

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



Strada Trading Limited
Coppa Club
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EC4M 8AY

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Our ref JM/LIC

Date 22 July 2016

Dear Sir/Madam

Applicant:	Strada Trading Ltd
Premises:	4 St Paul's Churchyard, EC4M 8AY
Date / time of Hearing:	Friday, 15th July 2016
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 15 July 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), Deputy John Barker and Michael Hudson. Mr Hudson declared an interest as the Old Deanery is in Castle Baynard Ward, the Ward he represents. Those attending were asked if they consented to Mr Hudson being a Member of the Sub-Committee and were informed Mr Hudson would, if there was an objection, withdraw. There was no objection.

A partner from Thomas and Thomas Partners, Thomas O'Maoileoin the Solicitors representing the Applicant and a representative from Strada Trading (the Applicant) made submissions in support of the application.

Mr C C Scott, Senior Property Manager (Church Commissioners, the Church of England) spoke in opposition of the application and called Mrs Chartres (resident of The Old Deanery, next to the premises) to speak as a witness.

1. This decision relates to an application made by Strada Trading Ltd, for a variation to a premises licence in respect of the premises situated at 4 St Paul's Churchyard, EC4M 8AY.
2. On 19 April 2016, the applicant sought a Variation to the existing Licence, along with the removal of the following conditions:

- 1 and 1a – primarily restricting the permitted hours for the sale of alcohol to 23:00 - unless taking a table meal
- 2 - Restricting access to the premises of children under fourteen years of age
- 3 - Placing a restriction on payment of sales of alcohol at the time of supply, unless paid for with a meal.

3. At the meeting, the applicant proposed the following amendments to their application, in response to the concerns of those making representations. The application originally sought to extend the terminal hour for the sale of alcohol to 02:00 - Monday to Sunday. However, at the start of the hearing, the Applicant amended the original application, as set out below:

4.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sat 10:00 – 00:00 Sun 12:00 – 23:30	Mon-Sat 10:00 – 00:30 Sun 12:00 – 23:30
Recorded Music	No Restrictions	No Change
Late Night Refreshment	Mon-Sun 23:00 – 05:00	Mon-Sun - as above (for sale of alcohol)

5. 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.
6. 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.
7. 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.
8. 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 (noise)

nuisance. In determining whether a public nuisance would arise, the Sub-Committee relied upon the definition of “public nuisance” contained in Halsbury’s Laws of England which defines public nuisance as “one which inflicts damage, injury or inconvenience on all the Queen’s subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a “public nuisance.”

9. The Sub-Committee heard representations from Mr Scott, who expressed concerns about public (noise) nuisance in respect of the application. Given that the Old Deanery is a Grade 1 Listed Building and single glazed, there would be a greater risk of sound transmission to the premises. Mr Scott was also concerned about the possibility of anti-social behaviour, as well as further noise nuisance on dispersal and from rubbish collections.
10. Furthermore, the proposed variation might affect the sleep of nearby residents and Mr Scott reminded the Sub Committee of the City of London Corporation’s Licensing Policy, which states that it is not unreasonable for residents’ sleep to be undisturbed between 11pm and 7 am. Mr Scott was concerned that the current plans did not show how the noise levels would be mitigated, which was likely to increase with later sales of alcohol. Furthermore, one of the premises’ windows opened onto the Deanery Court Yard.
11. Mr Scott then called Mrs Chartres to speak as a witness, being the resident of the Old Deanery. Mrs Chartres was concerned at the current saturation of licensed premises in the area and the impact on local residents. However, Mrs Chartres advised that she had enjoyed a cordial relationship with the Applicant and welcomed their spirit of co-operation. Mrs Chartres also confirmed that she had not made any formal complaints against Strada Trading Ltd.
12. The Applicant put forward a number of proposals to address the concerns raised by those making representations, in addition to the amendment to the original application, as set out in the table above. The amended application sought just a 30 minute extension to the existing licence on Mondays to Saturdays and no change on Sundays.
13. The Applicant explained that whilst the ‘Coppa Clubs’ were a new concept in London, with this being the third to open, they were not nightclubs but late ‘supper clubs’ which were open to all. There would be no regulated entertainment, just incidental background music for diners, so there would be no requirement to include ‘recorded music’ as a licensable activity. There was no intention to increase the capacity or change the balance in food or alcohol sales and the Applicant’s intention was to offer a style of continental dining, in response to customers’/tourists’ expectations.

14. The Applicant had contacted the Police, prior to the Hearing, and agreed that the Licence would not make provision for promoted events.
15. The Applicant proposed that existing conditions 4 – 7 be removed and replaced with those set out in the appendix to the letter.
16. With regards to waste collections, the Applicant stated that the Company would make arrangements to ensure that waste was collected in accordance with the City's Time Banding Scheme but not between 11:00pm and 7:00am.
17. In reaching their decision, the Sub Committee was satisfied that the proposals put forward by the Applicant met the relevant licensing objective, which in this case was public (noise) nuisance.
 - 17.1 The Sub-Committee took into account the somewhat unique character of the nearby residential property and the fact that, currently, there were no other establishments in the area serving food and alcohol past 11 pm. The Sub Committee was also mindful of the concerns that any extension in hours might encourage other establishments to do likewise, but were satisfied in this case undue public nuisance was unlikely to occur.
 - 17.2 The Sub-Committee also considered the measures proposed by the Applicant to address the concerns raised. It found the Applicant to be genuine in their intentions, illustrated by the reduced hours of operation put forward at the start of the Hearing, the new conditions proposed and their plans for managing peaceful dispersal, towards St Paul's Cathedral and away from the Deanery.
18. The Sub-Committee decided to grant the revised application to vary the premises licence, so as to extend the permitted licensable activities as set out in paragraphs 3 and 4 above. The Sub-Committee also considered it necessary and appropriate in order to promote the relevant licensing objective (the prevention of public nuisance) to impose additional conditions on the premises licence. These conditions reflect those proposed in advance of the hearing and during the course of the hearing and can be found in the appendix to this letter. Furthermore, the Sub-Committee agreed to the removal of the existing conditions numbered 1, 1a, 3 and 3 in Annex 2 of the premises licence, on the basis that these conditions were not necessary to promote the licensing objectives. The Sub-Committee also noted the applicant's undertaking to ensure that waste collections do not take place between the hours of 23.00 – 07.00. Whilst the Sub-Committee did not consider it necessary or appropriate to

impose a condition to this effect, it fully expects the applicant to honour this commitment.

19. 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,

Julie Mayer
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>

CC: Mr C C Scott, Senior Property Manager (Church Commissioners, the Church of England)

Appendix

Conditions Proposed by the applicant

1. Substantial food and non-intoxicating beverages, including drinking water, shall be available during licensing hours in all parts of the premises, where alcohol is sold or supplied for consumption on the premises. (*This condition was the same as previously, with the word 'liquor' replaced by alcohol*)
2. All windows to be closed after 9pm. (*In addition to this condition the applicant said that the windows to the rear of the premises would be double-glazed and sealed shut.*)
3. All alcohol sales off the premises will be in sealed containers. (*The Sub Committee noted that the number of off-sales was very low at the premises.*)
4. Notices would be placed at all exits, asking patrons to leave quietly.
5. A direct line telephone number for the on duty manager would be provided to all residents in the vicinity.
6. No promoted events will be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public.