

LICENSING (HEARING) SUB COMMITTEE
FRIDAY, 30 AUGUST 2013

APPLICANT: Heather Madill on behalf of the Museum of London
PREMISES: Museum of London, c/o 150 London Wall EC2Y 5HN

PRESENT

Sub Committee:

Kevin Everett CC (Chairman)
 Peter Dunphy CC

In attendance:

City of London Officers:

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

Applicant:

Mr S O'Sullivan – Head of Retail and Hospitality (Museum of London) – representing
 Ms Heather Madill
 Mr G Stratfold – Head of Visitor Services (Museum of London)

Representation of objection:

Mr R B Barker – Chairman of the Barbican Association's Licensing Sub Committee

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 Museum of London, 150 London Wall, EC2Y 5HN

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sun 08:00 – 00:00	Mon-Sun 08:00 – 01:00
Live Music/Recorded Music/Films	Mon-Sat 08:00 – 23:00 Sun 08:00 – 18:00	Mon-Sun 08:00 – 01:00 Plus change from indoors only to both indoors and outdoors*
Provision of Dance/Making Music	Mon-Sun 10:00 – 00:00	No longer licensable activities

Performances of Dance	Mon-Sat 10:00 – 22:00 Sun 10:00 – 18:00	Mon-Sun 08:00 – 01:00 Plus change from indoors only to both indoors and outdoors*
Plays	Mon-Sat 10:00 – 23:00 Sun 10:00 – 18:00	Mon-Sun 08:00 – 01:00 Plus change from indoors only to both indoors and outdoors*
Late Night Refreshment	Not currently licensed	Mon-Sun 23:00 – 01:00 Both indoors and outdoors*

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: Current Licence
- Appendix 3: Conditions consistent with Operating Schedule
- Appendix 4: Representation from Other Persons (Mr R B Barker)
- Appendix 5: Map of subject premises, together with other licensed premises in the area and their latest terminal time for alcohol sales.

- 2) The Hearing commenced at 11 am.
- 3) The Chairman opened the Hearing by introducing himself, along with the other Member of the Sub Committee, the officers present and the nature of the application. Before commencing the Hearing, the City Solicitor asked the Applicant to confirm that Ms Heather Madill had made this application on behalf of the Museum
- 4) No Members of the Sub Committee made declarations.
- 5) The Applicant sought a variation to extend the permitted hours as set out in paragraph (1) above.
- 6) The Chairman invited Mr Barker to present his objections; submitted on behalf of the Barbican Association (BA). The Panel noted that the BA was a Recognised Tenants Association (RTA) under the Landlord and

Tenant Act 1985. Of 2000 flats and some 4000 residents, approximately 1200 residents subscribed to the Barbican Association.

- 7) Mr Barker stressed that, whilst being very supportive of the Museum and its educational objectives, he remained concerned about the potential for public nuisance should the Museum extend its hours of operation to 1 am. Mr Barker explained that the walkway was frequently used by Museum patrons and, on dispersal; there was some footfall through the Estate. Should patrons be consuming alcohol until 1 am, the risk of noise disturbance was likely to increase.
- 8) The Panel noted the proximity of Thomas More House, Mountjoy House and Wallside to the Museum. Mr Barker was also concerned that the closure of part of the walkway, from mid September 2013, would further increase footfall through the Estate. Mr Barker drew the Panel's attention to the fact that the Museum's Garden Court was only 30 yards from Mountjoy House (containing 10 flats) and overlooked its roof. Mr Barker accepted that, whilst noise levels might not be noticeable against street traffic at 10 pm, this might not be the case at 1 am and therefore asked for the Garden Court to close at 12 midnight.
- 9) Mr Barker was concerned at the capacity of the venue; i.e. the web site advertised up to 1,000 for a reception and the capacity of the "London Wall Bar and Kitchen" was 100 seated and 200 standing. Whilst he had reached a consensus with the Museum about closing at 12.45am, not 1 am, he had asked for the number of late events to be limited to 25 a year. He also asked if the Museum could email the BA, on a monthly basis, advising them of the month's forthcoming events. Mr Barker also felt that there should be no plays, films or music in the garden court after midnight.
- 10) In commenting on the Museum's proposed dispersal policy Mr Barker suggested that the Museum employ 3 SIA officers; for events after midnight, that patrons be encouraged to disperse away from the Estate and that signs be displayed asking for quiet when leaving. In answer to a question from the Sub-committee the City Solicitor advised the Sub-Committee that it was open to it to impose a condition on the licence requiring the premises to have a dispersal policy should it consider such a condition necessary and appropriate for the promotion of one or more of the licensing objectives or, alternatively, to simply note the existence of such a policy and any breach of the policy might be relevant in the event of a future review of the premises licence.
- 11) The Applicants opened their case by stating that they valued their relationship with the Barbican residents and had met with Mr Barker on several occasions in order to reach a consensus (as set out in the supplementary pack on pages 5-8). The Panel noted that the Museum had never received a complaint from a resident and they were determined to maintain this good relationship. The Applicant advised

that the majority of events ended at 11pm and the average attendance for a dinner was 250 – 300.

- 12) The Variation was being sought as the Museum had applied for 4 Temporary Event Notices in the past year. The Variation would not only avoid the need to make further applications but would also assist their marketing strategy; by offering extra facilities to potential clients. The Applicant stressed that demand was expected to be low, with the busiest times of the year being October to December.
- 13) The Applicant advised that guests were always encouraged to disperse via St Paul's; which had the best capacity for public transport and taxis, particularly after 1 am.
- 14) In respect of the bar and kitchen, the Applicant was fully aware that this was part of the premises and therefore subject to the same Licence. The Applicant also stressed that there had never been any intention to use the "London Wall Bar and Kitchen" until 1 am.
- 15) In response to a question from the Chairman about door staff, the Applicant advised that, during an event, 2 SIA staff were employed on each door, with 3 more within the building and up to 8 for VIP events. A duty manager was always on site during events, trained in effective dispersal. A number of hosts were employed at each event and clients also had their own event manager on site. The Applicant also offered to include, as part of the dispersal policy, an out of hours contact number in the event of any noise disturbance.
- 16) The Applicant was happy to comply with the request for signage. The City Solicitor advised that, whilst its positioning outside the premises might be subject to planning and/or highways consent, temporary, mobile signage could be provided and there was no limit on the use of signs within the premises.
- 17) In response to a question, the Applicant advised that, whilst they had never received a complaint from a resident, they had not held any events in the Garden Court. However, they envisaged its use as a breakout area and advised that recorded, not live music, would be played in this area.
- 18) Having put their cases and answered questions from the Panel, the Objector and Applicant were invited to make closing statements.
- 19) Mr Barker advised that he would like to give assurance to the Barbican Association members by limiting the number of events to 25 a year. He also asked that the Bar and Kitchen and Garden Court close at 12 midnight.

- 20) The Applicant stressed that their reputation to date had been impeccable and therefore felt it unnecessary to limit the number of events to 25. They also asked that all parts of the premises be treated the same.
- 21) The Panel suggested removing existing conditions 1 and 2 from the Licence as they were ineffective and superfluous. All parties agreed to this
- 22) 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.
- 23) **It was the Sub Committee's decision to grant the extension of permitted hours to 00.45 am on Monday to Friday, with the exception of the Garden Court, which shall cease at 12 midnight**
- 24) The Chairman said that a full decision would be circulated in due course and thanked all parties for attending the Hearing. The applicant was encouraged to take the City of London's Code of Good Practice for Licensed Premises and Risk Assessment Guidance into consideration with regard to the premises.

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