

LICENSING (HEARING) SUB COMMITTEE

Date: MONDAY, 29 NOVEMBER 2021

Time: 10.00 am

Venue: COMMITTEE ROOM 2, 2ND FLOOR, WEST WING, GUILDHALL

Members of the public can observe this virtual public meeting on the link https://youtu.be/pzRWq275IWU

APPLICANT: Barts Square Active One Ltd

PREMISES: Unit 7, 63 Bartholomew Close, London, EC1A 7BF

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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.

Agenda Annex

Committee(s):Hearing Date(s):Item no.Licensing Sub-Committee29 Nov 20211

Subject:

Licensing Act 2003 - Public Hearing in Respect of an Application for the Variation of a Premises Licence

Name of premises: Barts Square Active One Ltd

Address of premises: 63 Bartholomew Close

EC1A 7BF

Report of:

Executive Director of Environment

Ward (if appropriate):

Public / Non-Public

Farringdon Within

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:

Barts Square Active One Ltd

12 Castle Street

St Helier Jersey JE2 3RT

was received by the City of London Licensing Authority on 18 April 2021 to vary the premises licence in respect of the premises at:

63 Bartholomew Close (formerly Unit 7) EC1A 7BF

2.2 The application seeks to extend the terminal hour for the supply of alcohol by an additional thirty minutes Thursday to Saturday as follows:

<u>Activity</u>	Current Licence		Propose	ed Licence
Sale of Alcohol	Mon-Sat:	10:00-23:00	Mon-Wed:	10:00-23:00
	Sun:	12:00-22:30	Thu-Sat:	10:00-23:30
			Sun:	12:00-22:30

The supply of alcohol is for on sales only.

Full details of the application are contained in a copy of the Application Form at Appendix 1.

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

3 <u>Licensing History of Premises</u>

- 3.1 The premises obtained their licence from the City of London Licensing Authority on 10 June 2019 following a hearing held on that date. The hearing was called following the receipt of eight representations from residents against the original application for a premises licence.
- 3.2 The premises has not been open for the supply of alcohol since it obtained its licence.
- 3.3 The current licence can be seen as Appendix 2 and the minutes of the licensing hearing as Appendix 3.
- 3.4 The premises applied for their original premises licence to trade as a bar/café/delicatessen.

Representations From Other Persons

- 4.1 One representation has been received from an 'other person' against the granting of the variation. The representation against granting the variation is made on the basis that if granted it will undermine the licensing objective of the prevention of 'public nuisance'.
- 4.2 The representation can be seen in full as Appendix 4.

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 the subcommittee as stated in paragraph nine 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 5. 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 6.

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 Options

- 9.1 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) grant the variation subject to any conditions consistent with the operating schedule modified to such extent that the sub-committee considers appropriate for the promotion of the licensing objectives; 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 9.1(i) conditions are modified if any of them are altered or omitted or any new condition is added.

10 Recommendation

10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a variation of a premises licence in accordance with paragraph 9 of this report.

Prepared by Peter Davenport

Licensing Manager
Peter.davenport@cityoflondon.gov.uk

Background Papers

BACKGROUND PAPERS	<u>DEPT</u>	FILE
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

Appendix 1



City of London Application to vary a premises licence Licensing Act 2003

For help contact licensing@cityoflondon.gov.uk Telephone: 020 7332 3406

* required information

		required informatio
Section 1 of 18		
You can save the form at any t	time and resume it later. You do not need to l	be logged in when you resume.
System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference		You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on be	ehalf of the applicant?	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
Applicant Details		
* First name	Barts Square Active One Ltd	
* Family name		
* E-mail		
Main telephone number		Include country code.
Other telephone number		
☐ Indicate here if the appl	licant would prefer not to be contacted by tel	lephone
Is the applicant:		
 Applying as a business 	or organisation, including as a sole trader	A sole trader is a business owned by one
 Applying as an individu 	al	person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.
Applicant Business		
Is the applicant's business registered in the UK with Companies House?	○ Yes	Note: completing the Applicant Business section is optional in this form.
Is the applicant's business registered outside the UK?	YesNo	
Commercial register	Jersey	
Registration number	JE116022	
Business name	Barts Square Active One Ltd	If the applicant's business is registered, use its registered name.
	Page 11	

Continued from previous page		
VAT number		Put "none" if the applicant is not registered for VAT.
Legal status	Private Limited Company	
Applicant's position in the business		
Home country	Jersey	The country where the applicant's headquarters are.
Registered Business Address	3	Address for the applicant's business that appears on the commercial register.
Building number or name		appears on the commercial register.
Street	Castle Street	
District		
City or town	St Helier	
County or administrative area		
Postcode	JE2 3RT	
Country	Jersey	
Agent Details		
* First name	Craig	
* Family name	Baylis	
* E-mail		
Main telephone number		Include country code.
Other telephone number		
☐ Indicate here if you wou	ld prefer not to be contacted by telephone	
Are you:		
 An agent that is a busine 	ess or organisation, including a sole trader	A sole trader is a business owned by one person without any special legal structure.
A private individual actir	ng as an agent	person manoucuny special regards accure.
Agent Business		
Is your business registered in the UK with Companies House?	○ Yes	Note: completing the Applicant Business section is optional in this form.
Is your business registered outside the UK?	○ Yes	
Business name	Kingsley Napley LLP	If your business is registered, use its registered name.

Continued from previous page		Dat III and III if any and an airtean of factors
VAT number		Put "none" if you are not registered for VAT.
Legal status	Limited Liability Partnership	
Your position in the business	Partner	
Home country	United Kingdom	The country where the headquarters of your business is located.
Agent Business Address		If you have one, this should be your official
Building number or name		address - that is an address required of you by law for receiving communications.
Street	Bonhill Street	
District		
City or town	London	
County or administrative area		
Postcode	EC2A 4DN	
Country	United Kingdom	
Section 2 of 18		
APPLICATION DETAILS		
vary substantially the premis	sed to vary the licence so as to extend the pe ses to which it relates. If you wish to make th nises licence application under section 17 of	at type of change to the premises licence,
	ring the premises licence holder, apply to vary a mises described in section 2 below.	premises licence under section 34 of the
* Premises Licence Number	LN/200507814	
Are you able to provide a post	al address, OS map reference or description of t	he premises?
Address	p reference O Description	
Postal Address Of Premises		
Building number or name	63 (formerly Unit 7)	
Street	Bartholomew Close	
District		
City or town	London	
County or administrative area		
Postcode	EC1A 7BF	

Continued from previous page			
Premises Contact Details			
Telephone number			
Non-domestic rateable value of premises (£)	0		
Section 3 of 18			
VARIATION			
Do you want the proposed variation to have effect as soon as possible?	Yes	○ No	
Do you want the proposed var		elation to the	
introduction of the late night I ○ Yes	evy? ● No		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 to the late night levy.
If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend			
Describe Briefly The Nature	Of The Proposed Varia	tion	
could be relevant to the licens	ing objectives. Where yo	our application includes	and layout and any other information which off-supplies of alcohol and you intend to cription of where the place will be and its
Extend terminal hour for supp	oly of alcohol on Thursda	y to Saturday by 30 min	nutes
Section 4 of 18			
PROVISION OF PLAYS			
See guidance on regulated en	tertainment		
Will the schedule to provide pl vary is successful?	lays be subject to chang	e if this application to	
○ Yes	No		
Section 5 of 18			
PROVISION OF FILMS			
See guidance on regulated en	tertainment		
Will the schedule to provide fil vary is successful?	lms be subject to change		
, 		Page 14	

Continued from previous page			○ Yes	•	No
Section 6 of 18					
PROVISION OF INDOOR SPO	RTING EVENTS				
See guidance on regulated en	tertainment				
Will the schedule to provide in this application to vary is succ		ubject to change if			
○ Yes	No				
Section 7 of 18					
PROVISION OF BOXING OR W	RESTLING ENTERTAINM	ENTS			
See guidance on regulated en	tertainment				
Will the schedule to provide be to change if this application to		inments be subject			
○ Yes	No				
Section 8 of 18					
PROVISION OF LIVE MUSIC					
See guidance on regulated en	tertainment				
Will the schedule to provide li application to vary is successful	-	nge if this			
○ Yes	No				
Section 9 of 18					
PROVISION OF RECORDED M	USIC				
See guidance on regulated en	tertainment				
Will the schedule to provide reapplication to vary is successful	•	o change if this			
○ Yes	No				
Section 10 of 18					
PROVISION OF PERFORMAN	CES OF DANCE				
See guidance on regulated en	tertainment				
Will the schedule to provide p this application to vary is succ		ubject to change if			
○ Yes	No				
Section 11 of 18					
PROVISION OF ANYTHING O	F A SIMILAR DESCRIPTION	N TO LIVE MUSIC, RE	CORDED MUSIC OR PERFORM	IAN	CES OF
See guidance on regulated en	tertainment				
Will the schedule to provide a performances of dance be subsuccessful?	3 0				
○ Yes	No	Page 15			

Continued from previous	page				
Section 12 of 18					
PROVISION OF LATE N	IGHT R	EFRESHMEN	NT		
Will the schedule to pro this application to vary			eshment be subject to	change if	
○ Yes		No			
Section 13 of 18					
SUPPLY OF ALCOHOL					
Will the schedule to sup vary is successful?	oply alc	ohol be subj	ect to change if this ap	pplication to	
Yes		○ No			
Standard Days And Ti	mings				
MONDAY					
	Start	10:00	End	23:00	Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days
		10.00	1		of the week when you intend the premises
	Start		End		to be used for the activity.
TUESDAY					
	Start	10:00	End	23:00	
	Start		End		
WEDNESDAY					
	Start	10:00	End	23:00	
			1		
	Start		End		
THURSDAY					
	Start	10:00	End	23:30	
	Start		End		
FRIDAY					
	Start	10:00	End	23:30	
			1		
	Start		End		
SATURDAY			1		
	Start	10:00	End	23:30	
	Start		End		
SUNDAY					
	Start	12:00	End	22:30	
			1		
	Start	I	End	1	

Continued from previou	us page		
Will the sale of alcoho	ol be for consumption?		
On the premises	s Off the prem	nises (Both	If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.
State any seasonal va	riations.		
For example (but not	exclusively) where the acti	vity will occur on	additional days during the summer months.
Non-standard timings list below.	s. Where the premises will b	oe used for the su	pply of alcohol at different times from those listed above,
For example (but not	exclusively), where you wis	sh the activity to g	o on longer on a particular day e.g. Christmas Eve.
Section 14 of 18			
ADULT ENTERTAINM	ENT		
	ntertainment or services, ac ve rise to concern in respec		entertainment or matters ancillary to the use of the
give rise to concern in	respect of children, regard	dless of whether y	nises or ancillary to the use of the premises which may ou intend children to have access to the premises, for icted age groups etc gambling machines etc.
none			
Section 15 of 18			
HOURS PREMISES AF	RE OPEN TO THE PUBLIC		
Standard Days And	Timings		
MONDAY			Dunyida timin main 24 hayın alaşlı
	Start 08:00	End	Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days
	Start	End	of the week when you intend the premises to be used for the activity.
TUESDAY			
	Start 08:00	End	23:30
	Start	Pa ^{Ede}	17

Continued from previous page		
WEDNESDAY		
Start	08:00	End 23:30
Start		End
THURSDAY		
Start	08:00	End 23:45
Start		End
FRIDAY		
	08:00	End 23:45
Start		End End
SATURDAY		
	08:00	End 23:45
Start		End
SUNDAY		
Start	09:00	End 23:00
Start		End
State any seasonal variations.		
For example (but not exclusive	ely) where the activity will occ	ur on additional days during the summer months.
those listed above, list below.		es to be open to the members and guests at different times from ty to go on longer on a particular day e.g. Christmas Eve.
Identify those conditions curre proposed variation you are see		which you believe could be removed as a consequence of the
	nises licence Pa	age 18

Continued from previous page
☐ I have enclosed the relevant part of the premises licence
Reasons why I have failed to enclose the premises licence or relevant part of premises licence.
Section 16 of 18
LICENSING OBJECTIVES
Describe the steps you intend to take to promote the four licensing objectives:
a) General – all four licensing objectives (b,c,d,e)
List here steps you will take to promote all four licensing objectives together.
No additional steps required
ino additional steps required
b) The prevention of crime and disorder
see box a
a) Dublic cofety
c) Public safety
see box a
d) The prevention of public nuisance
see box a
see box a
e) The protection of children from harm
see box a
Section 17 of 18
NOTES ON DEGIT ATED ENTEDTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00 Band B - £4301 to £33000 £190.00 Band C - £33001 to £87000 £315.00 Band D - £87001 to £125000 £450.00* Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000 £900.00 Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00 Capacity 10000 -14999 £2,000.00 Capacity 15000-19999 £4,000.00 Capacity 20000-29999 £8,000.00 Capacity 30000-39999 £16,000.00 Capacity 40000-49999 £24,000.00 Capacity 50000-59999 £32,000.00 Capacity 60000-69999 £40,000.00 Capacity 70000-79999 £48,000.00 Capacity 80000-89999 £56,000.00 £64,000.00 Capacity 90000 and over

* Fee amount (£) 100.00

DECLARATION

- * I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.
 - ☐ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

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* Full name * Capacity * Date O4 / 10 / 2021 dd mm yyyyy Add another signatory Once you're finished you need to do the following: 1. Save this form to your computer by clicking file/save as 2. Go back to https://www.gov.uk/apply-for-a-licence/premises-licence/city-of-london/change-1 to upload this file and continue with your application. Don't forget to make sure you have all your supporting documentation to hand. 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.		
* Capacity * Date O4 / 10 / 2021 dd mm / yyyy Add another signatory Once you're finished you need to do the following: 1. Save this form to your computer by clicking file/save as 2. Go back to https://www.go.vuk/apply-for-a-licence/premises-licence/city-of-london/change-1 to upload this file and continue with your application. Don't forget to make sure you have all your supporting documentation to hand. 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. OFFICE USE ONLY Applicant reference number Fee paid Payment provider reference ELMS Payment Reference Payment status Payment authorisation code Payment authorisation date Date and time submitted Approval deadline Error message	Continued from previous page	
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Licensing Act 2003 Section 24 Premises licence

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

Premises		

LN/200507814

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description			
Unit 7, Bartholomew Close			
Post town		Post code	
London		EC1	
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	12:00 - 22:30	-
Monday	10:00 - 23:00	-
Tuesday	10:00 - 23:00	-
Wednesday	10:00 - 23:00	-
Thursday	10:00 - 23:00	-
Friday	10:00 - 23:00	-
Saturday	10:00 - 23:00	-

The opening hours of the premises **Opening Hours** Sunday 09:00 - 23:00 Monday 08:00 - 23:30 Tuesday 08:00 - 23:30 Wednesday 08:00 - 23:30 Thursday 08:00 - 23:30 Friday 08:00 - 23:30 Saturday 09:00 - 23:30

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

Barts Square Active One Ltd

Castle Street

St Helier

Jersey JE2 3RT

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

JE116022

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

Jane Beels

Shurland Avenue

East Barnet

Herts

EN48DD

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

LN/200713010 - Barnet

Date granted 10th June 2019



Director of Markets & Consumer Protection

Annex 1 – Mandatory conditions

Alcohol

- 1. No supply of alcohol may be made under the Premises Licence
 - a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- 2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
- 3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b)provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d)selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

- 6. The responsible person shall ensure that
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (a) "permitted price" is the price found by applying the formula –

$$P = D + (DxV)$$

Where -

- i. P is the permitted price
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (b) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
 - i. The holder of the premises licence
 - ii. The designated premises supervisor (if any) in respect of such a licence, or
 - iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (d) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.

- 1. Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- 2. The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 -	Conditions	consistent	with the	Operating	Schedule
AHHUA Z -	Conunions	COMSISTEM	with the	Obtraume	Schoule

The following conditions/resolutions were agreed by the City of London's Licensing Sub Committee at a hearing held on 10th June 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. Prominent signage to patrons asking them not to use Middlesex Passage when departing the area shall be displayed at all exits from the premises requesting that customers leave quietly.
- 3. 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.
- 4. A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.
- 5. All door and windows shall remain closed at all times save for entry or exit, or in the event of an emergency.
- 6. Alcohol shall be sold to customers by waiter/waitress service only.

Annex 4 – Plans

GENERAL ARRANGEMENT PHASE 3 RETAIL 7 FIT-OUT OPTION

Reference: 5294-PH3-20-330

Date: 29.06.2016

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON MONDAY, 10 JUNE 2019 AT 1.45 PM

APPLICANT: Barts Square Active One Ltd

PREMISES: Unit 7, Bartholomew Close, London, EC1

Sub-Committee:

Marianne Fredericks (Chairman) Mary Durcan Caroline Addy

Officers:

Town Clerk – Leanne Murphy Comptroller and City Solicitor – Paul Chadha Markets & Consumer Protection – Rachel Pye, Steven Aznar

Given Notice of Attendance:

Applicant:

Craig Baylis (BCLP) Applicant's Solicitor

Making representation:

Ann Holmes CC (Resident) Brendan Barns (Resident)

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 1.45 PM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a licence allowing the sale of alcohol for consumption off the premises and other licensable activities (and opening hours) in respect of Unit 7, Bartholomew Close, London, EC1, the Applicant being Barts Square Active One 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 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

Appendix 4: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

Appendix 5: Plan of Premises

- 1. The Hearing commenced at 1.45 PM.
- At the commencement of the Hearing, the Sub Committee began by asking the Applicant to provide a more comprehensive outline of the proposed offering at the premises as it was felt that this was lacking in the broad written application submitted.
- 3. Mr Baylis advised the Hearing that it was difficult to confirm the proposed offering as the tenants were not confirmed yet.
- 4. Mr Baylis provided apologies on behalf of Nikki Dibley from Helical PLC who stated in writing that three of the five units available at the development already had tenants and the Applicant (who was the Landlord) had submitted an indicative plan for the final two units to ensure control over the licences. For this unit, the Applicant was looking to attract a high-quality restaurant which would have no stand-up drinking in a similar style to the Lino restaurant at the development.
- 5. The Sub Committee were advised that the Applicant felt that reasonable hours had been requested to appease the local community and withdrew its request for late night refreshment at the premises. The Chairman stated that the application would be considered with this amendment.
- 6. The Chairman invited those making representations to set out their objections to the application. The Hearing heard representations from Mr Barns and Mrs Holmes, local residents of Barts Square. Mr Barns stated that local residents were primarily concerned by late-night noise and nuisance, particularly in the narrow passages being used by patrons after hours. It was noted that Unit 7 was next to the Middlesex Passage and the acoustics of the passage would cause significant noise disturbance to residents when patrons left the premises at night.
- 7. Mr Barns voiced a broader concern that the development as a whole would become a destination venue which he felt would affect the tranquillity of the Barts Square area as it would shift from a traditionally residential to a commercial area. He noted that he had resided and worked in the area for 20 years and the plans undermined the feel of the local area.
- 8. Mr Barns requested that a condition be added to the licence ensuring that all windows and doors remained closed at all times to limit noise from the premises. However, it was noted that one of the current tenants persistently breached this condition on their licence. Mr Baylis requested the details of the offending premises in order to inform Helical.

- 9. Mrs Holmes stated that she did not oppose the premises being granted a licence but was objecting to a closing time of 23:30 as it would create significant noise nuisance for residents when customers departed the premises and felt that 22:00 would be a more suitable terminal hour. The Sub Committee noted that the proposed hours were consistent with the traditional hours of operation with last orders at 23:00 and patrons leaving at 23:30. It was also noted that just because those were the licensable hours, this did not mean they would be used.
- 10. Mrs Holmes requested conditions regarding windows and doors being kept closed at all times and a prohibition on the use of a loud air-conditioning unit. The Sub Committee confirmed that a condition could not be placed on the licence concerning air-conditioning units as this was a planning consideration and fell outside the scope of the licensing objectives.
- 11. In response to the concerns stated by the residents, the Sub Committee suggested signage at the premises encouraging customers to leave the premises quietly and directing patrons which way to go. Double lobbies were also suggested as per the Code of Best Practice which act as vacuums to prevent noise for when customers leave the premises. Mr Baylis agreed to take these recommendations back to Helical.
- 12. Mr Baylis advised the Hearing that the Applicant would accept conditions for all windows and doors to remain closed at all times and for prominent signage to patrons. He pointed out that the application did not seek off sales or outside drinking at the premises and any tenant would need obtain a significant application variation to change this or be in breach of their lease. This provided residents with more protection over the type of business that could operate at the unit.
- 13. Mrs Holmes was concerned that local residents would not be made aware should the tenant submit an amendment to the licence or seek a tables and chairs licence. The Sub Committee confirmed that the City of London Corporation listed all licensing and planning applications (including amendments) on their website and that anyone could request to be added to a list that informed of all new requests. It was also agreed that all objectors would be informed if any variation to the licence was submitted by the tenant.
- 14. In response to a query regarding capacity, Mr Baylis stated that the plans submitted with the application were only indicative and this could not be confirmed until new plans were drawn up by the tenant. Mr Baylis confirmed that this unit would be a restaurant and not a bar. The Sub Committee suggested adding a condition that alcohol shall only be sold to customers by waiter/waitress service to ensure that the unit will be a restaurant.
- 15. Mrs Holmes queried whether there would be any noise outside the premises after closure, e.g. wheelie bins being moved when cleaning up. Mr Baylis confirmed there would be no noise or deliveries after hours (between 23:00-07:00).
- 16. The Chairman thanked all attendees for their comments and the Sub Committee retired at 2:25 PM.

- 17. The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing at the Hearing. 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.
- 18. 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".
- 19. 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 reassured by the measures proposed by the Applicant in an attempt to address these concerns would sufficiently reduce the risk of public nuisance. The Applicant had also offered to remove the request for late night refreshment and was agreeable to the imposition of conditions preventing windows and doors from being opened and for prominent signage to patrons requesting that they leave the premises quietly.
- 20. 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.
- 21. It was the Sub Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Proposed	
Sale of alcohol for consumption on the	N/A	Mon-Sat	10:00-23:00
premises		Sun	12:00-22:30
Opening Hours	N/A	Mon-Fri	08:00-23:30
		Sat	09:00-23:30
		Sun	09:00-23:00

22. 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. Prominent signage to patrons asking them not to use Middlesex Passage when departing the area shall be displayed at all exits from the premises requesting that customers leave quietly (MC16).
- c. 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).
- d. A 'Challenge 25' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card. (MC21)
- 23. In addition to the conditions above, the Sub Committee also imposed the following conditions:
 - a. All door and windows shall remain closed at all times save for entry or exit, or in the event of an emergency (MC13).
 - b. Alcohol shall be sold to customers by waiter/waitress service only (MC27).
- 24. Whilst the Sub Committee noted the Applicant's proposed condition prohibiting promoted events on the premises (MC02), it did not consider it necessary to impose such a condition on the premises licence as the condition only applied where premises were permitted to undertake licensable activities after 23:00.
- 25. The Chairman thanked all parties for their pragmatic and conciliatory approach throughout the Hearing and explained that written confirmation of the decision would follow.

The meeting closed at 2.25 PM

Chairman

Contact Officer: Leanne Murphy

Tel. no. 020 7332 3008

E-mail: leanne.murphy@cityoflondon.gov.uk

Appendix 4i)

From: Holmes, Ann
To: M&CP - Licensing

Subject: Unit 7, 63 Bartholomew Close **Date:** 31 October 2021 05:11:36

I am writing to object to the application to vary the licence for these premises.

You may recall my objecting to the original application, and asking that the hours for sale of alcohol be less than those requested or, indeed, those granted.

Since the unit has remained empty since that time, it hasn't been possible to monitor the effect of the licence granted. For a unit so embedded in residential units, howevr, I think the variation to extend would create. public nuisance to residents in terms of late night noise.

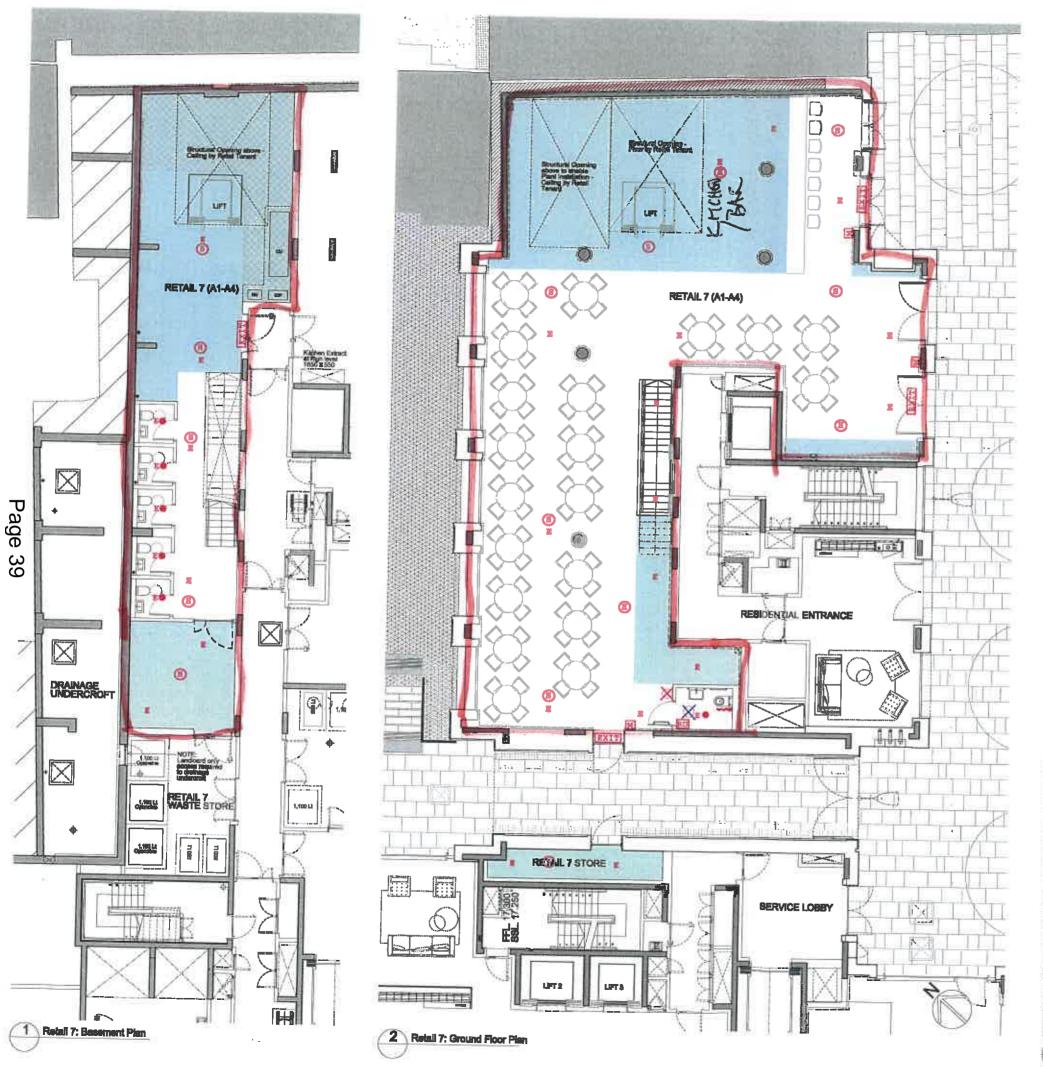
Many thanks

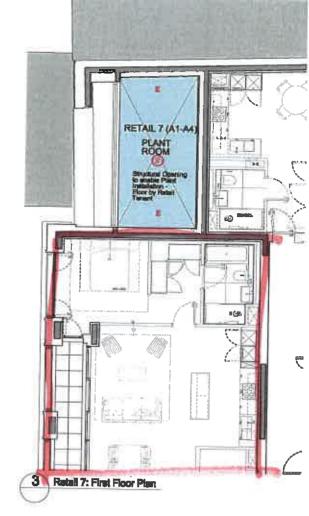
Ann Holmes

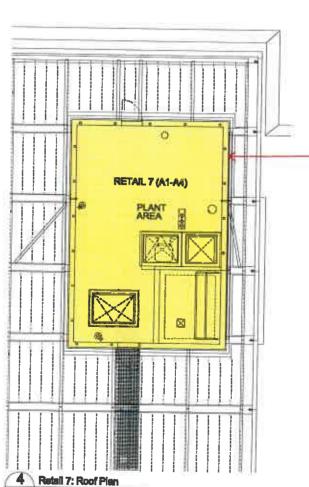
Bartholomew Close, EC1A 7HN

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indicative legacy only. All approves to be acquist term relevant classics and before

HEAT DETECTOR

--- SMOKE DETECTOR

- BAURGERCY LIGHTING

— EXIT BIGRAGE - MANUAL CALL POINT

-Blue Reassurance

LAMP

-OVERDOOR LAMP - RESET UNIT

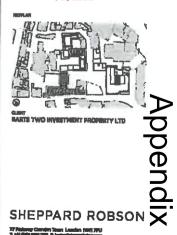
PULL CORD

SWECO 岩

RETAIL UNIT-7 FIRE ALARM MARK-UP 115380/MSA

Draft 14.03.2019

FOR ELECTRICAL SERVICES WITHIN THIS AREA PLEASE REFER SNECO DRAWING NO: 115380/E/2203

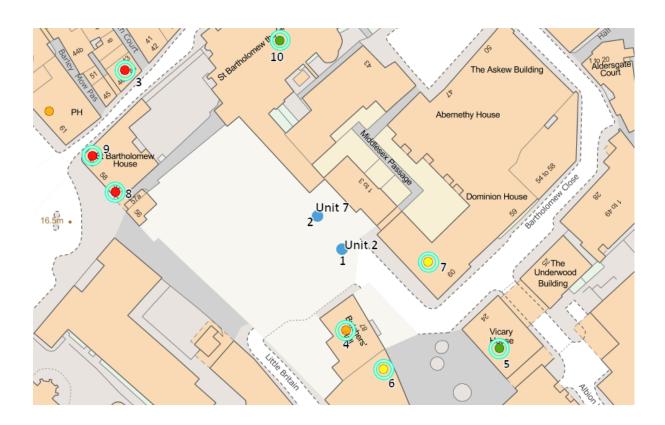


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Appendix 6



No.	Trading Name	Terminal Hour for Supply of Alcohol	Terminal hour for LNR
1	Barts Square Active One Ltd, 53 Little Britain (Unit 2)	23:00	n/a
2	Barts Square Active One Ltd, 63 Bartholomew Close (Unit 7)	Subject Of	Hearing
3	Bowling Bird (Korpen Ltd), 44 Cloth Fair	23:00	05:00
4	Worshipful Company of Butchers, 87-89 Bartholomew Close	02:00	02:00
5	Half Cup, 22-23 Bartholomew Close (Unit 9)	22:30	n/a
6	Lino, 90 Bartholomew Close (Closed)	23:30	23:30
7	Stem & Glory, 60 Bartholomew Close	23:30	23:30
8	Club Gascon, 57 West Smithfield	00:00	05:00
9	Le Bar, 59 West Smithfield	00:00	05:00
10	St. Bartholomew the Great, West Smithfield	23:00	n/a

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