

## **MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE**

**HELD ON 30 OCTOBER 2014**

**APPLICANT: WHITBREAD GROUP PLC**  
**PREMISES: PREMIER INN, 28 GREAT TOWER STREET, EC2R 5AT**

### **PRESENT**

#### **Sub Committee:**

Jamie Ingham Clark (Chairman)  
Deputy John Barker  
Graham Packham

#### **City of London Officers:**

Saimah Tahir – Town Clerk's Department  
Elizabeth Picart – Town Clerk's Department  
Sam Smith – Remembrancers  
Paul Chadha – Comptroller & City Solicitor's Department  
Peter Davenport – Markets & Consumer Protection Department  
Steve Blake – Markets & Consumer Protection Department

#### **Applicant:**

Represented by John Gaunt – Solicitor, John Gaunt LLP.  
Witnesses:  
Kate Ketteringham – Whitbread Group plc

#### **Those making representations:**

Martin Westwood – Bakers Hall  
Neil Fletcher – Bakers Hall

### **Licensing Act 2003 (Hearings) Regulations 2005**

- 1) A public hearing was held at 10:00 am in the Committee Rooms, West Wing, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises 'Premier Inn, 28 Great Tower Street, London, EC4V 5DR'.

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: Representations from other persons (2)

Appendix 4: Plan of Premises

Appendix 5: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

In addition the following document, which was circulated to all parties prior to the Hearing, was also considered:

- Brochure from the Applicant entitled Bakers Hall
- License from the Applicant entitled Premises License for the Worshipful Company of Bakers
- Letter from the Representee entitled Objection to Application – New Premises License – 28 Great Tower Street – Further Detailed Comment

- 2) The Hearing commenced at 10:00 am.
- 3) The Chairman opened the Hearing by introducing himself, the other Members of the Sub Committee, the officers present, the nature of the application and outlined the procedure which would be followed. He explained that the hearing would determine whether the license application for Premier Inn – 28 Tower Street, London, EC4V 5DR would be granted.
- 4) The Chairman invited Mr Westwood to speak first regarding his representation. Mr Westwood explained that his primary concern was with the effect the sale of alcohol at Premier Inn would have on noise nuisance on surrounding properties. He advised that there was only one exit for Premier Inn which leads directly onto Bakers Hall Court and Car Park, and was concerned that individuals could take alcohol containers from the hotel onto the Court whilst smoking, causing a nuisance. Mr Westwood was concerned that future residents of a new development would be unaware of the application and not be able to object in time. He went on to seek assurance that the sale of alcohol would be monitored and that CCTV would be put in place to monitor the activity of patrons outside the buildings. He went on to ask that the application be rejected in its current form.
- 5) The Chairman explained that potential residents of a new development were not a relevant licensing issue for this application.
- 6) The Chairman invited the applicants to ask any questions to Mr Westwood regarding his representation. In response to a question from John Gaunt regarding Bakers Hall License. Mr Westwood confirmed that Bakers Hall was licensed until midnight and that their online brochure advertised this as part of the attraction to the venue. He went on to confirm that the Hall did not provide any accommodation, and that this

would result in their patrons leaving the premises at 11.30pm. Mr Gaunt noted that Bakers Hall would potentially pose a noise nuisance to Premier Inn patrons as they would need to leave the premises after events as no accommodation was provided by Bakers Hall.

- 7) The Chairman invited Mr Gaunt to make his submissions on behalf of the Applicant. In response to Mr Westwood's representations, Mr Gaunt explained that his concern regarding the sale of alcohol leading to noise nuisance for surrounding properties was unfounded. Premier Inn had a goodnight sleep money back guarantee. Mr Gaunt assured the Committee that the layout of Premier Inn ensured that the sale and consumption of alcohol could be monitored by the trained reception staff. CCTV would monitor the entrance, reception, parts of the restaurant and other exits, to observe the activity of its patrons and a no vibration clause would be welcomed if the Committee felt it was required.
- 8) Mr Gaunt noted that there had been only two representations from residents surrounding the premises and that there had been no representations from the Police or Environmental Health. He went on to assure the Committee that Premier Inn had no interest in off-sales so long as patrons could take alcohol to their rooms from the dining area. Furthermore, he informed the Committee that relevant signage regarding noise would be installed.
- 9) The Chairman questioned the way in which the dining area was advertised within Premier Inn and went on to ask if non-residents would have access. Mr Gaunt explained that the dining area was not advertised as a place to drink, however the public were allowed access if they were visiting residents.
- 10) The Chairman asked Mr Gaunt if he had any other comments regarding the license application. Mr Westwood explained that if the application had been presented with the conditions that had been discussed during the Hearing such as CCTV and the monitoring of alcohol then there would have not been any issues with the application. He went on to note that the Premier Inn at St Mary's Hill did advertise the restaurant outside their premises.
- 11) The Chairman explained that advertisement of a restaurant or cafe was not a relevant licensing issue for this application.
- 12) There were no further questions from those making representations for the applicant or the Sub-Committee.
- 13) The Chairman explained that a full decision would be circulated within 5 working days and that if the Sub-Committee reached a decision this would be announced today.

*All parties returned to the room.*

- 14) The Chairman thanked those who had remained to hear the decision of the Sub-Committee. He explained that the full decision would be circulated to all parties, however the application had been granted with the conditions consistent with the Operating Schedule. The four conditions to the grant of the licence were as follows: there shall be no sale of alcohol in unsealed containers for consumption off the premises; The premises shall install and maintain a comprehensive CCTV system; A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly and a 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age.
- 15) The Chairman thanked all parties for attending.

**The meeting closed at 11:05am**

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Chairman

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**Copy of Decision letter circulated to all parties**

**Applicant:** Premier Inn- Whitbread  
**Application:** New Premises Licence  
**Premises:** Premier Inn, 28 Great Tower Street, EC3R 5AT  
**Date of Hearing:** Thursday 30<sup>th</sup> October 2014 at 10:00 am

***I write to confirm the decision of the Licensing (Hearing) Sub Committee at the hearing on 30<sup>th</sup> October 2014 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 Whitbread Group Plc. for a new premises licence in respect of the premises 'Premier Inn, 28 Great Tower Street, EC3R 5AT'.

The application sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Films	N/A	Monday to Sunday: 10:00 – 00:00 hours
Supply of Alcohol	N/A	Monday to Sunday: 10:00 – 00:00 hours (Open to hotel residents 24hours)
Late night refreshment	N/A	Monday – Sunday 23:00 – 00:00

2. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by those making representations and the Applicant.
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 account of it's 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 and appropriate 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. The representations focused on the potential for public nuisance resulting from non-clientele accessing unconsumed alcoholic drinks from the outside seating area and the lack of toilet facilities for staff and patrons at the premises.
6. The Sub-Committee took into account the representations regarding the potential for public nuisance from the premises along with the submissions on behalf of the Applicant as to safeguards that it would put in place to address the concerns relating to the potential for public nuisance. The Sub-Committee concluded that the premises could, with the imposition of suitable conditions, operate without causing nuisance to local businesses
7. The Sub-Committee then went on to consider conditions which it considered to be necessary and appropriate to ensure compliance with the licensing objectives. It was of the opinion that, although offered by the Applicant, it was not appropriate to impose any conditions relating to noise and vibration emanating from the premises as it felt that these issues would be more appropriately addressed under the provisions of the Environmental Protection Act 1990 should the need arise. However, the Sub-Committee did consider it necessary and appropriate to impose conditions which would prevent crime and disorder and prohibit patrons from drinking outside the premises thus causing public nuisance to neighbouring premises.
8. It was therefore the Sub Committee's decision to grant the premises licence, subject to the conditions consistent with the Operating Schedule set out below:
  - The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to non-resident members of the public. This staff member shall be able to show the police or the Licensing Authority recent data or footage with the absolute minimum of delay when requested. (MC01)
  - A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15)
  - There shall be no sale of alcohol in sealed or unsealed containers for consumption off the premises save for consumption in the hotel bedrooms (based on MC17)

- A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence or an industry approved proof of age identity card. (MC21)
1. The Sub Committee noted the Applicant's intention to comply with the following measures from the Code of Good Practice for Licensed Premises (available via the link at the bottom of this letter): G1, CD2, CH3, PN10
  2. 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.
  3. 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.

Yours faithfully

**Saimah Tahir**

Clerk to the Licensing (Hearing) Sub Committee

**Useful Numbers/Websites:**

An 'Out of Hours' noise response service is available 24 hours a day by telephone:  
0207 6063030

Licensing Policy and Code of Good Practice for Licensed Premises:  
<http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Licensing-policy.aspx>