

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON TUESDAY 16 JUNE AT 10.30AM

APPLICANT: Samuel Smith (Southern)
PREMISES: George and Vulture, 3 Castle Court, London, EC3V 9DL

Sub-Committee:

Graham Packham (Chairman)
Shravan Joshi
Mary Durcan

Officers:

Town Clerk – Leanne Murphy
Comptroller and City Solicitor – Frank Marchione
Markets & Consumer Protection - Peter Davenport, Rachel Pye

Given Notice of Attendance:

Applicant:

Samuel Smith (Director, George and Vulture)
Niall McCann, Joelson JD LLP Solicitors (Applicant's Solicitor)

Making representation:

Douglas Rose (resident)
Peter Dunphy CC (representing resident John Nadler)
Jude Goffe (resident)
Elaine Mason (resident)

Apologies:

John Nadler (resident)
Simon Larkin (resident)

Licensing Act 2003 (Hearings) Regulations 2005

A virtual public Hearing was held at 10.30am to consider the representations submitted in respect of an application to vary the premises licence in respect of George and Vulture, 3 Castle Court, London, EC3V 9DL, the Applicant being Samuel Smith (Southern).

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 Licence
Appendix 3: Representations from Other Persons

- i) Representation 1 - Larkin
- ii) Representation 2 - Nadler
- iii) Representation 3 - Rose
- iv) Representation 4 - Goffe
- v) Representation 5 – Mason

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

1. The Hearing commenced at 10.30am.
2. At the commencement of the Hearing, the Chairman stated that all written representations had been read by the Sub Committee and requested that there was not a repetition of the submitted representations.
3. The Chairman invited the Applicant to introduce the basis for the application and set out their case.
4. Mr McCann stated that he had been in communications with the Objectors via Ms Goffe and had developed 10 proposed licence conditions for the Sub Committee to consider based on the concerns of the local residents and were circulated to all parties in advance of the Hearing. Mr Dunphy CC confirmed all objectors were included in the discussions.
5. Mr McCann advised that the application was simple, and the changes to the licence would not significantly alter operation. George and Vulture operates as a pub and the one bar was miniscule allowing one person and a maximum of two beer taps. It was noted that Sam Smith was one of the most traditional breweries in the UK which acted very sympathetically to locals. There was therefore surprise at receiving five representations.
6. Mr McCann asserted that most of the issues raised by residents concerned the Jamaica Inn and management of patrons in outside areas. He noted that Jamaica Inn was a significantly larger drinking establishment offering vertical drinking but that the new manager of George and Vulture was committed to working with Jamaica Inn and local residents to resolve any issues including bringing the hours back for customers drinking outside from 23:00 to 21:00.
7. Mr McCann stressed that it was a difficult time for the sector and hoped it would be agreed that the application was viable. The manager agreed to continue to work with locals and would offer a sit-down opportunity to discuss any concerns when the premises reopened.
8. The Chairman invited the Objectors to ask the Applicant and their solicitor questions regarding their statements.

9. Ms Mason queried whether the premises operated as a pub or a restaurant. Mr McCann confirmed that George and Vulture was predominantly a food led business and the new manager was a chef. However, the premises would remain different from Jamaica Inn in operation and style. It was noted that if any changes/expansion of the bar area was to be later sought, this would be in keeping with the traditional 1800s layout of the building and would require an application for a licence variation, which would provide an opportunity for representations to be made.
10. The Sub Committee drew attention to the proposed conditions and found that whilst four were familiar and legally enforceable, a number were contradictory and would be difficult to implement. For example, it would be impractical to patrol, manage and move on patrons in the public streets mentioned as per conditions 3 and 4, and for the Licensing Authority to monitor compliance. It was also noted that off-sales were already permitted under the current licence to patrons if purchased at a table inside. The Sub Committee therefore questioned how condition 7 would work and how patrons purchasing drinks at a table and from the bar would both be policed when bringing drinks outside.
11. Mr McCann responded that as the premises was small with a capacity of approx. 35-40 people along with clear signage of where patrons could and could not drink, the well-trained staff would be able to remain vigilant in collaboration with Jamaica Inn. Sam Smith's branded glassware would also help identify the patrons belonging to George and Vulture. The Sub Committee felt that marked glasses would be difficult to identify if patron's hands were covering the branding.
12. The Sub Committee noted the considerable number of conditions and queried if the premises had ever encountered issues in the past that the conditions were attempting to resolve. Mr McCann explained the conditions were offered simply in response to the concerns identified by the Objectors and that the Applicant was happy to operate and comply with these conditions.
13. The Chairman invited those making representations to set out their objections against the Applicant.
14. The Hearing was advised that noise nuisance disturbance and the closing hours of the premises were the predominant concerns of the Objectors. They were therefore happy with the proposed conditions being offered.
15. Ms Goffe felt that cooperation, monitoring and control between George and Vulture, Jamaica Inn and Crosse Keys including coloured containers was paramount to preventing the significant noise and disturbance to local residents and businesses normally experienced during warm months.
16. Mr Dunphy provided background for issues experienced arising from the operation of the three pubs which were located in the area made up of narrow, well used public walkways and highlighted that Crosse Keys also had a door that opened into the alley. Mr Dunphy acknowledged that premises applications should be reviewed at Hearings on their own merits. Despite the absence of a cumulative impact area assessment, all of the proposed conditions including the more

unusual recommendations would help resolve issues in the area effecting local residents and small businesses.

17. The Chairman offered all parties the opportunity to make a concluding statement.
18. Mr McCann concluded that whilst some of the conditions were more enforceable than others, the Applicant was working hard to work with the local community. It was noted that the glasses used by George and Vulture would be branded and they could not agree to use coloured glasses as this would prevent patrons from being able to see their drink.
19. The Chairman thanked all attendees for their comments and explained that a written decision letter would be sent to all parties within five working days by email only.
20. The Sub Committee retired at 11.21am and considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing by those making representations and the Applicant. 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.
21. 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".
22. The Sub Committee regarded noise to be the principal concern to residents. 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.
23. 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 the business, and it was the Sub Committee's decision to grant the variation of the premises licence removing conditions 2 (a) to 2(d) inclusive, 3(a) to 3(c) inclusive and 4.
24. 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 Sub Committee approved the following conditions from the proposed conditions:

- a. Signage will be erected asking patrons not to consume drinks in Castle Court, St Michael's Alley, St Michael's Churchyard or the tunnel area directly outside the main entrance of the George and Vulture.
 - b. The door from the George and Vulture onto Castle Court shall remain closed at all times save for entry or exit in the event of an emergency.
 - c. There shall be no sale of alcohol in unsealed containers for consumption off the premises after 21:00 nor will customers be permitted to remove alcohol from the premises in unsealed containers after 21:00.
 - d. 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).
25. In addition to the conditions above, the Sub Committee also imposed the following condition:
- e. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly (MC16).
26. The Sub Committee noted the Applicant's proposed conditions 3, 4, 6, 7, 8 and 10 but did not consider it necessary to impose such conditions on the premises licence. It was acknowledged that whilst many of the proposed objectives would be good to adopt as part of George and Vulture's operational practices as a good neighbour, they were not workable conditions. The Sub Committee also considered condition 5, which prevented customers from leaving the premises with drinks in unsealed containers after 21.00 hours, to be a sufficient condition to protect local residents.
27. The Sub Committee recommended that these proposed conditions be implemented as part of the Applicant's Management Plan. The Sub Committee also suggested that this is reviewed on an annual basis and encouraged that Environmental Health and local residents be consulted in the drafting of the Management Plan.

The meeting closed at 11.21 AM

Chairman

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