

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 30 OCTOBER 2013

APPLICANT: THE SPECTATOR LIMITED
PREMISES: THE SPECTATOR, 6 LITTLE BRITAIN, LONDON, EC1A 7BX

PRESENT

Sub Committee:

Marianne Fredericks CC (Chairman)
Deputy John Barker OBE CC
Graham Packham CC

City of London Officers:

Alistair MacLellan – Town Clerk's Department
Ru Rahman – Comptroller & City Solicitor's Department
Peter Davenport – Markets & Consumer Protection Department

Applicant:

Craig Baylis – Solicitor representing the Applicant

Representations from Other Persons:

None

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 10.00am in the Alderman's Dining Room, Guildhall, London, EC2, to consider and determine the application for a new premises licence for 'The Spectator, 6 Little Britain, London, EC1A 7BX.'

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: Lapsed Licence
- Appendix 3: Letter to Licence Holder
- Appendix 4: Representations from Other Persons
- Appendix 5: Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales

Appendix 6: Plans of Premises

1. The Hearing commenced at 10:00am.
2. The Chairman introduced the panel members and officers present and invited the Mr Baylis to summarise his client's application.
3. Mr Baylis noted that the application before the Sub Committee was a simple one. His clients had purchased the premises earlier in the year from an insolvent company, and were advised by the Markets & Consumer Protection Department that the existing licence had therefore lapsed due to the insolvency. His clients were now in a position where they wished to sell the premises to the operator of Yager Bar in St Paul's, and needed a current licence on the premises to do so, hence their application before the Sub Committee today.
4. Turning to the operation of the premises itself, Mr Baylis noted that there were no plans to allow drinks to be consumed in its courtyard and that furthermore the double doors opening from the premises into the yard likely functioned as a fire escape. He indicated that his client would be happy to accept that the courtyard should not be used as a smoking area.
5. At the invitation of the Chairman, the panel proceeded to question Mr Baylis. In response to a question from a member of the panel, Mr Baylis replied that his client was applying for a licence ahead of selling the premises as a current licence was required in order for the sale to take place, and that despite appearing unusual this was in fact an ordinary commercial arrangement.
6. In response to a question from the Chairman, Mr Baylis replied that he had no explicit instructions from his client regarding whether a licence granted until midnight would be acceptable. He noted that the previous licence on the premises had run until midnight, and that it was up to the Sub Committee to decide what hours it wished to grant. He concluded by noting that his client had operated the premises from March 2013 for around five months and that during this time no issues of public nuisance or otherwise had arisen as a result of the operation of the premises until midnight.
7. At the invitation of the Chairman, Mr Baylis and Mr Davenport left the room whilst the Sub Committee considered its decision. The Sub Committee, with representatives of the Comptroller and City Solicitor and the Town Clerk in attendance, considered and reached their decision, upon which Mr Baylis and Mr Davenport were invited back into the room.
8. In response to a final question from the Chairman, Mr Baylis replied that he did not think the courtyard was used for deliveries to the premises, as the only means of access was via a narrow lane.

9. The Sub Committee therefore decided to grant the application as follows:

<u>Activity</u>	<u>Proposed Licence</u>	<u>Licence</u>
Supply of Alcohol, Recorded Music	Mon to Thu 11:00–0:00	Mon to Sat 11:00–00:00
	Fri to Sat 11:00–01:00	Sun 12:00–23:30
	Sun 12:00–23:30	
Late Night Refreshment	Mon to Fri 23:00–00:00	Mon to Sat 23:00–00:00
	Fri to Sat 23:00–01:00	Sun 23:00–23:30
	Sun 23:00–23:30	

10. Furthermore the Sub Committee added the following conditions:

- The doors opening onto the courtyard be used in the event of emergencies and deliveries only.
- Prominent signage shall be displayed at all exits from the premises requesting the customers to leave quietly.

The meeting closed at 10.32am

Chairman

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Copy of Decision Letter circulated to all parties on 7 November 2013

Applicant: The Spectator Limited
Application: New Premises Licence
Premises: The Spectator, 6 Little Britain, London, EC1A 7BX
Date of Hearing: Wednesday 30 October 2013, 10:00 hours

I write to confirm the decision of the Licensing Sub Committee at the hearing on 30 October 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 the Spectator Limited for a new premises licence in respect of the premises 'The Spectator, 6 Little Britain, London, EC1A 7BX'.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Supply of Alcohol, Recorded Music	Not Applicable	Mon to Thu 11:00 – 00:00 Fri to Sat 11:00 – 01:00 Sun 12:00 – 23:30
Late Night Refreshment	Not Applicable	Mon to Thu 23:00 – 00:00 Fri to Sat 23:00 – 01:00 Sun 23:00 – 23:30

2. The Sub Committee considered the application and carefully considered the representations submitted in writing by those making representations, and those made verbally by the Applicant's representative at the hearing.
3. 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 2013.
4. 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 - on the balance of probabilities - 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.
5. 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 the prevention of public nuisance given the premises is located under residential flats.
6. In reaching its decision the Sub Committee took into account the nature of the operation proposed by the applicant, the intention of the applicant to sell the premises and subsequent desire to secure a licence. The Sub Committee noted the hours on the lapsed premises licence ran until midnight. Furthermore the Sub Committee noted the concerns raised by those making representations over the potential for public nuisance to

arise by extending the licensable hour to 1.00 am and the use of the courtyard by patrons of the premises.

7. The Sub Committee then considered whether it was necessary and appropriate to impose any conditions upon the licence, to promote the relevant licensing objectives and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.
8. It was the Sub Committee's decision to therefore grant the new premises licence, subject to the amended hours and conditions set out below.

<u>Activity</u>	<u>Proposed Licence</u>	<u>Licence</u>
Supply of Alcohol, Recorded Music	Mon to Thu 11:00–0:00	Mon to Sat 11:00–00:00
	Fri to Sat 11:00–01:00	Sun 12:00–23:30
	Sun 12:00–23:30	
Late Night Refreshment	Mon to Fri 23:00–00:00	Mon to Sat 23:00–00:00
	Fri to Sat 23:00–01:00	Sun 23:00–23:30
	Sun 23:00–23:30	

9. The Sub Committee decided to impose the following conditions:
 - The doors opening from the premises into the courtyard be used in the event of emergencies and deliveries only.
 - Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
10. If any party is dissatisfied with this decision, he or she is reminded of the right to appeal, within 21 days of the date of this letter, 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.

[Ends]