

LICENSING SUB COMMITTEE

Monday, 6 February 2012

Premises: Etc Venues, 200 Aldersgate Street, London EC1A 4HD

Sub Committee

Edward Lord OBE JP (Chairman)

Alderman Simon Walsh

Marianne Fredericks CC

City of London Officers

Caroline Webb - Town Clerk's Department

Paul Chadha - Comptroller & City Solicitor's Department

Peter Davenport - Markets & Consumer Protection Department

The Applicant

Represented by Nicola Smith, Squire Sanders (UK) LLP together with Alastair Stewart, the Managing Director of Etc. Venues and Iain Dix, the proposed DPS.

The Objectors

Jonathan Morton, local resident

Jonno Dennis, local resident

Virginia Rounding, Common Councilman of Faringdon Within

Dawn Patel, Environmental Health Officer

In Attendance

Graham Farley - observer

Licensing Act 2003 (Hearings) Regulations 2005

1. A public hearing was held in the Committee Rooms, Guildhall, London, EC2, to consider the objections submitted in respect for an application made by Etc Venues Ltd.

The application sought for a new premises licence, for the following licensable activities:

- i) Retail sale of alcohol
- ii) Live Music
- iii) Recorded Music
- iv) Performances of dance
- v) Anything similar to ii, iii) and iv)
- vi) Provision of facilities for making music
- vii) Provision of facilities for dancing
- viii) Anything similar to vi) and vii)

between the hours of 08:00 to 24:00 Monday to Saturday and 08:00 to 22:00 Sunday;

and for the provision of late night refreshment between the hours of 23:00 to 24:00 Monday to Saturday.

In addition to the above the application seeks to carry out all licensable activities on Bank Holiday Mondays from 08:00 to 22:00.

2. The Chairman introduced himself, the other Members of the Sub-committee and the Officers present. He explained that the purpose of the hearing was to determine the application made by Etc Venues Ltd for the premises known as Etc Venue, 200 Aldersgate Street, London EC1A 4HD.
3. It was noted that no members of the panel had any personal or prejudicial interest.
4. The Chairman outlined the procedure that would be followed.
5. The applicant, her representatives and the objectors introduced themselves.
6. The applicant confirmed that they wished to withdraw regulated entertainment from the application with no licensable activities to be provided on Sundays.
7. The Chairman highlighted that relevant information was missing from the application form submitted, in particular the inclusion of a covering statement which was requested as part of the City Corporation's own licensing policy. Ms Smith indicated that a covering letter had been sent with the original application outlining the nature of the proposed operation. The Sub Committee had not been in receipt of the letter and hard copies were handed to them for their consideration.
8. In answer to a question, Ms Smith stated that a licence for the provision of late night refreshment was sought in order to provide hot food and drinks after lengthy meetings, for example, should the client wish for them to be served.
9. Ms Smith highlighted that the premises was not proposing to operate as a public house but as a business premises. She stated that approximately 80% of events would not require a licence but one was being sought in order to offer flexibility to clients should they wish to provide alcohol, for example, during post conference networking events.
10. In answer to a question, Ms Smith confirmed that there would not be a fixed cash bar within the premises. It was likely that the alcohol served would be free with Etc Venues acting as a third party.
11. A Member of the Sub Committee stressed the importance of not placing unnecessary conditions on a licence that could hinder the premises, referring to the proposed terminal hour of the supply of alcohol. The Member suggested instead that the sale of alcohol could be restricted to 22.30 Monday to Saturday. The applicant confirmed they would be content with the proposals and would welcome the flexibility.
12. In answer to a question from an objector, it was confirmed that any premises within the City could apply for a TEN, with the City of London Police being the

only responsible authority able to object. It was noted that a TEN overrides any conditions on the existing licence.

13. In answer to a question, Ms Smith confirmed that an acoustic report had not been submitted as regulated entertainment had been withdrawn from the application.
14. In answer to a question, the Chairman confirmed that a further application would need to be submitted and considered should the premises wish to add regulated entertainment to the licence.
15. The Chairman stated that the Licensing Authority had elected not to circulate letters to nearby residents of premises that had applied for licences or variations due to the risk of a judicial review should a resident be inadvertently missed. The statutory requirements for advertising a licensing application or variation requires the applicant to place an advert in a local newspaper and place a blue notice in the window of the premises. It was noted that the Licensing Authority went over and above this requirement by placing application advertisements on the City of London website.
16. It was also noted that Common Councilmen are notified of all licensing applications.
17. The objectors confirmed that they were content with the application following the withdrawal of regulated entertainment.
18. The Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
 - (1) The Sub Committee considered the application with care and, in particular, the representations submitted in writing and orally at the hearing by the applicant's representative, Ms Smith and the objectors, Mr Morton and Mr Dennis, local residents and Ms Rounding, Common Councilman for Farringdon Within. The Sub Committee also considered written representations from the Rt Hon the Lord Mayor and other residents of London House, Clare James, Common Councilman for Farringdon Within and a representation from the Environmental Health department.
 - (2) In reaching their decision the Sub Committee was 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 2011.
 - (3) Furthermore, the Sub Committee recognised their 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 to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.

- (4) In determining the application, the Sub Committee took in to account their statutory duty in the promotion of the licensing objectives. In this instance, the most relevant of those objectives was the prevention of public nuisance.
- (5) The applicant confirmed that it wished to withdraw regulated entertainment from the application and accepted that the sale of alcohol could cease no later than 22.30 Monday to Saturday, with no licensable activities to be provided on Sundays.
- (6) The Sub Committee decided to grant the licence with the following variations, namely, that a licence would be granted for the sale of alcohol to 08.00 to 22.30, Monday to Saturday and for the provision of late night refreshment from 23.00 to 00.00 Monday to Saturday.
- (7) The Sub Committee decided that it was not necessary to impose any conditions in addition to the statutory conditions under Sections 19-21 of the Licensing Act 2003 upon the licence.
- (8) If the Sub-committee was wrong and these conditions prove insufficient to prevent a public nuisance associated with these premises, all parties are reminded that any responsible authority, business, resident (in the vicinity) or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.
- (9) If any party was dissatisfied with the decision, they were reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal was 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.

19. The Chairman thanked all those present at the hearing.

The meeting closed at 10.22am

CHAIRMAN

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