

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON THURSDAY, 11TH AUGUST 2017 AT 11.00 AM

APPLICANT: BREWKSEE LTD
PREMISES: 56 LEADENHALL STREET, LONDON, EC3A 2DX

Sub Committee:

Ms Sophie Fernandes (Chairman)
Mr Peter Dunphy
Mr Keith Bottomley

Officers:

Town Clerk – George Fraser
Comptroller and City Solicitor – Paul Chadha
Markets & Consumer Protection – Peter Davenport

Given Notice of Attendance:

Applicant:

Mr Simmonds, Brewskee Ltd
Mr Gerald Gouriet – Solicitor acting on behalf of applicant

Making representation:

Ms Yvonne Courtney - Resident
Mr Jonathan Whitby - Resident

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 11:00 AM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises, 56 Leadenhall Street, London, EC3A 2DX.

The Sub Committee had before them the following documents:-

Annex – Report of the Director of Markets and Consumer Protection

Appendix 1 - Copy of Application

Appendix 2 – Conditions Consistent with the Operating Schedule

Appendix 3 – Representations from Other Persons:

- i) Chan
- ii) Courtney
- iii) Rees

iv) Whitby

Appendix 4 – 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

1. The Hearing commenced at 11:00.
2. At the start of the Hearing, the Chairman sought an explanation from the representatives of their objection(s) to the granting of the licence application for Brewskee.
3. The Hearing heard from local resident Ms Yvonne Courtney who explained a number of concerns relating to the planned operation of Brewksee in relation to noise and disturbances that would affect those in her building of residence, situated opposite the site in question. She raised particular concern over the group booking system that Brewskee planned to employ, which risked encouraging congregations of large groups outside on the pavement.
4. Ms Courtney objected to the dispersal route provided by the applicant, stating that patrons would likely use an alternative and faster route past residents in order to reach nearby Liverpool Street Station. She also demonstrated concerns that patrons would arrive by car to the venue, which was likely to cause additional disturbance.
5. In addition, Ms Courtney referred to St. Katherine Cree Church that is located near the site, and explained concerns that families would have to confront bottles and litter coming to and from services. Ms Courtney referenced another venue operated by the applicant offering a similar service, citing various disturbances caused by its operation. She mentioned that she had concerns over the owners' lack of manpower with regards to security to manage those entering, exiting and loitering outside the premises.
6. The Hearing heard from local resident, Mr Jonathan Whitby, who stated that with numerous premises now operating in the area, he believed it unreasonable to expect residents to try and determine which venue was responsible for patrons causing disturbances.
7. The Chairman next sought confirmation from the applicant of Brewskee's planned operating procedure.
8. Mr Gerald Gouriet, speaking on behalf of the applicant, requested confirmation from those at the Hearing that they had received the documents provided for information, including photos of the nearby venue under ownership of the applicant as well as the dispersal strategy. Mr Gouriet then explained that the proposed venue would operate with much the same premise as the owner's venue currently operating in the area, *Swingers*, illustrated by the photographs provided. Mr Gouriet then

requested a brief description of the planned operating procedure of Brewskee from the applicant, Mr Simmonds.

9. Mr Simmonds explained that Brewksee would comprise of a bookable space, and would rely on predominantly group bookings for its custom. The venue would offer a bar, restaurant and gaming area. He explained that the downstairs area would be bookable for conferences by corporate clients. It would by no means be considered primarily to be a late night venue. It would cater for a market of those who don't want to go out just to eat or drink. Mr Simmonds described the *Skee-Ball* game that would form the particularly unique attraction of this venue. Mr Simmonds described the planned operation as "welcoming" and "non-threatening".
10. Mr Gouriet noted that the planned operation was much in line with that of nearby existing venue operated by the applicant, *Swingers*, and asked his client if there had been any complaints received for that venue. Mr Simmonds confirmed that there had not been a single complaint since its opening in 2014. Mr Simmonds also added that there was a significantly more substantial food offering planned at Brewskee, including table service.
11. Mr Gouriet then concluded by offering to make an amendment to the licensing hours within the application, reducing the terminating hours on Thursday to Saturday from 02:00 to 01:00, thus aligning them with those of the nearby venue *Swingers*.
12. The Chairman then invited questions for the applicant from those representing the objections. Mr Whitby enquired about the size of groups that would be expected to attend the venue and the capacity of the downstairs area. Mr Simmonds confirmed that group bookings would usually be of between 12-250 people, and that large corporate groups would be expected to attend during the day predominantly. He explained that the capacity of the downstairs area would be approximately 200. Mr Whitby then surmised that there could be expected to be approximately 20-30 smokers at a time outside the venue, and raised concerns about the disturbance caused by this. The Applicant confirmed that in addition to the lightwell area the smoking area would include the cross hatched area on Leadenhall Street on the plan, though in reply to a question from Mr. Whitby this would not actually extend beyond the edge of the premises building as seemed to be indicated on the plan. Mr Whitby raised concerns about dispersal in large groups, and Mr Simmonds responded by explaining that their dispersal was not comparable to pubs and bars, and that it would be incremental over longer time periods.
13. The Chairman asked the applicant how many covers would be catered for by the venue, and Mr Simmonds explained that there would be 500 on the ground floor and 200 in the basement.
14. The chairman asked the panel if they had any further questions. Peter Dunphy asked both the applicant and the representatives if they had made any attempts to engage in prior discussion in order to resolve the concerns raised. The applicant confirmed that they had written a letter in response to the objections to their dispersal plan but received no responses.

15. Ward Member Sylvia Moys, present as an observer to the Hearing, was then given permission by the Chairman and the applicant to comment on a few concerns relating to disturbances associated with the use of the nearby St. Katherine Cree Church.
16. Mr Bottomley asked the applicant if they get a significant number of “walk-ins”, as this might lead to queueing issues, but Mr Simmonds assured the Hearing that the vast majority of custom was from pre-booked groups, so there would not be any related queueing issues.
17. The Chairman then requested a final summary statement from the applicant and the representatives. Mr Whitby explained that he thought it naïve to expect people to use the planned dispersal route. Mr Gouriet explained that these residents were living equidistant from the proposed venue and existing venue, *Swingers*, for which there had not been any complaints received since opening in 2014.
18. The Sub-Committee retired at 11:45.
19. At 12:25 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.
20. 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.
21. 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.
22. In determining the application, the Sub-Committee first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of public nuisance and crime and disorder.
23. In reaching its decision, the Sub Committee took into account the character of the area and the proposed business operations of the Applicant and the information provided by the Applicant along with the representations made both orally and in writing by those opposing the application.
24. The Sub Committee also noticed that the plans accompanying the application did not detail the boundary of the licensed premises as required by the legislation. Counsel for the applicant confirmed that the applicant did not seek to include any external areas within the confines of the licensed premises and agreed to supply a fresh plan which clearly marked the boundaries of the area to be licensed.

25. The Chairman reported that it was the Sub-Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Proposed
Supply of Alcohol	N/A	Mon – Wed 11:00 – 01:00 Thu – Sat 11:00 – 01:00 Sun 11:00 – 00:00
Late Night Refreshment	N/A	Mon – Wed 23:00 – 01:00 Thu – Sat 23:00 – 01:00 Sun 23:00 – 00:00
Recorded Music	N/A	Mon – Wed 23:00 – 01:00 Thu – Sat 23:00 – 01:00 Sun 23:00 – 00:00

26. The Chairman stated that the opening hours should not extend beyond thirty minutes after the terminal licensing hours in each case, and as such should be amended to align with the reduced hours on Thursdays-Saturdays.
27. The Chairman also stated that the granting of the licence was dependent on the licence boundary being amended to restrict it to areas within the premises building entrance doors to prevent drinking outside and to reduce the effect of disturbances from those smoking outdoors.
28. The Chairman explained that, after consideration by the Sub-Committee, it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.
29. The Chairman declared the following conditions to be necessary to warrant granting of the licence:
- a. *The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested (MC01).*
 - b. *There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided*

at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public. (MC02)

- c. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly (MC16).*
- d. There shall be no sale of alcohol in unsealed containers for consumption off the premises (MC18).*
- e. Children under the age of 16 years shall not be allowed on the premises unless accompanied by an adult (MC22)*

30. 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 12:30

Chairman

Contact Officer: George Fraser
Tel. no. 020 7332 1174
E-mail: george.fraser@cityoflondon.gov.uk