

Town Clerk's Office
John Barradell
Town Clerk & Chief Executive



Green King Retailing Ltd
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Our ref GS/LIC

Date 11 August 2016

Dear Sir/Madam

Applicant:	Greene King Retailing Ltd
Premises:	Kings Stores, 14 Widegate Street, E1 7HP
Date / time of Hearing:	Tuesday, 9 August 2016 – 10.00am
Venue:	Committee Room 1, 2nd Floor, West Wing, Guildhall, London EC2P 2EJ

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 9 August 2016 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Deputy Jamie Ingham Clark (Chairman), Peter Dunphy and Michael Hudson.

Mr Lucas Owen, DPS for the Premises and Mr Jim Archer, Senior Risk Manager for Greene King Retailing Ltd, made submissions in support of the application.

Mr Oscar Gomes made submissions against the application.

1. This decision relates to an application made by Greene King Retailing Ltd, for a variation to a premises licence in respect of the premises situated at 14 Widegate Street, E1 7HP

The application sought to bring forward the commencement hour for alcohol sales to 07:00 Monday to Sunday. Every other aspect of the current licence to remain the same:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Sun - Wed 11:00 – 23:00	Sun - Wed 07:00 – 23:00
	Thu - Sat 11:00 – 00:00	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

2. During the hearing, the applicant, in response to the objection from a local resident, proposed the concession that no outside drinking would be permitted from 07:00 – 10:00.
3. In response to questions from the Chairman, 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. Initially, the premises only intended to open from 07:00 Monday – Friday and from 10:00 Saturday – Sunday. 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.
4. 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.
5. In response to the 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 recognised 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.
6. 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). He 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.
7. 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.

8. 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 monitored in any way and that late night was a particular issue.
9. 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.
10. The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the hearing by those making representations and the Applicant.
11. 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.
12. Furthermore, the Sub-Committee had regard to 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 and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
13. 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.
14. 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 concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application.
15. It was the Sub-Committee's decision to grant 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	Sun - Wed 07:00 – 23:00

	Thu - Sat 11:00 – 00:00	Thu - Sat 07:00 – 00:00
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Late Night Refreshment	Thu - Sat 23:00 – 00:00	No Change

16. The Sub Committee then considered the issue of conditions and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.

17. Mindful of the nature of the premises and the concerns expressed, 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 removal of condition ‘1’ from the existing licence.*
- d) *The removal of condition ‘2’ from the existing licence.*
- e) *The removal of condition ‘7’ from the existing licence.*

18. 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,

Gemma Stokley
 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

The City's Environmental Health Team can be contacted at:

publicprotection@cityoflondon.gov.uk

The City's Licensing Department can be contacted on: licensing@cityoflondon.gov.uk

Licensing Policy and Code of Good Practice for Licensed Premises:

<http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Licensing-policy.aspx>