

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 24 APRIL 2013

APPLICANT: A3D2 LIMITED
PREMISES: AMBER, CITY POINT, 1 ROPEMAKER STREET,
LONDON EC2Y 9AS

PRESENT

Sub Committee:

Marianne Fredericks CC – Chairman
Alex Bain-Stewart CC
Peter Dunphy CC

In attendance:

Michael Hudson CC
Jamie Ingham Clark CC
Judith Pleasance CC
Xanthe Couture – Town Clerk's

City of London Officers:

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

City of London Police:

Inspector Hector McKoy
John Hall

Applicant:

Represented by Andrew Woods (Woods Whur LLP)
Andrew Spratt – General Manager and DPS (Amber)
Gavin Hughes – Area Manager (A3D2 Ltd)

Representations of objection:

Matt Kelly – Morrison and Foerster

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public Hearing was held at 10.30 AM in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises 'Amber', City Point, 1 Ropemaker Street, London, EC2Y 9AS

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: Premises Licence
- Appendix 3: Conditions consistent with Operating Schedule
- Appendix 4: Representation from City of London Police
- Appendix 5: Representations from Other Persons

In addition the following documents were tabled at the Hearing:

Emails between the objectors and applicant agreeing to conditions (including the subsequent withdrawal of the Barbican Association's objection) and Amber's Dispersal Policy.

- 2) The Hearing commenced at 10:45 am.
- 3) The Chairman opened the Hearing by introducing herself, the other Members of the Sub Committee, the officers present and the nature of the application.
- 4) No Members of the Sub Committee made declarations.
- 5) The Applicant sought a variation to an extend the permitted hours to 4 am on Saturday night/Sunday morning and to extend permitted hours on New Years' eve to the commencement of permitted hours on New Years' Day.
- 6) That Applicant had worked extensively with the objectors prior to the Hearing and, subsequently, the Barbican Association withdrew their objection. The Chairman then broke with convention and invited the Applicant to put their case first.
- 7) The Applicant advised that they did not intent to open on New Years' Eve until 11 am on New Years' day. In the event of the premises seeking to remain open beyond 4 am, a Temporary Event Notice would be sought.
- 8) The Sub Committee noted that an extension of off-sales was no longer sought; that glasses could not be permitted to be taken off the premises and patrons leaving the premises (ie for a cigarette) would have their hand stamped. The use of the external area was at the discretion of the Landlord.

- 9) In response to concerns raised by the Police about the elevated risk of crime and disorder; the Applicant had introduced an ID scanning device, which had a proven success rate at similar venues. The Sub Committee noted that the Magistrates Court had returned a suspended Licence to premises following the introduction of this device. The device would be used at promoted events and on Saturday evenings as, statistically, incidents were more likely to occur then. The Police confirmed that they had direct contact to the premises, in the event of such an incident, and they hold regular liaison meetings with the management. However, the applicant fully understood that the Police would seek a review if the level of crime were to increase.
- 10) The Sub Committee also noted that Mr Kelly of Morrison Foerster had been meeting regularly with the Applicant and they had co-ordinated their security arrangements. Amber's management regularly patrolled the exterior, when patrons were queuing, and were readily contactable in the event of an incident.
- 11) The Chairman then went through the Applicant's proposed conditions (Appendix 3) in order to seek agreement. (Full details are set out in the appendix to these Minutes). The S-C considered the proposed conditions (2 of them) put forward by the Applicant. The S-C then went on to consider the existing conditions which are set out in the Appendix.
- 12) All parties were given an opportunity to sum up and 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.
- 13) **It was the Sub Committee's decision to grant the variation to the existing licence; ie from 2 am to 4 am on Saturday night/Sunday morning subject to the imposition of the 2 conditions which had been agreed with the Barbican Association and the City of London Police. It was further decided that the existing licence conditions would be amended in accordance with the Appendix to these Minutes.**
- 14) The Chairman said that a full decision would be circulated in due course and thanked all parties for attending the Hearing.

- 15) In concluding, the Chairman reminded those present of the City of London's new Code of Practice in relation to Licensing. The applicant confirmed that he understood this.

The meeting ended at 12 noon

Chairman

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