the hearing but that she shared Mr Macer's concerns going forward. She questioned how things would be managed in future and what the residents' 'voice' in this might be.

17) The Chairman invited any other persons with new points to make on the application to address the Sub Committee.

18) Mrs Littlechild clarified that she was speaking as both a Common Councilman and a resident. She stated that she was yet to have sight of the proposed Management Plan referred to and that she would like to see a telephone number provided to residents so that any future grievances could be reported directly and without delay.

19) Helen Kay stated that she felt that clear, strict and enforceable conditions were required in this case. She reported that, on 15 December 2015, WeWork had been instructed to stop the supply of alcohol pending the outcome of their licence application. This instruction was disregarded as alcohol was clearly still available when residents were taken on a tour of the facilities after this date.

20) Elizabeth Hirst stated that she was a resident of Willoughby House and had seen photographs of her daughter's bedroom posted online by those using the external terraces. She reported that there was evidence of a lack of management control from the premises in the past and that she believed that the strongest possible conditions were therefore required. She stated that this was far from an ordinary office building and referred to a past, ad-hoc, event held on one of the external terraces which had involved a DJ, marquee and dry ice. She went on to state that she believed that a licenced door supervisor should be present at the doors to the external terraces and that a 1:75 qualified security staff to attendee ratio should be agreed to. Finally, she asked that consideration be given to limiting those on the 7th floor to 100 people, including on the external terraces.

21) In response to a question, the Chairman clarified that any conditions attached to the licence must be enforceable. Mr Barker reported that the Barbican Association would like to see any agreed Management Plan with the premises lodged with Licensing Officers and Environmental Health to demonstrate a 'benchmark' against which any subsequent issues might be measured. He asked the Panel to give consideration to this point.

22) The Chairman, for the benefit of all present, underlined that any licensing conditions only applied during the hours for which a licence was granted – in this case until 20:00 hours Mon-Fri only.

23) The Chairman invited the Applicant to sum up and respond to any outstanding queries. Mr Bayliss, on behalf of the applicant stated that they would be happy to offer a condition regarding a contact number for residents to report any future problems. He added that the capacity limit of 100 on the seventh floor was, however disproportionate and would prove difficult to manage. He requested that the Panel look at proportionality when looking at what conditions to impose on the licence.

24) Mr Bayliss concluded by stating that his client sincerely wanted to work alongside its neighbours and did not dispute the past issues referred to within the representations. He responded to final questions by clarifying that bona fide guests were those who accompanied paying members and that the minimum membership period available was one month.

25) 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.

26) The Sub-Committee retired at 11.55am.

27) At 12.35am 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.

28) 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.

29) 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.

30) The Chairman reported that it was the Sub-Committee's decision to grant the premises licence as offered by the applicant as follows:

Activity	Current Licence	Proposed
Supply of Alcohol	N/A	Mon – Fri 14:00 – 20:00 excluding Public Holidays

31) The Chairman went on to explain that the conditions to the grant of the licence were as follows:

- The sale of alcohol by retail is limited to beer and cider dispensed from zip taps (kegerators) situated on each floor of the licensed premises.

- The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising (MC19)

- All zip taps (kegerators) to be locked in the "off" position at the terminal hour of permitted licensable activities and may only be unlocked at the commencement of the permitted licensable activities the next day.

- The external terraces are excluded from the licensed premises.

32) Whilst the Sub Committee did not consider it to be necessary or appropriate to impose a condition to such effect, the Sub Committee would expect the licensee to ensure that its staff are aware of and implement a "Challenge 25" policy.

33) The Sub Committee noted that a Management Plan was in the course of being agreed. The Chairman stated that he would expect all parties to abide by the terms of any such agreed Plan.

34) 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 12.40pm

Chairman

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