

LICENSING (HEARING) SUB COMMITTEE

Monday, 21 May 2012

Premises: Dorset Rise Youth Hostel, 1 Dorset Rise, London, EC4Y 8EN

Sub Committee

Deputy Edward Lord JP OBE CC (Chairman)

Dr Peter Hardwick QHP CC

Chris Punter CC

City of London Officers

Rakesh Hira - Town Clerk's Department

Paul Chadha - Comptroller & City Solicitor's Department

Peter Davenport - Markets & Consumer Protection Department

The Applicant

Represented by Karen Hughes, Solicitor, Flint Bishop LLP

Parties with Representations

Garry Seal, Environmental Health Officer

Inspector Rita Jones, Paul Holmes, Sanjay Andersen, City of London Police

Licensing Team

Also in attendance

Tony Bride, Senior Environmental Health Officer

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held at 10:16am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of a new premises licence application made by YHA (England & Wales) for the premises known as 'Dorset Rise Youth Hostel, 1 Dorset Rise, London, EC4Y 8EN'.

The application sought to provide licensable activities for:

- i) Plays
- ii) Films
- iii) Indoor Sporting Events
- iv) Live Music
- v) Recorded Music
- vi) Performances of Dance
- vii) Making Music
- viii) Dancing
- ix) Sale by retail of Alcohol

00:00 hours to 24:00 hours Monday to Sunday
(24 hours a day)

And for the provision of Late Night Refreshment
23:00 hours to 05:00 hours Monday to Sunday

The application also sought to open the premises between the hours of 00:00 hours to 24:00 hours Monday to Sunday.

- 2) The Chairman introduced himself and the other Members of the Sub-committee and explained that the procedure for the Hearing was set out the papers.
- 3) It was noted that no members of the panel had any personal or prejudicial interest.
- 4) Ms Hughes explained that the Youth Hostel was similar to an old fashioned hotel which did not routinely sell alcohol 24 hours a day, the alcohol was securely stored, and the licence sought allowed for flexibility and would be used more for residents after 23:00 hours. In response to a question by the Chairman, Ms Hughes pointed out that other YHA premises had conference/function rooms and that no promoted events would be taking place.
- 5) Ms Hughes explained that the premises had large residential rooms with family rooms which would allow for customers to have a bottle of wine with their meal. She pointed out that the applicant was a responsible retailer with health and safety and child protection policies in place.
- 6) Mr Seal explained that a representation was raised on receipt of the application in relation to the prevention of a public nuisance however since then Ms Hughes had agreed to incorporating the various conditions.
- 7) The Chairman explained that the City Corporation encouraged pre-application meetings with the relevant responsible authorities so that any enforceable conditions could be incorporated into the application.
- 8) Inspector Rita Jones pointed out that four thefts had taken place at the YHA premises at Carter Lane, other incidents may have not been reported and that some involved serious fraud and another related to a serious sexual assault. The conditions suggested on this licence arose after CCTV footage was not made available until approximately 2 – 3 days after an incident had occurred, as the manager was the only person able to operate the system and was not available, at another YHA premises.
- 9) Mr Holmes explained that the operating schedule was sparse, the SIA registered door supervisors were useful when door supervisors would be used and an incident log book would be a useful tool for investigations.
- 10) In response to a question by a Member of the Sub-committee, Ms Hughes explained that the premises were not as yet in a state to be open and was currently empty office space. She pointed out that the residential rooms could accommodate approximately 200 people and that people who wanted to go out to smoke could use the small green area outside the premises and that it was not in the interests of the premises for a noise nuisance to be caused as

residential rooms were situated nearby causing disturbance to its own customers. Ms Hughes explained that the green area outside would be covered by CCTV so that any noise nuisance could be monitored.

- 11) The 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.
- (1) 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 2011.
- (2) 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 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.
- (3) 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 was the prevention of crime and disorder and the prevention of a public nuisance.
- (4) It was the Sub-committee's decision to grant the application as sought, subject to the following conditions:
- 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 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.
 - There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 hours and 07:00 hours by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

- An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of partons
 - (c) Any incidents of disorder (disturbance caused by a group of people)*There is no requirement to record the above incidents (a), (b), (c) where they do not relate to a licensable activity.*
 - All doors and windows shall remain closed at all times during the provision of regulated entertainment save for entry and exit, or in the event of an emergency.
 - There shall be no sale of alcohol for consumption off the premises between 23:00 hours and 07:00 hours.
- (5) If the Sub-committee was wrong and these conditions prove insufficient to prevent crime and disorder and a public nuisance associated with these premises, all parties were reminded that any responsible authority, business, resident (in the vicinity) or a Member of the Court of Common Council was 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.
- (6) If any party was dissatisfied with the decision, he or she was reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal was 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.
- 12) The Chairman thanked all those present at the hearing and informed them that a written decision would follow in due course.

The meeting closed at 11.12am

CHAIRMAN

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