

## MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON THURSDAY 11 OCTOBER AT 9.30 AM

**APPLICANT:** WW Devonshire Ltd  
**PREMISES:** Outside Courtyards, Devonshire, Square, EC2M 4YF

### Sub Committee:

Deputy Jamie Ingham Clark (Chairman)  
Miss Caroline Addy  
Deputy Keith Bottomley.

### Officers:

Leanne Murphy - Town Clerk's Department  
Paul Chadha - Comptroller and City Solicitor  
Andre Hewitt - Markets and Consumer Protection

### Given Notice of Attendance:

#### Applicant:

Craig Baylis	Solicitor for the Applicant
Simon Stokes	Community Director for Devonshire Square

#### Making representations:

Siobhan Marshall	Environmental Health
Adel Nakchbandi	Resident
Anna Kensdale	Resident
Dr Sheeraz Ahmed	Resident

#### In Attendance:

Mr Craig Baylis  
Mr Simon Stokes  
Mrs Siobhan Marshall  
Mr Adel Nakchbandi  
Miss Anna Kensdale

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### Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 9.30 AM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a recorded music license in respect of Outside Courtyards, Devonshire, Square, EC2M 4YF, the applicant being WW Devonshire Ltd.

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: Conditions consistent with the operating schedule

Appendix 3: Representations from Other Persons

i) Nakchbandi

ii) Kensdale

iii) Ahmed

Appendix 4: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

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Appendix 5: Plan of Premises

1. Prior to the date of the Hearing, the Sub Committee and Objectors received additional evidence submitted by an objector containing the following:
  - a. Photographs of injuries incurred by Mr Nakchbandi from an incident on site;
  - b. Medical documentation relating to the injuries;
  - c. Subject Access Request (SAR) providing a summary of complaints made to the City of London by Mr Nakchbandi regarding noise disturbance outside The Magpie, 12 New Street, EC2M 4TP.
2. The Chairman stated that the Sub Committee was governed by the four licensing principles set out in the Licensing Act 2003 and could therefore only make conditions based on the application in question.
3. The Hearing commenced at 9.45 AM to allow for a Member of the Sub Committee to arrive.
4. At the commencement of the Hearing, Mr Baylis declared that Deputy Bottomley was the Common Councilman for his Ward and he had voted for him.
5. The Sub Committee sought confirmation from the Applicant regarding a detailed description as to how the WeWork premises would operate, the proposed offering and how this would be managed. Mr Baylis advised the Sub Committee and objectors that WeWork had new licenses all over London and now owned the freehold for Devonshire Square. He noted that whilst other occupiers held events in the Square, this application was for WeWork events only. To date, the Applicant had held three TEN events which were for staff and the general public.
6. Mr Baylis informed the Hearing that the Applicant wished to enhance the conditions consistent with the operating schedule (Appendix 2) to the following to provide the Responsible Authorities with more control over events:
  - a. An event management plan will be produced for any occasion when licensable activity takes place under the licence for approval by the EHO, the City of London Police and the Licensing Authority. The event management plan will address potential noise nuisance, a dispersal

plan, arrangements if under 18s are in attendance, and health and safety risk assessments.

- b. The event management plan shall be delivered to the EHO, the City of London Police and the Licensing Authority at least 10 working days before each event takes place.
  - c. The need for SIA security staff shall be risk assessed in relation to each event.
  - d. Licensable activity shall not proceed in the event that the EHO, the City of London Police or the Licensing Authority do not approve the Event Management Plan.
7. The Hearing also received an updated plan of the premises which gave a more detail regarding the location of the gates, delivery points and an overview of the estate as a whole.
8. The Sub Committee questioned how the space would be used and how licensable activity would be managed. Mr Stokes, Community Director for Devonshire Square, explained that the space would be flexible to host a variety of events (cultural, wellbeing, business, artistic, etc) and that alcohol would be a minor aspect of the WeWork offering. The Devonshire Square Management Team, who were inherited from before WeWork purchased the freehold, were employed to manage events, provide security guards to control crowds and would dismantle all equipment used at events.
9. Mr Stokes advised that a telephone number would always be available to residents to report any concerns and noted that he had already been very reactive to issues that arose during the three TEN events. These issues would be carefully managed at future events in the courtyard.
10. The Sub Committee queried what the frequency of events would be and the capacity of the premises. Mr Stokes explained that events would not be every day amounting to approximately one event per week. Numbers would depend on the event but would be managed with security, clickers and closure of gates. He added that sound checks would take place hourly and a log would be available at all times. Mr Stokes advised that the area was separated into two parts: 1) a smaller western courtyard which was covered to protect from the rain and 2) the main courtyard which was a large open space. The Applicant desired to develop good relations with the local residents and community who would hopefully attend events.
11. The Sub Committee queried how patrons would be dispersed from the premises. The Hearing was advised that security would lock the Harrow Place and New Street gates at 21:30 to ensure that dispersal would not affect the Petticoat and New Street residents. The crowd dispersal would be managed by the security team using a pre-agreed management plan. This would be further controlled by the Responsible Authorities who would sign off the plan in advance of the event.

12. The Chairman invited those making representations to set out their objections to the application. The Hearing heard representations from Mr Nakchbandi, a local resident and businessman, and Mrs Marshall, an Environmental Health Officer who was acting as a witness for Mr Nakchbandi. The Objectors were concerned about the operation in the open courtyard, specifically surrounding the noise disturbance that would occur from the use of the area both during the day and in particular at night. Mr Nakchbandi advised that he and his family had already suffered noise nuisance from the premises over the last four months as well as from other operators that used the courtyard for their own activities. He stated that there was consistent door slamming and noise until the early hours, often by delivery people, which had not been dealt with despite several complaints to the security team and management.
13. Mrs Marshall explained that complaints had been received from Mr Nakchbandi regarding three TEN events. She noted that the courtyard was an enormous outdoor space making it difficult to manage and was surrounded by residents who would be disturbed by music and the dispersal of patrons. Mrs Marshall also voiced concern that the Applicant was requesting an unlimited number of events on every day of the week. The Objectors requested mitigation measures to ensure that the residents would not be unduly disturbed by patrons leaving the venue late at night.
14. The Hearing was advised that the Applicant would set up a liaison mechanism to inform all residents of upcoming events with 10 days' notice and would publicise all events in its communal space.
15. 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.
16. The Chairman thanked all attendees for their comments and the Sub Committee retired at 10.29 AM.
17. The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing. It was evident that the most relevant licensing objective that required the Sub Committee's consideration was the prevention of public nuisance. 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 Statement of Licensing Policy dated January 2017.
18. In determining what constituted a public nuisance, 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".

19. The Sub Committee regarded noise to be the principal concern to residents, in particular noise associated with the proposed use of the open courtyard area. The Sub Committee noted that this was a new business and, whilst conscious of the fact that the premises was located in a residential pocket of the City, also noted that other licensed premises operated in the area which had much later closing hours. The Sub Committee accepted the residents' concerns as to the potential for noise disturbance late at night but were confident that the measures proposed by the Applicant in an attempt to address these concerns would sufficiently reduce the risk of public nuisance, specifically the provision for the Responsible Authorities to veto any event that it was not happy with.
20. The Sub Committee concluded that, with the imposition of suitable conditions, it would be possible for the Applicant to operate the premises in accordance with the licensing objectives. The Sub Committee sought to strike a balance for residents and business.
21. It was the Sub Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Licensing Hours
Supply of Alcohol	N/A	Mon–Sun 10:00 – 22:00
Plays, Films, Live & Recorded Music and Performance of Dance	N/A	Mon–Sun 10:00 – 22:00

22. The Sub Committee then considered the issue of conditions and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance. The following conditions were imposed on the premises licence:
- a. An event management plan will be produced for any occasion when licensable activity takes place under the licence for approval by the EHO, the City of London Police and the Licensing Authority. The event management plan will address potential noise nuisance, a dispersal plan, arrangements if under 18s are in attendance, and health and safety risk assessments.
  - b. The event management plan shall be delivered to the EHO, the City of London Police and the Licensing Authority at least 10 working days before each event takes place.
  - c. The need for SIA security staff shall be risk assessed in relation to each event.
  - d. Licensable activity shall not proceed in the event that the EHO, the City of London Police or the Licensing Authority do not approve the Event Management Plan.

23. In addition to the conditions above, the Sub Committee also imposed the following conditions:
- e. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly (MC16).
  - f. Signs will be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.
  - g. Licensable activities are permitted on 75 days in any calendar year
  - h. There shall be no exit from the Harrow Place and New Street gates after 20:00 on the days that the licence is in operation.
  - i. 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).
24. The Sub Committee also noted the intention of the Applicant to inform residents of upcoming events at least 10 days before the event in question.
25. The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would follow.

**The meeting closed at 10.50 am**

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Chairman

**Contact Officer: Leanne Murphy**  
**Tel. no. 020 7332 3008**  
**E-mail: [leanne.murphy@cityoflondon.gov.uk](mailto:leanne.murphy@cityoflondon.gov.uk)**