

**Town Clerk's Office**

John Barradell  
Town Clerk & Chief Executive



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**Our ref** BK/LIC

**Date** 17 August 2017

Dear Sirs,

<b>Applicant:</b>	<b>KNBY LND OP3 Ltd</b>
<b>Premises:</b>	<b>Bob Bob Exchange, Level 3, The Leadenhall Building, 122 Leadenhall Street, London, EC3V 4AB</b>
<b>Date / time of Hearing:</b>	<b>Wednesday 16<sup>th</sup> August 2017, 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 16 August 2017 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Ms Marianne Fredericks (Chairman), Deputy Keith Bottomley and Mr Michael Hudson.

Mr Thomas O'Maoileoin made submissions in support of the application on behalf of Mr Nicholas Schleich, Proposed DPS and Mr Leonid Schutov, Owner, Bob Bob Exchange.

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

This decision relates to an application made by Bob Bob Exchange of 122 Leadenhall Street, London, EC3V 4AB.

The application originally sought to provide the following activities:

Activity	Current Licence	Proposed
Live Music	N/A	Mon – Sun 23:00 – 03:00
Recorded Music	N/A	Mon – Sun 23:00 – 03:00

Late Night Refreshment	N/A	Mon – Sun 23:00 – 03:30
Supply of Alcohol	N/A	Mon – Sun 23:00 – 03:00
Hours premises are open to the public	N/A	Mon – Sun 23:00 – 03:30

Prior to the date of the Hearing Mr O'Maoileoin advised that he had contacted those residents making submissions against the application and the licensing authority by way of email, advising that he had been given instructions to amend the application so that licensable activities end at midnight.

Mr O'Maoileoin stated that the activities should therefore be revised as follows:

<b>Activity</b>	<b>Current Licence</b>	<b>Proposed</b>
Live Music	N/A	Mon – Sun 23:00 – 00:00
Recorded Music	N/A	Mon – Sun 23:00 – 00:00
Late Night Refreshment	N/A	Mon – Sun 23:00 – 00:00
Supply of Alcohol	N/A	Mon – Sun 23:00 – 00:00
Hours premises are open to the public	N/A	Mon – Sun 23:00 – 00:30

At the start of the Hearing, the Chairman sought confirmation from the applicant regarding a detailed description as to how Bob Bob Exchange would operate.

Mr O'Maoileoin stated that the application is for a high end top quality restaurant geared towards creating a comfortable dining experience within a landmark building. The planning and the terms of the lease are strict and clear that only a restaurant can be run within the premises.

Mr O'Maoileoin informed the panel that when considering the type of clientele that will visit the restaurant, it is highly unlikely that noise associated with thee clientele leaving a nightclub can be associated with the clientele leaving the restaurant.

Mr Schutov informed the panel that Bob Bob Exchange is a sister restaurant to Bob Bob Ricard, Soho. Bob Bob Ricard, Soho is a well-known restaurant, regularly ranked within the top five restaurants both internationally and in London.

Bob Bob Exchange aims to attract and recreate a similar experience to that offered in Bob Bob Ricard. Mr Schutov described the interior décor of Bob Bob Exchange and stated that all seating is booth style only and fixed, therefore the maximum capacity will also always be fixed at 240, which is inclusive of the capacity within the three private dining rooms. Mr Schutov stated that the likelihood of the restaurant running to full capacity is slim and that it will mainly run at 70 – 74%.

Mr Schutov stated that there is no 'stand up bar' area within the restaurant as they want to exclude the casual drinking culture. As for security, Mr Schutov stated that there is 24 hour security within the Leadenhall building. Further, the restaurant will have an individual present at all times on the ground floor entry to the building and a reception upstairs where individuals will be checked into the restaurant. Individuals travelling by car can be dropped off on Leadenhall Street. Mr Schutov stated that he did not foresee congestion being an issue.

In response to concerns raised by the objectors relating to smoking outside of the premises, Mr Schutov stated that he does not envisage the type of clientele visiting the restaurant with standing outside smoking. Further, he stated that there is a designated smoking area defined within the lease for those visiting the restaurant to use. As for individuals drinking outside whilst smoking, Mr Schutov stated that china and cut crystals are not allowed to be removed from the restaurant and therefore he did not foresee this as being an issue.

In relation to a question from the panel relating to off-sales, Mr Schutov stated that this was included in the application to allow those wanting to take the remainder of a bottle of wine purchased during a meal off the premises the ability to do so. He stated that this does not occur regularly, but, on the few occasions that this does occur, they wanted the option to be available. The panel were assured that notices would be placed around the premises asking that individuals leave the building and the area quietly.

Following the detailed description as to how Bob Bob Exchange would operate, those making representations against the application stated that any concerns originally had, had been negated.

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.

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.

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

<b>Activity</b>	<b>Current Licence</b>	<b>Proposed</b>
Live Music	N/A	Mon – Sun 23:00 – 00:00
Recorded Music	N/A	Mon – Sun 23:00 – 00:00
Late Night Refreshment	N/A	Mon – Sun 23:00 – 00:00
Supply of Alcohol	N/A	Mon – Sun 23:00 – 00:00
Hours premises are open to the public	N/A	Mon – Sun 23:00 – 00:30

The Sub Committee then considered the issue of conditions and, in particular, those put forward by the applicant, namely MC01 and MC02. The Sub Committee noted Bob Bob Exchange's intention to install CCTV, however considered that it was not necessary to impose a condition given that there had not been any concerns regarding crime and disorder. In addition, the Sub Committee noted that there had not been any representations relating to concerns of crime and disorder or promoted events. It therefore did not consider it necessary or appropriate to impose any condition relating to the like.

Taking into account all of the information before it, the panel of the Sub Committee determined to grant the premises licence without the need to impose any conditions, given the clear outline of how Bob Bob Exchange would be run which, alleviates any concerns raised.

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,

**Bose Kayode**

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: Thomas and Thomas Partners LLP, 38a Monmouth Street, London, WC2H 9EP