

**Town Clerk's Office**  
John Barradell  
Town Clerk & Chief Executive



Brewskee Ltd  
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W1G 8TB

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**Our ref** BK/LIC

**Date** 11 August 2017

Dear Sirs

<b>Applicant:</b>	<b>Brewskee Ltd.</b>
<b>Premises:</b>	<b>56 Leadenhall Street, London, EC3A 2DX</b>
<b>Date / time of Hearing:</b>	<b>Friday 11<sup>th</sup> August, 11.00 am</b>
<b>Venue:</b>	<b>Committee Room 1, 2<sup>nd</sup> Floor, West Wing, Guildhall, London EC2P 2EJ</b>

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 11 August 2017 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Ms Sophie Fernandes (Chairman), Mr Keith Bottomley and Mr Peter Dunphy.

Mr Gerald Gourié made submissions in support of the application on behalf of Brewskee Ltd.

Ms Yvonne Courtney and Mr Johnathan Whitby, residents were present and made submissions against the application.

1. This decision relates to an application made by Brewskee Ltd. of 64 New Cavendish Street, London W1G 8TB

The application originally sought to provide the following activities:

Activity	Current Licence	Proposed
Supply of Alcohol	N/A	Mon – Wed 11:00 – 01:00 Thu – Sat 11:00 – 02:00 Sun 11:00 – 00:00

Late Night Refreshment	N/A	Mon – Wed 23:00 – 01:00
		Thu – Sat 23:00 – 02:00
		Sun 23:00 – 00:00
Recorded Music	N/A	Mon – Wed 23:00 – 01:00
		Thu – Sat 23:00 – 02:00
		Sun 23:00 – 00:00

Prior to the date of the Hearing the panel and the representations against the application received an evidence bundle of documents containing the following:

- Email correspondence from the resident objectors;
- Plan view map of surrounding area;
- Licence Plan
- Premises Dispersal Strategy;
- Photographs of inside of premises in locale currently owned by applicant for comparison;

At the start of the Hearing, the Chairman sought an explanation from the representatives of their objection(s) to the granting of the licence application for Brewskee.

The Hearing heard from local resident Ms Yvonne Courtney who explained a number of concerns relating to the planned operation of Brewksee in relation to noise and disturbances that would affect those in her building of residence, situated opposite the site in question. She raised particular concern over the group booking system that Brewskee planned to employ, which risked encouraging congregations of large groups outside on the pavement.

Ms Courtney objected to the dispersal route provided by the applicant, stating that patrons would likely use an alternative and faster route past residents in order to reach nearby Liverpool Street Station. She also demonstrated concerns that patrons would arrive by car to the venue, which was likely to cause additional disturbance.

In addition, Ms Courtney referred to St. Katherine Cree Church that is located near the site, and explained concerns that families would have to confront bottles and litter coming to and from services. Ms Courtney referenced another venue operated by the applicant offering a similar service, citing various disturbances caused by its operation. She mentioned that she had concerns over the owners' lack of manpower with regards to security to manage those entering, exiting and loitering outside the premises.

The Hearing heard from local resident, Mr Jonathan Whitby, who stated that with numerous premises now operating in the area, he believed it unreasonable to expect

residents to try and determine which venue was responsible for patrons causing disturbances.

The Chairman next sought confirmation from the applicant of Brewskee's planned operating procedure.

Mr Gerald Gouriet, speaking on behalf of the applicant, requested confirmation from those at the Hearing that they had received the documents provided for information, including photos of the nearby venue under ownership of the applicant as well as the dispersal strategy. Mr Gouriet then explained that the proposed venue would operate with much the same premise as the owner's venue currently operating in the area, *Swingers*, illustrated by the photographs provided. Mr Gouriet then requested a brief description of the planned operating procedure of Brewskee from the applicant, Mr Simmonds.

Mr Simmonds explained that Brewksee would comprise of a bookable space, and would rely on predominantly group bookings for its custom. The venue would offer a bar, restaurant and gaming area. He explained that the downstairs area would be bookable for conferences by corporate clients. It would by no means be considered primarily to be a late night venue. It would cater for a market of those who don't want to go out just to eat or drink. Mr Simmonds described the Skee-Ball game that would form the particularly unique attraction of this venue. Mr Simmonds described the planned operation as "welcoming" and "non-threatening".

Mr Gouriet noted that the planned operation was much in line with that of nearby existing venue operated by the applicant, ("Swingers"), and asked his client if there had been any complaints received for that venue. Mr Simmonds confirmed that there had not been a single complaint since its opening in 2014. Mr Simmonds also added that there was a significantly more substantial food offering planned at Brewskee, including table service.

Mr Gouriet then concluded by offering to make an amendment to the licensing hours within the application, reducing the terminating hours on Thursday to Saturday from 02:00 to 01:00, thus aligning them with those of the nearby venue *Swingers*.

The Chairman then invited questions for the applicant from those representing the objections. Mr Whitby enquired about the size of groups that would be expected to attend the venue and the capacity of the downstairs area. Mr Simmonds confirmed that group bookings would usually be of between 12-250 people, and that large corporate groups would be expected to attend during the day predominantly. He explained that the capacity of the downstairs area would be approximately 200. Mr Whitby then surmised that there could be expected to be approximately 20-30 smokers at a time outside the venue, and raised concerns about the disturbance caused by this. The Applicant confirmed that in addition to the lightwell area the smoking area would include the cross hatched area on Leadenhall Street on the plan, though in reply to a question from Mr. Whitby this would not actually extend beyond the edge of the premises building as seemed to be indicated on

the plan. Mr Whitby raised concerns about dispersal in large groups, and Mr Simmonds responded by explaining that their dispersal was not comparable to pubs and bars, and that it would be incremental over longer time periods.

The Chairman asked the applicant how many covers would be catered for by the venue, and Mr Simmonds explained that there would be 500 on the ground floor and 200 in the basement.

The chairman asked the panel if they had any further questions. Peter Dunphy asked both the applicant and the representatives if they had made any attempts to engage in prior discussion in order to resolve the concerns raised. The applicant confirmed that they had written a letter in response to the objections to their dispersal plan but received no responses.

Ward Member Sylvia Moys, present as an observer to the Hearing, was then given permission by the Chairman and the applicant to comment on a few concerns relating to disturbances associated with the use of the nearby St. Katherine Cree Church.

Mr Bottomley asked the applicant if they get a significant number of “walk-ins”, as this might lead to queueing issues, but Mr Simmonds assured the Hearing that the vast majority of custom was from pre-booked groups, so there would not be any related queueing issues.

The Chairman then requested a final summary statement from the applicant and the representatives. Mr Whitby explained that he thought it naïve to expect people to use the planned dispersal route. Mr Gouriet explained that these residents were living equidistant from the proposed venue and existing venue, *Swingers*, for which there had not been any complaints received since opening in 2014.

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.

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.

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.

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 and crime and disorder.

In reaching its decision, the Sub Committee took into account the character of the area and the proposed business operations of the Applicant and the information provided by the Applicant along with the representations made both orally and in writing by those opposing the application.

The Sub Committee also noticed that the plans accompanying the application did not detail the boundary of the licensed premises as required by the legislation. Counsel for the applicant confirmed that the applicant did not seek to include any external areas within the confines of the licensed premises and agreed to supply a fresh plan which clearly marked the boundaries of the area to be licensed.

It was the Sub-Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Proposed
Supply of Alcohol	N/A	Mon – Wed 11:00 – 01:00 Thu – Sat 11:00 – 01:00 Sun 11:00 – 00:00
Late Night Refreshment	N/A	Mon – Wed 23:00 – 01:00 Thu – Sat 23:00 – 01:00 Sun 23:00 – 00:00
Recorded Music	N/A	Mon – Wed 23:00 – 01:00 Thu – Sat 23:00 – 01:00 Sun 23:00 – 00:00

The Sub Committee stated that the opening hours should not extend beyond thirty minutes after the terminal licensing hours in each case, and as such should be amended to align with the reduced hours on Thursdays-Saturdays.

The Sub Committee stated that the granting of the licence was dependent on the licence boundary being amended to restrict it to areas within the premises building entrance doors to prevent drinking outside and to reduce the effect of disturbances from those smoking outdoors.

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.

Mindful of the nature of the premises and the concerns expressed, the Sub-Committee considered the following conditions to be appropriate and necessary to promote the licensing objectives:

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum 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 recordings of the preceding two days immediately when requested (MC01).
2. 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)
3. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly (MC16).
4. There shall be no sale of alcohol in unsealed containers for consumption off the premises (MC18).
5. Children under the age of 16 years shall not be allowed on the premises unless accompanied by an adult (MC22)

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,

**George Fraser**

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/beer-and-entertainment/Pages/Licensing-policy.aspx>

CC: Judy Willis, Poppleston Allen, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS