

Town Clerk's Office

John Barradell

Town Clerk & Chief Executive



Disappearing Dining Club Limited
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Our ref GS/LIC**Date** 10 May 2017

Dear Sir/Madam

Applicant:	Disappearing Dining Club Limited
Premises:	24-26 Newbury Street, EC1A 7HU
Date / time of Hearing:	Thursday, 4 May 2017 – 11.00am
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 4 May 2017 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Michael Hudson (Chairman), Marianne Fredericks and Judith Pleasance.

Mr Andrew Woods – a solicitor representing the applicant and Mr Stuart Langley, Founder and Co-owner of the Disappearing Dining Club Limited, made submissions in support of the application.

Laura Daly and Wendy Darke appeared to oppose the application. Ms Daly also spoke in representation of Mr and Mr Thind who were unable to attend.

1. This decision relates to an application made by Disappearing Dining Club Limited, for a new premises licence in respect of the premises situated at 24-26 Newbury Street, EC1A 7HU.

The application (as amended) sought to provide the following activities:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed</u>
Supply of Alcohol	N/A	Wed– Sat 11:00 – 22:45

2. The Chairman asked the Applicant to clarify exactly how the venue proposed to operate and to set out, briefly their business model. The Solicitor acting on behalf of the applicant confirmed that the venue would be operating solely as a restaurant which would be situated on the ground floor only with a maximum of 18 covers. He clarified that all alcohol served would be ancillary to a substantial meal. He drew the attention of those present to an example of the current menu on offer and photographs of the extent of the premises included within the agenda pack. The Applicant went on to state that, the basement kitchen area was already being used to cater for events elsewhere. With the permission of the Sub Committee and the objectors, the Applicant tabled a written Dispersal Policy.
3. Residents speaking to oppose the application stated that, whilst they appreciated the efforts made by the Applicant to date, they remained unsatisfied that the amended application promoted the City of London Corporation's licensing objectives. They were concerned that numerous measures proposed by the Applicant were reliant on customer compliance and were unenforceable. Residents referred to the unique characteristics of the area which, in their view, exacerbated any noise issues and made it inherently incompatible with the operation of a venue such as this. Residents also expressed concern that the granting of this application would set an unwelcome precedent for the growth of a night time economy in Newbury Street which would be difficult to reverse.
4. In response to a question from the Sub Committee, the Applicant stated that he was not planning to open outside of the hours applied for offering corkage but stated that this might be a future consideration should this amended application be rejected.
5. The Applicant summarised by stating that the terminal hour for all alcohol sales would be 22:45 Weds-Sat with the premises closing at 23:00 on each of these evenings. He added that the application for the sale of alcohol was for on the premises only. In response to further questions, he clarified that all waste collections would take place between 08:00 and 18:00 with all waste stored inside the premises until collection. The Solicitor acting on behalf of the applicant highlighted that the amended application had received no objections from the Responsible Authorities and that all of the Temporary Event Notices operated by the Applicant in the past four months had also been without complaint of any kind. He added that his client was very conscious of the sensitivity of the location as highlighted by residents and was therefore very aware of the likely consequences of any disturbances.
6. 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.
7. 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.

8. 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.
9. 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.
10. It was noted that the venue had operated successfully with Temporary Event Notice's without any complaints from the objectors. In addition, the representations made in writing as well as at the hearing, appeared to indicate that objectors had been unaware that the venue had been open and operating at weekends under these Temporary Event Notices. The objectors felt that this was because the road had been closed to traffic with acoustic barriers placed around the road works site. However, with no through traffic traveling along the road, it was suggested that, had there been any noise emanating from the premises or from patrons arriving or leaving, it would be more likely to have been noticed at this time. It was also noted that representations had been received confirming that there had been no issues - one of these from a resident who lived directly opposite the venue.
11. 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.
12. The Sub Committee were satisfied that, on balance, subject to the imposition of suitable conditions, the premises can operate within the licensing objectives.
13. 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	Wed– Sat 11:00 – 22:45

The premises would be open to the public between 11:00 and 23:00 Wed – Sat. The premises can still be open on Sunday to Tuesday for non-licensable activities only.

The supply of alcohol was for on the premises only.

14. The Sub Committee, in reaching its decision, noted the following:
 - That the Applicant had operated a number of Temporary Event Notices at the premises without any recorded complaints – this had led them to

conclude that the Applicant was able to operate the premises responsibly and that there was no reason to believe that this would not continue;

- No representations from any of the Responsible Authorities had been received in response to this significantly different, amended application.

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

- All doors and windows shall remain closed at all times during the provision of licensable activities save for entry or exit, or in the event of an emergency; (MC12);*
- 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);*
- A prominent sign shall be displayed at all exits from the premises requesting that patrons leave quietly. (MC15);*
- Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to two persons at any one time (MC16);*
- The Licence holder shall make available a direct current telephone number for the manager of the premises to nearby residents and the Local Licensing Authority to be used in the event of complaints arising (MC18);*
- The supply of alcohol at the premises shall only be to a person seated taking a table meal and for the consumption by such a person as ancillary to their meal (MC27);*

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: Andrew Woods, Woods Whur 2014 Limited, Devonshire House, 38 York Place,
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