

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

Held on 15th November 2013

APPLICANT: Peony Club Ltd
PREMISES: Peony, 46 Gresham Street, London EC2V 7AY

PRESENT

Sub Committee:

Dr Rev Martin Dudley CC (Chairman)
 Deputy John Barker
 Jamie Ingham Clark CC

In attendance:

City of London Officers:

Julie Mayer -Town Clerk's Department
 Ru Rahman – Comptroller and City Solicitors'
 Peter Davenport - Markets and Consumer Protection

Applicant:

Philip Somarakas – Davenport Lyons Solicitors
 Alan Koh – Assistant Manager, Peony
 Chung Lep Mak – Manager, Peony

Representation of objection:

John Hall – City of London Police

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public Hearing was held at 2.30 pm in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the variation of a premises license for Peony, 46 Gresham Street, EC2V 7AY

<u>Activity</u>	<u>Current Licence</u>		<u>Proposed Licence</u>	
Sale of Alcohol	Mon-Sat	10:00 – 00:00	Mon-Sun	10:00 – 03:00
	Sun	12:00 – 23:30		
Live Music, Recorded Music, Performance of Dance, Anything similar to above	Mon-Sat	10:00 – 00:00	Mon-Sun	10:00 – 03:00
	Sun	12:00 – 23:30 (Recorded Music Only)		
Late Night Refreshment	Mon-Sat	23:00 – 05:00	Mon-Sun	23:00 – 03:00

	Sun	23:00 – 05:00	
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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 – Copy of Licence
 APPENDIX 3 – Current Conditions
 APPENDIX 4 – Conditions Consistent with Operating Schedule
 APPENDIX 5 – Representation from City of London Police
 APPENDIX 6 – Map of subject premises – together with other Licences Premises in the area and their latest Terminal Time for alcohol sales
 APPENDIX 7 – Current and proposed plans of premises

- 2) The Hearing commenced at 2.30 pm.
- 3) The Chairman opened the Hearing by introducing himself, along with 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 extend the permitted hours as set out in paragraph (1) above.
- 6) At the start of the Hearing, the Panel noted an email exchange, agreed earlier in the day, which had been agreed by both parties. The Applicant had accepted a request by the City of London Police to remove the reference in their application to extend the terminal hour for licensable activities on New Years' Eve and to agree a Condition relating to promoted events. The Police were happy to withdraw their representation provided that, in reaching their decision, the Sub- Committee accepted what was proposed. The Sub-Committee was also mindful of the fact that, to date, the Police were not aware of any crime and disorder incidents on the premises.
- 7) The Chairman invited Mr Hall to make his representation. Mr Hall advised that, as promoted events had been key to the change of use, the City of London Police's had made representation. Whilst acknowledging that many promoted events were good natured, there had been some incidents with known, troublesome individuals at smaller 'basement' style venues. The Panel noted that Police intelligence on gang activities had caused venues to close on some occasions. Mr Hall confirmed that the Police were working with the Metropolitan Police and promoters to ensure safe events, but were concerned that smaller venues might not have the capacity to deal with public disorder incidents.

- 8) The Police were pleased that the request to extend opening hours on New Year's Day had been withdrawn. In response to a question, the Police representative advised that, to date, the City of London Police were not aware of any crime and disorder incidents on the premises.
- 9) The Chairman then invited the applicant's representative to speak. Mr Somarakis confirmed that his client had been happy with to accept the amendment in respect of promoted events. The panel noted that events would be limited to private, family parties and weddings and any promoted events would be subject to a Temporary Event Notice.
- 10) The Sub Committee carefully considered the Applicant's request to extend the hours of operation to 3 am. The applicant explained their rationale; i.e. the provision of late night facilities for patrons in the catering business, who might be travelling from the West End. The applicant's representative advised that the Managers would be very discerning about late night clientele and were very experienced in late licensing hours, having run similar premises in Westminster. However, the Panel were concerned that the variation would extend beyond the neighbouring premises and, whilst provision of 'last orders' might not be the intention, it might be a consequence.
- 11) The sub committee retired to consider its decision.
- 12) It was the Sub Committee's decision to grant the Variation of permitted hours; the extension of permitted hours to 3 am on Saturdays only, and 2 am on Monday to Friday and Sundays. The Committee noted that the application was for 'on sales' only and, further to the agreement reached earlier in the day, there would be no promoted events without a Temporary Event Notice. The Applicant would also remove the reference in their application to extend the terminal hour for licensable activities on New Years' Eve.
- 13) The Sub Committee went on to consider whether it was necessary and appropriate to impose any additional conditions and imposed the following conditions, consistent with the operating schedule.
 1. *No Promoted Events may be held on the premises. " A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public"*
 2. *All doors and windows shall remain closed after 21:00 hours and at all times during the provision of regulated entertainment save for access or egress or in the event of an emergency.*

- 14) 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.