



# **LICENSING (HEARING) SUB COMMITTEE**

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**Date: THURSDAY, 4 MAY 2017**

**Time: 11.00 am**

**Venue: COMMITTEE ROOM - 2ND FLOOR  
WEST WING, GUILDHALL**

**APPLICANT:  
DISAPPEARING DINING CLUB LIMITED**

**PREMISES:  
24-26 NEWBURY STREET, EC1A 7HU**

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## **LICENSING (HEARING) SUB COMMITTEE PROCEDURE FOR PUBLIC HEARINGS**

1. This procedure shall apply to all public hearings conducted under the provisions of the Licensing Act 2003.
2. Public hearings conducted under the provisions of the Licensing Act 2003 shall take the form of a discussion led by the licensing authority. Cross-examination will be permitted when the Sub Committee considers it to be required. The conduct of hearings shall be broadly based, subject to the discretion of the Sub Committee, on the points set out below.
3. At the start of the hearing the Chairman of the Sub Committee will introduce him/herself and other Members of the Sub Committee as well as the City Corporation officers present. Anyone making representations will then be asked to introduce themselves and anyone accompanying them. The applicant will then do likewise.<sup>1</sup>
4. The Chairman will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Sub Committee will then make any rulings necessary in respect of requests for witnesses to be heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support, consideration should be given to having one spokesman on behalf of all parties so as to avoid repetition. Although the use of a spokesman will be encouraged by the Sub Committee, the decision rests with those parties making representations.
6. In the event of disorder or persistent disregard of the authority of the Chair, the Chairman may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Sub Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.

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<sup>1</sup> In hearings where a licence is being reviewed, references in this procedure to 'applicant' should be read as references to the licence holder and references to 'those making representations' should be read as references to those applying for the review.

9. In the event that the Sub Committee has decided that cross-examination will be permitted, those making representations will be invited to ask questions of the applicant and their witnesses (if any). The applicant and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
10. The Chairman will ask all parties if there is anything else they would like to add in support of their respective cases.
11. Those making representations will then be invited to make closing submissions followed by the applicant.
12. The Sub Committee will then retire to consider their decision. They may call for assistance by the representatives of the Town Clerk and/or the Comptroller & City Solicitor but those persons will play no part in the decision-making process.
13. In due course, the Sub Committee will return to announce their decision or to inform those present when the decision will be given.

<b>Committee(s):</b> <b>Licensing Sub-Committee</b>	<b>Hearing Date(s):</b> <b>4 May 2017</b>	<b>Item no.</b>
<b>Subject:</b> <b>Licensing Act 2003 - Application for a new premises license</b>		
<b>Name of premises:</b> <b>Disappearing Dining Club</b> <b>Address of premises:</b> <b>26 Newbury Street, EC1A 7HU</b>		
<b>Report of:</b> <b>Director of Markets and Consumer Protection</b>		<b>Public / <del>Non-Public</del></b>
<b>Ward (if appropriate):</b> <b>Farringdon Within</b>		

## **1    Introduction**

- 1.1 To consider and determine, by public hearing, the application for a new premises license under the Licensing Act 2003, taking into account the representations of, other persons detailed in paragraph 5 and the policy considerations detailed in paragraph 6 of this report.
- 1.2 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

## **2    Summary of Application**

- 2.1 An application made by:  
**Disappearing Dining Club Limited**  
**c/o Interax Accountancy Services Limited**  
**Basepoint Oakfield Close**  
**Tewkesbury Business Park**  
**Tewkesbury**  
**Gloucestershire**  
**GL20 8SD**

was received by the City of London Licensing Authority on 7 March 2017 for a new premises licence in respect of the premises at:

**Disappearing Dining Club**  
**Ground Floor**  
**26 Newbury Street**  
**EC1A 7HU**

- 2.2 Full details of the application are contained in the copy of the Application Form at Appendix 1.
- 2.3 On 24 March an email was received from the applicant's solicitor amending the application to four days a week. A further email was received on 4 April further amending the application's operating schedule to include a statement that doors will be kept closed during hours of opening. These amendments can be seen as Appendix 1a.
- 2.3 The application (as amended) is to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Wed - Sat 11:00 – 22:45

- 2.4 The premises will be open to the public between 11:00 and 23:00 Mon – Sat. The premises can still be open on Sunday to Tuesday for non-licensable activities only. The supply of alcohol is for 'on' the premises only.
- 2.5 The Operating Schedule submitted by the applicant suggests a number of steps intended to be taken in order to promote the four licensing objectives. Those conditions which are consistent with the operating schedule and could be included on the licence are attached as Appendix 2.
- 2.6 The mandatory licence conditions can be found in the Licensing Act 2003, sections 19-21. Also, in the Schedules to The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (as amended) and The Licensing Act 2003 (Mandatory Conditions) Order 2014.

### **3 Licensing History of Premises**

- 3.1 Our records show that the premises has never been licensed before. However, an application was made on 8 April 2016 which came before this sub-committee on 2 June 2016. The application was refused.
- 3.2 A copy of the sub-committee's decision can be seen as Appendix 3.
- 3.3 Since the application was refused the premises has submitted a number of Temporary Event Notices as follows:

<u>Date Notice Submitted</u>	<u>Period of Event</u>	<u>Time of Event</u>
25 October 2016	30 Nov 16 – 2 Dec 16	12:00 – 21:00
25 October 2016	7 Dec 16 – 9 Dec 16	12:00 – 21:00
25 October 2016	14 Dec 16 – 16 Dec 16	12:00 – 21:00
6 December 2016	21 Dec 16 – 21 Dec 16	12:00 – 21:00
3 January 2017	19 Jan 17 – 20 Jan 17	18:00 – 21:00
16 January 2017	3 Feb 17 – 4 Feb 17	18:00 – 21:00
16 January 2017	14 Feb 17 – 14 Feb 17	18:00 – 21:00
16 January 2017	3 Feb 17 – 4 Feb 17	18:00 – 21:00
25 January 2017	10 Feb 17 – 11 Feb 17	18:00 – 22:00
17 February 17	3 Mar 17 – 4 Mar 17	18:00 – 23:00
14 March 2017	31 Mar 17 – 1 Apr 17	18:00 – 23:00
14 March 2017	25 Mar 17 – 25 Mar 17	18:00 – 23:00

- 3.4 The premises is to be used as a basement food and wine bar offering modern European dishes for lunch and dinner with an accompanying bar food menu.

#### **Complaints**

- 3.5 Since the premises has been operating under Temporary Event Notices there have been no complaints against the premises recorded on the Licensing database.

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

- 4.1 No representations have been received from Responsible Authorities.

#### **5 Representations From Other Persons**

- 5.1 There are seven representations from ‘other persons’. These are against the granting of a licence to these premises on the basis that it will cause additional noise and disturbance thus undermining the licensing objective of the prevention of public nuisance.
- 5.2 The representations can be seen in full as Appendix 4(i) to 4(vii).

#### **6 Policy Considerations**

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

##### **City of London Corporation’s Statement of Licensing Policy**

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

Paragraphs 79 – 81 address the need of care when controlling noise particularly from those persons leaving a premises.

The boxed comment on page 19 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.

The boxed comment on page 19 also states an overriding policy principle namely, that each application will be decided on its individual merits.

The boxed comment on page 22 considers various factors that should be taken into account when considering whether any licensable activity should be permitted.

Paragraphs 115-121 state the 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**

- 6.3 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are particularly applicable to this application (revised March 2015):

Chapter 2 of the guidance covers the four licensing objectives. In particular, paragraph 2.14 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 2.15 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 standard conditions which ignore these individual aspects should be avoided.' Also, 'Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.'

## **7 Map and Plans**

- 7.1 A map showing the location of the premises together with nearby licensed premises is attached as Appendix 5. A key of those premises is included which indicates the maximum permitted hours for alcohol sales in respect of each premises.
- 7.2 Plans of the premises are attached as Appendix 6.

## **8 Summary**

- 8.1 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 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.

## **9 Options**

- 9.1 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:
- i) 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;
  - ii) exclude from the scope of the licence any of the licensable activities to which the application relates;
  - iii) To refuse to specify a person in the licence as the premises supervisor;
  - iv) Reject the application.

For the purposes of paragraph 9.1(i) conditions consistent with the operating schedule are modified if any of them are altered or omitted or any new condition is added.

- 9.2 Where a licensing authority takes one or more of the steps stated in paragraph 9.1 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.



## **10 Recommendation**

10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a premises licence in accordance with paragraph 9 of this report.

Prepared by            P Davenport  
                                Licensing Manager  
                                peter.davenport@cityoflondon.gov.uk

### **Background Papers**

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2017)  Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. March 2015	MCP	5th Floor Walbrook Wharf  <a href="#">Statutory Guidance</a>

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Appendix 1  
Last Date: 4<sup>th</sup> April 2017/66

City of London Corporation

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Disappearing Dining Club Limited

(Insert name(s) of applicant)

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

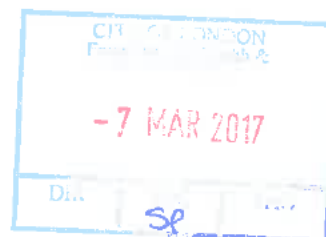
Postal address of premises or, if none, ordnance survey map reference or description			
Ground floor 26 Newbury Street			
Post town	London	Postcode	EC1A 7HU
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£13,600.00	

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |



- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a  
 statutory function or ☐  
 a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name Disappearing Dining Club Limited
Address c/o Interax Accountancy Services Limited Basepoint Oakfield Close Tewkesbury Business Park Tewkesbury Gloucestershire GL20 8SD
Registered number (where applicable) 08235125
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A S	A P	

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The premises will operate only as a restaurant with restaurant conditions and only offering a maximum of 18 covers. The premises will only operate on the ground floor and other than a name plate there will be no external advertising of the premises. Music will be background music only

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

**Provision of late night refreshment** (if ticking yes, fill in box I) ☐

**Supply of alcohol** (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						

Tue			
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)
Thur			
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Sat			
Sun			

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			



## D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

## E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Wed					

Thur			<u><b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b></u> (please read guidance note 5)
Fri			
Sat			
Sun			

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<u><b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b></u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u><b>Please give further details here</b></u> (please read guidance note 3)			
Mon						
Tue						
			<u><b>State any seasonal variations for the playing of recorded music</b></u> (please read guidance note 4)			
Wed						
Thur						
			<u><b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b></u> (please read guidance note 5)			
Fri						
Sat						
Sun						

## G

Performances of dance Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

## H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)			
Wed						

Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</u></b>
Fri			
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</u></b>
Sun			

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>	
				Off the premises	<input type="checkbox"/>	
				Both	<input type="checkbox"/>	
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)			
Mon	11.00	22.45				
Tue	11.00	22.45				
Wed	11.00	22.45				
Thur	11.00	22.45				<b><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri	11.00	22.45				
Sat	11.00	22.45				
Sun	12.00	22.30				

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name Stuart Anthony Langley	
Address [REDACTED] Cole Street London	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) London Borough of Lambeth	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Mon	11.00	23.00	
Tue	11.00	23.00	
Wed	11.00	23.00	
Thur	11.00	23.00	
Fri	11.00	23.00	
Sat	11.00	23.00	
Sun	12.00	23.00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light conditions. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recording should be stored for a minimum period of 31 days with date and time stamping. The viewing of recording shall be made available immediately upon the request of the police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the operation of the CCTV system shall be on the premises at all times when the premises is open. The staff member must be able to provide a police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. The supply of alcohol shall be by waiter or waitress service only.
4. There will be no external advertising of the premises other than a name plaque. The premises shall only operate as a restaurant with a maximum of 18 covers and the following conditions will apply:
  - Customers will be shown to the table and be seated at all times.
  - The supply of alcohol will be waiter or waitress service only.
  - Food will be provided in the form of substantial table meals that are prepared on the premises and served and consumed at the table.
  - There will be no takeaway service of food or drink.
  - Alcohol will only be sold for consumptions by persons who are seated in the premises and bona fide taking substantial table meals and provided always at the consumption of alcohol by such persons is ancillary to such meals.
  - A noise management policy will be operated at all times and customers must comply with the noise management policy.

**c) Public safety**

See a) and d)

**d) The prevention of public nuisance**

1. No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
3. Patrons permitted to temporary leave and then re-enter the premises e.g. to smoke shall be limited to 2 persons at any one time and the Premises Licence Holder will at all times keep the area outside the restaurant free from rubbish/buts..
4. Notices shall be prominently displayed in any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
5. A direct telephone number for the manager of the premises shall be publicly available to all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
6. All waste including bottles shall be stored inside the premises and collected from inside the premises between the hours of 0800 and 1800. No waste or recyclable materials including bottles shall be placed outside the premises for collection at any time.

**e) The protection of children from harm**

See a) and d)

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises ☒



supervisor, if applicable.

- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.**

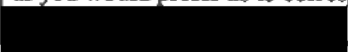
Signature	
Date	6 March 2017
Capacity	Woods Whur 2014 Limited - Solicitors for the applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Andrew Woods  
Woods Whur 2014 Limited  
Devonshire House  
38 York Place

Post town	Leeds	Postcode	LS1 2ED
Telephone number (if any)	0113 234 3055		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

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**Davenport, Peter**

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**From:** Stuart Langley [mailto: [REDACTED]]  
**Sent:** 04 April 2017 11:47  
**To:** Breese, Robert; Austin, Hazel; Hewitt, Andre  
**Cc:** Andrew Woods  
**Subject:** Re: Disappearing Dining Club - 24-26 Newbury Street

Hello there.

I have been asked by Ann Holmes to add an additional condition to our licence application. Something along the lines of;

'During hours of opening the doors to the property will be closed to stop noise from escaping, except in the case of access / exit to the property'

Is this something we can include?

Have there been any developments in the last week or so? I believe today is the last day for objections . . .

STUART LANGLEY

[REDACTED]  
www.disappearingdiningclub.co.uk  
@DiningClub



DISAPPEARING  
DINING  
CLUB  
SOMEWHERE • ANYWHERE

---

**From:** Andrew Woods [REDACTED]  
**Sent:** 24 March 2017 09:15  
**To:** Austin, Hazel; Hewitt, Andre; Breese, Robert  
**Cc:** Stuart Langley; Carole Collingwood; Andrew Woods  
**Subject:** RE: Disappearing Dining Club - 24-26 Newbury Street

Andre/Robert

I am not sure who is dealing with this application but I have received instructions to amend the application so that licensable activities are sought only for Wednesday to Saturday inclusive. We are withdrawing the part of the application that relates to Sunday , Monday and Tuesday.

My client has agreed this with some residents and I have confirmed that I would notify you as soon as possible.

Regards  
Andrew

**Andrew Woods**

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: [REDACTED]  
[REDACTED]

Devonshire House, 38 York Place, Leeds LS1 2ED.

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## Disappearing Dining Club – 26 Newbury Street Conditions Consistent with the Operating Schedule

1. The premises will install and maintain a comprehensive digital colour 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. All doors and windows shall remain closed at all times during the provision of licensable activities save for entry or exit, or in the event of an emergency. (MC12)
3. The premises licence holder shall prepare and implement a written dispersal policy at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. (MC14)
4. A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15)
5. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to two persons at any one time. (MC16)
6. The Licence holder shall make available a direct current telephone number for the manager of the premises to nearby residents and the Local Licensing Authority to be used in the event of complaints arising. (MC18)
7. The supply of alcohol at the premises shall only be to a person seated taking a table meal and for the consumption by such a person as ancillary to their meal. (MC27)
8. The supply of alcohol shall be by waiter or waitress service only. (MC28)

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# Appendix 3



## Town Clerk's Office

John Barradell  
Town Clerk & Chief Executive

Disappearing Dining Club Limited  
c/o Interax Accountancy Services Ltd  
Basepoint Oakfield Close  
Tewkesbury Business Park  
Tewkesbury  
Gloucestershire  
GL20 8SD

**Telephone** 020 7332 1407

**Fax** 020 7796 2621

**Email:**

gemma.stokley@cityoflondon.gov.uk

**Our ref** GS/LIC

**Date** 7 June 2016

Dear Sir/Madam

<b>Applicant:</b>	<b>Disappearing Dining Club Limited</b>
<b>Premises:</b>	<b>24-26 Newbury Street, EC1A 7HU</b>
<b>Date / time of Hearing:</b>	<b>Thursday, 2 June 2016 – 11.00am</b>
<b>Venue:</b>	<b>Committee Room 1, 2<sup>nd</sup> Floor, West Wing, Guildhall, London EC2P 2EJ</b>

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 2 June 2016 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Peter Dunphy (Chairman), Deputy John Barker and Deputy Jamie Ingham Clark.

Ms Anna Mathias – a barrister representing the applicant and Mr Stuart Langley, Founder and Co-owner of the Disappearing Dining Club Limited, made submissions in support of the application.

Rachel Sambells (Environmental Health Department of the City of London), Mr Brendan Barns, Laura Daly, Peter Dennis, Julian Ingall and Kieran Thind appeared to oppose the application.

1. This decision relates to an application made by Disappearing Dining Club Limited, for a new premises licence in respect of the premises situated at 24-26 Newbury Street, EC1A 7HU.

The application originally sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol, Recorded Music, Anything	N/A	Mon - Wed 11:00 – 01:00

of a similar description to recorded music.		Thu – Sat 11:00 – 02:00 Sun 12:00 – 01:00
Late Night Refreshment	N/A	Sun – Wed 23:00 – 01:30 Thu – Sat 23:00 – 02:30

2. On 14 April 2016, the applicant sought an amendment to the application with an addition to the operating schedule and non-standard timings as follows:
  - ‘No Promoted Events’ to be added to the operating schedule.
  - The installation of a more intricate CCTV system to that described in the original operating schedule.
  - The licensing activities to be extended on New Year’s Eve to 03:00 only.
3. On 25th May 2016 the Applicant informed those making representations that it would be seeking a further amendment to the application to reduce the permitted hours for licensable activities as follows :-
  - A terminal hour of 22:00 on Sundays, 23:00 Mon-Thurs and 00:00 on Fridays and Saturdays, with a further 30 minutes at the end of these hours during which the premises will remain open to the public.
4. At this stage, the applicant also proposed the following further conditions in response to the concerns of Environmental Health and to those of residents:
  - Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
  - No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
  - Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
  - Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
  - All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
  - No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.



- No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
  - Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
  - Any taxis called by staff to collect patrons shall be instructed to pick them up on the corner of Cloth Street and Long Lane.
  - Patrons shall be encouraged to wait inside the premises for any taxis that have been called to collect them to arrive.
  - Recorded music shall only be played in the basement and not in the ground floor entrance area.
  - A noise management policy shall be in place setting out measures to prevent noise break out from the premises affecting the residential premises.
5. 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. The Sub-Committee also viewed additional photographs of waste and deliveries recently left outside the premises submitted at the hearing by those making representations. The applicant agreed to their submission.
  6. 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.
  7. 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.
  8. 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.
  9. The Sub-Committee heard representation's from the City of London's Environmental Health Officer who expressed grave concerns in respect of the application. She explained to the Sub-Committee that Newbury Street had very low

background noise levels compared with most other areas of the City meaning that there were no alternative noise sources (e.g. traffic) to mask any added sound.

10. Furthermore, the proposed licensed premises would change the acoustic character of the area with noise resulting from patrons leaving the premises, taxis collecting patrons on their departure from the premises and patrons gathering outside the premises to smoke and make telephone calls would likely cause nuisance to local residents. The nuisance would likely be exacerbated by the fact that the narrowness of the street and the construction of the buildings create a 'canyoning' effect when it comes to the transmission of noise.
11. The Environmental Health Officer also expressed concerns as to the "Noise Management/Dispersal Policy" put forward by the Applicant to address the concerns of those making representations against the application. She felt that the policy lacked sufficient detail to be able to provide a critical analysis of the proposals and how they were to be put into effect.
12. The residents who made representations against the application also submitted that the granting of a licence to the applicant would create a nuisance for those who resided in the vicinity. Particular concerns related to the departure of patrons late in the evening whether on foot or by taxi, patrons smoking outside the premises, the noise caused by waste collection either late in the evening and nuisance caused by deliveries to the premises.
13. The Applicant put forward a number of proposals to address the concerns raised by those making representations against the application.
14. With regards to the noise caused by taxis collecting patrons, the Applicant indicated that it would make arrangements with a local taxi firm to collect patrons with the collection point being in Long Lane as opposed to Newbury Street. This proposal was rejected by those making representations against the licence on the basis that the Applicant could not exercise control over patrons who chose to make their own taxi arrangements.
15. The Applicant also stated that it would discourage patrons from congregating outside the premises to smoke and would prohibit patrons from taking drinks out with them. It would also encourage patrons who wished to make telephone calls to do so in the ground floor foyer. Those opposing the application argued that the Applicant could not exercise control over patrons and their conduct once they left the premises.
16. With regards to waste collections, the Applicant stated that it would make arrangements with a private waste collector to ensure that the waste was collected between the hours of 18.00-23.00 and that waste would not be placed outside for collection until 30 minutes prior to collection.
17. In reaching its decision the Sub-Committee took into account its duty to promote the licensing objectives, particularly the duty to prevent public nuisance. In determining whether a public nuisance would arise the Sub-Committee relied upon the definition

of “public nuisance” contained in Halsbury’s Laws of England which defines public nuisance as “one which inflicts damage, injury or inconvenience on all the Queen’s subjects or on all members of a class who come within the sphere or neighbourhood of its operation...The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a public nuisance.”

18. The Sub-Committee took into account the somewhat unique character of the Street which is one of the few areas in the City of London which is relatively quiet. The Sub-Committee also took into account that the City of London Corporation could find no record of the premises being previously licensed and that, at present, there are no licensed premises at all on this residential street. The lack of background noise coupled with the canyon effect created by the buildings also made the area more susceptible to noise nuisance. The Sub-Committee found the concerns raised by those opposing the application convincing.
19. The Sub-Committee also considered the measures proposed by the Applicant to address the concerns raised. It found the Applicant to be genuine in its intentions, illustrated by the reduced hours of operation put forward in advance of this hearing. However, the Sub-Committee was not convinced that the measures put forward to reduce the potential of noise nuisance to local residents would be effective. The proposal relating to the Applicant arranging taxis on behalf of its patrons was not practical as it could not prevent patrons making their own arrangements with taxi companies.
20. The Sub-Committee concluded that the proposal to seek to restrict patrons smoking outside the premises was unenforceable as the Applicant would be unable to exercise any control over patrons once they left the premises.
21. The Sub-Committee found the Applicant’s “Noise Management/Dispersal Policy” to be weak. Whilst the policy expressed a willingness to engage with the Environmental Health Service it lacked any firm measures as to what was to be put in place to ensure that the risk of noise nuisance was minimised.
22. The Sub-Committee was satisfied that, due to the character of the area, there was a likelihood that there would be public nuisance should the application be granted. Furthermore, it was not convinced that the measures proposed by the Applicant would prevent such public nuisance. Accordingly, it decided that it was necessary and appropriate to refuse the application.

23. 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,

**Gemma Stokley**

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

The City's Environmental Health Team can be contacted at:

[publicprotection@cityoflondon.gov.uk](mailto:publicprotection@cityoflondon.gov.uk)

The City's Licensing Department can be contacted on: [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk)

Licensing Policy and Code of Good Practice for Licensed Premises:

<http://www.cityoflondon.gov.uk/business/licensing/beer-and-entertainment/Pages/Licensing-policy.aspx>

CC: Anna Mathias, Woods Whur 2014 Limited, Devonshire House, 38 York Place, Leeds,  
LS1 2ED

**Breese, Robert**

---

**From:** Bernadette Hancock [REDACTED]  
**Sent:** 04 April 2017 14:38  
**To:** M&CP - Licensing  
**Subject:** Fwd: Planning application Disappearing Dining Club, Newbury Street

Bernadette Hancock  
[REDACTED]

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 4 April 2017 at 14:16:49 BST  
**To:** <pLncomments@cityoflondon.gov.uk>  
**Subject:** Planning application Disappearing Dining Club, Newbury Street

Dear Sirs

I opposed the previous application on this site and wish to again raise an objection against the current application.

I live in [REDACTED] Bartholomew Close - a building which backs on to Kinghorn Street at the end of Newbury Street.

This is a residential area with very narrow streets - noise reverberates, and we residents are constantly disturbed by construction work in the day and social activity spilling out of 2 nearby pubs and general surrounding businesses in the evenings.

I believe that the grant of a seven day entertainment licence will result in great disturbance from staff, customers and suppliers coming and going, and from taxi traffic in these very narrow streets, particularly late at night, and at weekends.

Yours faithfully,

Bernadette Hancock  
[REDACTED]  
[REDACTED] Bartholomew Close, [REDACTED]

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**Breese, Robert**

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**From:** Shane Spall [REDACTED]  
**Sent:** 04 April 2017 15:10  
**To:** M&CP - Licensing  
**Subject:** Disappearing Dining Club: 26, Newbury Street EC1A 2EP

My husband and I object to the above application for a licence to sell alcohol as proposed in the application above. We live very close to this narrow street. Our rear bedroom looks down this street.

26 Newbury St is a terraced small premises, without car parking. It does not have outside facilities for smokers, nor has it anywhere for taxis to pick up or drop off customers without disturbing neighbours. The only other licensed premises near to us is the Hand and Shears on Cloth Fair, which is not open at the weekends. If this application was granted it would change our neighbourhood and negatively impact on the relative peace and quiet we hold dear, living as we do in the City of London.

We would also like to strongly complain that this application was only discovered 'accidentally' today. Newbury Street has only recently been fully re-opened so we've been using Middle Street and Cloth Fair as an alternative pedestrian route. The notice of application has been obscured behind large barriers as road work has been carried on for several weeks on Newbury Street and King Horn Street.

It also concerns us that many neighbours will be unaware that another application for a license has been made, indeed we were shocked to discover it ourselves, and that the deadline for objections is today, 4th April.

Respectfully yours,

Mr and Mrs T Spall  
Flat [REDACTED]  
[REDACTED] Bartholomew Close  
London [REDACTED]  
[REDACTED]

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**Breese, Robert**

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**From:** Daniel Quirke [REDACTED]  
**Sent:** 04 April 2017 15:53  
**To:** M&CP - Licensing  
**Cc:** Bernadette Hancock  
**Subject:** 28 Newbury Street Premises Licence

Dear Sir/Madam

We objected to the initial application and although this new application has reduced hours it is still not suitable for a residential area.

As you are aware Newbury Street is a narrow street with tall buildings either side which will amplify any noise emanating from a late night drinking establishment.

The bedroom of our apartment looks directly down Newbury Street and we would hear all the noise that would be generated by taxi's/smokers/arrivals and departures.

This is a quite residential area particularly at weekends and to have a 7 day restaurant in this location is wrong.

We strongly object to the granting of a premises licence at this location.

Kind Regards

Daniel & Nicola

Flat [REDACTED] Bartholomew Close

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**Breese, Robert**

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**From:** Edward Bates [REDACTED]  
**Sent:** 04 April 2017 16:03  
**To:** M&CP - Licensing  
**Cc:** Judy Bates  
**Subject:** Disappearing Dining Club, 26 Newbury Street EC1

Dear Sirs

I am writing on behalf of my wife and I in respect of the new application for an on licence at the above address.

I would like to object to the granting of any licence whatsoever on the following grounds:

- As a local resident I feel that any new licensed premises in the immediate area would have a detrimental impact on the quality of life.
- Newbury Street and the area surrounding the premises is largely and increasingly residential, all these residents would be detrimentally impacted by the granting of a licence.
- Although the licence application is only until 11:00pm the amount of noise generated by customers leaving the premises would have a negative impact on working residents needing a full night's sleep.
- The number of customers smoking in Newbury Street would add to the litter outside the premises, no matter what provisions are made for cigarette ends by the premises, we feel they would rarely be properly used.
- The new licence and premises would not add anything to the quality of local infrastructure.

In summary we feel that the premises and granting of a new licence would make living in this part of the city worse, rather than better.

If you require clarification on these or any other points, please feel free to contact me by email or at the address below.

Kind regards

Edward Bates  
Flat [REDACTED]  
[REDACTED] Bartholomew Close  
London  
[REDACTED]

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Breese, Robert

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**From:** Wendy Darke [REDACTED]  
**Sent:** 04 April 2017 21:09  
**To:** M&CP - Licensing  
**Subject:** Application for the grant of a Premises Licence under Section 17 of the Licensing Act 2003

We are writing to object to the application of the Disappearing Dining Club Limited for a Premises Licence in respect of their premises at Basement, 26 Newbury Street, London, EC1A 7HU as it appears on the door of the premises of the applicant at 5.30 pm today (4th April 2017) on the following grounds:

1. We live at [REDACTED] Bartholomew Close and our bedrooms are almost directly opposite to the corner of Newbury Street. We object to a license for consuming alcohol on any evening but especially at weekends when the only other licenced premises near to us is closed and this unique area enjoys a respite from drinking in the streets. We are happy that people enjoy themselves but the contrast between this unique historical area and the area around Cowcross Street at midnight on the weekends offers an opportunity to assess how things could easily develop.

2. Newbury Street is very narrow and sound is amplified as a result. Any customers to this restaurant will have to stand outside the premises to smoke. The owner of this premises will we believe, even with the best intentions and assurances, find it difficult to insist that his/her customers will not create any disturbances as a result particularly immediately after closure which is our main concern. Our window of opportunity to sleep is already very restricted on weekdays.

3. The City of London have already consciously designated this area, in particular the Barts Square Development, as increasingly residential and presumably accept that they have a duty of care whereby the incoming residents of the area should be able to enjoy the amenity of their own homes to a reasonable degree. This would include a minimal window of opportunity for adequate sleep. Our experience is that most people who live in this area work hard and have to get up early and go to bed early.

4. We believe it is very likely that if this application was approved an unwelcome precedent will be created.

Wendy Darke  
James Darke

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**Breese, Robert**

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**From:** [REDACTED]  
**Sent:** 04 April 2017 22:11  
**To:** M&CP - Licensing  
**Subject:** Application for Licence by Disappearing Dining Club under section 17 Licensing Act 2003 -Grd floor 26 Newbury Street EC1A 7HU

Dear Sirs,

We refer to the above licence application and hereby notify you of our strongest objection for the following reasons:

As per our former objection, we repeat again that Newbury St is an extraordinarily narrow street which is mainly residential and is a one way street. We are on the first floor of the building and the apartment faces 26 Newbury Street. We already find that noise from Council rubbish collections, local roadworks, vibrates enormously due to the proximity of the buildings. The pavement is very narrow on each side and the road is generally only accessible by small cars. Additional traffic created by numerous daily delivery vans will exacerbate the noise and traffic levels even and this will be extremely detrimental to us as residents.

Contrary to direct representations by DDC to local residents that guests would be informed to have their taxis pick up and drop off at Long Lane, there is no mention whatsoever in the application of this requirement - which in any case will be unenforceable.

We do not believe that the licence will promote the City of London Licensing Objectives but ask you to take note in particular of the following:

**a) Prevention of Crime and Disorder.**

**Taxis/traffic/ambulances**

The applicant has failed to recognise that Newbury St is a very narrow one way street. Only one car can enter and leave. It will be impossible for DDC to control how customers arrive or leave the building in terms of ordering taxis. These will inevitably create a queue of traffic in the street and immediately below our apartment. Since alcohol will be served throughout the day and evening inevitably customers will be inebriated and disorderly when they leave and as they slam taxi doors or argue over which taxi should exit the street first.

Contrary to direct representations made to local residents by the applicant stating that he intended only to apply for a licence from Wednesday to Sunday, it now appears the licence is for daily openings from 11am to 22.45 (with only a marginal adjustment for a Sunday). The council has actively encouraged residents to live in the City of London and many do so in order to be at their desks in the City at a very early hour - often a requirement for employees in the financial markets in order for the City to remain at the forefront of global financial trading. It is inevitable that an establishment serving alcohol from 11am to almost midnight every day throughout the year will give rise to frequent disorderly behaviour and this will be highly detrimental to residents. CCTV's whilst a nice feature will not necessarily prevent rowdy behaviour when people are drunk

## **b) Prevention of a Public Nuisance**

(i) Noise management: alcohol being served by waiters will not prevent drunkenness. It is in the interests of the restaurant to ensure maximum consumption of alcohol since that is very profitable. This will lead to disorderly behaviour.

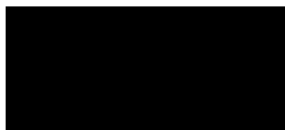
(ii) Notices requesting customers to respect needs of residents will not be read by drunken customers. This is impossible for DDC to control. The noise of customers waiting for taxis, closing doors, having conversations will be a nuisance.

(iii) Running a restaurant requires a constant stream of delivery vans - again very difficult in a one way narrow street. It will also require regular removal of glass and deliveries and rubbish on pavements will attract vermin - an additional health hazard. The pavements are narrow. This will be a health hazard. The rubbish will attract rats and foxes at night - also creating risks to the public in a narrow space.

(iv) Since the street is narrow, air does not circulate well during the summer. The licensed premises will need to open all their windows for air so the sound of music, the noise of a restaurant in full service will travel through the street. There is no room on the pavement for smokers, or for guests wanting to get some air in the sticky heat of summer. This simply cannot be controlled. People who are paying for a meal don't want to be told they can't go outside to cool down....?

Granting a licence, even with conditions, sets a terrible precedent in such a narrow residential street. We would urge the council to not grant such a licence for the above reasons.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

Sent from Outlook



**Breese, Robert**

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**From:** Laura Daly [REDACTED]  
**Sent:** 04 April 2017 23:12  
**To:** M&CP - Licensing  
**Subject:** Disappearing Dining Club Ltd License Application

**Re: Application for a New Premises License, Disappearing Dining Club Ltd, 26 Newbury St EC1A 7HU**

Following my conversation yesterday with Peter Davenport (3rd April '17), please accept this email as written notification of my objection to the Application for a New Premises License, Disappearing Dining Club Ltd, 26 Newbury St EC1A 7HU.

I live at [REDACTED] Newbury St, [REDACTED] Newbury St is a long narrow street with flat fronted buildings, generating a canyon like effect - where noise at ground level reverberates and amplifies upwards, with no greenery to break up sound. There are residential properties from one end of Newbury St to the other - it is not populated solely by commercial premises. There is no current night time economy in Newbury St.

I believe that the License would have a negative impact on my life as a resident in the vicinity. This is because the application does not promote the City of London Licensing Objectives;

**Page 13 of the New Premises License Application, Disappearing Dining Club Ltd - M. Describe the steps you intend to take to promote the four licensing objectives:**

**b) The Prevention of Crime and Disorder:**

**‘4. A noise management policy will be operated at all times and customers must comply with the noise management policy.’**

There are no details pertaining to the ‘noise management policy’ in the license application. However, on page 4 of the application, in the general description of the premises, it states ‘Music will be background music only’. Without further details about all aspects of noise that will be generated in the restaurant, it is impossible to be reassured that noise will not be an issue. In addition, how do the Disappearing Dining Club intend to enforce this policy?

**d) The Prevention of Public Nuisance:**

**‘2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.’**

This measure does not ensure that the customers will be quiet, it only asks them to leave quietly. The combined influence of alcohol and general high spirits will make this difficult to enforce. The noise from the customers will reverberate loudly along Newbury St and be very disturbing.

**‘3. Patrons permitted to temporary leave and then re-enter the premises e.g. to smoke shall be limited to 2 persons at any one time and the Premises Licence Holder will at all times keep the area outside the restaurant free from rubbish/buts.’**

I am concerned that this will be difficult to enforce. In addition, a 2 person policy could easily generate an argument between staff and customers on Newbury St. This will add to the level of noise disturbance as raised voices reverberate along Newbury St.

**'4. Notices shall be prominently displayed in any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.'**

People don't always pay attention to signs, particularly when alcohol has been consumed. Even a regular conversation at street level on Newbury St is amplified up and across and can be heard very clearly. When alcohol is consumed, voices naturally get louder as a person becomes less inhibited. What they may perceive to be a low and considerate noise level, could in fact be very loud and disturbing.

**'5. A direct telephone number for the manager of the premises shall be publicly available to all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.'**

This is not a measure that prevents public nuisance. It is a measure to resolve public nuisance.

The proposed licence will generate additional disturbances. This includes:

Customers standing outside the restaurant when the weather is warmer, just to get some air. The noise will reverberate loudly along Newbury St and be very disturbing.

Taxis picking up and dropping off customers on Newbury St will be extremely disturbing, as the noise of car engines running and doors slamming will be amplified and continue intermittently during the lunch and evening service.

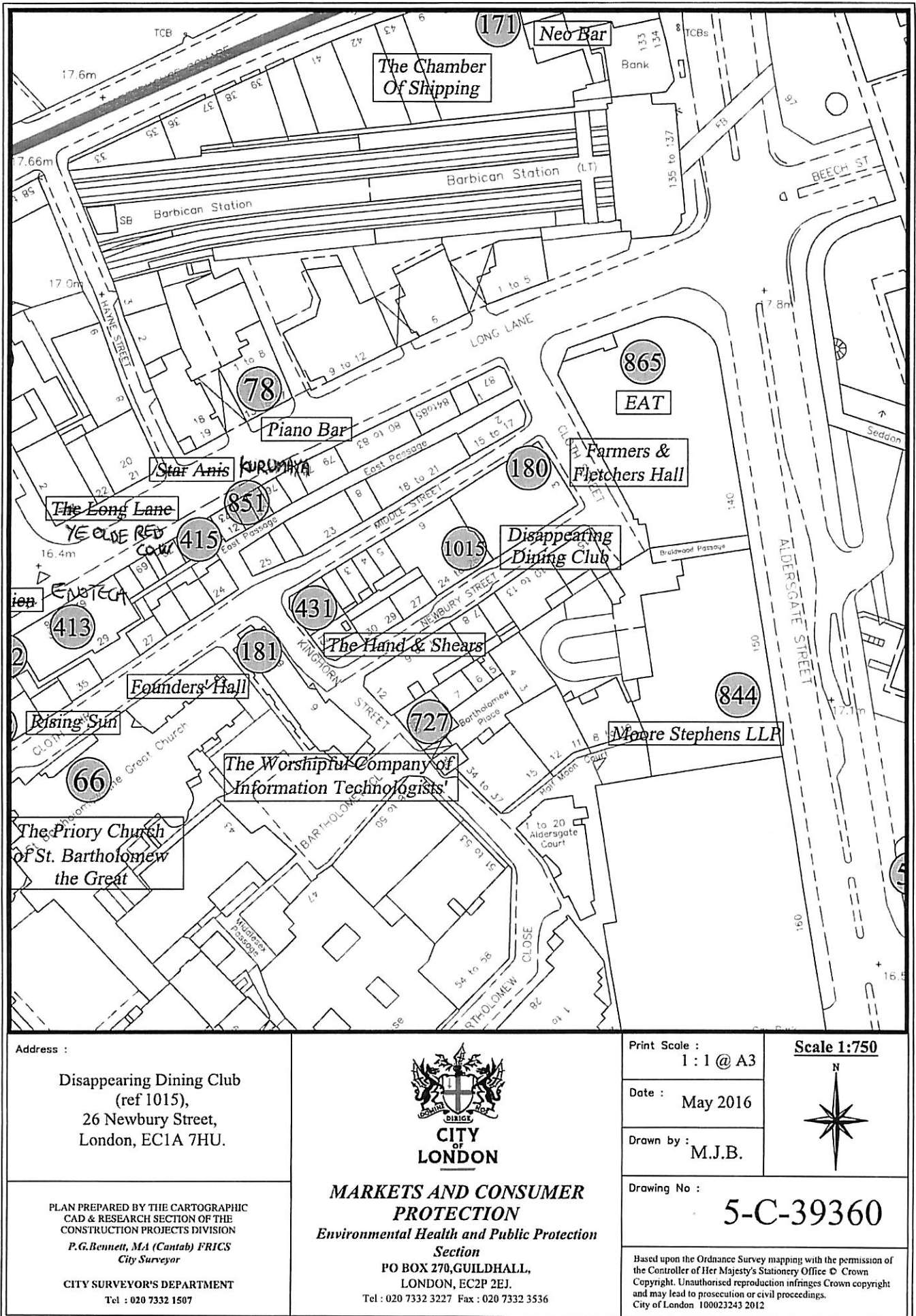
The license would operate from 11am to 22.45 every day, seven days a week (despite assurances from The Disappearing Dining Club Ltd that they would apply for a license to operate from Wednesday to Sunday). These hours significantly increase the possibility of repeated episodes of disturbance on Newbury St.

Best wishes

Laura Daly

Flat [REDACTED]  
[REDACTED] Newbury St  
[REDACTED]  
[REDACTED]

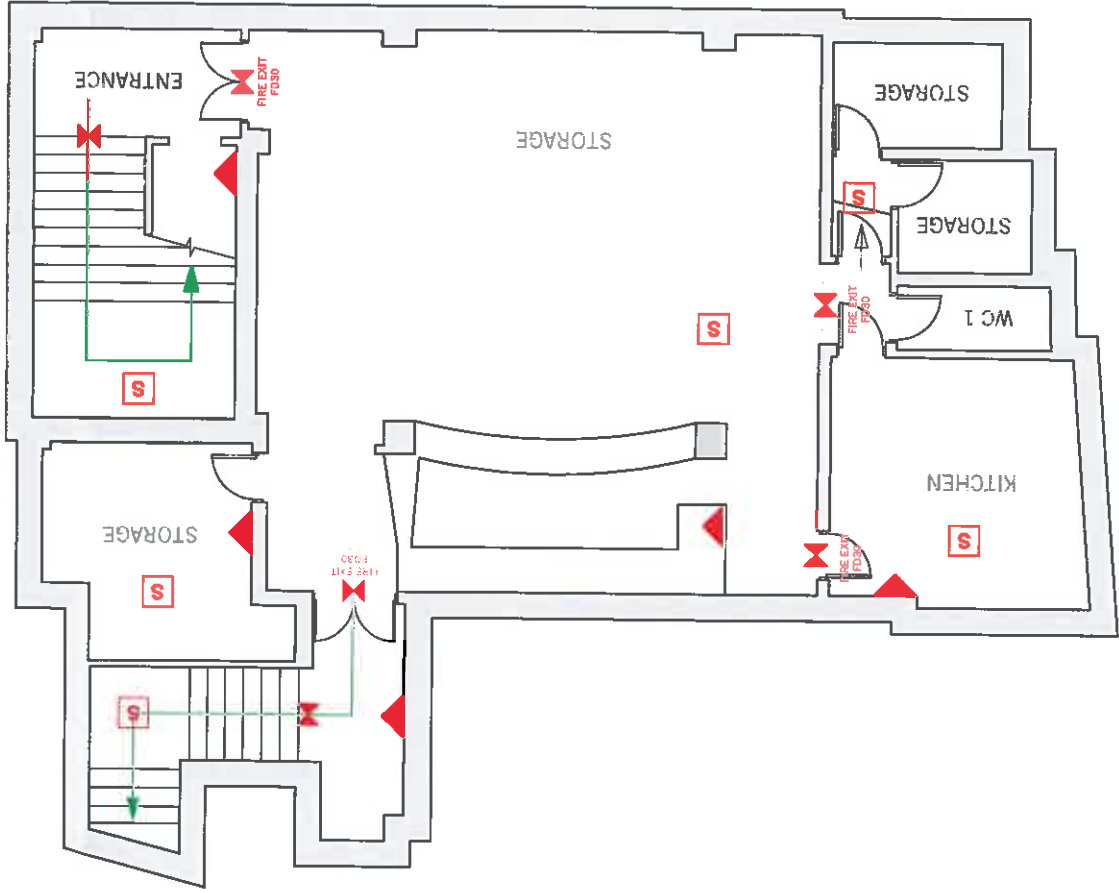
Please note that I do not want my address and contact details to be published with my objection or listed publicly.



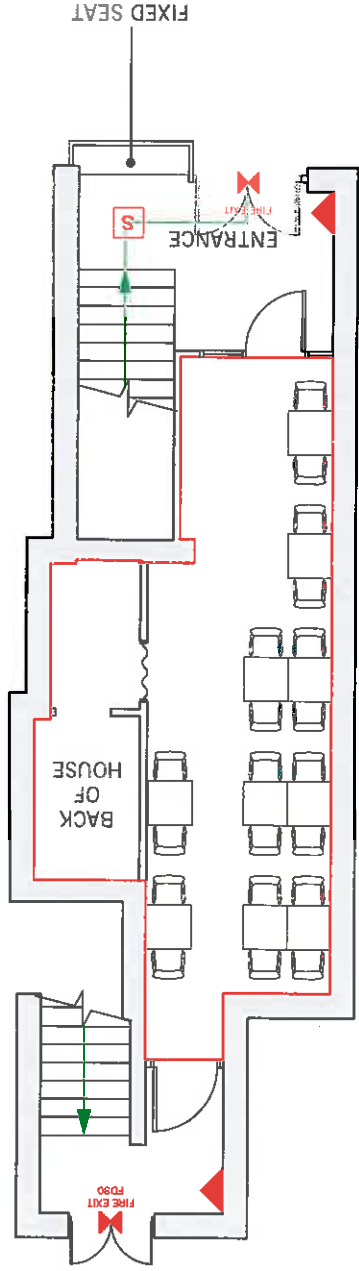
**Disappearing Dining Club, 26 Newbury Street, London, EC1A 7HU**

<b><u>Map Reference</u></b>	<b><u>Name</u></b>	<b><u>Maximum Permitted Hours for Alcohol Sales</u></b>
1. (66)	Priory Church of St. Barts	NO ALCOHOL SALES
2. (727)	Worshipful Company IT	NO ALCOHOL SALES
3. (844)	Moore Stephens LLP	Mon – Sun: 07:00 – 00:00
4. (102)	Rising Sun	Mon – Sat: 10:00 – 23:00
5. (413)	Enoteca	Mon - Sun: 11:00 – 01:00
6. (181)	Founders Hall	Mon – Sun: 07:00 – 00:00
7. (431)	Hand & Shears	Mon – Sat: 10:00 – 23:00
8. (415)	Ye Olde Red Cow	Thu – Sat: 07:00 – 00:00
9. (851)	Kurumaya	Mon – Fri: 10:00 – 20:00
10. (78)	Piano Bar	Thu – Sat: 10:00 – 02:00
11. (180)	Farmer & Fletchers Hall	Mon – Sun: 08:00 – 23:59
12. (865)	EAT	Mon – Sun: 10:00 – 22:00
13. (171)	Neo Bar	Fri – Sat: 12:00 – 01:00

0.001.A  
1:100 @ A3  
Basement Floor Plan



0.001.B  
1:100 @ A3  
Ground Floor Plan



STATUS:  
TENDER  
NB. CEILING HEIGHTS, POSITIONING OF COLUMNS AND BEAMS AND DIMENSIONS ALL TO BE CHECKED AND CONFIRMED ON SITE BY CONTRACTOR AND VERIFIED WITH THE DESIGNER.

- AREA COVERED BY SMOKE DETECTORS
- AREA COVERED BY ESCAPE LIGHTING
- CARBON DIOXIDE FIRE EXTINGUISHER
- FIRE DOOR, 30 MINUTE PROTECTION
- DELINATES THE AREA WHERE LICENSABLE ACTIVITIES WILL TAKE PLACE
- ESCAPE ROUTE
- EXISTING OFFICE SPACE TO REMAIN UNCHANGED

NOTES:  
N.B. ALL DIMENSIONS SHOULD BE CHECKED ON SITE AND VERIFIED WITH THE DESIGNERS, POSITION OF ALL EMERGENCY ALARM/ DETECTION/ EXTINGUISHERS TO BE CHECKED AND VERIFIED BY APPROVED FIRE INSPECTORS PRIOR TO CONSTRUCTION.  
The location and type of any fire safety and other fire safety equipment is shown as it is at present. This may be varied from time to time with the agreement of the fire offices or after fire risk assessment.

558	PROJECT NO:	0.001	DRAWING NO:	2	REVISION:
1:100 @ A3	SCALE AT A3:	01/03/17	DATE:	GM	DRAWN:
				SL	CHECKED:

LICENSING PLAN

TITLE:

26 NEWBURY STREET,  
LONDON, EC1A 7HU

SITE:

CLIENT:  
STUART LANGLEY  
DISAPPEARING DINING CLUB

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# LITTLE QUIET

## Sample Menu, Spring 2017 Two / Three / Six Courses - £30 / £35 / £45

Classic DDC Fizz &  
Something from the Kitchen



Jerusalem Artichoke Soup  
Cep Powder

Warm Prawn Carpaccio  
Grilled Tuna, Wasabi Mayo, Cucumber Noodles

Smoked Pigeon  
Dried Grapes, Onion Confit, Crispy Quails Eggs



Wild Mushroom & Grilled Artichoke Bread & Butter Pudding  
Grilled Chicory, Salsa Verde

Pan Fried Bream  
Chorizo, Braised Fennel, Saffron Aioli

Beef Shortrib  
Truffle Poleta, Red Wine Jus, Pickled Carrots



Flat White Brûlée

Bourbon & Chocolate Tart  
Peanut Brittle & Popcorn Parfait, Raspberry Compote

Three Great British Cheeses

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# LITTLE QUIET

## Drinks List

### Sparkling

- Cava, Pago de Tharsys, Spain - £28
- Champagne Blanc de Blanc, Nicolo & Paradis - £49

### White

- Sauvignon, Jean de la Roche, France 2015 - £22
- Catarratto, Ciello Bianco, Sicily 2015 - £24
- Pinot Blanc, Andre Scherer, France 2015 - £28 / £7
- Chenin Blanc, Baby Bandito Keep On Punching, Testalonga, SA 2016 - £30
- Riesling, Framington Classic, New Zealand 2014 - £32
- Chardonnay, Cotes du Jura, France 2012 - £38

### Red

- Grenache, Cuvee des Galets, France 2015 - £22
- Nero d'Avola, Ciello Rosso, Sicily 2015 - £24
- Primitivo Organic, Amastuola, Italy 2013 - £28 / £7
- Gamay, Clos St Jean Cote Roannaise, France 2014 - £29
- Corbieres, Ollieaux Romanis, France 2014 - £30
- Rioja Crianza, Bodega Urbina, Spain 2008 - £34
- Gamay, Domaine Passot Fleurie, France 2014 - £38

### Built

- Classic DDC Fizz - £8
- Fino & Fevertree - £6
- Daily Negroni - £6
- Woodford Reserve Old Fashioned - £10

### Shaken

- Classic Manhattan - £9
- DDC Sidecar - £9
- Grasshopper - £10

### Beer / Soft

- Curious Brew IPA - £4.50
- Apple & Ginger Fizz - £3
- Filter Coffee / Fresh Mint Tea - £3.5

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**From:** Andrew Woods  
**To:** [Andrew Woods](#)  
**Subject:** FW: POLICE E MAIL  
**Date:** 20 April 2017 13:36:40  
**Attachments:** [image001.png](#)

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**From:** White Daniel [REDACTED]  
**Date:** Tuesday, 28 February 2017 12:57  
**To:** Stuart Langley [REDACTED]  
**Subject:** RE: 24-26 Newbury Street, EC1A 7HU

Hi Stuart

When I have visited the venue I have found it to be very quiet and I can confirm we have received no complaints and have no concerns about the venue.

Kind Regards

Daniel White  
City of London Police  
Licensing Team

---

**From:** Stuart Langley [REDACTED]  
**Sent:** 28 February 2017 10:28  
**To:** White Daniel  
**Subject:** 24-26 Newbury Street, EC1A 7HU

Hi there Daniel – we met at the above address in December.

We are going to reapply for a licence and you mentioned that you might be able to write a letter of, if not recommendation, then at least outlining that we've not been detrimental to the neighbourhood during the period we have been trading using TENS.

Ultimately, the argument I am trying to win is one of public nuisance. I believe that we can operate *Little Quiet*, our small, 18 seat dining room on Newbury Street without being a public nuisance.

Anything you can do to help would be very much appreciated. We hope to submit next week.

Many thanks

Stuart



Please consider the environment before printing my email

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City of London Police

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# LITTLE QUIET

## Guest Feedback

From our guests at Little Quiet.

“Absolutely fantastic. Would highly recommend – food delicious and excellent service. An intimate little spot hidden close to the City. Wow!”

*Alex Moss*

“Incredible experience, amazing food”

*G.Valentini*

“Couldn't be happier, so thanks again for giving us a great experience”

*Joey Wainwright*

“Such an amazing dining experience. The food was beyond amazing. The staff were so attentive. My friends and I had such a great time. Thank you”

*Vusa Tebe*

“We had a great time and my friends were full of compliments afterwards”

*Matt Broughton*

“Absolutely perfect”

*Hannah Melia*

“We had an amazing time the food was outstanding and the service was great. I literally can NOT stop showing all my friends the pictures of the food. Will definitely be back.”

*Lauren Gunn*

“The food was absolutely delicious and I’m still talking about that pudding”

*Natasha Coutts*

“Much better than Le Gavroche last week (and about ten times cheaper)”

*Daniel Graham*

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# DISAPPEARING DINING CLUB

## Nice Press

“Perfect dinner parties”, *Stylist*

“One of the world’s must visit supper clubs”, *GQ*

“A great way to spend an evening”, *FT*

“Restaurant food without the best behavior atmosphere”, *Sunday Times Style*

“Exquisite food”, *Time Out*

“Top-notch delicious”, *Vogue*

“Ideal in-the-know dining”, *Cosmopolitan*

“The David Bowie of supper clubs; always evolving” *Time Out*

“Fantastic locations and proper cooking”, *Town & Country*

“A really fantastic evening”, *The Guardian*

“Much more than just dinner” *The Times*

“A great night of food, wine and terrific new friends”, *Time Out*

“I didn’t want pudding to end”, *The Nudge London*

“Terrific staff and a memorable meal”, *Things to do in London*

“A definite winner”, *Daily Mail*

“Nails it”, *London on the Inside*

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**From:** stuart  
**To:** [Andrew Woods](#)  
**Subject:** Fwd: Disappearing dining club licence  
**Date:** 23 April 2017 18:57:27

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See below . . .

Sent from my Samsung device

----- Original message -----

**From:** Caroline Stanger [REDACTED]  
**Date:** 23/04/2017 18:36 (GMT+00:00)  
**To:** stuart@disappearingdiningclub.co.uk  
**Subject:** Disappearing dining club licence

Hi Stuart

John and I wanted to drop you a note confirming our support for you and your application for a licence for the Disappearing Dining Club.

As you know, we originally objected to your application, as we live directly opposite your site and felt we would be highly likely to be disturbed and/or inconvenienced. It is fair to say that, even though you have been trading since December 2016, albeit without a drinks licence, we have never been disturbed. Indeed, we were not even aware that you had been trading until very recently. It is clear to us, now, that this small scale dinner club is not, and never will be, the noisy venue that we had feared. It is obvious to us that you have been at pains to ensure that your guests respect our quiet neighbourhood in Newbury Street.

We wish you luck for your continued efforts to be awarded a drinks licence. Please let us know if there is anything we can do to help.

Best wishes  
Caroline

Sent from my iPad

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