

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON FRIDAY 28 JUNE AT 10.30 AM

APPLICANT: The London Bar Consultant's Limited
PREMISES: Merchant House, 8 Bride Court, London, EC4Y 8DU

Sub-Committee:

Deputy Jamie Ingham Clark (Chairman)
Deputy Keith Bottomley
Mr Shravan Joshi

Officers:

Town Clerk – Paige Upchurch
Comptroller and City Solicitor – Andrew Cusack
Markets and Consumer Protection – Stephen Aznar

Counsel Josef Cannon was acting as Legal Advisor

Given Notice of Attendance:

Applicant: Mr Nathan Brown

Making representations:

Mr Stuart Atkinson Resident

In Attendance:

Mr Nathan Brown
Mr Lewis Hayes (with the Applicant)
Mr Stuart Atkinson

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 10.30AM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of a variation application for a premises license for the sale of alcohol in respect of Merchant House, 8 Bride Court, London, EC4Y 8DU, the applicant being the London Bar Consultant's Limited.

The Sub-Committee had before them the following documents:-

Hearing Procedure
Report of the Director of Markets & Consumer Protection
Appendix 1: Copy of Application
Appendix 2: Current premises license
Appendix 3: Representations from Other Persons

- i) Atkinson
- ii) Priest
- iii) Simons

Appendix 4: Plan of Premises

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

The Hearing commenced at 10.30 AM.

1. At the commencement of the Hearing, the Chairman invited the Applicant to provide a contextual background to the purpose of the variation application and what the applicant wants to achieve in extending the licence to Saturdays. The Applicant explained that the company's main function is to act as a consultant for other bars, and the two Merchant House bars in the City of London act as show cases for their work. It was added that the bars were luxury spirit specialists, and their intention for opening on Saturdays is to provide whisky master classes that involve tasting whiskies and educating customers about whisky. The Applicant described the bar as having a relaxed atmosphere, with a seating only policy and a capacity of 45 seats.
2. The Chairman invited Mr Stuart Atkinson to set out his and Ward Member Henrika Priest's objections to the application (as agreed prior to the hearing). Mr Atkinson read out a statement that Councilman Henrika Priest had written. The statement mentioned that irrespective of private events, the close proximity of the walls surrounding Bride Court made the noise from the premises echo and rise up to the residential homes, particularly that of those smoking outside. Mr Atkinson added from the statement that there had been a problem with the cleaners playing music very loudly after the premises had closed and with the security shutter being particularly loud.
3. The Chairman then invited the applicants to set out their case. Mr Nathan Brown began by accepting Mr Atkinson's comments regarding the cleaner and informed the panel that the contracted cleaners had since had their contract terminated and that they had engaged with Environmental Health to agree a maximum volume.
4. The Applicants explained that they were not interested in private events or walk-ins, which is why they wanted a license that finished at 23:00, rather than midnight, as the premises targeted those who are interested in fine spirits, with high-end pricing. It was explained that the customers tended to book in advance, attend the whisky classes, and then go to another venue for dinner.
5. The Chairman then invited questions, as follows:
6. The Sub-Committee requested information regarding the CCTV that was in place at the premises. The Applicants informed the panel that they

had HD quality CCTV that recorded within the premises and that there was always someone on-site who could operate the CCTV.

7. The Sub Committee requested clarification on whether there had been any complaints made by the public, particularly regarding those smoking outside. The Applicants commented that they do not allow customers to stand outside of the premises smoking and have signage directing them to the end of the street. They also confirmed that there had not been a complaint since Councilman Henrika Priest had spoken to them about the cleaners playing loud music.
8. The Sub-Committee requested detail of the premises noise policy. The Applicants described their noise policy; which included signs outside the premises reminding customers that there were residents nearby. There is a sound limiter for music, which could only be accessed from a locked office, and if customers were noisy they were asked to be quiet, as loud crowds are not in keeping with the targeted atmosphere of the bar. The Applicants commented that they were happy to look into reducing the noise from the security shutters, by adding rubber pads or oil.
9. The Sub-Committee asked the Applicant if they had applied for a Temporary Event Notice in the past, and whether they had incurred any problems. The Applicants explained that they had recently applied for a Temporary Event Notice, and held an event on 19 May 2018, which reached almost full capacity of the premises, and incurred no issues or complaints.
10. The Chairman then informed the parties that they were invited to make closing statements. Both parties felt like they did not have anything further to add.
11. The Sub-Committee retired at 10.59 AM.
12. At 11:22 AM 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.
13. The Sub-Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by the Applicant, by Stuart and Vanessa Atkinson, by Henrika Priest and by Jeremy Simons (of whom only Stuart Atkinson attended and spoke at the meeting, along with two representatives from the Applicant). In reaching its 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 Licensing Policy.
14. Furthermore, the Sub-Committee had particular regard to their 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

they were satisfied that it was appropriate to refuse all, or part, of an application or appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives. In this instance, the most relevant of those objectives is clearly the prevention of public nuisance.

15. In particular, the Sub-Committee noted that the Applicant runs a relatively high-end operation and the premises operated a seated-only policy with a maximum of 45 seats; and that there was no intention to run private parties or promoted events; advertising was by word of mouth and via their website only. There were no representations from the environmental health team or from any responsible authority.
16. The Sub-Committee also noted that a recent event was run under a Temporary Event Notice (TEN) for World Whisky Day on a Saturday in May with no complaints having been raised and the event having passed without adverse effect.
17. They also noted that when an issue of noise had arisen in the past, the management team had acted immediately and effectively to alleviate the issue and no further complaints had arisen since.
18. The Sub-Committee therefore decided to grant the application as applied for:

Activity	Existing Licence	Variation granted:
Supply of Alcohol	Mon – Fri 11:00 – 00:00	Mon – Fri 11:00 – 00:00 Sat 11:00-23:00

19. The Sub-Committee noted (and appreciated) the offer made by the Applicant to investigate whether the noise generated by closing the security shutter could be alleviated in order to minimise disturbance.
20. The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would follow.

The meeting closed at 11.25 am

Chairman

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THURSDAY, 28 JUNE 2018