

LICENSING SUB COMMITTEE

Tuesday, 14 February 2012

Premises: Aveqia, Lower Ground, Unit 2, 10 St Bride Street, London, EC4A 4AD

Sub Committee

The Rev'd Dr Martin Dudley CC (Chairman)

Ms Marianne Fredericks CC

Kevin Everett CC

City of London Officers

Rakesh Hira - Town Clerk's Department

Ru Rahman - Comptroller & City Solicitor's Department

Peter Davenport - Markets & Consumer Protection Department

The Applicant

Represented by Jack Spiegler, Thomas & Thomas LLP together with Simon Mockridge, Project Manager and Stuart Simmons, Commercial Agent

Parties with Representations

Vanessa Roguska and Deirdre Lyons, local residents

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 Aveqia Farringdon Ltd.

The application sought to provide licensable activities for:

- i) Supply of alcohol;
- ii) Films and;
- iii) Recorded music

between the hours of:

10:00 to 01:00 Monday to Thursday;
10:00 to 02:00 Friday to Saturday and;
12:00 to 23:00 Sunday.

And for the provision of late night refreshment between the hours of:

23:00 to 01:00 Monday to Thursday and;
23:00 to 02:00 Friday to Saturday.

The application also sought to open the premises between the hours of:

10:00 to 01:00 Monday to Thursday;
10:00 to 02:00 Friday to Saturday and;
12:00 to 23:00 Sunday.

- 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 Aveqia, Lower Ground Floor, Unit 2, 10 St Bride Street, London, EC4A 4AD.
- 3) It was noted that no members of the panel had any personal or prejudicial interest.
- 4) In response to a question by the Chairman, Mr Spiegler clarified that the proposed operation of the premises was of a high class corporate based restaurant which would offer educational cooking with Michelin Star trained chefs at an approximate cost of £200 per person. Both clients and employees would learn to cook quality restaurant food and then have a sit down meal with the whole process taking approximately 4 – 5 hours, and then customers would gradually disperse at the end of the meal. It was noted that the bar area in the premises would offer alcohol before the cooking session began but would only be available to those customers who had pre-booked and had made a deposit beforehand. Mr Spiegler explained that off sales had been sought in the application to allow for customers/clients/employees who had attended the cooking session to take home a bottle of wine in the evening, if they so wished. In relation to Recorded Music, Mr Mockridge explained that this was to set the tone for customers and would take place in the basement area to prevent a noise nuisance.
- 5) Ms Roguska began by pointing out that it would be more sensible to have the premises close at 11:00pm rather than midnight, as set out in the applicant's solicitor's letter dated 3 February 2012, as this would be consistent with other premises in the area. She explained that the St Bride Street area was quiet but as there was seating areas outside the premises people leaving the premises could easily become noisy at unsociable hours and a public nuisance could be caused. In relation to litter Ms Roguska requested that the timings for rubbish collections and putting rubbish outside the premises still needed clarification. Ms Roguska asked how regularly the premises would try to prevent a noise nuisance when customers went outside the premises to smoke. She was however content with meeting with the applicant and working in collaboration to minimise a public nuisance.
- 6) A Member of the Sub-committee pointed out that a condition on litter or smoking could not be put on the licence as these were not licensable activities.
- 7) Mr Spiegler explained that the applicant would be content with drafting a dispersal policy to avoid customers congregating at the St Bride Street area and a smoking and rubbish collection policy. In relation to Recorded Music Mr Spiegler pointed out that it was background music that would be played and not loud music to cause a noise nuisance. It was noted that the premises would pre-book customers and therefore 'drop-in' customers would not be expected. Mr Spiegler offered for a telephone number of a duty manager to be made available for the local residents. It also noted that the cooking session, which would last approximately 4-5 hours would not allow for the premises to close at 11:00pm as customers would usually arrive at 7.00pm/8.00pm.

- 8) A detailed discussion took place on Recorded Music, Mr Spiegler pointed out that a noise limiter condition could be placed on the licence but it was only background music which would be played. Mr Spiegler said that on balance he would be prepared to withdraw Recorded Music from the application if he thought that the Sub-committee deemed this necessary. In relation to Ms Roguska's concerns of the licence being transferred to another operator Mr Spiegler drew attention to a planning consent letter which limited the use of the premises as being a private cooking and dining venue.
- 9) In summing up Mr Spiegler made reference to paragraph 55 of the Licensing Policy (dated January 2011) which stated that it "was the policy of the City Corporation to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers, notwithstanding that all applications will be determined on their own merits".
- 10) 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) In reaching its decision the Sub-committee took into account the nature of the operation proposed by the applicant and was assisted by the additional written information, set out in the applicant's solicitor's letter dated 3 February 2012. The Sub-committee concluded that, in discharging its duty to promote the licensing objectives, it was not necessary to reject the application or to exclude any of the licensable activities sought. The Sub-committee considered whether it was then necessary to impose any conditions upon the licence, to promote the prevention of public nuisance.

(2) The Sub-committee noted the applicant's proposal that the sale of alcohol for consumption off the premises would be in sealed containers, have a policy on smoking, the dispersal of clients, rubbish collection that minimised nuisance to residents and that the applicant would be prepared to apply a noise limiting device to any musical amplification system in the premises, if required by the Environmental Health Department.

(3) It was the Sub-committee's decision to grant the premises licence subject to the following amendments, as detailed in the applicant's solicitor's letter dated 3rd February 2012;

- The licensable activities for the Supply of Alcohol, Films and Recorded Music will be 10:00 to 00:00 Monday – Saturday and 12:00 to 23:00 on Sundays.
- The provision of Late Night Refreshment shall be between the hours of:

23:00 to 00:00 Monday to Saturday

With the following conditions:

- All sales of alcohol for consumption off the premises shall be in sealed containers and;
- A noise limiting device if required by the Environmental Health Department shall be fitted to any musical amplification system at the premises and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Department to ensure that no noise nuisance was caused to local residents.
- The Sub-committee noted that:
 - (a) the Planning consent letter limited the use of the premises as being a private cooking and dining venue;
 - (b) the applicant would have a policy on smoking, the dispersal of clients and rubbish collection that minimised nuisance to residents and;
 - (c) the applicant would maintain dialogue with local residents and provide a telephone number for a manager that residents could call in the event of a disturbance.

(4) All parties were reminded that if the Sub-committee was wrong and these conditions proved insufficient to prevent a public nuisance associated with these premises, any responsible authority, business, resident (in the vicinity) or a Member of the Court of Common Council was 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.

(5) 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.

11) The Chairman thanked all those present at the hearing.

The meeting closed at 11.10am

CHAIRMAN

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