

**Town Clerk's Office**

John Barradell

Town Clerk & Chief Executive



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**Our ref** GS/LIC

**Date** 4 May 2017

Dear Sir/Madam,

<b>Applicant:</b>	<b>Drake &amp; Morgan Limited</b>
<b>Premises:</b>	<b>Cannon Green House, 27 Bush Lane, EC4R 0AA</b>
<b>Date / time of Hearing:</b>	<b>Wednesday, 26 April 2017 – 11.00am</b>
<b>Venue:</b>	<b>Committee Room 1, 2<sup>nd</sup> Floor, West Wing, Guildhall, London EC2V 7HH</b>

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 26 April 2017 in respect of an application for a premises licence for the above-mentioned premises. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Marianne Fredericks (Chairman), Deputy Jamie Ingham Clark and Judith Pleasance.

Mr Craig Maitland – Operations Director at Drake & Morgan and Mr Craig Baylis – Solicitor acting on behalf of the Applicant, made submissions in support of the application.

Written representations were received from the City of London Environmental Health pollution team, represented at the hearing by Mr Garry Seal. A further written representation was received from Mr and Mrs Truell. Mr and Mrs Truell were unable to attend but were represented by Harriet Beaumont and Mark Wheatley – Common Councilman for the Ward of Dowgate who spoke to oppose the application on the Truell's behalf.

1. This decision relates to an application made by Drake & Morgan Limited, for a new premises licence in respect of the premises situated at 27 Bush Lane, EC4R 0AA.

The application originally sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
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Supply of Alcohol	N/A	Mon - Sat 07:30 – 02:00 Sun 07:30 – 23:00
Late Night Refreshment	N/A	Mon – Sat 23:00 – 02:30 Sun 23:00 – 23:30
Live Music, Recorded Music	N/A	Mon – Sat 23:00 – 02:00

The premises would be open to the public between 07:00 and 02:30 Mon – Sat and between 10:00 and 23:30 on Sunday.

The supply of alcohol was for both on and off the premises.

2. The Sub Committee began by asking the Applicant to provide a more comprehensive outline of the proposed offering at the premises as it was felt that this was lacking in the written application submitted.
3. The Applicant provided those present with details of the offering at the premises and went on to refer to the written representation received from the City of London Environmental Health pollution team which expressed concerns around public nuisance. Given this and the nature of the surrounding area, the Applicant stated that they had now produced a written Dispersal Policy which was tabled to all present at the hearing. He added that the premises lease prohibited any outside drinking and highlighted that, on dispersal, it was anticipated that the natural flow of those leaving the premises would be along Bush Lane and towards Cannon Street towards public transport.
4. The Applicant's Solicitor informed the hearing that live and recorded music would not form part of the offering at the premises and that the application for this was purely to cover any private functions that might require this without the need to apply for a Temporary Event Notice. With this in mind, the Applicant's Solicitor suggested that the Applicant would be content to either remove this request or attach an appropriate condition to it, if deemed necessary.
5. The Applicant went on to report that a Planning condition prohibited any use of the outside terrace after 22:00 on Monday-Friday until 07:00 the following day and, in response to questions, added that the premises would also be equipped with a noise limiter which would be pre-built into the system. He clarified that any external music providers, for private bookings for example, would also have to route their music through the same house system.
6. Mr Seal, on hearing a fuller explanation of the premises offering and what steps would be taken to prevent public nuisance, stated that he was now broadly content that the Applicant's proposals satisfied his original concerns.

7. Mr Wheatley, speaking on behalf of Mr and Mrs Truell, stated that concerns around outside drinking, noise and the proposed hours of operation remained. He requested that a 22:00-23:00 closure be considered by the Applicant, particularly in its first 12 months of operation as a 'good neighbour' gesture to local residents and businesses.
8. In response to the concerns voiced by Mr Wheatley, the Applicant's Solicitor stated that his client would be happy to withdraw the application for all off sales of alcohol and to make the terminal hour of licensable activities 01:00. He added that the premises lease prohibited any outside drinking.
9. 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.
10. 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.
11. 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.
12. 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.
13. In reaching its decision the Sub-Committee took into account the nature of the business that the Applicant proposes to operate and its location/surrounding area.
14. The Sub Committee were satisfied that, subject to the imposition of suitable conditions, the premises can operate within the licensing objectives.
15. It was the Sub-Committee's decision to grant the premises licence as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Mon - Sat 07:30 – 01:00 Sun 07:30 – 23:00
Late Night Refreshment	N/A	Mon – Sat 23:00 – 01:00 Sun 23:00 – 23:30

The premises would be open to the public between 07:00 and 01:30 Mon – Sat and between 10:00 and 23:30 on Sunday.

The supply of alcohol was for on the premises only.

16. The Sub-Committee considered the following conditions to be appropriate and necessary to promote the licensing objectives:

- a) *The premises will install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with 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. (MC01);*
- b) *There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public. (MC02);*
- c) *The premises licence holder shall prepare and implement a written dispersal policy 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. (MC14);*
- d) *A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15);*
- e) *The supply of alcohol at the premises between 07:30 and 10:00 shall only be to a person as ancillary to their table meal (similar to MC27);*

17. The Sub Committee also noted that the premises' lease requirements prohibited any outside drinking and that a Planning condition stipulated that the outside terrace was not to be used or accessed between the hours of 22:00 on one day and 07:00 on the following day and 20:00 and 07:00 on Sundays or Bank Holidays, other than in the case of emergency.

18. The Sub Committee also made reference to the fact that the premises would be equipped with a noise limiter and stated that Officers from the City's Environmental Health Office would visit to set an agreed limit on this once the premises was operational.

19. In response to earlier questions from the Sub Committee on the location of disabled toilets within the premises, the applicant reported that he had been informed that there was an agreement in place for patrons to make use of the disabled toilet facilities in the office block adjacent to the premises. The Committee felt that this was unacceptable and the Chairman stated that she would be raising this issue with the City's Access and Planning Officers. She was concerned to learn that this appeared to be an afterthought in terms of the premises plans and hoped that this

would be reconsidered whilst the premises was still under construction. To this end, this letter has also been copied to the City's Access and Planning Officers.

20. Finally, the Chairman referred to the City's Licensing Code of Best Practice, noting that the Applicant had stated that he was already familiar with this document. She also encouraged the Applicant to provide those present with a contact telephone number to be used in the event of any complaints arising. It was noted that, in due course, this would also be provided to all nearby residents.

21. 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](mailto:publicprotection@cityoflondon.gov.uk)

The City's Licensing Department can be contacted on: [licensing@cityoflondon.gov.uk](mailto: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 - Craig Baylis, BLP, Adelaide House, London Bridge, EC4R 9HA**