

Town Clerk's Office
Chris Duffield
Town Clerk & Chief Executive

Gareth Hughes
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Our ref JG/LIC

Date 2 July 2008

Dear Mr Hughes

Applicant: Canon Lodge Investments Ltd.
Premises: Prima, 14 New London Street, EC3R 7NA
Application: For a Premises Licence
Hearing: 30 June 2008

I write to confirm the decision of the Licensing Sub Committee at the hearing on 30 June 2008 in relation to the above-mentioned application.

The Sub Committee's decision was as follows:-

1. This is an application by Cannon Lodge Investments Ltd to vary the licence for premises known as Prima, 14 New London Street, London EC3. The variation sought is:
 - i. To vary the layout of the premises and to include alternations to incorporate the roof area for licensable activities in accordance with the submitted plans,
 - ii. To amend the accommodation figure Condition 7 (Annex 2) of the licence to a figure not exceeding those stated in the written fire risk assessment.
2. We considered each part of the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant, the Department of Environmental Services, City of London and local representations. In reaching our decision the we 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 Licensing Policy.
3. Furthermore, we took on board our 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 we were satisfied – on the balance of probabilities – that it was necessary to refuse all, or part, of an application or necessary to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
4. We noted the representations made by the Rector, the Church Manager and the Church Wardens of St Olave and the representation of Mr Lambert of the Department of Environmental Services, City of London.

5. We heard from Richard Lambert outlining his concerns, Marianne Fredericks, Common Councilman for the Ward of Tower acting as 'friend' to the objectors from the Church of St. Olave, from Mr Hughes, instructed on behalf of the Applicant and from the Owner of the premises, Mark Vanderpump, who also attended and spoke at the hearing.
6. In determining the application before us today, we must, first and foremost, put the promotion of the licensing objectives at the heart of our decision. In this instance, the most relevant of those objectives is clearly the prevention of public nuisance.
7. We have therefore, decided to permit the variation of the layout of the premises in accordance with the variation application. However, to prevent public nuisance, we decided to restrict the licensable activity on the terrace solely to the sale of alcohol and between the hours of 07.00 and 22.00 on Monday to Saturdays and 12.00 to 22.00 on Sundays.
8. Furthermore, we have decided to impose the following two conditions:-
 - i. The terrace cannot be used for promoted events
 - ii. All noise attenuation measures to be approved by the Director of Environmental Services, City of London before the terrace comes into use.
9. We have agreed to amend the accommodation figure in Condition 7 (Annex 2) of the licence to a figure not exceeding those stated in the written fire risk assessment.
10. If we are wrong and these conditions prove insufficient to prevent public nuisance associated with these premises, all parties are reminded that any responsible authority or business or resident in the vicinity is entitled to apply for a review of the licence which may result, amongst other things, in a further variation of the conditions or the removal of a licensable activity for the roof area.
11. If any party is dissatisfied with the decision they are reminded of the right to appeal, within 21 days, 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 sincerely

Corporate and Democratic Services Officer