

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON FRIDAY, 10 MAY 2019 AT 10.30 AM

APPLICANT: Rocket Leisure Limited
PREMISES: Rocket, 20 Eastcheap, EC3M 1EB

Sub-Committee:

Michael Hudson (Chairman)
Mary Durcan
Caroline Addy - sent apologies

Officers:

Town Clerk – Leanne Murphy
Comptroller and City Solicitor – Paul Chadha

Given Notice of Attendance:

None

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 10.30 AM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a licence allowing the sale of alcohol for consumption off the premises and other licensable activities (and opening hours) in respect of Rocket, 20 Eastcheap, EC3M 1EB, the Applicant being Rocket Leisure 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: Conditions consistent with the operating schedule

Appendix 3: Representations from responsible authorities

i) Environmental Health

ii) City of London Police

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

Appendix 5: Plan of Premises

Appendix 6: Blue public notice and Newspaper Advertisement

1. The Hearing commenced at 10.30 AM.
2. At the commencement of the Hearing, the Town Clerk advised the Sub Committee that following the adjourned Hearing on 18 April 2019, an agreement had been reached between the Applicant and the Objectors, the Environmental Health Pollution Team and City of London Police, subject to agreed conditions.
3. As there were no representatives for the Applicant or the Objectors present to discuss the agreement, the Town Clerk read out a summary of the agreement with the Environmental Health Pollution Team advising that live music would cease at 01:00 Monday to Saturday and by midnight on Sunday; alcohol sales would cease at 01:00 on Mondays and Tuesdays, 01:30 on Wednesday, and 02:00 on Thursday to Saturday. Sundays would remain as in the application ceasing at 00:00.
4. The Sub Committee noted the draft proposed conditions recommended by the City of London Police which were provided with their objection within the agenda pack.
5. The Chairman thanked all attendees for their comments and the Sub Committee retired at 10:38 AM.
6. The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing 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.
7. 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".
8. 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 all parties.
9. It was the Sub Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Proposed Licence
Sale of alcohol for consumption on and off the premises	N/A	Sun 10:00–00:00 Mon - Tue 10:00-01:00 Wed 10:00-01:30 Thu – Sat 10:00-02:00 Sundays before Bank Holidays 10:00–02:00
Provision of recorded music, provision of performances of dance	N/A	Sun 10:00–00:00 Mon - Tue 10:00-01:00 Wed 10:00-01:30 Thu – Sat 10:00-02:00 Sundays before Bank Holidays 10:00–02:00
Provision of live music		Sun 10:00–00:00 Mon – Sat 10:00-01:00 Sundays before Bank Holidays 10:00–02:00
Late Night Refreshment	N/A	Sun 23:00–00:30 Mon - Tue 23:00-01:30 Wed 23:00-02:00 Thu – Sat 23:00-02:30 Sundays before Bank Holidays 23:00–02:00
Opening Hours	N/A	Sun 10:00–00:30 Mon - Tue 10:00-01:30 Wed 10:00-02:00 Thu – Sat 10:00-02:30 Sundays before Bank Holidays 10:00–02:00

10. The Sub Committee considered the issue of conditions and concluded that it was necessary and appropriate, as per the City of London Police’s proposed conditions, to impose conditions upon the licence so as to address the concerns relating to public nuisance and the prevention of crime and disorder.

1. 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).

2. The premises will not hold promoted events, a promoted event being defined as follows: "A promoted event is an event where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is (independent of the premises licence holder) promoted to the general public" (MC02).
3. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of customers
 - c. any incidents of disorder (disturbance caused either by one person or a group of people) [There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]
 - d. seizures of drugs or offensive weapons
 - e. any faults in the CCTV system or searching equipment or scanning equipment
 - f. any refusal of the sale of alcohol during the hours the premises is licensed to sell it (MC03).
4. On any occasion that regulated entertainment is provided, the licence holder shall conduct a risk assessment of the event in order to determine if door supervisors are required and, if so, how many (MC05).
5. At least 1 female door supervisor shall be engaged at the premises at such times as two or more door supervisors are required to be provided (MC06).
6. When the premises is carrying on licensable activities after 20:00, at least one registered door supervisor is to be on duty at each door used for entry or exit (MC07).
7. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items onto the premises at any time shall be in place and operate at the premises (MC08).
8. All glasses in use at the premises shall be either toughened glass or polycarbonate material (MC11).
9. All doors and windows shall remain closed at all times after 22:00 hours during the provision of regulated entertainment save for entry or exit, or in the event of an emergency (MC13).

10. Loudspeakers shall not be located in the entrance lobby (if there is to be one) or outside the premises (MC14).
 11. 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).
 12. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly (MC16).
 13. Customers 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 after 22:00 (MC17).
 14. 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).
 15. A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under 21 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the City of London Corporation (MC20).
 16. 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/BEA national ID card or similar document, or an industry approved proof of age identity card (MC21).
 17. Any designated queuing area shall be enclosed within appropriate barriers to ensure that the highway is kept clear (MC25).
11. The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would follow.

The meeting closed at 10.38 AM

Chairman

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