



LICENSING (HEARING) SUB COMMITTEE

DATE: WEDNESDAY, 12 AUGUST 2020

TIME: 2.00 pm

**VENUE: VIRTUAL PUBLIC MEETING -
ACCESSIBLE REMOTELY:**

**Members of the public can observe this
virtual public meeting on the link**

<https://youtu.be/LEkfJu7slqk>

APPLICANT: Daisy Green Food Ltd

**PREMISES: Barbie Green, 2 London Wall
Place, EC2Y 5AU**

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LICENSING (HEARING) SUB COMMITTEE PROCEDURE FOR PUBLIC HEARINGS

1. This procedure shall apply to all public hearings conducted under the provisions of the Licensing Act 2003.
2. Public hearings conducted under the provisions of the Licensing Act 2003 shall take the form of a discussion led by the licensing authority. Cross-examination will be permitted when the Sub Committee considers it to be required. The conduct of hearings shall be broadly based, subject to the discretion of the Sub Committee, on the points set out below.
3. At the start of the hearing the Chairman of the Sub Committee will introduce him/herself and other Members of the Sub Committee as well as the City Corporation officers present. Anyone making representations will then be asked to introduce themselves and anyone accompanying them. The applicant will then do likewise.¹
4. The Chairman will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Sub Committee will then make any rulings necessary in respect of requests for witnesses to be heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support, consideration should be given to having one spokesman on behalf of all parties so as to avoid repetition. Although the use of a spokesman will be encouraged by the Sub Committee, the decision rests with those parties making representations.
6. In the event of disorder or persistent disregard of the authority of the Chair, the Chairman may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Sub Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.

¹ In hearings where a licence is being reviewed, references in this procedure to 'applicant' should be read as references to the licence holder and references to 'those making representations' should be read as references to those applying for the review.

9. In the event that the Sub Committee has decided that cross-examination will be permitted, those making representations will be invited to ask questions of the applicant and their witnesses (if any). The applicant and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
10. The Chairman will ask all parties if there is anything else they would like to add in support of their respective cases.
11. Those making representations will then be invited to make closing submissions followed by the applicant.
12. The Sub Committee will then retire to consider their decision. They may call for assistance by the representatives of the Town Clerk and/or the Comptroller & City Solicitor but those persons will play no part in the decision-making process.
13. In due course, the Sub Committee will return to announce their decision or to inform those present when the decision will be given.

Committee(s): Licensing Sub-Committee	Hearing Date(s): 12 August 2020	Item no. 1
Subject: Licensing Act 2003 - Public Hearing in Respect of an Application for the Variation of a Premises Licence Name of premises: Daisy Green Address of premises: 2 London Wall Place EC2Y 5AU		
Report of: Director of Markets and Consumer Protection		Public / Non-Public
Ward (if appropriate): Bassishaw		

1 Introduction

- 1.1 To consider and determine, by public hearing, the application to vary a premises license under the Licensing Act 2003, taking into account the representations of ‘other persons’ detailed in paragraph 4, and the policy considerations detailed in paragraph 6 of this report.
- 1.2 The decision of the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives, namely:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

2 Summary of Application

2.1 An application made by:

**Daisy Green Food Ltd
2 London Wall Place
EC2Y 5AU**

was received by the City of London Licensing Authority on 17 June 2020 to vary the premises licence in respect of the premises at:

**Daisy Green
2 London Wall Place
EC2Y 5AU**

2.2 The application seeks to permit off sales between the hours of 11:00 and 20:00 Monday to Sunday.

2.3 All permitted hours for on sales, licensable activities and opening hours are to remain the same. The sale of alcohol is currently for on sales only. Full details of the application are contained in the copy of the Application Form at Appendix 1.

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon–Sun: 11:00– 22:30	No Change
	On sales	On and Off Sales

2.4 The Operating Schedule submitted by the applicant suggests no further steps necessary in order to promote the licensing objectives.

3 Licensing History of Premises

3.1 The premises applied for a premises licence in July 2019.

3.2 The premises licence application was objected to by a number of ‘other persons’ and a hearing was heard on 13 August 2019. As a result of the hearing the licence was granted with a number of conditions applied to the licence and the supply of alcohol restricted to on-sales only.

- 3.3 The minutes of the hearing heard on 13th August 2019 can be seen as Appendix 2. A copy of the current premises licence and conditions can be seen as Appendix 3 and 4 respectively.

4 Representations From Other Persons

- 4.1 There are eighteen representations from ‘other persons’ against the granting of the variation and one representation from ‘other persons’ in support of the variation. The representations against granting the variation are made primarily on the basis that if granted it will undermine the licensing objective of ‘the prevention of public nuisance’.
- 4.2 The representations can be seen in full as Appendix 5(i) to 5(xix).

5 Representations from Responsible Authorities

- 5.1 There have been no representations from any of the Responsible Authorities.

6 Policy Considerations

- 6.1 In carrying out its licensing functions the Licensing Authority must have regard to its Statement of Licensing policy, and statutory guidance issued under s 182 of the Licensing Act 2003.

City of London Corporation’s Statement of Licensing Policy

- 6.2 The following sections/paragraphs of the City of London Corporation’s Statement of Licensing Policy are particularly applicable to this application.

The boxed comment on page 19 states the need 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.

The boxed comment on page 19 also states an overriding policy principle namely, that each application will be decided on its individual merits.

Paragraphs 79 – 81 address the need of care when controlling noise particularly from those persons outside of and leaving premises.

Paragraphs 115-121 state the Corporation’s policy on setting conditions which may be applicable dependant on the step(s) taken by members as stated in paragraph ten of this report.

Statutory Guidance

- 6.3 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are particularly applicable to this application (revised April 2018):

Chapter 2 of the guidance covers the four licensing objectives. In particular, paragraph 2.15 states that it is, ‘...important that in considering the promotion of *[the public nuisance licensing objective, licensing authorities]* focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.’ Also, paragraph 2.16 indicates that the prevention of public nuisance could, in appropriate circumstances include, ‘the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.’

Chapter 10 refers to conditions attached to premises licences with paragraph 10.10 stating that, ‘Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.’ Also, ‘Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.’

7 Map and Plans

- 7.1 A map showing the location of the premises together with nearby licensed premises is attached as Appendix 6. A key of those premises is included which indicates the maximum permitted hours for alcohol sales in respect of each premises along with the latest terminal hour for any other licensed activity if greater.

7.2 The plan of the premises is attached as Appendix 7.

8 Summary

8.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives.

8.2 Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1998. The Corporation must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the City.

9 Public Notices

9.1 The statutory blue public notice was duly exhibited at the premises as evidenced by photographs attached as Appendix 8(i) to 8(iii) and were verified to be accurate by a Licensing Officer.

10 Options

10.1 The Sub-committee must, having regard to the representations, take such of the following steps as it considers appropriate and necessary for the promotion of the licensing objectives:

- i) modify the conditions of the licence; or
- ii) reject the whole or part of the application

Any determination by the licensing sub-committee will not have effect until the end of 21 days following notification of the decision to the applicant by the licensing authority or, in the event of an appeal to the Magistrates' Court against the Sub-Committee's decision, the determination of the appeal.

For the purposes of paragraph 10.1(i) conditions are modified if any of them are altered or omitted or any new condition is added.

11 Recommendation

11.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a variation of a premises licence in accordance with paragraph 10 of this report.

Prepared by Peter Davenport
 Licensing Manager
 Peter.davenport@cityoflondon.gov.uk

Background Papers

<u>BACKGROUND PAPERS</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2017)	MCP	3rd Floor Guild Hall
Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. April 2018		Statutory Guidance

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Daisy Green Food Ltd

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/200507956
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Barbie Green 2 London Wall Place			
Post town	London	Postcode	EC2Y 5AU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£-tt

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To add off-sales between the hours of 11:00 and 20:00 Monday to Sunday.

No changes are proposed to layout, hours for on-sales or any other terms of the licence.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Fri					
Sat					
Sun					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	11:00	22:30			
Tue	11:00	22:30			
Wed	11:00	22:30			
Thur	11:00	22:30	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	11:00	22:30	Off-sales Monday to Sunday 11:00 - 20:00.		
Sat	11:00	22:30			
Sun	11:00	22:30			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>n/a</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	07:00	23:00	
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	07:00	23:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

n/a

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☒☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The conditions endorsed on licence number LN/200507956 address the licensing objectives in respect of this variation.

b) The prevention of crime and disorder

The conditions endorsed on licence number LN/200507956 address the licensing objectives in respect of this variation.

c) Public safety

The conditions endorsed on licence number LN/200507956 address the licensing objectives in respect of this variation.

d) The prevention of public nuisance

The conditions endorsed on licence number LN/200507956 address the licensing objectives in respect of this variation.

e) The protection of children from harm

The conditions endorsed on licence number LN/200507956 address the licensing objectives in respect of this variation.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Electronic Submission - LA to serve RA's** ☐
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Thomas and Thomas</i>
Date	17 th June 2020
Capacity	Thomas & Thomas Partners LLP as solicitors on behalf of the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Tilly Burton (AT/TB/DAI.3.9) Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Post code	WC2H 9EP
Telephone number (if any)		020 7042 0410	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) tburton@tandtp.com			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or

wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON TUESDAY 13 AUGUST AT 10.30AM

APPLICANT: Daisy Green Food Ltd
PREMISES: Daisy Green, 2 London Wall Place, EC2Y 5DH

Sub-Committee:

Graham Packham (Chairman)
Shravan Joshi
Michael Hudson

Officers:

Town Clerk – Leanne Murphy
Comptroller and City Solicitor – Paul Chadha
Markets & Consumer Protection - Peter Davenport

Given Notice of Attendance:

Applicant:

Ms Prudence Freeman (Director, Daisy Green)
Mr Alun Thomas of Thomas & Thomas Partners LLP (Applicant's solicitor)
Mr Glenn LaFountain of Brookfield Properties (Landlord)
Ms Holly McColgan (Associate Solicitor)

Making representation:

Mr Paul Holmes (COL Police)
Mr Paul Forster (Environmental Health)
Mr Ian Dixon (resident)
Ms Mary Bonar (resident and Chair, Wallside House Group and Barbican Association Liaison Group)
Mr Yash Rupal (representing residents Dimitri Varsamis and Ravi Rupal)
Ms Hilary Sunman (Barbican Association and the Residents' Association of Willoughby House)
Mr Adam Hogg (Chairman, Andrewes House Group)

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 10.30am in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a premises license in respect of Daisy Green, 2 London Wall Place, EC2Y 5DH, the applicant being Daisy Green Food Ltd.

The Sub-Committee had before them the following documents:

Hearing Procedure
Report of the Director of Markets & Consumer Protection
Appendix 1: Copy of Application
Appendix 2: Conditions consistent with the operating schedule

Appendix 3: Representations from responsible authorities

- i) City of London Police
- ii) Environmental Health

Appendix 4: Representations from Other Persons

- i) Resident 1
- ii) Resident 2
- iii) Resident 3
- iv) Resident 4
- v) Resident 5
- vi) Resident 6
- vii) Resident 7
- viii) Resident 8
- ix) Resident 9
- x) Resident 10
- xi) Resident 11
- xii) Resident 12
- xiii) Resident 13
- xiv) Resident 14
- xv) Resident 15
- xvi) Resident 16
- xvii) Resident 17
- xviii) Resident 18
- xix) Resident 19
- xx) Resident 20
- xxi) Resident 21
- xxii) Resident 22
- xxiii) Resident 23
- xxiv) Resident 24
- xxv) Resident 25
- xxvi) Resident 26
- xxvii) Resident 27
- xxviii) Resident 28
- xxix) Resident 29
- xxx) Resident 30
- xxxi) Resident 31
- xxxii) Resident 32
- xxxiii) Resident 33
- xxxiv) Resident 34
- xxxv) Resident 35
- xxxvi) Resident 36

Appendix 5: Representation in support of application

Appendix 6: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

Appendix 7: Plan of Premises

Appendix 8: Blue public notice

1. The Hearing commenced at 10.30am.

2. At the commencement of the Hearing, the Chairman stated that all written representations had been read by the Sub Committee and requested that there was not a repetition of the submitted representations. The Chairman invited those making representations to first set out their objections against the Applicant.
3. Mr Rupal noted that the additional evidence submitted by the Applicant in support of their application was received at late notice and had not allowed time for Objectors to provide rebuttal evidence. He argued that this information should have been submitted with the original application to address the four licensing objectives. The Chairman reminded those present that the Sub Committee was required to consider all information submitted prior to the commencement of the Hearing. The Objectors were disappointed that there had been no engagement with residents as they felt this would have resolved most of the concerns.
4. Mr Rupal identified a number of concerns with the additional information submitted by the Applicant. Mr Rupal questioned the validity of the acoustics report which he felt to be based on unsound assumptions as it was conducted when the premises was closed. He felt that the placement of the receptors did not give an accurate portrayal of the noise, particularly at Roman House, as the receptor was placed behind a wall in the gardens which would not capture the noise travelling upwards.
5. The modelling also assumed that access to the terrace ended at 22:00 ignoring access by smokers after this time and was based on the noise levels of 25 people on the terrace despite the maximum proposed number being 50 people. There was also no mention of music throughout the application. Mr Rupal felt that the validity was therefore not tested, and the conclusions were a matter of conjecture.
6. Mr Rupal felt that the brochure and information about the Daisy Green concept purposely emphasized the food and coffee culture with no reference to alcohol in an attempt to downplay its significance. He noted that the menu offer at other Daisy Green premises were different and was therefore not clear what the premises was trying to be as it held bar, café, pub and restaurant qualities.
7. Mr Rupal felt the Applicant's dispersal plan should have been included as part of the application. He questioned who would be managing the calls if residents used the contact telephone number provided and how smokers/non-smokers would be managed on the terrace area after licensable activity ceased. He stated that there was no condition regarding off-sales which risked continued drinking in the area. It was also noted that regardless of the windows and doors being closed after 22:00, the front and left façade were made of glass panels which were not insulated.
8. Mr Rupal concluded that the requirements for noise had not been satisfied and that the needs of the local residents should be the priority. He noted that the flats at Roman House were not air conditioned which required windows to be left open, particularly in the summer months, and would be particularly affected by the noise from the terrace.
9. Ms Sunman advised that her primary concerns related to noise and the opening hours. She noted that there were a range of hours across the different Daisy

Green establishments and that the hours needed to be brought back in order to be considerate to the local residents.

10. Ms Sunman was also representing the concerns of the Barbican Association and the Residents' Association of Willoughby House who were very concerned regarding the offer of a bottomless brunch. The Hearing was advised that Willoughby House was above the Bad Egg who also provided this offer which had caused a number of negative impacts for the local community including noise and public urination by highly intoxicated patrons. It was felt that bottomless brunches in the terrace area would have a negative impact on the public gardens, particularly on Sundays when it is a peaceful haven.
11. Ms Sunman requested that the terrace area be closed at 21:00 as recommended by Environmental Health, that the premises remain closed on weekends and to keep the eastern façade closed to prevent noise nuisance by music. She stated that the site would be a nice location for a café/restaurant only.
12. Ms Bonar advised that she was representing the concerns of the Wallside House Group and Barbican Association Liaison Group which she chaired. With regards to the new material provided by the Applicant, she stated that the consultation referred only to planning and not licensing concerns. Ms Bonar noted that a Barbican Association Liaison Committee meeting took place at the time of the application and could have provided advice, yet they were never approached for consultation.
13. Ms Bonar questioned when a meeting of consultation with the nearest affected properties took place as she was not aware of such a meeting.
14. Ms Bonar felt the proposed conditions were well crafted. She requested that the opening hours be reduced especially on Sundays, that all doors and windows remain closed at all times, there be no admission of all patrons to the terraced area after 22:00 and for food and drink sales to cease at an earlier time to ensure patrons were not leaving the premises and making noise at an unsuitable hour.
15. Mr Dixon agreed with Ms Bonar that there had been no engagement with the local residents which was disappointing as key concerns could have been addressed.
16. Mr Dixon felt the proposed number of 50 people for the inside and outside areas of the premises was completely unsuitable as they were too small to manage these numbers. He stated that this would encourage vertical drinking and spillage into the public space risking the peaceful dynamic of the space. He argued that drinking with a meal only would ensure less noise nuisance.
17. Mr Dixon noted that other local businesses ensured all doors and windows were closed at 21:00 which significantly helped prevent noise nuisance.
18. Mr Dixon was concerned by the proposed end licensing hour of 23:00 seven days a week. He felt that allowing these hours on Sundays completely lacked merit and was problematic in general as patrons would have until 23:30 to finish their drinks and would therefore realistically be dispersing the area as late as midnight. He

requested a clear dispersal policy along with suitable conditions concerning the opening hours, dispersal of patrons, the numbers of people in the internal and external area, and the closure of doors and windows.

19. Mr Hogg advised the Hearing that he had significant experience in the drinks industry and had advised the government on licensing law for the 2003 Licensing Act.
20. Mr Hogg's primary concern was noise nuisance from the premises. He advised that Andrewes House had about 30 flats in direct view of the premises, and, like Roman House, they did not have air conditioning and would therefore have their windows open. He stated that the noise from the terrace would reverberate in the block below which would echo further down towards Gilbert House. Mr Hogg argued that it would be difficult to manage noise which would affect the neighbourhood and supported the advice of Environmental Health for drinking in the external terrace to be brought back to 21:00 and closure on Sunday. He also discouraged the sale of off-sales after 21:00.
21. Mr Holmes, representing the COL Police, stated that they had been in communications with the Applicant during the representation period who agreed to ensure all of the Police's concerns would be covered by the licence.
22. The Chairman invited the Applicant to ask the Objectors questions regarding their statements.
23. Mr Thomas queried how often Mr Rupal lived in his flat. Mr Rupal confirmed he lived in the flat once a fortnight but that his son permanently resided in the flat as did his daughter during term time.
24. The Sub Committee wanted to understand the area and the basis for some of the representations. The Sub Committee noted that it was difficult/unusual to travel through the Barbican Estate unless you lived there or knew the area well. Patrons would be expected to travel home using the simpler route at ground level along London Wall to the Barbican or Moorgate Stations.
25. The Sub Committee noted that Gilbert House was out of the sightline of the premises and questioned why these flats would be impacted by noise. Mr Dixon said people leaving local premises did travel through the Estate and therefore dispersal at night would affect the neighbourhood.
26. The Sub Committee noted that only two rows of flats at Andrewes House were in the sightline of the premises. Mr Hogg responded that approximately 30 flats out of 190 would be affected along with the gardens.
27. In response to a query, Ms Bonar confirmed her objection had not been noise but concerns regarding poor dispersal and the impact of off-sales making the area a target for drunk people. It was noted that other premises in the area did not have tables and chairs outside and were not open during weekends and she feared that granting this application would encourage others in the area to request longer

opening hours. The Sub Committee confirmed that this application must and would be judged on its own merits.

28. The Sub Committee asked the COL Police if the concerns for the area were fully addressed in the proposed recommendations. Mr Holmes stated that they were content as the premises would not have a bar in its external area.
29. The Chairman invited the Applicant and Mr Thomas to set out their case in support of the application.
30. The Applicant confirmed that Daisy Green had ten other sites each with a flexible coffee/brunch/restaurant offering to suit all customers. Each site was unique and evolved to suit the location. The Applicant felt that the location was ideal for the business model and would thrive in the mixed resident and worker area.
31. The Applicant wanted to explore evening trade in this new premises, in comparison to other Daisy Greens, and felt that flexibility was vital to the success of the business. She argued that the location and business offering would encourage a higher end clientele and the proportion of “dry to wet” sales would be 75% food and 25% alcohol/soft drinks/coffee.
32. Mr Thomas advised that having considered the concerns of the Objectors, the Applicant would reluctantly agree to amend the terminal hour for the sale of alcohol to the external area to 21:00 with all patrons leaving the premises by 22:00 on Sunday. The Applicant was not prepared to offer to amend the proposed hours for Saturday to allow operational flexibility. Mr Thomas noted that this did not mean that the premises would be open until 23:00 every day as it was not a late-night venue and would close earlier if not busy.
33. In response to concerns identified by Objectors, Mr Thomas stated that there would be no music played on the external terrace but music and occasionally a DJ would play music inside to improve the ambience of the atmosphere, e.g. Motown or jazz.
34. The Hearing was advised that bottomless brunches had been introduced in the last two years to some of the larger Daisy Green venues, e.g. Soho and Victoria. The bottomless brunches would represent a very small component of the overall offer (3-5%) unlike Bad Egg of which this was a business focus, and the clientele would be local residents and workers to which trade would be focused on based on the location of the premises.
35. Mr Thomas confirmed that terrace use would be restricted to smokers only after 22:00.
36. The Applicant agreed to cease the sale of off-sales to 22:00 to curtail concerns for continued drinking by patrons within the neighbourhood after the premises closed.
37. With regards to the acoustic report, Mr Thomas advised that RBA Acoustics specialised in mixed use premises and found nearby traffic to be the predominant noise factor at the location. He confirmed the assessors had relied upon

assumptions used within the industry and the WHO standard, finding that the premises was below or within the limit guidance. The effect of smokers on the terrace was assessed for up to 10 people. The Applicant confirmed that patrons that wished to smoke on the terrace after 22:00 would be monitored, drinks would not be allowed outside, and the number would be capped at ten people.

38. Mr Thomas stated that the majority of the objections had common themes based on misconceptions, e.g. bottomless brunches and the variances on timings each day, which were inconsistent with the requests within the application.
39. Mr Thomas addressed the Objectors stating that it was regrettable that the additional information was provided at late notice, but the high number of objections meant that it had taken time to address all of the concerns. The premises was not regarded as a late night venue; however, the longer opening times would allow the Applicant some flexibility in their offer. The Applicant confirmed that daytime trading would be the focus.
40. Mr Thomas noted that the reason the Wood Street Bar & Restaurant had no external drinking was because it was directly beneath the Barbican.
41. The Chairman invited the Objectors to ask the Applicant and their solicitor questions regarding their statements.
42. Mr Forster (Environmental Health) stated that the acoustic report did not include any measurements for a Saturday or Sunday or for the time 22:00 to 23:00 which was of most concern to residents. The measurement to determine ambient background noise levels was conducted on a Thursday evening whilst the premises was closed. Mr Thomas advised that the LAeq sound metric was used to measure customer and ambient noise peaks. Mr Thomas added that the noise nuisance legislation included within the Applicant's lease in conjunction with basic environmental health law would further protect local residents and ensure that the Applicant managed noise from the premises responsibly.
43. Mr Rupal queried exactly where the terrace was with regards to the premises. Mr Thomas advised that this was directly in front of the premises. Planters would be used to frame the space and staff would manage this area to ensure no drinking took place in the public area.
44. Mr Rupal enquired how smokers would be policed to ensure there were no more than ten people outside after 22:00. Mr Thomas advised that staff would stop patrons from entering the terrace area if numbers reached ten people. He confirmed non-smokers would be allowed in the area within reason.
45. Mr Dixon queried whether the proposal for 50 people in the internal and external areas was realistic and suggested a maximum of 40 people. Mr Thomas confirmed that the maximum proposed numbers for both the internal and external area was 50 people, which was compliant with fire safety regulations which put a maximum of 60 people. He added that use of the external area was seasonal.

46. The Sub Committee requested clarification regarding what consultation took place with local residents six months ago and how many people were involved. Mr Thomas confirmed that approximately three residents were involved in the consultation which took place for the site but prior to Daisy Green becoming a tenant. This included questions concerning the terrace area, seating and windows.
47. In response to a query concerning CCTV, Mr Thomas advised that there would be CCTV at the premises internally and externally. It was noted that the Landlord, Brookfield Properties, also had CCTV which covered the entire estate.
48. With regards to noise, the Sub Committee noted that music leakage could have an effect on the speaking level of patrons and questioned whether the Applicant would consider implementing limits on the sound system and/or a tracker. The Applicant confirmed that there would be regular tests of decibel reading and would consider implementing a tracker.
49. The Sub Committee queried how the Applicant would control bottomless brunches. The Applicant advised that brunches lasted for 90 minutes starting from when the entire party arrived. Each person would be allowed one glass of alcohol at a time and would be served food and drink to the table by waiter/waitress service and that the offer would be undertaken in such a manner so as not to infringe the mandatory condition relating to irresponsible drinks promotions. In response to a query regarding walk ins, the Hearing was advised that this was rare, but they would not be turned away.
50. The Sub Committee stated that controlling smokers was not a licensable activity making it difficult to manage at the premises. The Sub Committee could only impose conditions concerning licensable activities, e.g. to prevent containers outside.
51. The Sub Committee questioned whether allowing vertical drinking in the external terrace would produce higher noise levels. Mr Thomas confirmed that the terrace would allow for a mixture of patrons sitting at tables, vertical drinking or smoking but this would be carefully managed as the premises was not a pub.
52. The Chairman offered all parties the opportunity to make a concluding statement.
53. Mr Rupal stated that although a number of assurances had been given by the Applicant, he did not feel confident that the concerns of the residents had been resolved. The site was a peaceful area enjoyed by locals and workers alike and despite the good intentions of the Applicant, noise from the venue, particularly from the terrace area, would affect the neighbourhood and risk the dynamic of the area throughout the day and night.
54. Ms Sunman felt that the proposed maximum hours by the Applicant were too late and were not necessary for the business. She also felt that there was no strong commitment from the Applicant to manage the impact of bottomless brunches at the premises.

55. Mr Hogg highlighted noise as the biggest issue and felt that up to 50 people having a good time on the terrace area would be considerably louder than the acoustic report had suggested and requested that the terminal hour for the terrace be brought back to 21:00.
56. Mr Dixon did not feel the flexibility requested by the Applicant concerning opening times and the sale of alcohol was reasonable for the local community and requested that the terminal hour for the terrace be brought back to 21:00. He also felt that the maximum number of people internally and externally were too high for the modest size of the premises.
57. The Objectors requested the following conditions: 1) the hours for drinking in the external terrace be brought back to 21:00 as recommended in the representation submitted by Environmental Health, 2) that all doors and windows at the premises remain closed after 21:00, 3) a clear dispersal policy with signage be put in place to ensure patrons exit via the London Wall side and 4) that the premises reduces its opening hours at the weekend.
58. Mr Thomas concluded that the Applicant was a good, successful operator and use of the terrace area until 22:00 was critical to the business plan. He noted that there was no evidence of inevitable noise nuisance or that patrons would disperse across the Barbican Estate. Mr Thomas stated that the venue was a café/bar with a focus driven by providing upmarket food and would be a nice addition to the area.
59. The Chairman thanked all attendees for their comments and explained that a written decision letter would be sent to all relevant parties within five working days.
60. The Sub Committee retired at 12:40 and considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing by those making representations and the Applicant. It was evident that the most relevant licensing objective that required the Sub Committee's consideration was the prevention of public nuisance. In reaching its 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 2017.
61. In determining what constituted a public nuisance, the Sub Committee relied upon the definition of "public nuisance" contained in Halsbury's Laws of England which defines public nuisance as "one which inflicts damage, injury or inconvenience on all the Queen's subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a "public nuisance".
62. The Sub Committee regarded noise to be the principal concern to residents. The Sub Committee noted that this was a new business and, whilst conscious of the fact that the premises was located in a residential pocket of the City, also noted that other licensed premises operated in the area. The Sub Committee accepted

the residents' concerns as to the potential for noise disturbance late at night but were partly reassured by the measures proposed by the Applicant in an attempt to address these concerns would sufficiently reduce the risk of public nuisance. The Sub Committee had regard to paragraph 27 of the Statement of Licensing Policy which provided that residents had a reasonable expectation that their sleep would not be unduly disturbed between the hours of 23:00 and 07:00, and given the close proximity of the premises to residential accommodation considered the closing time should be no later than 23:00 with the sale of alcohol 30 minutes earlier, so the premises would be closed and all patrons dispersed prior to 23:00.

63. The Sub Committee concluded that, with the imposition of suitable conditions, it would be possible for the Applicant to operate the premises in accordance with the licensing objectives. The Sub Committee sought to strike a balance for residents and the business.

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

Activity	Current Licence	Licencing Hours
Sale of alcohol	N/A	Mon-Sun 11:00-22:30
Hours premises are open to the public	N/A	Mon-Sun 07:00-23:00

65. However, the Sub Committee had concerns relating to the potential for public nuisance resulting from patrons purchasing alcohol and subsequently consuming the alcohol in the vicinity of the premises. It therefore decided that the supply of alcohol would be restricted to on the premises.

66. 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.

- a) The premises will install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings shall be stored for a minimum period 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 recent data or footage with the absolute minimum of delay when requested (MC01).
- b) 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 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder

and the event is (independent of the licence holder) promoted to the general public (MC02).

- c) All door and windows shall remain closed after 21:00 save for entry or exit, or in the event of an emergency (MC13).
- d) Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly (MC16).
- e) Licensing activities in the external area of the premises shall cease at 21:00 and the external area shall, subject to Condition 7, be clear of patrons by 21:30.
- f) Customers are permitted to access the external area of the premises after 21:00 to smoke only but shall not be permitted to take drinks or glass containers with them (MC17).
- g) The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising (MC19).
- h) The number of persons permitted in the external area of the premises at any one time (excluding staff) shall not exceed 50 persons.

The meeting closed at 12.40 PM

Chairman

Contact Officer: Leanne Murphy
Tel. no. 020 7332 3008
E-mail: leanne.murphy@cityoflondon.gov.uk

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**Licensing Act 2003
Section 24
Premises licence**

Licensing, City of London
PO Box 270 Guildhall, London EC2P 2EJ

Premises licence number

LN/200507956

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Daisy Green, 2 London Wall Place

**Post town
London**

**Post code
EC2Y 5DH**

Telephone Number

Where the licence is time limited - the dates

Licensable activities authorised by the licence

Alcohol Sales

The times the licence authorises the carrying out of licensable activities

Alcohol Sales

Sunday	11:00 - 22:30	-
Monday	11:00 - 22:30	-
Tuesday	11:00 - 22:30	-
Wednesday	11:00 - 22:30	-
Thursday	11:00 - 22:30	-
Friday	11:00 - 22:30	-
Saturday	11:00 - 22:30	-

The opening hours of the premises**Opening Hours**

Sunday	07:00 - 23:00	-
Monday	07:00 - 23:00	-
Tuesday	07:00 - 23:00	-
Wednesday	07:00 - 23:00	-
Thursday	07:00 - 23:00	-
Friday	07:00 - 23:00	-
Saturday	07:00 - 23:00	-

Where the licence authorises supplies of alcohol - whether these are on and/or off supplies

On the Premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Daisy Green Food Ltd
1 Manchester Square
London
W1U 3AB

Registered number of holder, for example company number, charity number (where applicable)

08024998

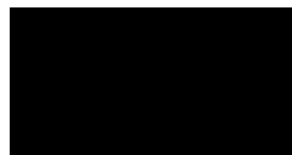
Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Prudence Elisabeth Freeman
[REDACTED] Great Cumberland Place
London
WH1 7TB

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol

13/05380/LIPERS - WCC

Date granted 13th August 2019



Director of Markets & Consumer Protection

Annex 3 – Conditions attached after a hearing by the licensing authority

The following conditions/resolutions were agreed by the City of London's Licensing Sub Committee at a hearing held on 13th August 2019:

1. The premises will install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings shall be stored for a minimum period 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 recent data or footage with the absolute minimum of delay when requested.
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 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is (independent of the licence holder) promoted to the general public .
3. All door and windows shall remain closed after 21:00 save for entry or exit, or in the event of an emergency.
4. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.
5. Licensing activities in the external area of the premises shall cease at 21:00 and the external area shall, subject to Condition 6, be clear of patrons by 21:30.
6. Customers are permitted to access the external area of the premises after 21:00 to smoke only but shall not be permitted to take drinks or glass containers with them.
7. The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising.
8. The number of persons permitted in the external area of the premises at any one time (excluding staff) shall not exceed 50 persons.

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From: [Adam Hogg](#)
To: [M&CP - Licensing](#)
Cc: [REDACTED]
Subject: Daisy Green Foods - application for a variation of a premises license LN/200507956
Date: 30 June 2020 15:47:05

Sirs

I am writing to express our concern about the application by Daisy Green Foods to add off-sales between the hours of 11:00 and 20:00 Monday to Sunday to the license agreed in August 2019.

At that meeting we objected to the granting of an off sales licence as we were concerned that customers could purchase alcohol and consume it in the adjacent gardens when the outside licensed area was closed creating noise, disturbance and litter.

These public nuisance issues remain our prime concern.

It was because of concerns about potential public nuisance in the vicinity of the restaurant, it was decided in the original hearing that the 'supply of alcohol would be restricted to on the premises'. It is our view that this remains the right approach.

We are disappointed that Daisy Green have not consulted with us, despite channels for doing so having been set up.

Adam Hogg
Chairman Andrewes House Group

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From: [Chris Young](#)
To: [M&CP - Licensing](#)
Subject: Representation in respect of an application for a variation of a premises licence at Daisy Green, 2 London Wall Place (licence number LN/200507956)
Date: 03 July 2020 11:58:01
Attachments: [london-wall-licence-application.pdf](#)

I am a resident of Andrewes House in the Barbican Estate and would like to make the following representation in respect of the above/attached application for a variation of a premises licence at Daisy Green.

I object to this establishment having the right to off-sales at any time.

Firstly, this would risk buyers of such products consuming them in the adjacent areas such as the gardens next to Roman House. Selling alcohol in “sealed containers” would not mitigate such risk — a consumer could simply open the container themselves.

Secondly, we already experience, in non-lockdown times, excessive noise from patrons congregating and leaving Wood Street Grill on Fore Street. Often they have (covertly) taken with them a container of alcoholic beverage which they consumer whilst slowly walking down Fore Street at the same time as talking loudly. Allowing Barbie Green off-sales simply encourages such disruptive behaviour in what is a residential area.

Thirdly, for those that want to purchase alcohol for consumption at home, there are already numerous stores such as Waitrose, but these are general stores, and do not involve someone consuming alcohol prior to leaving.

Thanks for your consideration.

Regards, Chris

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From: [Chair Speed House](#)
To: [M&CP - Licensing](#)
Cc: [REDACTED]
Subject: OBJECTION: Amendment to licence LN 200507956 (Daisy Green Foods)
Date: 28 June 2020 15:17:45

Dear Licensing officer

I write to OBJECT to the above application by Daisy Green Foods for off-sales between the hours of 11:00 and 20:00 Monday to Sunday on the basis of the prevention of public nuisance.

As you are aware, these premises are close to hundreds of flats and houses in the Barbican Estate and the Roman House development. Given the potential for noise, litter nuisance and anti-social behaviour, it was decided at the original hearing that the *'supply of alcohol would be restricted to on the premises'*.

Given that an off-sales license seven days a week was rejected for this restaurant only last year I recommend that it remains in place. Maintaining the current licensing arrangements is all the more important since the completion of attractive seating next to the restaurant. This will only make it easier for people to gather and consume alcohol with the greater opportunity for public nuisance.

For clarity, my objection is to sales in closed and open containers on the basis that the difference between the two is easily mutable and therefore not a meaningful difference.

In conclusion, it is disappointing to learn that the applicant has applied for this change of license without consulting its neighbours. I fear that does not bode well for the management of an enlarged licence by this facility.

Yours faithfully

Christopher Makin

■ Speed House, Barbican.

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From: [Hank Lu](#)
To: [M&CP - Licensing](#)
Subject: Hank Lu Representation - Daisy Green application (2 London Wall Place EC2Y 5AU)
Date: 13 July 2020 17:11:24

Dear Licensing team,

I write to OBJECT to the application by Daisy Green (2 London Wall Place EC2Y 5AU) for off-sales between the hours of 11:00 to 20:00 Monday to Sunday on the basis of the prevention of public nuisance.


I am a residence in Roman House, overlooking the license holder, Daisy Green, and have observed noise and litter nuisance since their opening last year. Both City of London Police and the Environmental Health Department expressed their objection last year when Daisy Green first applied for their licence, due to the ground of such public nuisance and anti-social behaviour. Despite this, the license as still granted last year after the hearing, however with the condition that **"supply of alcohol would be restricted to on the premises"**.

Given the license was granted on such condition, it would be a breach to the original licensing arrangement to further granting Daisy Green off-sale rights. Also with plenty of seating space around the premise, allowing off-sale would hugely increase the number of people gathering and consuming alcohol in close proximity of both Roman House and Barbican Estate, and inevitably increase the noise level and potential anti-social behaviour.

As mentioned at the beginning, I have observed noise nuisance from the license holder premise in the evening, and therefore object the license holder's application for off-sale which would make the situation even worse.

Your faithfully

Hank Lu


Wood Street
London
EC2Y 5AG

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From: [Hilary Sunman](#)
To: [M&CP - Licensing](#)
Cc: [REDACTED]

Subject: Daisy Green Foods - application for a variation of a premises license LN/200507956
Date: 26 June 2020 11:23:17

Sirs

I am writing to express our concern about the application by Daisy Green Foods to add off-sales between the hours of 11:00 and 20:00 Monday to Sunday to the license agreed in August 2019. We are disappointed that Daisy Green have not consulted with us, despite channels for doing so having been set up.

When Daisy Green originally applied for licensing, residents and neighbours were concerned about two main issues:

- Noise and disturbance from the gardens around Daisy Green
- Litter

These two public nuisance issues remain our prime concern.

Since they opened, Daisy Green have in the main – but not entirely - maintained the good behaviour required by the original license. While in these difficult times the hospitality sector does need to be creative and increase possible space for serving food and drink, and we appreciate this, we continue to have the same reservations as before – and the fact that public toilets are closed in the City adds a further potential very unsavoury hazard if off sales are consumed in the gardens.

It was because of concerns about potential public nuisance in the vicinity of the restaurant, it was decided in the original hearing that the 'supply of alcohol would be restricted to on the premises'. It is our view that this remains the right approach.

With kind regards

Hilary Sunman

Chair – Willoughby House Group

[REDACTED] Willoughby House

London EC2Y 8BL

[REDACTED]

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From: [J A](#)
To: [M&CP - Licensing](#)
Subject: Barbie green
Date: 06 July 2020 19:13:04

My name is Jonah Anderson and I live at: [REDACTED]

Roman House
Wood Street
London
EC2Y 5AG

I am writing regarding:

Barbie Green
2 London Wall
London
EC2Y 5AU

Barbie Green opened with a restrictive license. It is situated outside a residential property and by some outside seating and a park. Barbie Green want to sell alcohol to passers by. I am extremely concerned that if they do so a public nuisance will be created which means we have people drinking on the park and the wooden seats with frequency. I am therefore objecting to their application.

Regards
Jonah Anderson

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From: [Lydia Goldberg](#)
To: [M&CP - Licensing](#)
Subject: re Daisy Green Food
Date: 03 July 2020 09:08:53

Hello,

I live in Andrewes House which overlooks the premises of Daisy Green Food and the surrounding landscaped area (gardens, benches, grassy areas, etc.).

I understand the company has made a request for off-premises alcohol sales between 11am and 8pm.

I would like to object on the basis that Daisy Green Food is far too close to a residential area to make this a satisfactory proposal.

Sound in this particular part of the City carries far and wide due to the nature and height of the adjoining building. We've had a pretty terrible experience as a result of the local Wood st bar and restaurant on Fore st, which, while not offering the ability to purchase off-premise alcohol, nor to consume any alcohol outside their premises, yet, is still the daily source of much noise and general drunkenly behaviour (pissing in the corner of the buildings once the premises have closed, fights breaking out, etc.).

My guess is that people buying these drinks for off-premise consumption, will not only remain in the general vicinity of the venue for ease and convenience but are likely to wander down to the St Giles forecourt in the Barbican, which provides plenty of seating to accommodate drinkers, and thereby sitting directly under residential homes.

I understand that there is a need for these businesses (and the City) to recoup lost revenue and to help mitigate for the closing of businesses due to COVID, by introducing more creative ways for people to enjoy a drink while maintaining social distance. But being adjacent to a number of residential locations (Andrewes, Roman House, Postern, Gilbert) is not the place to do so.

Many thanks for your consideration.

Lydia.

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From: [Mary Bonar](#)
To: [M&CP - Licensing](#)
Cc: [REDACTED]
Subject: Daisy Green Foods-application for amendment to licence LN 200507956
Date: 27 June 2020 16:22:21

Dear Sirs

I am a resident of the Barbican Estate and chair the Wallside House Group. Wallside is situated across Wood Street from 2 London Wall Place where the licensed premises are situated and at high level on the Wallside walkway which adjoins the high walk from London Wall Place.

Regrettably Daisy Green has failed to consult the residents in relation to this variation application. Daisy Green's application for an off sales licence 7 days a week was rejected when the original licence was granted in the summer of 2019 on the basis that the licensing principle concerning public nuisance would be infringed if off sales were permitted. The licensing committee recognised that the premises are situated in the grounds of London Wall Place, very close to the Barbican residential estate and particularly that they are proximate to the residential building Roman House. Last year the committee not only refused an off sales licence but also restricted the sale and consumption of alcohol in the external area of the premises to 21.00 and 21.30.

Since then the Corporation of London has completed its works in the area immediately next to the Daisy Green premises installing in addition to planting a considerable amount of public seating making it more convenient now for people to gather and consume alcohol in that area.

Allowing off sales would increase the likelihood that more people will consume alcohol and cause disturbance in areas adjoining the external area of the licensed premises where they would not be subject to the licensee's control and are likely to be closer to the residential areas. There would be nothing to prevent people who have purchased off licence from drinking in London Wall Place and/or the other nearby open spaces including the private Monkwell Square in which Wallside is situated and other parts of the Barbican Residential Estate.

At a minimum we would request any sale of alcohol to be restricted to closed containers and that it should not be permitted on Sundays.

Regards

Mary Bonar
Chairman Wallside House Group
[REDACTED]

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From: [Nigel Pilkington](#)
To: [M&CP - Licensing](#)
Subject: Objection to application to vary premises licence (Daisy Green Foods Ltd)
Date: 20 June 2020 09:43:59

Dear CoL Licensing

**Objection to application to vary premises licence
Daisy Green Foods Ltd
Barbie Green, 2 London Wall Place, EC2Y 5AU (“the Premises”)**

I write to object to the above application.

Many local residents objected to the applicant’s original application (in June 2019) requesting permission to sell alcohol for consumption OFF the Premises.

That part of the application was rightly rejected by CoL. Regardless, the applicant is now trying again.

The Premises are not a pub or bar; they are an eatery sited very close to residential accommodation at Roman House and the Barbican Estate.

Allowing off-sales would serve only to encourage congregations of drinkers in London Wall Place gardens and the adjoining residential streets.

Bearing in mind how close residential accommodation is to the Premises, I would ask the Licensing Committee to take into consideration the high likelihood of (i) public nuisance, and (ii) harm to children, were the application to be granted. In order to avoid noise disturbing the residents (both adult, child and vulnerable) of Andrewes and Willoughby Houses, as well as Roman House, the consumption of alcohol should remain confined to ON-sales only, according to its current licence, and this application should, therefore, be refused.

Yours faithfully

Nigel Pilkington
■ Andrewes House
Barbican
London EC2Y 8AX

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From: [REDACTED]
Sent: 13 July 2020 13:09
To: M&CP - Licensing <licensing@cityoflondon.gov.uk>
Cc: Breese, Robert <[REDACTED]>
Subject: Objection for licence application

Dear Sir/Madam,

I'm writing to make a representation of my strong objection on the matter of addition of off sale of alcohol to licence of Barbie Green for 2 London Wall Place, as a resident in Roman House and City of London.

First of all, the sale of take away of alcohol by Barbie Green is going to turn the nice tranquil St Alphage garden and Roman wall Ruin into an open air drinking garden with unlimited number of people drinking till late over the open area. This is going to cause public nuisance, anti social behaviour, noise for residents and rubbish/urination around historical momentum.

Secondly, since opening Barbie Green has hardly been a responsible business operator for the Neighbourhood, often leaving rubbish (cooked sausage, sauce, cigarette butts, receipts etc) from meal service in the outside area and not cleaning up properly, photo evidence attached.

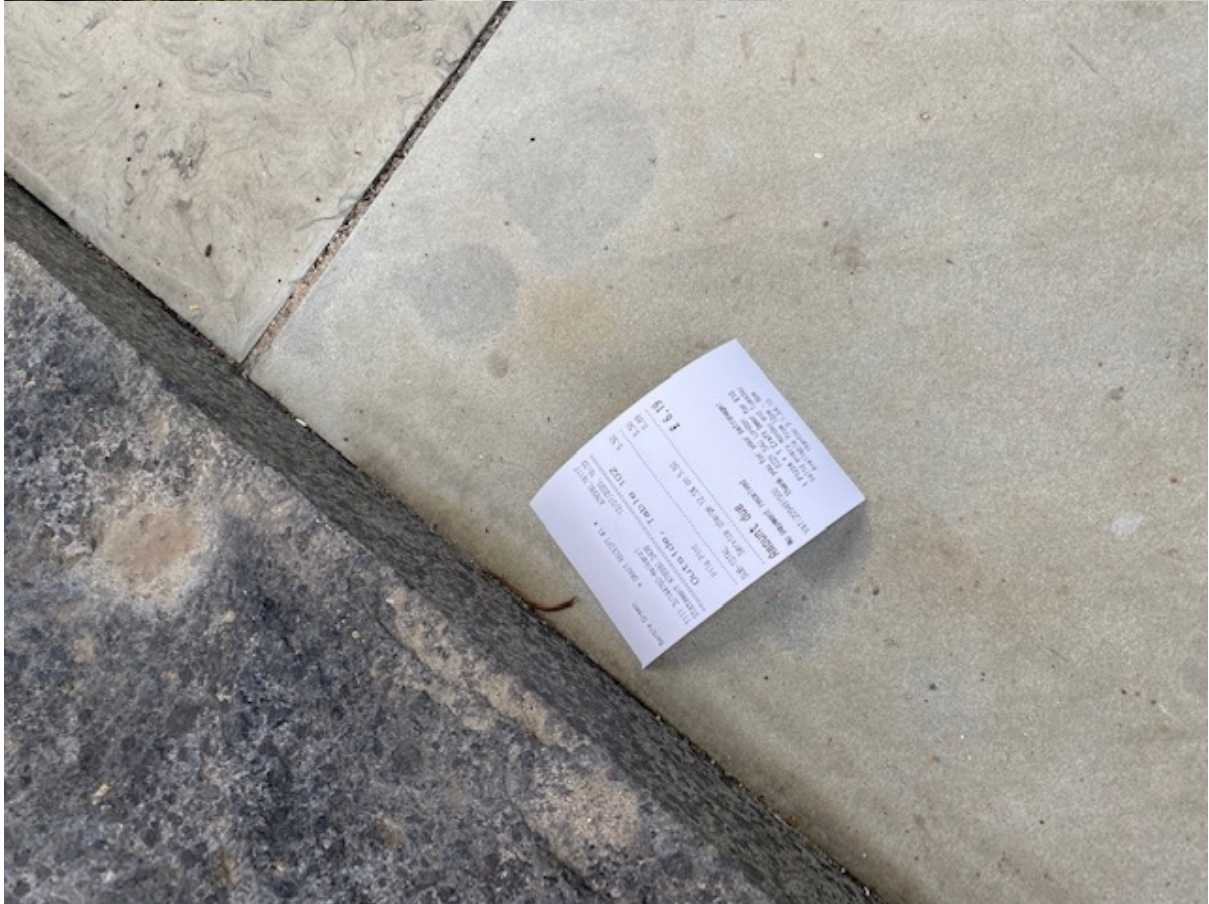
This gives residents around neighbourhood no confidence that they will be able to manage people buying takeaway alcohol from them to behave and drink responsibly.

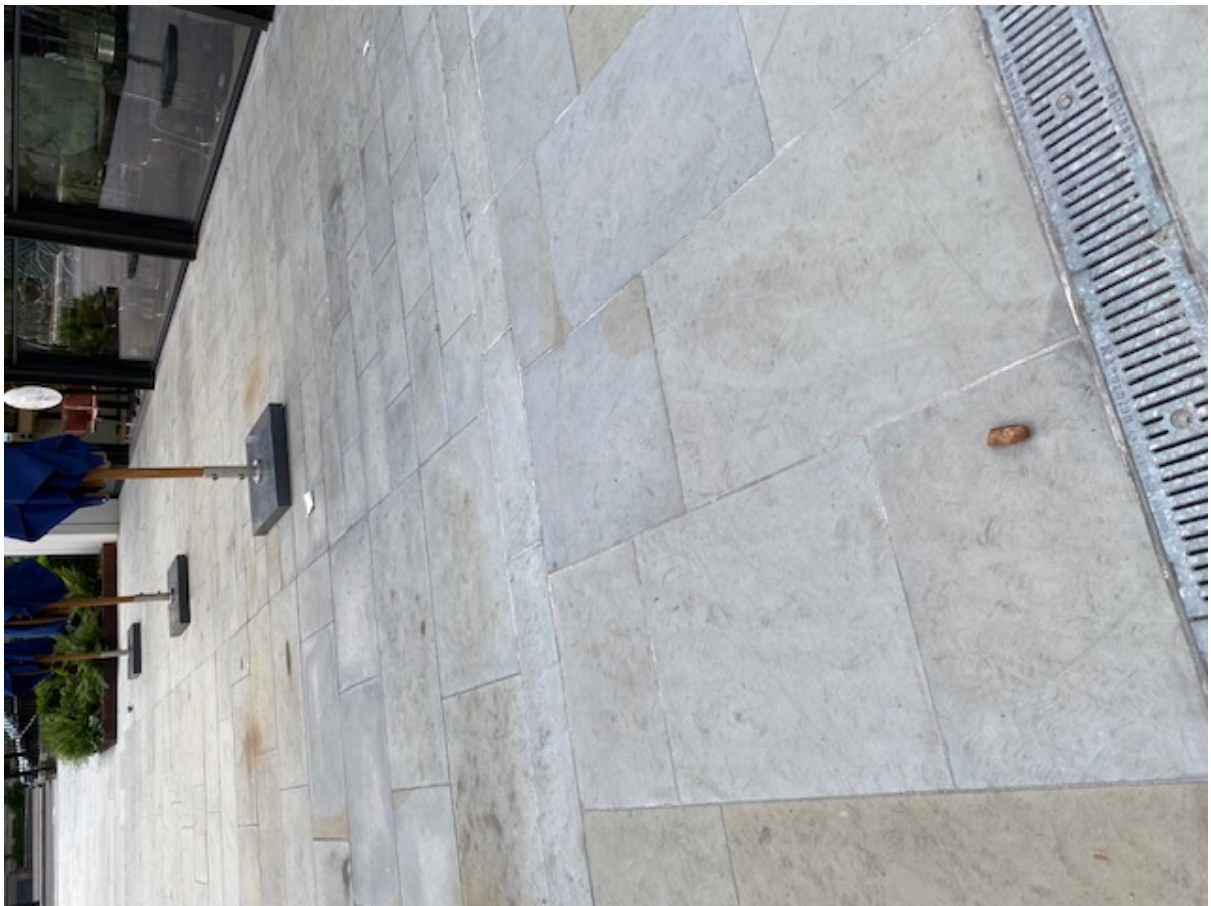
Thank you very much for your consideration,

Best regards,

Ninuo Zhao

Roman House,
Wood Street
Ec2y 5ag





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From: [Panayiotis Papakyprrianou](#)
To: [M&CP - Licensing](#)
Subject: Representation in Relation to: Application for a Variation of a Premises Licence - 2 London Wall Place, EC2Y 5DH
Date: 28 June 2020 16:09:27

Dear City of London Licensing Authority,

Application for a Variation of a Premises Licence - 2 London Wall Place, EC2Y 5DH

I intend this to be a formal representation in opposition to the application for a variation of a premises licence to add off-sales of alcohol, made by Daisy Green Food Ltd (the “**Applicant**”), in respect of the above premises (the “**Premises**”).

I live in [REDACTED] Roman House, Wood Street. My apartment looks onto the Roman Wall and is near the footway that leads from the Premises to Wood Street. I estimate the Premises to be approximately 30 yards away from my apartment.

It is submitted that the application to add off-sales of alcohol to the premises licence should be rejected, as it contravenes the City of London Corporation’s Licensing Act 2003 Statement of Licensing Policy (the “**Policy**”). The grant of this variation would cause a public nuisance as well as infringe my Human Rights (and those of the residents of Roman House) pursuant to the European Convention of Human Rights (“**ECHR**”). I say this for the reasons set out below.

The Prevention of Public Nuisance

I believe that permitting this variation will breach the licensing objective to prevent public nuisance in accordance with Paragraphs 72-86 of the Policy. The City of London Corporation’s policy is that it is very sensitive to the impact of licensed activities which are close to residential areas (Paragraph 73). The Premises are in very close proximity to Roman House which is home to a large number of residents. In my case, the Premises are a stone’s throw away from my apartment and are visible from my bedroom and living room. Permitting the serving of alcohol for customers to drink outside the premises 7 days a week for 9 hours each day in very close proximity to a residential block of apartments cannot reasonably be expected to uphold this objective not to cause nuisance in the vicinity of residential accommodation.

Permitting this variation is an invitation for consumers to consume alcohol and smoke in the vicinity of a residential block and in the garden and public area adjacent to, and/or on the terrace/footway that runs alongside my apartment building. This will cause disturbance in the form of noise pollution, litter and smoke (from smoking). Pursuant to Paragraphs 85 and 86 of the Policy, the City Corporation is committed to assessing the unacceptable, adverse impact, particularly on local residents. The application contravenes these objectives.

Paragraph 84 of the Policy further recognises the importance of the potential adverse impact on surrounding areas of licensed premises due to noise, smells, or congestion. My apartment is directly adjacent to the footway/terrace and garden area, and during the Summer months when internal temperatures in my apartment can reach upwards of 30 degrees Celsius, I am required to keep my windows open; there is no way that noisy customers will not disturb my sleep and affect my air quality through smoking, throughout the week. This is exacerbated during the current pandemic, as I am currently working from home and the noise would therefore additionally be disruptive to my work. Paragraph 35 of the Policy states that consideration will be given to inter alia, "the level of noise and vibration, people coming and going, queuing and any potential criminal activity or disorder". Allowing the Premises to serve alcohol for outdoors consumption will lead to an increase in noise levels from the congregation of smokers and drinkers in the terrace/garden and along the footway.

Applicants are required to have regard to the Policy and the potential adverse impact on local residents, so as to mitigate any disturbance. This is referenced to multiple times throughout the Policy. For example, Paragraph 28 states that applicants are required to assess the adequacy of their proposals to prevent public nuisance. The Applicant has made no such provision. Safeguards in the existing premises licence (which are repeated in this variation application) would be ineffective for the proposed variation. These safeguards state that:

- Prominent signage would request customers to leave quietly. In this variation, the customers *leaving* the Premises are not the issue - selling alcohol to take away would encourage customers to leave the premises and instead drink in the garden and walkway. The terrace/garden space and benches (some of which are along the footway) will act as an invitation for all those who purchase alcohol at the Premises to converge on the terrace/footway and in close proximity to the Roman House's windows, where they could drink and smoke.
- Licensing activities in the external area of the Premises would cease at 21:00, access to the external area would not be permitted to customers with drinks past 21:00, and the external area should be clear of patrons by 21:30. I can see why this was accepted when drinks were sold for indoors consumption; however, I would foresee customers buying drinks at the proposed last-call time for off-sales (20:00) and staying out with drinks well past 21:00.

The footway that leads from the Premises to Wood Street runs adjacent to my apartment building and significant noise can be expected when drinkers buy alcohol specifically for consumption outside of the Premises. Given the historical beauty of the Roman Wall and the gardens, it can be expected that drinkers are likely to congregate outside the Premises and along the footway towards Roman House, especially in the warmer weather.

Paragraph 41 of the Policy states that the Applicant is to have regard to the Policy and make a positive commitment to preventing problems from occurring at the Premises and Paragraph 76 states that the City Corporation will expect the Applicant to propose

practical steps to prevent disturbance to local residents.

As far as I am concerned, the Applicant has not complied with any of these Paragraphs of the Policy and has completely disregarded its obligations under the Policy.

Paragraph 39 of the Policy suggests that regard should be had to the nature of the area where the premises are situated; the gardens and terrace are built around the historical Roman Wall which is a protected landmark and not an attraction designed to promote drinking, smoking and anti-social behaviour in its vicinity.

In summary, the Applicant has had little to no regard to the Policy when making this application, and the granting of this licence is a clear contravention of the aspects of the Policy relating to the prevention of public nuisance.

European Convention of Human Rights

It is further submitted that permitting this premises licence is a contravention of my Human Rights (and those of the nearby residents) 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 home and drink, smoke, make noise and cause a general disturbance for 9 hours 7 days a week is a clear breach of this right and should not be permitted. I have large, transparent windows in my apartment, visible from street level; I could foresee the grant of this application encouraging the Applicant's customers to congregate in the area outside my apartment building and cause an infringement of my right to privacy and to the peaceful enjoyment of my home (and I imagine this must be even more strongly felt by those with apartments in lower floors). This is all acknowledged in Paragraph 18 of the Policy.

Subject to what I say below about the historical importance of the site, perhaps a suitable compromise would be to limit the hours during which the Applicant can serve alcohol for off-site consumption to between 11:00 and 18:00, so that people wanting to continue consuming alcohol later into the evening can move elsewhere, away from residents, and minimise disturbance. However, I do believe that permitting off-Premises alcohol consumption can be expected to increase the level of public nuisance and cause disproportionate levels of disturbance to residents, as well as to visitors to the historic site of the Roman Wall.

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

Historical Landmark

The section of the Roman Wall adjacent to the Premises was built in AD 120 as part of a

Roman Fort. It is a tourist attraction and is a unique feature of the City of London's long history. It is imperative that its beauty and character is maintained.

Following the recent redevelopment in the vicinity and the installation of benches outside the Premises, the area is frequently used by many City workers for quiet relaxation or reading. It would be out of character for the terrace and footway areas to be used for consumption of alcohol and public smoking. Permitting off-sales of alcohol would be contrary to this.

We should encourage more visitors to this beautiful and historic landmark. Under normal circumstances, the site is visited by, for example, tourists and school children on trips. These types of visitors should not be met by the sight of people milling around drinking and smoking in public during the day or in the evenings. This should remain an area of historic beauty, and not be overshadowed by a pub.

I reserve my rights to bring a legal claim for breach of my Human Rights, a tortious claim for nuisance, and/or an injunction to prevent any disturbance caused to me.

I would be grateful if you could please acknowledge receipt of this email.

Yours faithfully,

Panayiotis Papakyprianou

From: [Petra Einwiller](#)
To: [M&CP - Licensing](#)
Subject: Objection to Application by Daisy Green Foods
Date: 14 July 2020 13:38:38

Dear Sirs,


I live in Andrewes House, Barbican. Andrewes House is situated on Fore Street and, so, is nearby 2 London Wall Place and Daisy Green.

I am objecting to the application by Daisy Green Foods for an off-sales license Monday to Sunday.

Their first application in 2019 was rejected because of public nuisance concerns near the premises and the adjoining premises. The concern is that customers take alcohol and consume it in the surrounding areas of the Barbican residential area. There is a public open space with many benches right by the restaurant, and loud voices carry and can be heard by residents of Andrewes House. There is St Giles terrace, next to Andrewes House and also Gilbert House. There is the Barbican Centre Terrace. Monkwell Square at Wallside. Not only Andrewes House but also Roman House residents would be greatly affected.

Customers would be free to go anywhere around the Estate and gather and consume. The many open spaces here would attract a good deal of people.

Kind regards

Petra Einwiller
 Andrewes House

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From: [CoL Web Forms](#)
To: [M&CP - Licensing](#)
Subject: City of London Enquiry
Date: 14 July 2020 23:10:58



Contact Us

Reference: GEN-228089577

Date : 14/07/2020 22:10:54

Dear Contact Centre,

A new enquiry has been received on 14-07-2020 23:04:17, details are below:

Customer's Name: Ms Rachael Casstles

Customer's Email: [REDACTED]

Subject: Application by Daisy Green Food Ltd to vary alcohol licence to off sales between 1100 and 2000 Monday to Sunday

Nature of enquiry:

I am writing on behalf of ABRSM, tenants of [REDACTED] London Wall Place, the site of Salters Hall which adjoins St Alphage's Gardens. ABRSM holds instrumental music exams in its basement practice rooms adjacent to the walled gardens. The premises (Barbie Kitchen) also adjoin these gardens. ABRSM objects to the variation of the licence on the grounds of noise and nuisance during exam hours. We would accept a variation of the licence to off sales of alcohol between the hours of 1700 and 2000.

Form Reference: GEN-228089577

Please action.

Thank you

City of London

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From: [REDACTED]
To: [M&CP - Licensing](#)
Subject: Representation against Daisy Green Ltd Variation of Licence
Date: 13 July 2020 23:44:36

Dear Sirs

Barbie Green, 2 London Wall Place, EC2Y 5AU

I intend this to be a formal representation in opposition to the application to vary a premises licence to sell alcohol made by Daisy Green Food Ltd (the "**Applicant**") in respect of the above premises (the "**Premises**").

I live in Roman House, Wood Street, and my apartment looks onto the Roman Wall and is adjacent to the footway (St Alphage Gardens) that leads from the Premises to Wood Street. The Premises are approximately 30 yards away from my apartment.

It is submitted that the application to vary the existing licence to extend the serving and sale of alcohol at the Premises should be rejected. It contravenes the City of London Corporation's Licensing Act 2003 Statement of Licensing Policy (the "**Policy**"). The granting of a variation to the licence will extend the level of public nuisance experienced by local residents, and also demonstrates disregard to the concerns raised by the Licensing Committee when granting the licence last year. I say this for the reasons set out below.

The Prevention of Public Nuisance

I believe that varying this licence will breach the licensing objective to prevent public nuisance in accordance with Paragraphs 72-86 of the Policy. The City of London Corporation's policy is that it is very sensitive to the impact of licensed activities which are close to residential areas (Paragraph 73). The Premises are in very close proximity to Roman House which is home to a large number of residents. In my case, the Premises are a stone's throw away from my flat and are visible from my bedroom and living room. Extending the licence to permit the sale of alcohol and for it to be consumed off the Premises in very close proximity to a residential block of apartments cannot reasonably be expected to uphold this objective not to cause nuisance in the vicinity of residential accommodation.

Permitting this licence variation is an invitation for consumers to consume alcohol and smoke in the vicinity of a residential block and in the garden and public area adjacent to my apartment and/or on the terrace/footway that runs alongside my apartment. This will cause disturbance in the form of noise pollution, litter and smoke (from smoking). Pursuant to Paragraphs 85 and 86 of the Policy, the City Corporation is committed to assessing the unacceptable, adverse impact, *particularly* on local residents. This variation contravenes these objectives.

Paragraph 84 of the Policy further recognises the importance of the potential adverse impact on surrounding areas of licensed premises due to noise, smells, or congestion. My flat is directly adjacent to the footway/terrace and garden area, and during the Summer months when internal temperatures in my apartment can reach upwards of 30 degrees Celsius, I am required to keep open my sliding patio doors; there is no way that noisy customers will not disturb my sleep and affect my air quality through smoking, throughout the week. Paragraph 35 of the Policy states that consideration will be given to *inter alia*, "the level of noise and vibration, people coming and going, queuing and any potential criminal activity or disorder". Varying the licence such that consumers can take alcohol outside the Premises will lead to an increase in noise levels from the

congregation of smokers and drinkers on the terrace, in the garden and along the footway.

Prospective licence applicants are required to have regard to the Policy and the potential adverse impact on local residents, so as to mitigate any disturbance. This is referenced multiple times throughout the Policy. For example, Paragraph 28 states that applicants are required to assess the adequacy of their proposals to prevent public nuisance. The Applicant has made no such provision.

Paragraph 39 of the Policy states that the Applicant is to address the licensing objectives, to demonstrate measures to ensure the Premises are 'good neighbours' and demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from the Premises. The footway that leads from the Premises to Wood Street runs adjacent to my apartment and significant noise can be expected when drinkers acquire alcohol and consume it off the Premises and in the surrounding areas, especially in the evenings. The Applicant has not addressed these matters. Given the historical beauty of the Roman Wall and the gardens, it can be expected that granting the variation will invite drinkers to congregate outside the Premises and along the footway towards Roman House, especially in the warmer weather.

Paragraph 41 of the Policy states that the Applicant is to have regard to the Policy and make a positive commitment to preventing problems from occurring at the Premises and Paragraph 76 states that the City Corporation will expect the Applicant to propose practical steps to prevent disturbance to local residents. Granting the variation of the existing licence directly undermines this.

The Policy itself suggests managing this by not permitting customers who are smoking to take drinks outside and locating smoking areas away from residential properties. Granting this variation will act as an invitation for all those in the bar to come and smoke on the terrace/footway and in close proximity to my window. This is also acknowledged in Paragraph 79 of the Policy where the City Corporation accept the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder.

Paragraph 39 of the Policy suggests that regard should be had to the nature of the area where the premises are situated; the gardens and terrace are built around the historical Roman Wall which is a protected landmark and not an attraction designed to promote drinking, smoking and anti-social behaviour in its vicinity.

In summary, the Applicant has had no regard to the Policy when making this application, and the granting the variation of this licence is a clear contravention of the aspects of the Policy relating to the prevention of public nuisance.

Existing Licence

The Applicant already has the benefit of a licence, permitting it to sell alcohol Monday-Sunday, 11:00-22:30. I do not understand why the Applicant feels it has a right to monopolise and commercialise the use of the garden space, inciting an alcohol fuelled environment encouraging people to drink all around the garden and open space. There were clear reasons for the Licencing Committee to impose the restrictions on off premises sales and the consumption of alcohol outside the area of the terrace, and the applicant now seeks to vary these. The same concerns that led to the imposition of these restrictions by the Licencing Committee remain valid and therefore the variation sought by the applicant should be rejected.

Following the recent redevelopment in the vicinity and the installation of benches outside the Premises, the area is used by many City workers for quiet relaxation or reading. It

would be out of character for the terrace and footway areas to be used for consumption of alcohol and public smoking.

In my view, it has always been clear that the Premises are not large enough for a bar and it was obvious that to maximise profit, the Applicant, sooner or later, would seek to attract customers by using the open external space around the Premises, especially in the warmer weather. It should not be the case that the applicant has the right to commercialise the open space around the Premises to the detriment of other local residents and users. Permitting the variation of this licence sets a dangerous precedent whereby those applicants that have restrictions imposed on the grant of a licence can shortly thereafter apply for a variation to remove those restrictions once they have secured the original licence.

European Convention of Human Rights

It is further submitted that permitting this variation to the existing licence will cause a breach of my Human Rights (and those of the nearby residents) 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 home and drink, smoke, make noise and cause a general disturbance by selling alcohol directly outside my window is a clear breach of this right and should not be permitted. I have large, transparent windows in my apartment and the grant of this application will encourage customers of the Applicant to congregate outside my apartment and cause an infringement of my right to privacy and to the peaceful enjoyment of my home. This is all acknowledged in Paragraph 18 of the Policy.

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 for breach of my Human Rights, a tortious claim for nuisance and an injunction to prevent the disturbance caused to me.

Please acknowledge receipt.

Yours faithfully

Ravi Rupal

, Roman House, Wood Street, London EC2Y 5AG

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11th July 2020

To: City of London Licensing Team
Markets and Consumer Protection
PO Box 270
Guildhall
London EC2P 2EJ

Sent by email to: licensing@cityoflondon.gov.uk

Application to vary a Premises Licence
Daisy Green
2 London Wall Place
London
EC2Y 5AU

Dear Licensing team,

I write to OBJECT to the above application by Daisy Green Foods for off-sales between the hours of 11:00 and 20:00 Monday to Sunday on the basis of the prevention of public nuisance.

Important to remind us before laying down the arguments that the cafe-bar chain markets itself as the leading and premium all-you-can-drink prosecco bottomless brunch establishment strongly pushing pre-noon binge drinking with a veil of healthy snacking for the Instagram generation.

I am a resident of the Roman House development of 90 apartments, adjacent to the London Wall Place 2 building, and the license holder Daisy Green.

It is with regret that despite the promise of the London Wall Place development to engage in advance on licence matters with the Barbican Residents Association and myself as an informal voice of Roman House (while lacking of a formal association), they chose to not consult with residents in relation to this variation application.

Daisy Green's application for an off-premises sales licence 7 days a week was rejected when the original licence was granted in the summer of 2019 on the basis that the licensing principle concerning public nuisance would be infringed if off sales were permitted .

Less than 1 year ago, the licensing committee recognised that the premises are situated in the grounds of London Wall Place ,very close to the Barbican residential estate and particularly that they are proximate to the residential building Roman House.

The premises are therefore close to hundreds of flats and houses in the Barbican Estate and the Roman House development. Given the potential for noise, litter nuisance and anti-social behaviour, it was decided at the original hearing that the 'supply of alcohol would be restricted to on the premises'.

The Roman House design of the flats mean that there are top- to-bottom and left-to-right windows and virtually no external walls other than a metallic frame, leaving very limited noise insulation. The City is responsible to ensure that the residents of the residential block of flats it allowed to be built are able to live a normal life with no nuisance of loud noise, loud drunk people, bottles being emptied in bins, drunk people walking around in the very open public spaces of the area, until late in the night. Because of the same design, most of us live with very high temperatures internally very commonly more than 30C, on day and night. This major design flaw means that we have to live with open balconies, to get respite from the heat.

Last year the committee not only refused an off sales licence but also restricted the sale and consumption of alcohol in the external area of the premises to 21.00 (and allowing smoking until 21.30).

Since then the Corporation of London has completed its works in the area immediately between the Daisy Green premises and Roman House, installing large areas of grass and a very large amount of public seating making it more convenient now for people to gather and consume alcohol in that area. The public seating is not only in the form of 20+ benches but also the roman amphitheatre style seating around the church ruins themselves, which can have an estimated 20-30 people seated down too, about 2 metres away from the licence holder.

The seating benches installed have already been the cause of public nuisance, as they have attracted many different groups of skateboarders who use the benches to perform on. The City of London has acknowledged this as has thus replaces some aspects of the benches in order to make them less conducive to skateboard acrobatics.

Allowing off-premises sales would increase the likelihood that more people consuming alcohol and causing disturbance in areas adjoining the external area of the licensed premises where they would not be subject to the licensee's control and are likely to be closer to the residential areas .There would be nothing to prevent people who have purchased off licence from drinking in London Wall Place and/or the other nearby open spaces including: The publicly accessible Salters' Hall Gardens, the St Alphage Gardens, the London Wall Place public areas, all within 5-10 metres from the license holder.

Given that an off-sales license seven days a week was rejected for this cafe-bar only last year I recommend that it remains in place. Maintaining the current licensing arrangements is all the more important since the completion of attractive seating right next to the cafe-bar. This will only make it easier for people to gather and consume alcohol with the greater opportunity for public nuisance.

For clarity, my objection is to sales in any type of container, deemed closed or open; this is because the difference between the two is not meaningful in the modern manner of alcohol preparations, products and serving. It is increasingly the norm for license holders to sell alcoholic beverages including cocktails pre-made in bottles, or for pints of beer to be served in capped pint glasses, making them technically closed but aimed for on-the-spot consumption.

Do note that Environmental Health and the City Of London Police both objected to the license last year, mentioning:

"Noise associated with this type of activity is not part of the current character of that area and residents of Roman House and of Andrews House on Fore Street would have line of sight to the external drinkers [...] noise from people stood outside whilst drinking is likely to cause disturbance to neighbouring residents.." and "it is our belief that if granted it would undermine the Licensing Objectives of the prevention of crime & disorder and public nuisance."

Yours sincerely,

Dr Dimitri Varsamis
[REDACTED] Roman House
Wood Street, London,
EC2Y 5AG



Representing the interests of Barbican Residents

Helen Kay
Willoughby House
Barbican
London EC2Y8BN
28 June 2020

City of London Licensing Authority
Walbrook Wharf
78-83 Upper Thames Street
London EC4R 3TD

Re: LN/200507956

Application to vary a Premises Licence
Daisy Green
2 London Wall Place
London
EC2Y 5AU

I write on behalf of the Barbican Association to object on the grounds of the Prevention of Public Nuisance to the application, in particular noise disturbance.

The very attractive London Wall Place gardens surrounding the Barbie Green premises have become an icon in the area, a peaceful place for people to enjoy. The area directly adjacent to the restaurant has recently been completed by the CoL and includes a large number of benches. If off-sales are allowed from Barbie Green there is a real risk that this area becomes an outside drinking area. As can be seen around the city, even in the lockdown recently, these premises can attract large numbers of noisy patrons on the street.

The "Court Yard" of the premises and other seating nearby is close to Roman House and within the line of sight and sound of Barbican flats in Andrewes and Willoughby Houses. I am sure you are aware that the soffits, the undersides of the balconies in the Barbican, are excellent reflectors of street-level sounds into the rooms. The windows are not double-glazed, and the Roman House rooms are south facing and are not always kept closed during the evening.

At the Bad Egg premises off Moor Lane we have witnessed excessive drinking, loud noise, smokers in the street and revellers have even been seen squatting in Moor Lane to go to the toilet. There are no public toilets near Barbie Green and the toilets inside are small and downstairs in the basement.

The London Wall Place gardens are the responsibility of the Brookfield management team and are regularly patrolled. However, it is important to note that the area adjacent to the Barbie Green restaurant is the responsibility of the CoL, as we found out when we had a skateboarding problem. The potential for litter in an outside drinking area is huge with cans, wine bottles and takeaway food containers.s

There was a recommendation from Dawn Patel Environmental Health Officer, Pollution Team, CoL, dated 8 May 2018 following the review of Enoteca application (at the current

Barbie Green premises). In it she states that Montcalm/Jugged Hare Chiswell Street being in a similar proximity to residences 'brings customers inside at 2100 through the week to minimise disturbance to neighbours' ... 2100 hours being a suitable time to control noise'. Her experience told her that noise from outside drinking areas causes a public nuisance in residential areas.

If local people and workers want alcohol to take home, they can do this at any of the supermarkets in the area. Buying alcohol from a restaurant is different.

Despite being best practice there has been no consultation with the Barbican Association on this variation to the license. This is disappointing given that the communication channels were set up when the restaurant first opened.

In the documentation circulated after the license hearing for the original application a year ago it stated that "the sub-committee had concerns relating to the potential for public nuisance resulting from patrons purchasing alcohol and subsequently consuming the alcohol in the vicinity of the premises. It therefore decided that the supply of alcohol would be restricted to on the premises." The restaurant was told to limit the outside numbers, not to allow drinking outside after 9pm and for doors and windows to be closed at 9pm, also signage to be posted asking patrons to leave the premises quietly. All of these conditions were in recognition of it being in a heavy residential area.

We urge you to uphold the decision made a year ago not to allow off-sales to reflect the fact that this is a heavy residential area with people who work from home and children who need to get to sleep on school nights.

Kind regards,

Helen Kay

Chair, BA Planning and Licensing Sub-Committees

Breese, Robert

From: Patel, Dawn
Sent: 08 May 2018 17:56
To: [REDACTED]
Cc: [REDACTED]
Subject: Enoteca, 2 London Wall Place. 201804990

Dear team,

This department acknowledges receipt of the application for a Premises license at 2 London Wall Place. The application if granted as it stands would permit people to drink outside the premises until midnight Monday to Saturday and until 2200 hours on a Sunday. Noise associated with this type of activity is not part of the current character of that area and residents of Roman House and of Andrews House on Fore Street would have line of sight to the external drinkers. The background noise level is likely to drop as the evening progresses and noise from people stood outside whilst drinking is likely to cause disturbance to neighbouring residents at a time when they wish to rest and sleep. Such disturbance is not in accordance with the licensing objective to prevent public nuisance. As such, this department wishes to make a representation.

It is understood that the Montcalm/Jugged Hare, Chiswell Street (also in close proximity to the Barbican) bring customers inside at 2100 hours through the week to minimise disturbance to neighbours. This time of 2100 hours may be a more suitable time to bring customers inside and therefore control noise.

Kind regards

Dawn Patel
Environmental Health Officer
Pollution Team

Please note that I work on Mondays and Tuesdays

Dept. of Markets & Consumer Protection
City of London, PO Box 270,
Guildhall, London, EC2P 2EJ

[REDACTED]
Email: [REDACTED]
Web: cityoflondon.gov.uk/noise

Register non-road mobile machinery (NRMM) via this link: nrm.london

Should you wish to provide feedback on the service you have received, please follow this link: surveyMonkey.com/r/PHPP_Noise

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From: [Yiyang Li](#)
To: [M&CP - Licensing](#)
Subject: Objection for Licensing application in 2 London wall place_Barbie Green
Date: 29 June 2020 16:47:54

> Dear Sir/ Madam,

>

> My name is Yiyang Li, I live in [REDACTED] Roman house. I'd like to make a representation For my strong objection against the licensing application of Daisy Green in 2 London wall place.

>

> This franchise operate takeaway alcohol. This license is from 11am to 8pm every day of the week. This is going to cause an incredible amount of noise, anti-social behaviour and disturbance to local residents. Even tho they stopped selling alcohol beverage at 8pm. However they couldn't control when people who bought their alcohol to leave the area. People may purchase alcohol and have a party till late in the little garden right next to our building.

>

> During this pandemic, most of the Roman house residents are still work from home. With the off sale alcohol from Barbie Green, it's very unlikely that we will be able to find any peace and quiet especially during this hot summer when we have to keep windows open for ventilation. This is also likely to comprise privacy of residents.

>

> I would really appreciate it, if you could kindly give considerations to wellbeing of local residents,

>

> Yours faithfully,

> Yiyang Li

>

>

> Sent from my iPhone

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City of London Licensing Authority
Walbrook Wharf
78-83 Upper Thames Street
London
EC4R 3TD
27 June 2020

Dear Sir

License variation for Daisy Green Food Limited, LN/200507956, dated 17 June 2020 (“the Variation”)

The Gilbert House Group is the Recognised Tenants’ Association representing the interests of the residents of Gilbert House in the Barbican Estate. What follows is the response from our Group to the above license variation.

We are writing to object to the Variation on two points as follows:

1. 2 London Wall Place is on the edge of a major residential estate, being the Barbican Estate. Off sales will encourage people to drink in adjacent areas to the licensed premises such as St Alphage Gardens and St Giles terrace, the latter being directly below flats in Gilbert House. The proposed last times for serving off sales are 20.00 Monday to Sunday, being every day and evening of the week. Notably this includes Sunday which is still meant to be a quieter day. Residents are entitled to enjoy peace and quiet enjoyment of their flats and this Variation in any form will change the atmosphere of the residential estate permanently. This is contrary to the City of London’s policies designed to manage premises so as not to cause undue disturbance.
2. The Variation would set a worrying precedent. If granted this risks applications for similar variations from other licensed premises adjacent to the Barbican Estate. The City of London must ensure that appropriate protection of residential areas is managed consistently and in a way that does not permanently and adversely change residents’ enjoyment of their homes.

In summary we believe that the Variation should be rejected.

Yours faithfully
Ian Dixon Chair, Gilbert House Group

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From: [William Phillips](#)
To: [M&CP - Licensing](#)
Subject: Application from Daisy Green Foods Ltd
Date: 28 June 2020 14:24:12

Hi,

I'm a resident in Roman House, next to the premises for this application. I'd like to register my support for the application to encourage business and activity in the area.

Thanks

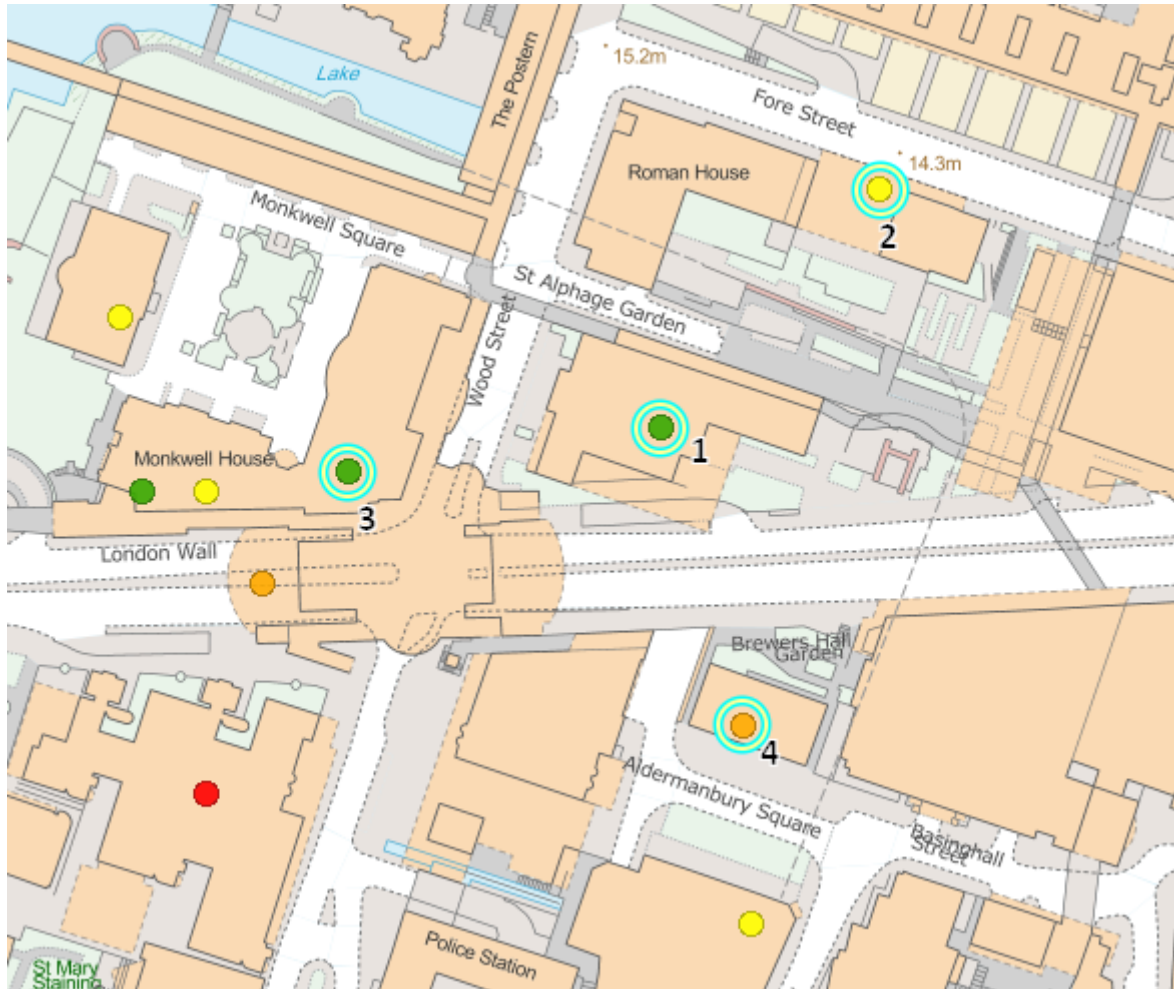
William Phillips

[REDACTED]

[REDACTED] Roman House
Wood Street
London EC2Y 5AG

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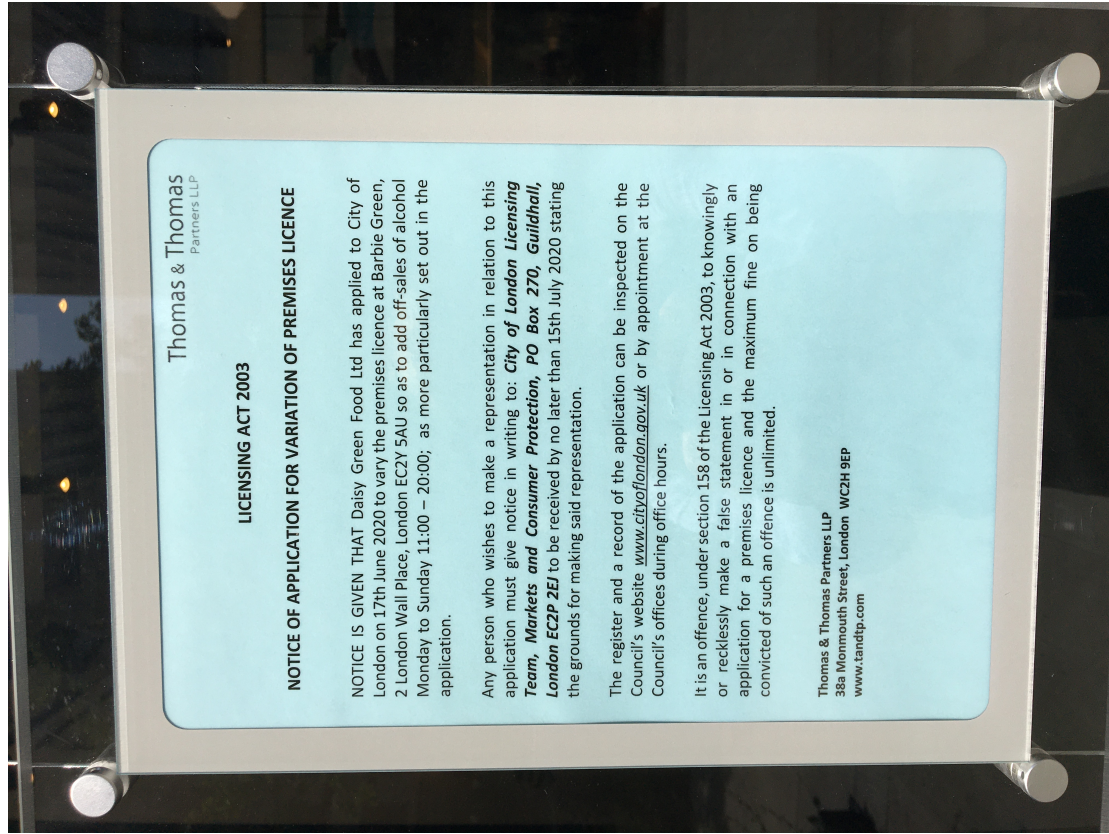
Premises Location Map



	Trade Name	Alcohol Closing Time	Late Night Refreshment Closing Time
1	Daisy Green	22:30	Unlicensed
2	The Salters Company	Midnight	Unlicensed
3	Gather & Gather, Lloyds Bank Plc	22:00	Unlicensed
4	Worshipful Company of Brewers	Midnight	01:00

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