

**MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE
HELD ON THURSDAY, 10TH AUGUST 2017 AT 11.00 AM**

APPLICANT: BEER & BUNS LTD
PREMISES: 20 BURY STREET, LONDON, EC3A 5AX

Sub Committee:

Deputy Jamie Ingham Clark (Chairman)
Ms Marianne Fredericks
Mr Michael Hudson

Officers:

Town Clerk – Bose Kayode & Gemma Stokley
Comptroller and City Solicitor – Paul Chadha
Markets & Consumer Protection – Peter Davenport

Given Notice of Attendance:

Applicant:

Mr Suraj Desor was present on behalf of both Mr Maurice Abboudi and Mr Christopher Kemper, Directors, Beer & Buns Ltd

Making representation:

Ms Yvonne Courtney - Resident
Mr Misha Stavrides - 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, 20 Bury Street, London, EC3A 5AX.

The Sub Committee had before them the following documents:-

Appendix 1 – Report of the Director of Markets and Consumer Protection
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 am.
- 2) The Chairman introduced the Sub-Committee members and confirmed that all papers had been considered by the Sub-Committee in advance of the hearing. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Sub-Committee.
- 3) The Chairman opened the hearing by stating that the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives and that these could only be promoted during licensed hours.
- 4) The Chairman stated that as this was a new application and information was somewhat lacking, it would be helpful if applicant could describe their business model and how they would manage the premises.
- 5) Mr Suraj Desor advised that Beer and Buns would operate over two floors. K10 would be a takeaway shop situated on the ground floor, including an outside space with a bar and a restaurant on the top floor. The offering would be Japanese food and drink with craft beer. The premises would have a large kitchen with food being the main focus. He considered the location to be more of a commercial rather than a residential area.

In addition, the applicants stated that the licensee had been operating licensed premises for over 18 years with a number of sites within the City of London (The 'City') including sites based on Fetter Lane, Minster Court and Appold Street. Mr Suraj Desor stated that the past history and experience that the applicants have had in running businesses demonstrates that they are more than capable of running business in accordance with the licensing objectives. The panel were also informed that a branch of Beer and Buns currently operates on Appold Street and had done so without any concern.

Mr Christopher Kemper also provided the panel with a brief history of his business career. He stated that he had run a number of businesses within the City since 1999. He also provided an overview of the concept of Beer and Buns and stated that the ground floor is essentially a 'takeaway' operating mainly during Monday – Friday serving Japanese dishes.

Beer and Buns would operate on the first floor, with approximately 80 covers. They anticipate that the clientele will mainly be individuals who wish to enjoy a meal sitting at a table with the purchase of alcohol with their meal. There was also the possibility of having a mobile bar downstairs, which could be used dependent on the weather.

- 6) The Chairman invited those who had made representations as 'other persons' to address the Sub Committee.
- 7) All three representatives added to their written concerns providing the panel with further detail which included their concerns for further noise, litter and in particular how individuals would disperse from the area during the early hours of the morning.
- 8) The Sub-Committee considered the following concerns relating to: the dispersal policy and the operating times during the weekends; the restriction of promoted events, the mobile bar and the hours of off sales.
- 9) The Sub-Committee commented that the plans submitted by the applicant were unclear/unreadable as to where the fixed/semi fixed furniture and bar areas were located. The applicant explained the plans and layout to all present, for both the restaurant, take away and outside area.
- 10) In response to the concerns raised by the panel, Mr Suraj Desor advised that Beers and Buns would be happy to agree to a condition which did not allow there to be any promoted events on the premises. Further, it was agreed that there would be no off sales after 23:00, a dispersal policy would be available to council officers on request and a sign would be displayed requesting that individuals leave the premises quietly.
- 11) Discussion then turned to the area outside the premises which the Applicant had sought to have included as part of their licensed premises. During discussion, it transpired that this area was used by other licensed premises. After taking instructions, Mr Desor advised the Sub-Committee that the applicant no longer wished this area to be included in the application.
- 12) The Chairman invited any other persons with new points to make on the application to address the Sub Committee. In addition, the Chairman invited the Applicant to sum up and respond to any outstanding queries.
- 13) The Chairman thanked all parties and explained that the Sub-Committee would now retire to deliberate on the application. The Chairman explained that it was expected that the Sub-Committee would come to a decision that day and therefore invited all present to remain in the meeting room while the Sub-Committee considered its decision.
- 14) The Sub-Committee retired at 12:20.
- 15) At 12:40 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.
- 16) 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.

- 17) In reaching its decision, the Sub Committee too into account the character of the area and the area and the proposed business operations of the applicant. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application.
- 18) 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 – Sun 11:00 – 00:00 |
| Late Night Refreshment | N/A | Mon – Sun 23:00 – 00:30 |
| Recorded Music | N/A | Mon – Sun 23:00 – 00:30 |
| Hours Premises are open to the public | N/A | Mon – Sun 11:00 – 00:30 |

- 19) The Chairman went on to explain that the conditions to the grant of the licence were as follows:
- (a) 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)
 - (b) A written dispersal policy shall be in place and implemented 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.(MC15)
 - (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 after 23:00. (MC18)
 - (e) The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.(MC19)

- (f) A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card. (MC21)
- 20) The Sub Committee noted Beer and Buns intention to install CCTV, however considered that it was not necessary to impose such a condition at this stage given that there had not been any concerns regarding public protection.
- 21) The Sub-Committee reiterated the requirement of Beer and Buns resubmitting revised plans in line with the restriction to the outside area and clearly depicting the layout in the manner required by law, including the seating and location of bar areas, along with any proposed 'mobile bar along with a copy of its dispersal policy
- 22) The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would be circulated to all.

The meeting closed at 12:45

Chairman

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