

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE
WEDNESDAY, 26 APRIL 2017

APPLICANT: DRAKE & MORGAN LTD
PREMISES: CANNON GREEN HOUSE, 27 BUSH LANE, LONDON,
EC4R 0AA

Sub Committee

Marianne Fredericks (Chairman)
Deputy Jamie Ingham Clark
Judith Pleasance

City of London Officers

Paul Chadha	- Comptroller & City Solicitor's Department
Steve Blake	- Department of Markets and Consumer Protection
Peter Davenport	- Department of Markets and Consumer Protection
Gemma Stokley	- Town Clerk's Department

The Applicant

Craig Baylis, Solicitor acting on behalf of the applicant
Craig Maitland, Operations Director, Drake & Morgan Ltd, dealing with day to day
Operations

Parties with Representations

Harriet Beaumont, representing Edmund and Cedriane Truell
Mark Wheatley CC, representing Edmund and Cedriane Truell
Garry Seal, Environmental Health

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 11:00am in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a new premises licence at 'Cannon Green House, 27 Bush Lane, London EC4R 0AA.'

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 – Conditions Consistent with the Operating Schedule

Appendix 3 – Representations from responsible authorities

Appendix 4 - Representations from Other Persons

Appendix 5 – Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales

Appendix 6 – Plan of Premises

- 1) The Hearing commenced at 11:00am.
- 2) The Chairman introduced the Sub-Committee members, explained the purpose of the hearing and confirmed that all papers had been considered by the Sub-Committee in advance. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Sub-Committee.
- 3) The Chairman stated that the Sub Committee had found the application very vague in terms of the general description of the premises and therefore asked the applicant to outline this in more detail for the benefit of all present.
- 4) The Solicitor acting on behalf of the applicant began by stating that there had been a typographical error in the conditions consistent with the operating schedule at Appendix 2 and clarified that the supply of alcohol at the premises between 07:30 and 10:00 (as opposed to 22:00) shall only be to a person as ancillary to their table meal. The Chairman stated that the Sub Committee had already picked up on this point.
- 5) The Solicitor acting on behalf of the applicant went on to state that he hoped that the Sub Committee were already familiar with Drake & Morgan given that they already successfully operated several, well known, premises within the City. He commented that the premises were known for being sleek and modern with a significant food offering and designated areas where patrons were able to observe chefs preparing their dishes. The Sub Committee were informed that this new premises would have a maximum capacity of approximately 350. He reassured all present that there was a covenant within the premises lease which prohibited all outside drinking.
- 6) The Solicitor acting on behalf of the applicant went on to refer to the outside terrace area shown on the premises plans and stated that this would be used for smoking until 22:00 only as there was a Planning condition in place which prohibited its use after this time on Monday-Friday until 07:00 the following day.
- 7) The Applicant clarified that the hours applied for were consistent with the offerings across other Drake & Morgan venues, where it was highly unlikely that trade would extend beyond midnight most evenings. He clarified that an application for up until 2am was simply to allow for some flexibility when dealing with any private bookings for things such as wedding receptions without the need to apply for a Temporary Event Notice each time a booking of this nature was received.

- 8) The Applicant 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.
- 9) 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 Temporary Event Notices. 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.
- 10) In response to questions from the Sub Committee, the Applicant outlined the staffing arrangements for the new premises explaining that this would consist of four managers and around 20 front of house staff. All of the managers were experienced in terms of crowd and space management and, for this reason, it was not anticipated that door staff would be regularly employed at the premises, although the need for this would continue to be risk assessed. The Applicant confirmed that it was anticipated that the premises would open to the public in September 2017.
- 11) The Chairman questioned whether the premises would have a double lobby entrance. The Applicant responded that, as this was absent from the plans, he did not believe that this would be the case.
- 12) The Chairman questioned whether food would be made available at the premises until the terminal hour requested. The Applicant responded that, after 22:00 it would be primarily snack foods on offer.
- 13) The Chairman also questioned the lack of disabled facilities on the premises plans. The applicant stated that, given building regulations, he would assume that these facilities would be part of the offering.
- 14) The Applicant was asked to describe the anticipated weekend offering at the premises in greater detail. The Applicant stated that the aspiration was for the premises to be open all day on a Saturday where it was assumed that the majority of business would be predominantly from pre-bookings. He clarified that there would be no promoted events at the venue at weekends and exact opening times for Saturdays and Sundays would need to be determined in time. He clarified that a number of Drake & Morgan premises did not open at weekends due to lack of trade.
- 15) In response to further questions, the Applicant confirmed that the premises would be equipped with a noise limiter which would be pre-built into the house 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. The Department of Markets and Consumer Protection confirmed that Officers would need to visit the premises to set an acceptable level on the noise limiter once it was operational.

- 16) The Chairman invited those making representations to present their case. Mr Seal, stated that, on hearing a fuller explanation of the premises offering and what steps would be taken to prevent public nuisance, he was now broadly content that the Applicant's proposals satisfied his original concerns. He added that he was pleased to have received a written dispersal policy for the premises and to have his as a recognised condition on the new licence in order to protect the rights of nearby workers and residents.
- 17) Mr Wheatley, speaking on behalf of Mr and Mrs Truell, stated that concerns around off premises 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. He added that, should the need to operate outside of these hours arise, the applicant could apply for a Temporary Event Notice. At this point, the Chairman clarified that only responsible authorities, and not residents, were able to object to TEN applications. She added that any noise concerns should be raised by residents immediately with the City's Environmental Health Team using their dedicated 24/7 telephone number which was provided to all in the Hearing Decision letter for ease of reference.
- 18) Mr Wheatley went on to express concern that Mr and Mrs Truell would not have had the opportunity to read and consider the written dispersal policy that had been produced by the applicant and tabled at this morning's hearing. He went on to conclude that, in his opinion, this application did not protect the rights of residents to have a reasonable expectation that their sleep would not be unduly disturbed between the hours of 23:00 and 07:00 and neither did it include, in detail, steps to be taken to comply with the four licensing objectives when operating between these hours.
- 19) 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 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. He highlighted that other premises already present in the area, with a capacity of around 200, were already operating until 02:00. Finally, he stated that Drake & Morgan had a good track record in terms of running premises in the City with no recorded incidents with residents at any site (all of which had licences beyond midnight) and that they also had a good relationship with the City of London Police.
- 20) 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 encouraged the Applicant to adhere to the recommendation within the document and provide those present with a contact telephone number to be used in the event of any complaints arising. The Applicant stated that he was happy to do so and would welcome a pro-active relationship with the premises'

neighbours. It was noted that, in due course, this would also be provided to all nearby residents.

- 21) In response to further questions from the Sub Committee, the Applicant stated that re-admittance to the premises would be restricted to those needing to use toilet facilities or collect personal belongings after 12:00 each evening. In terms of waste disposal, he reassured those present that there would be a refuse room located in the basement of the premises with a service tunnel leading to this.
- 22) The Sub-Committee retired at 11.45am.
- 23) At 12.17pm 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.
- 24) 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.
- 25) 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. The Sub Committee were satisfied that, subject to the imposition of suitable conditions, the premises can operate within the licensing objectives.
- 26) The Chairman reported that 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.

- 27) 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);

- 28) 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.
- 29) 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.
- 30) The Applicant reported that, on checking, 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 Chairman stated that she would be raising this issue with the City's Access and Planning Officers as she was concerned to learn that this appeared to be an afterthought in terms of the premises plans. She hoped that this would be reconsidered whilst the premises was still under construction.
- 31) 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.

Chairman

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