

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 11 FEBRUARY 2013 AT 10:00 AM

APPLICANT: JONATHAN DALTON
PREMISES: THE PELT TRADER, ARCH 3, DOWGATE HILL,
LONDON, EC4N 6AP

PRESENT

Sub Committee

Deputy Edward Lord (Chairman)
Alex Bain-Stewart
Dr Revd Martin Dudley

City of London Officers

Rakesh Hira - Town Clerk's Department
Paul Chadha - Comptroller & City Solicitor's Department
Peter Davenport - Markets & Consumer Protection Department

Applicant

Jonathan Dalton supported by Piers Warne, Solicitor (TLT LLP)

Representations of objection:

Alderman Alison Gowman
Mr Tim Straker QC on behalf of Cannon Bridge Properties Ltd

In Attendance

Mr Nicholas Baker (Beadle & Freeman of the Tallow Chandlers' Company)
Clare Missen on behalf of Mr Russell Vaizey (Dyers' Company)
Wayne Taylor, Local Resident and on behalf of John Cook (Skinners' Company)
Rita Thomas, City of London Police
Hector McKoy, City of London Police
Lee Sandford, Environmental Health
Tony Bride, Environmental Health
Henry Pollard, Member of the Court of Common Council

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held at 10.00am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises 'The Pelt Trader, Arch 3, Dowgate Hill, London, EC4N 6AP'.

The Sub Committee had before them a report of the Director of Markets and Consumer Protection, which appended copies of:-

Appendix 1: Copy of Application

- Appendix 2: Conditions consistent with the operating schedule
- Appendix 3: Plan of Premises
- Appendix 4: Representations from responsible authorities
- Appendix 5: Representations from Other Persons
- Appendix 6: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

An additional letter, dated 29 January 2013, from the applicant's solicitor was also taken into consideration.

- 2) The hearing commenced at 10.04am.
- 3) The Chairman opened the hearing by introducing himself, the other Members of the Sub Committee, the officers present and the nature of the application.
- 4) It was noted that no members of the Sub Committee had any declarations.
- 5) The application for a premises licence, following amendments by the applicant, was as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Supply of Alcohol	Not Applicable	Sunday - Wednesday 10:00 – 23:00 Thursday, Friday and Saturday 10:00 – 00:30
Late Night Refreshment	Not Applicable	Thursday, Friday and Saturday 23:00 – 00:30

- 6) Mr Warne began explaining that all parties had been sent a letter, dated 29 January 2013 which reduced the hours of the licensable activities and removed Recorded Music to emphasise that the premises did not intend to open as a late night premises or be perceived as night club. The premises would attract a mature considered crowd and also be used for function events. There would be no promoted events as the premises would operate as a traditional pub. Mr Warne pointed out that the applicant, Mr Dalton, had experience of operating other premises in London which were located close to major transport hubs.

- 7) The premises intended to offer a pizza dish and serve a bespoke offering of unusual beer. Mr Dalton was the proposed Designated Premises Supervisor (DPS) for the purposes of the application however an experienced manager who had worked with Mr Dalton for over seven years would take on this role if the application was granted. Mr Warne explained that public nuisance issues may arise but they would be managed effectively by the management and that it was hoped that an open dialogue would be explored with the local residents and those making representations.
- 8) In relation to outside drinking and the control of noise Mr Warne said that the premises were not located on a narrow street and that a member of staff would monitor the outside area with customers being encouraged to stay away from Cannon Bridge Properties; which would also form part of the management policy. The premises would be monitored by the traffic light system; take into consideration the Code of Practice and minor variations would be explored in the future, if problems with the premises emerged. Mr Warne explained that if outside drinking was a problem the government would have formed some sort of legislation to deal with it.
- 9) With regard to transport links from the premises at night Mr Warne highlighted that night buses operated every 15 minutes and tube stations, other than Cannon Street, were open till late and taxis were also an option for customers to use.
- 10) Alderman Gowman highlighted her concerns with the application pointing out that the pavement would be blocked by customers who would go outside to smoke and would therefore cause difficulties for residents and people walking along the hill. Mr Warne in response explained that a dedicated member of staff would be monitoring the customers outside, at busy times, to ensure that the pavement was not blocked. He pointed out that the pavement was three metres away from the edge of the premises and was therefore a wide area. In relation to the nearby security bollards Mr Warne pointed out that if there was a concern a representation would have been submitted by the City of London police.
- 11) Mr Straker explained that the Cannon Bridge Properties building, which was directly next to the premises, had a sheltered roof and that customers wishing to go outside of the premises to smoke would use that sheltered area, especially in bad weather, as this was close to the premises. Mr Warne explained that Mr Dalton had good management experience of operating similar premises and that the situation would be carefully managed and that if a continuing problem did occur the premises would be open to a review.
- 12) In response to a question by a member of the Sub Committee, Mr Warne said that there were night buses operating between 1:00am – 5:00am every 9-15 minutes and that taxis would also be an option for those

leaving the premises at later hours. In relation to the monitoring of the customers outside the premises Mr Warne explained that although it was a public highway and there was no legal basis to force people not to stand in front of other premises the management would bar them if they did not co-operate with management.

- 13) Mr Warne pointed out that the applicant should be provided with an opportunity to show that he could successfully operate the premises and deal with problems effectively. If residents or nearby businesses had concerns they were open to call the premises and report any problems so that they could be dealt with promptly.
- 14) All parties were given an opportunity to sum up and then Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
 1. It was the Sub Committee's decision to grant the licence, taking into account the removable of Recorded Music from the application and the reduced opening hours.
 2. The Chairman explained that the Sub Committee felt that the applicant should be given an opportunity to operate the premises but there were concerns about the outside drinking and therefore the following condition would be attached to the licence:
 - The sale of alcohol for consumption off the premises in unsealed containers would only be permitted from 19:00 hours to 21:00 hours.
- 15) The Chairman said that a full decision would be circulated in due course and thanked all parties for attending the hearing.

The meeting ended at 11:32am

Chairman

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Decision letter circulated to all parties on 15 February 2013

I write to confirm the decision of the Licensing Sub Committee at the hearing on 11 February 2013 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

1. This decision relates to an application made by Jonathan Dalton for a new premises licence in respect of the premises 'The Pelt Trader, Arch 3, Dowgate Hill, London, EC4N 6AP'.

The application sought to provide the following licensable activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Supply of Alcohol	Not Applicable	Mon to Tue 10:00 – 00:00 Wed 10:00 – 00:30 Thu – Sat 10:00 – 02:00 Sun 11:00 – 23:30
Recorded Music	Not Applicable	Mon to Tue 08:00 – 00:00 Wed 08:00 – 00:30 Thu – Sat 08:00 – 02:00 Sun 08:00 – 23:30
Late Night Refreshment	Not Applicable	Mon to Tue 23:00 – 00:00 Wed 23:00 – 00:30 Thu – Sat 23:00 – 02:00 Sun 23:00 – 23:30

2. The application was later amended, as set out on the letter from TLT dated 29 January 2013 as follows:
 - That section of the application relating to recorded music be removed.
 - The hours applied for in relation to licensable activities to be cut back to 23:00 Sunday to Wednesday and 00:30 Thursday, Friday and Saturday.

- Opening hours to be amended in light of the above to permit an additional 30 minutes 'drinking-up time' at the termination of hours for licensable activities. This means that that part of the application relating late night refreshment falls away on Sunday to Wednesday.

In addition, the following conditions be added to the operating schedule (in addition to those already set out in the application):

- A dispersal policy will be drawn up and made available to council licensing, environmental protection and police on request, detailing how customers will be dispersed from the premises to cause minimal disturbance to residents in the vicinity.
 - On Thursday and Friday evenings from 17:00 until close, a member of staff, designated for the purpose, will ensure that customers outside the premises do not block the pavement to pedestrians and that all glasses are collected quickly.
 - At all trading times, the area immediately outside the premises will be regularly monitored by staff in order to ensure that the area is kept free of litter and glasses.
3. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant and those representing local residents and businesses.
 4. In reaching the 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 2011.
 5. Furthermore, the Sub Committee took on board the 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 it was satisfied that it was necessary to refuse all, or part, of an application or necessary to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
 6. 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 public safety and the prevention of public nuisance.
 7. In reaching its decision the Sub Committee took into account the nature of the operation proposed by the applicant and were assisted by the additional written information, set out in the applicant's solicitor's letter dated 29 January 2013. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application or to exclude any of the licensable activities sought. The Sub Committee then considered

whether it was necessary and appropriate to impose any conditions upon the licence, to promote the relevant licensing objectives.

8. The Sub Committee had concerns in respect of those representations relating to drinking outside the premises, in particular, patrons congregating outside the premises in Dowgate Hill. The Sub-Committee recognised the potential for public nuisance arising in such circumstances but were of the view that such concerns could be addressed by the imposition of an appropriate condition on the premises licence and that the applicant should be given an opportunity to manage these premises responsibly. In the event that it transpired that public nuisance did arise as a result of patrons drinking outside the premises then this issue could be addressed by a review of the premises licence.
9. The Sub-Committee also considered the proposed conditions offered up by the Applicant and decided that it was not necessary and appropriate to place such conditions on the premises licence as the licensing authority's Code of Practice adequately addressed these issues.
10. It was the Sub Committee's decision to grant the premises licence, taking into account the amended application, subject to the following condition:
 - The sale of alcohol for consumption off the premises in unsealed containers will only be permitted from 19:00 hours to 21:00 hours.
11. If the Sub Committee was wrong and the conditions prove insufficient to prevent a public nuisance associated with these premises, all parties are reminded that any responsible authority, business, resident or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.
12. If any party is dissatisfied with the decision, he or she is reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.