

Town Clerk's Office

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Our ref GS/LIC

Date 19 January 2017

Dear Sir/Madam

Applicant:	Widegate Street Bar Limited
Premises:	Simmons Bar, 20-21 Widegate Street, E1 7HP
Date / time of Hearing:	Monday, 16 January 2017 – 10.30am
Venue:	Committee Room 1, 2nd Floor, West Wing, Guildhall, London EC2V 7HH

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 16 January 2017 in relation to the application to vary the premises licence. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Deputy Jamie Ingham Clark (Chairman), Deputy John Barker and Sophie Fernandes.

Mr Gary Grant, counsel, appeared on behalf of the applicant, Mr James Daglish, partner of instructing solicitors, Ellie Bowker, assisting on behalf of instructing solicitors, and Mr Nicholas Campbell and Mr Frank Perkins of Widegate Street Bar Limited (trading as Simmons) and Mr David Gair and Mr James Miller as witnesses were present to make submissions in support of the application.

Miranda Meeks made submissions against the application.

1. This decision relates to an application made by Widegate Street Bar Ltd, for a variation to a premises licence in respect of the premises situated at 20-21 Widegate Street, E1 7HP

The application sought to extend the terminal hour Thursday to Saturday for alcohol sales and recorded music. 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	Mon - Sun 10:00 – 23:00	Sun - Wed 10:00 – 23:00 Thu - Sat 10:00 – 01:00
Recorded Music	Mon - Sun 10:00 – 23:00	Sun - Wed 10:00 – 23:00 Thu - Sat 10:00 – 01:00
Performance of Plays, Live Music	Mon - Sun 12:00 – 21:30	No Change
Similar to Live Music and Recorded Music	Mon - Sun 12:00 – 22:00	No Change

2. At the Chairman's invitation Ms Meeks summarised her objections to the application by outlining the ways in which she and her family were currently severely affected by noise from the bar – something which would only worsen if extended opening hours were to be granted. She stated that the noise could be heard in every room of her residence and emanated from both the front of the bar premises and from the courtyard area at the back. She stated that the courtyard was often overcrowded and referred the panel to the photograph of this included within her original submission. Ms Meek, in response to questions, stated that she had reported the noise disturbance to the responsible authorities on many occasions.
3. The Chairman assured Ms Meek that all of the responsible authorities were notified of licensing hearings and reported that, on this occasion, none had chosen to submit representations.
4. In response to further comments made by Ms Meek, the Panel confirmed that there was a mandatory condition on all premises licences which did not permit the promotion of irresponsible drinking.
5. The Chairman referred to a second representation against the application from Mr Sam Ghosh which would also be taken into consideration in the Panel's deliberations. It was noted that Mr Ghosh had subsequently sought to conditionally withdraw his submission but that this condition was not accepted. Mr Ghosh was not in attendance.
6. During the hearing, the applicant, in response to the objections from local residents, proposed the concession that no outside drinking would be permitted after 10:00pm as opposed to 11:00pm as originally suggested. Solicitors acting on behalf of the applicant added that, after 10.00pm a total of up to 15 smokers only would be allowed outside of the bar at any one time.
7. Mr Grant went on to highlight the terminal hours of other establishments nearby stating that an extension to the terminal hour of this premises would not put it out

of kilter with what already existed in the surrounding area. He added that, at present, many customers left the premises at the terminal hour of 11:00pm and migrated to other nearby premises to continue drinking which often contributed to the noise issue in the area.

8. In response to the concerns raised, the applicant proposed the following:
 - On Thursday-Saturday, two SIA registered door supervisors would be employed with one specifically dedicated to managing the outside, courtyard area in order to minimise any public nuisance;
 - The introduction of a dispersal policy in consultation with the necessary, responsible authorities;
 - Residents would be offered a dedicated, manned contact telephone number to which to report any issues as they arose; and
 - There would be no readmission after midnight.
9. Solicitors acting on behalf of the applicant concluded that the above offerings would put the management of the premises on a better footing going forward and would be an improvement on what was already in place. Mr Grant added that pre application meetings had taken place between the applicant and the responsible authorities who were supportive of this approach.
10. With regard to the licensing objectives and, in particular, the issue of public nuisance, Mr Grant quoted from and drew on the conclusions of the Court of Appeal decision in *Attorney-General v P. Y. A. Quarries Ltd.* to ask the Panel to give careful consideration as to whether the 2-3 residents seemingly affected by noise from the premises was more likely to constitute a private as opposed to a public nuisance.
11. In response to questions from the Panel concerning the control of smokers outside of the premises, the applicant proposed a further concession in that no more than 10 as opposed to the previously suggested 15 smokers would be permitted outside of the venue at any one time after 10:00pm
12. In response to further questions from the Panel, solicitors acting on behalf of the applicant clarified that the outside, courtyard, area would continue to be closed to all after 9:30pm each evening. Smokers would therefore be at the front of the premises, on Widegate Street only, after this time.
13. Ms Meeks summed up her objections to the application by stating that the current level of noise emitting from the premises was unacceptable. She added that the crowds often gathered in front of the premises also made access to her home very difficult and intimidating.

14. 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 licensed, opening hours.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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	Mon - Sun 10:00 – 23:00	Sun - Wed 10:00 – 23:00 Thu - Sat 10:00 – 01:00
Recorded Music	Mon - Sun 10:00 – 23:00	Sun - Wed 10:00 – 23:00 Thu - Sat 10:00 – 01:00
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21. 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. The Sub-Committee noted that the provision of licensable activities in the rear courtyard after 9.30pm is prohibited by an existing condition.
22. 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) *A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours (MC15).*
 - 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) *There shall be no sale of alcohol in unsealed containers for consumption off the premises after 22.00 hours (MC18).*
 - d) *On any occasion that regulated entertainment is provided, not less than 2 SIA registered door supervisors shall be engaged to control entry (MC05).*
23. 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>

CC - James Daglish, Goodman Derrick LLP, 10 St Bride Street, London, EC4A 4AD.