

MINUTES OF THE LICENSING REVIEW (HEARING) SUB COMMITTEE

HELD ON TUESDAY 9 AUGUST 2016

APPLICANT: GREENE KING RETAILING LIMITED
PREMISES: KINGS STORES, 14 WIDEGATE STREET, LONDON E1
7HP

PRESENT

Sub Committee:

Jamie Ingham Clark (Chairman)
Peter Dunphy
Michael Hudson

Applicant:

Mr Lucas Owen, Dedicated Premises Supervisor (DPS), Kings Stores
Mr Jim Archer, Senior Risk Manager for Greene King Retailing Limited

Responsible Authorities and Other Persons:

Mr Oscar Gomes, local resident

In Attendance:

Mr Steve Blake, Department of Markets and Consumer Protection
Mr Paul Chadha, Comptroller and City Solicitor's Department
Mrs Gemma Stokley, Town Clerk's Department

Licensing Act 2003 (Hearings) Regulations 2005

A Hearing was held at 10:00am in Committee Room 1, Guildhall, London, EC2, to consider and determine an application for a variation to a premises licence for **14 Widegate Street, E1 7HP**.

The Sub Committee had before them the following documents:-

- Hearing Procedure
- Report of the Director of Markets and Consumer Protection:
- Appendix 1 – Copy of Application
- Appendix 2 – Current Licence
- Appendix 3 – Representations from 'Other Persons':
Resident
- Appendix 4 – Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales

Appendix 5 - Current Plans

- 1) The Hearing commenced at 10:00am.
- 2) The Chairman introduced the Sub-Committee members and all Officers present. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Sub-Committee.
- 3) The Chairman opened the hearing by underlining that the Sub-Committee's decision must be made with a view to promoting one or more of the four licensing objectives and that these could only be promoted during licensed hours.
- 4) After establishing that Mr Gomes did not wish to make any oral representations, the Chairman invited the applicant to respond to the concerns around the extended opening hours raised within Mr Gomes' letter of objection.
- 5) Mr Owen stated that the premises were looking to extend their opening hours in order to capture breakfast trade, in particular those making their way into work, which was a clear growth area. The premises at Widegate Street had been chosen as one of the Greene King group's test sites for this venture. Mr Owen added that, in the two years that he had served as DPS for the premises, no issues had arisen regarding the management of the venue. He was therefore confident that the management of the premises during these extended hours, if granted, would be unproblematic.
- 6) Mr Owen went on to inform the hearing that he was familiar with Mr Gomes and spoke to him regularly. Mr Owen had provided Mr Gomes with a contact telephone number on which he could contact him directly regarding any concerns/complaints he had around the management of the premises.
- 7) In direct response to the objection from Mr Gomes, Mr Owen proposed the concession that no outside drinking would be permitted from 07:00 – 10:00.
- 8) In response to the other concerns raised by Mr Gomes regarding glass collections at the venue, Mr Owen stated that there was a very small window in which the premises could schedule these collections without going against the restrictions put in place by the City of London Corporation. He did, however, recognise that this was an issue and reported that the venue were currently in the process of reviewing this matter and would be looking to arrange collection later in the day between 08:00 – 12:00 going forward to directly address any on-going concerns from local residents.
- 9) In response to questions from the Panel, Mr Owen stated that it was anticipated that approximately 20 covers would be achieved between the hours of 07:00 – 11:00 each weekday (Monday – Friday) and that the premises would initially run incentives for local businesses to take advantage of the early opening hours. Initially, the premises only intended to open from 07:00 Monday – Friday

and from 10:00 Saturday – Sunday. Mr Owen added that the new hours, if granted, would be advertised via the applicant's social media pages and via email to those already registered on the applicant's database. In-house marketing would also promote the new offering.

- 10) In response to a further question from the Panel suggesting that the application might be amended to extend opening hours for Monday – Friday only given that the initial target market would be those on the way to work, Mr Archer stated that the applicant would prefer to have the flexibility to open from 07:00 at weekends too if the Monday-Friday offering proved to be successful. This would prevent the need for a future application to further extend the early opening hours in the near future.
- 11) Mr Gomes questioned if there would be staff on the door during the new early morning opening hours to monitor any noise from the premises. Mr Owen responded by stating that there would always be a manager and personal licence holder on site. He added that it was not anticipated that noise would be a particular issue in the earlier hours of the morning and underlined that the City's Licensing Team had always been satisfied with the management arrangements in place at the premises.
- 12) Mr Gomes summed up his objections to the application by stating that the current level of noise emitting from the premises was unacceptable. He added that this did not appear to be very well monitored and that late night was a particular issue.
- 13) The Chairman clarified that the Hearing could only consider the impact of the hours the applicant wanted to extend their opening by and not the current late night opening. He reassured Mr Gomes that the extended early morning opening hours appeared to be primarily food orientated.
- 14) The Chairman thanked all parties for their attendance and explained that the Sub-Committee would now retire to deliberate on the application. The Chairman explained that it was expected that the Sub-Committee would come to a decision that day and therefore invited all present to remain in the meeting room while the Sub-Committee considered its decision.
- 15) The Sub-Committee retired at 10.17am.
- 16) At 10.28am the Sub-Committee returned from their deliberations and explained that they had reached a decision. The Chairman thanked those who had remained to hear the decision of the Sub-Committee.
- 17) 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.
- 18) In reaching its decision the Sub Committee took into account the character of the area and the proposed business operations of the applicant. The Sub-

Committee noted that the premises was situated in an area of the City which attracted high early morning footfall, that the nature of the early hours business was intended to be food based and that the anticipated number of patrons taking advantage of the proposed early opening hours was relatively low. The Sub Committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application and it was satisfied that, with the imposition of suitable conditions, the variation sought would not contravene the duty to prevent public nuisance.

- 19) The Chairman reported that it was the Sub-Committee's decision to vary the premises licence as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Sun - Wed 11:00 – 23:00 Thu - Sat 11:00 – 00:00	Sun - Wed 07:00 – 23:00 Thu - Sat 07:00 – 00:00
Recorded Music, Live Music, similar to both	Mon–Sun 18:00 – 23:00	No Change
Late Night Refreshment	Thu - Sat 23:00 – 00:00	No Change

- 20) Mindful of the nature of the premises and the concerns expressed, the Chairman explained that the Sub-Committee considered the following conditions and amendments to the existing licence to be appropriate and necessary to promote the licensing objectives:

- a) *The removal of condition '4' from the existing licence - to be replaced with: "There shall be no sale of alcohol in unsealed containers for consumption off the premises between 23:00 and 10:00 the next day.*
- b) *The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising (MC19).*
- c) *The Sub-Committee also gave consideration to the existing conditions on the premises licence and concluded that a number of conditions were no longer necessary and appropriate insofar as they related to restrictions of the previous licensing regime. Accordingly, the Sub-Committee decided, with the consent of the premises licence holder that the following conditions should be removed from the premises licence:*
 - *condition '1' of the existing licence.*
 - *condition '2' of the existing licence.*
 - *condition '7' of the existing licence.*

- 21) The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would be circulated to all within five working days.

The meeting closed at 10.32am

Chairman

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