

Minas, Aggie

From: Ugo Arzani [REDACTED]
Sent: 21 May 2018 16:43
To: M&CP - Licensing
Cc: Ugo Arzani; Ugo Arzani [REDACTED]
Subject: Opposition to Enoteca (Guildhall) LTD application

Dear Sirs,

My name is Ugo Arzani. I am a resident at [REDACTED] Roman House, Wood Street, EC2Y 5AG.

For the avoidance of doubt, I intend this to be a valid representation in opposition to the Enoteca (Guildhall) Limited application for a premises licence to serve alcohol.

It is submitted that allowing the premises licence in respect of the above property would be in contravention of the City of London Corporation Licensing Act 2003 Statement of Licensing Policy (the "Policy") by failing to prevent public nuisance as well as an infringement of my Human Rights pursuant to the European Convention of Human Rights ("ECHR"). I say this for the reasons below.

I believe that permitting this licence does not uphold the licensing objective to prevent public nuisance in accordance with paragraph 23 of the Policy. I see no way that permitting alcohol to be served opposite a residential block of apartments can reasonably be expected to uphold this objective not to cause nuisance. Permitting this premises licence on and off the premises is an invitation for consumers to consume alcohol in the garden adjacent to my property and therefore cause disturbance in the form of noise pollution, litter and smoke (from smoking). Paragraph 63 of the Policy explains how the prospective applicant should include an assessment of the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas. The Policy suggests managing this by not permitting customers who are smoking to take drinks outside and locating smoking areas away from residential properties. I do not understand how the applicant will regulate this; the open garden space will act as an invitation for all those in the bar to come and smoke outside my window. Moreover, people will be using the bridge and footpath adjacent to our building to come and go from the premises causing further nuisance. This is unacceptable and is a clear instance of nuisance to residents.

Prospective applicants are to have regard to the Code and to make a positive commitment to prevent problems from occurring at their premises (paragraph 30 of the Policy). How does the applicant in this case plan to do this? They are wanting to serve alcohol up to midnight on 6 days a week next to a block of apartments. Furthermore, I do not see the proposed practical steps they are taking to prevent disturbance to local residents (paragraph 33 of the Policy).

It is further submitted that permitting this premises licence is a contravention of my Human Rights under Article 8 of the ECHR. Under Article 8, I have a right to respect for my private life and home. I am also entitled to peaceful enjoyment of my possessions. Encouraging people to stand outside my apartment and drink, smoke, make noise and cause a general disturbance is a breach of this right and should not be permitted. I have large windows in my apartment and enticing random members of the public to stand outside them is an infringement of my right to privacy. This is all acknowledged in paragraph 8 of the Policy.

I have heard that the prospective applicant is willing to curtail the licence until 11 pm in a bid to prevent nuisance to residents. Whilst this may be regarded as a positive step, I do not see how this solves the problem of unruly and loud behaviour being encouraged in the public garden next to the windows of the apartments in my building.

Rather a more suitable compromise would be to limit the hours till 7 pm so that people wanting to consume alcohol can move elsewhere away from residents and minimise disturbance. Furthermore, the premises licence should be confined to the internal area and should not be permitted off the premises as this is likely to increase the level of public nuisance and cause disproportionate levels of disturbance to residents.

The City Corporation is legally obliged to have regard to the Home Office guidance. It is clear that permitting this premises licence will not uphold the licencing objectives as set out in the Policy.

I reserve my rights to bring a legal claim in breach of my Human Rights, a tortious claim for nuisance and an injunction to prevent the disturbance caused to me and the other residents of Roman House.

Please acknowledge receipt.

Yours faithfully,
Ugo Arzani