

LICENSING SUB COMMITTEE

Wednesday, 16 May 2012

Premises: TAS Restaurant, 5 New Street Square, London EC4A 3BF

Sub Committee

The Rev'd Dr Martin Dudley (Chairman)
Deputy Doug Barrow CC
James Tumbridge CC

City of London Officers

Caroline Webb - Town Clerk's Department
Ru Rahman - Comptroller & City Solicitor's Department
Peter Davenport - Markets & Consumer Protection Department
Steve Blake - Markets & Consumer Protection Department

The Applicant

Represented by Mr S. Fidanci, (Solicitor), Oakfield Solicitors LLP accompanied by Mr Bahadir Sener, Director of TAS Food Ltd.

Parties with Representations

Jeremy Simons CC – Leaseholder of Flat 4, 4 Pemberton Row EC4 and Director of Pemberton Row Limited, the freeholder of 4 Pemberton Row.

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of a new premises licence application made by TAS Food Ltd for the premises known as 'TAS Restaurant, 5 New Street Square, London EC4A 3BF'.

The application sought to provide licensable activities for:

- i) Supply of alcohol; and
- ii) Recorded music

between the hours of:

10:00 to 23:00 Monday to Sunday.

The application also sought to open the premises between the hours of:

07:00 to 23:00 Monday to Sunday.

- 2) The Chairman introduced himself and the other Members of the Sub Committee.
- 3) It was noted that no members of the panel had any personal or prejudicial interest.
- 4) The Sub Committee first sought to establish the geography of the premises. Mr Fidanci confirmed that the sole entrance and exit for customers would be on the corner of the premises that was situated on Fetter Lane.

- 5) Mr Simons confirmed where 4 Pemberton Row was situated on the map that was provided with the papers. He highlighted that there were no other buildings between the building that housed TAS restaurant and 4 Pemberton Row.
- 6) Mr Fidanci informed the Sub Committee that TAS restaurant would be part of a chain of restaurants owned by TAS Food Ltd, primarily serving Turkish cuisine. They currently operated approximately 30 restaurants in London, including a restaurant in Canary Wharf, one near St Mary Axe and two in Southwark.
- 7) The Sub Committee established that TAS restaurant would not require a licence for recorded music as they were only intending to play background music such as the radio and CD's. The applicant confirmed they were content to withdraw this aspect of their application.
- 8) Mr Simons began by outlining the history of the building development in which the premises is situated. The original designs and plans for the building at 5 New Street Square indicated that all A1, A2 and A3 units would be north facing in order to minimise potential nuisance to local residents. The unit which TAS restaurant would be occupying was originally to be used as office space but a successful application to vary the use has allowed it to be used as an A3 unit, providing the premises closed at 23.00 hours Monday to Sunday. Mr Simons highlighted that as the premises will close at that time, it would make reasonable sense for licensable activities to cease at 22.30 hours to allow time for customers to vacate the premises.
- 9) The Sub Committee heard from Mr Simons regarding the noise that can be heard from Flat 4, including background traffic noise from Fleet Street and on previous occasions, evening concerts that were being performed at Somerset House. 4 Pemberton Row does not have double glazing installed.
- 10) Mr Simons informed the Sub Committee that St Dunstan's House which was situated on the opposite side of Fetter Lane to TAS restaurant was being demolished and developed in to 76 residential units.
- 11) Mr Fidanci informed the Sub Committee that TAS restaurant would serve up to 60 customers at any one time. There would only be one entrance used by customers for entry and exit. The premises did not have any windows and the surrounding outside facing walls all consisted of thick glass. Mr Fidanci highlighted that nearby premises had much later opening hours than those proposed throughout the week.
- 12) In answer to a question, Mr Sener confirmed that the loading bay would be used for all aspects of servicing including deliveries and rubbish collection. The loading bay opened at 8.00am and was utilised by the whole block.
- 13) The applicant and objector discussed the conditions proposed by Mr Simons in his written submission, with the basis of difference being identified as the time at which the supply of alcohol ceased. Both parties agreed that they would be content for the supply of alcohol to cease at 22.40 hours Monday – Sunday.

14) 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) The Sub-committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant and his solicitor and Mr Jeremy Simons, Member of the Court of Common Council, leaseholder of Flat 4, 4 Pemberton Row EC4 and Director of Pemberton Row Limited, the freeholder of 4 Pemberton Row.

(2) 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.

(3) 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.

(4) 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 public nuisance.

(5) It was the Sub-committee's decision to grant the premises licence subject to the following amendment:

- The Supply of Alcohol will be from 10:00 to 22:40 Monday – Sunday

With the following conditions:

- The premises shall install and maintain a 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 the 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.

- A clearly legible notice to be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and surrounding areas quietly.
- (7) The Sub-committee noted that the applicant withdrew their application for the provision of regulated entertainment, namely recorded music.
- (8) If the Sub-committee was wrong, all parties are reminded that any responsible authority, business, resident (in the vicinity) 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.
- (9) If any party is dissatisfied with the decision, he or she is reminded of the right to appeal, within 21 days, 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.
- 15) 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 10.42am

CHAIRMAN

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