



LICENSING (HEARING) SUB COMMITTEE

Date: WEDNESDAY, 12 JANUARY 2022

Time: 2.30 pm

The Hearing can be viewed on the following link:

<https://youtu.be/6Y2CnZFWGEg>

**Venue: COMMITTEE ROOMS, 2ND
FLOOR, WEST WING, GUILDHALL**

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):	Hearing Date(s):	Item no.
Licensing Sub-Committee	12 January 2022	1
Subject:		
Licensing Act 2003 - Public Hearing in Respect of an Application for the Variation of a Premises Licence		
Name of premises: Barbie Green		
Address of premises: 2 London Wall Place EC2Y 5AU		
Report of:	Public / Non-Public	
Director of Markets and Consumer Protection		
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
1 Manchester Square
W1U 3AB**

was received by the City of London Licensing Authority on 16 November 2021 to vary the premises licence in respect of the premises at:

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

2.2 The application seeks to bring forward the commencement hour for the supply of alcohol as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Sale of Alcohol	Mon-Sun: 11:00-22:30	Mon-Sun: 09:00-22:30

The application further seeks to amend condition nine of the licence which limits off sales to between 11:00 and 18:00 Mon-Fri. The amendment sought would limit off sales to between 11:00 and 20:00 Mon-Sun.

Full details of the application are contained in the 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 Licensing History of Premises

3.1 The premises obtained their licence from the City of London Licensing Authority on 13 August 2019 following a hearing held on the same date.

- 3.2 Following the hearing the licence was granted subject to a number of conditions which can be seen on the current licence. The supply of alcohol was for on-sales only.
- 3.3 On 12 August 2020 a further hearing was held following an application to add off-sales to the licence. Off-sales were permitted subject to a condition limiting the sales to between 11:00 and 18:00 Monday to Friday.
- 3.4 Copies of the hearing letters of 13 August 2019 and the 12 August 2020 can be seen as Appendices 2 and 3 respectively.
- 3.5 A copy of the current licence can be seen as Appendix 4.

Representations From Other Persons

- 4.1 There are 26 representations from ‘other persons’ against the granting of the variation. The representations against granting the variation are made on the basis that if granted it will undermine the licensing objectives of ‘the prevention of crime and disorder’ and the prevention of ‘public nuisance’.
- 4.2 The representations can be seen in full as Appendices 5(i) to 5(xxvi).

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 sub-committee 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 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 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

<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	[REDACTED]
Post town	[REDACTED]
Postcode	[REDACTED]

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

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 bring forward the hour for alcohol sales to commence at 09:00 Monday to Sunday.

No changes to conditions or any other hours.

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

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			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			<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)
Wed			
Thur			
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			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<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)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music 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 performance of live music (please read guidance note 6)		
Wed					
Thur			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 (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music 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 playing of recorded music (please read guidance note 6)		
Wed					
Thur			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 (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			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur			<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)		
Fri					
Sat					
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					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment 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 provision of late night refreshment (please read guidance note 6)		
Wed					
Thur			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 (please read guidance note 7)		
Fri					
Sat					
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	09:00	22:30			
Tue	09:00	22:30			
Wed	09:00	22:30			
Thur	09:00	22:30			
Fri	09:00	22:30			
Sat	09:00	22:30			
Sun	09:00	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)		
			Off-sales Monday to Sunday 11:00 - 20:00.		

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	
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	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)

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	[REDACTED]
Date	16 th November 2021
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	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

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

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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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MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON WEDNESDAY 12 AUGUST AT 2PM

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

Sub-Committee:

Deputy Jamie Ingham Clark (Chairman)
John Fletcher
Sophie Fernandes

Officers:

Town Clerk – Leanne Murphy
Comptroller and City Solicitor – Frank Marchione
Markets & Consumer Protection - Peter Davenport, Rachel Pye

Given Notice of Attendance:

Applicant:

Prue Freeman (Director, Daisy Green)

Making representation:

Dr Dimitri Varsamis (resident)
Helen Kay - Chair, Barbican Association
Mary Bonar - Chair, Wallside House Group
Nigel Pilkington (resident)
Hank Lu (resident)
Fionnuala Hogan - representing Ms Hilary Sunman as the new Chair of Willoughby House Group

Apologies:

Ravi Rupal (resident)

Licensing Act 2003 (Hearings) Regulations 2005

A virtual public Hearing was held at 2.00pm to consider the representations submitted in respect of an application to vary the premises licence 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: Minutes from previous hearing - 13 August 2019
Appendix 3: Current Premises Licence
Appendix 4: Current conditions consistent with the operating schedule

Appendix 5: Representations against the application

- i) Hogg
- ii) Young
- iii) Makin
- iv) Lu
- v) Sunman
- vi) Anderson
- vii) Goldberg
- viii) Bonar
- ix) Pilkington
- x) Zhao
- xi) Papakyprianou
- xii) Einwiller
- xiii) Casstles
- xiv) Rupal
- xv) Varsamis
- xvi) Kay
- xvii) Li
- xviii) Dixon

Appendix 6: Representation in support of application

Appendix 7: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

Appendix 8: Plan of Premises

Appendix 9: Blue public notice

1. The Hearing commenced at 14:00.
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.
3. The Chairman invited the Applicant to introduce the basis for the application and set out their case.
4. Ms Freeman advised that Covid-19 had hit the business hard as they could not achieve the normal level of customers within the premises. The space outside was therefore more important and could be used sensibly and managed by staff. It was noted that the business was surviving through locals and the small number of workers in the City, as opposed to visitors from elsewhere, with Barbican residents making up approximately 70% of trade.
5. Ms Freeman acknowledged the local resident's nervousness to vary the licence due to perceived potential implications for drinking in London Wall including late night noise, policing crowds, access to toilet facilities, littering and Sunday noise. However, Ms Freeman felt that in the last twelve months the premises had operated respectfully towards its locals and demonstrated their aim as a destination for locals and workers.

6. With regards to issues concerning toilets, the Chairman noted that many public toilet facilities within the City had now been reopened.
7. Ms Freeman hoped that all could co-exist during these difficult times and to negate any concerns the Applicant offered an amendment to the application to request a cut-off time of 18:00 for weekday off-sales and no off-sales at weekends. This would allow the business to target the weekday afternoon trade. Notifications, additional staff and bins would also be implemented, plus staff would work with the Landlord's security team to ensure the space was being used as intended.
8. Ms Freeman hoped, with time, the business would prove to residents that they were a good operator with good intentions and may apply for a further variation in the future.
9. The Chairman invited the Objectors to ask the Applicant questions regarding their statements.
10. Mr Lu queried how far the London Wall security staff could police and patrol the London Wall area, e.g. did this reach as far as Salters' Garden which was a hidden space that could be subject to gatherings if off-sales were permitted.
11. Ms Freeman stated that security patrols would have the ability to patrol the whole area and staff would also be on site to assist; however, the earlier timing should prevent evening anti-social behaviour in the area which had not been experienced by clientele to date.
12. Ms Bonar noted that the City Corporation owned some of the land in question and hoped that there would be cooperation to ensure the space was well policed and that litter was managed. It was noted that skateboarders had been an issue in the past. The Chairman stated that the Hearing could only consider matters relating to the four licensing objectives and skateboarding and litter were not licensing issues and should be reported to the Environmental Health team. Ms Bonar felt that public nuisance concerns should be considered before they occurred, and the City Solicitor reiterated that only the Licensing Act regulations were relevant to this Hearing.
13. Ms Kay highlighted that the space outside the restaurant was huge and enjoyed by locals and workers alike. The space belonging to the premises was four meters from the demise, not the entire area, but the sale of off-sales would encourage groups of drinkers in the area outside of this space.
14. The Sub Committee enquired if the plan was to apply for a Tables & Chairs Licence if the variation was granted. Ms Freeman confirmed this was not the plan and the variation would simply to allow the business to add to the offer alongside other operators in the area.
15. The Sub Committee asked if vertical drinking was allowed at the premises. The Applicant confirmed vertical drinking was allowed on the premises; however, the

business was operating with table service only as per the current Covid-19 regulations.

16. The Sub Committee queried if the business had received any complaints concerning its service. Ms Freeman advised that a complaint was received a few weeks ago just after 21:00 when the premises stopped selling drinks to customers on the terrace, packed down and patrons either dispersed or came inside as per the conditions of the licence. Ms Freeman confirmed that the Licensing Officer was content that they were adhering to the conditions.
17. The Sub Committee enquired if the contact telephone number made available to locals and the City of London Licensing Team by the Licence Holder in the event of complaints arising, was being used. The Applicant confirmed that complaints had only gone directly to the Licensing Authority.
18. The Chairman invited those making representations to set out their objections against the Applicant.
19. Mr Pilkington informed the Hearing that off-sales were rejected by the Sub Committee at the last Hearing as the premises was very close to residents. Mr Pilkington was also concerned that the sale of off-sales would encourage people to drink in an area of tranquil living and historic value which would require heavy policing. These concerns were considered by Mr Pilkington to be more important than the estimated revenue boost of 5-10% that the Applicant expected off-sales to bring to the business.
20. Dr Varsamis advised that half of the 90 flats within Roman House faced the premises, which did not have great sound insulation. Dr Varsamis also observed that whilst the venue obtained its licence in August 2019, it did not open until December and was forced to close due to the pandemic. The venue had therefore not been open for 12 months and its operation had not been observed for very long.
21. Dr Varsamis stated that he had observed breaches of customers drinking after 21:30 and the premises windows remaining open when they should remain closed after 21:00. The tables and chairs belonging to the premises also often encroached on the public space outside of their demise. Dr Varsamis concluded that he was sympathetic regarding the impact of Covid-19, but more time was needed to observe operation before a variation could be considered at the premises.
22. Ms Kay advised that the Barbican Association had helped promote Barbie Green and its members visited the venue. However, there was now an issue of trust with the management as once again there had been no consultation with the local community concerning the application.
23. The Barbican Association was also concerned by alleged breaches to the conditions and did not feel that Applicant had a clear strategy to deal with drinkers and groups when they talked with the Liaison Group on Monday. This was concerning as there was already a culture of large gatherings of drinkers outside

drinking establishments in the City. The Barbican Association therefore did not support the variation as it considered off-sales to increase the likelihood of noise nuisance incurred affecting the many flats overlooking the premises.

24. Ms Bonar requested, in the event that the variation be granted, that more security be employed by Daisy Green and/or the Landlord and that the timings proposed were the new proposed timings by the Applicant and not the original application times.
25. Ms Freeman asked Ms Kay what creative ways were being suggested for the business to work with the Barbican Association. Ms Kay offered no suggestions but stated that the Barbican Association knew their local community and wished to liaise. The Sub Committee agreed it was important to have engagement with the local community.
26. The Sub Committee asked the Objectors present if they would support the variation with the proposed reduced hours and no off-sales at the weekend. The Objectors felt that mission creep was highly likely if this variation was granted and that it would encourage an assumption of using a space that did not belong to the premises at the detriment of locals. The Objectors therefore wished to nip this in the bud before problems occurred.
27. The Chairman offered all parties the opportunity to make a concluding statement.
28. The Applicant summarised that most of the concerns were regarding anti-social behaviour, crowds and nuisance which should be avoided by the 18:00 finish. Ms Freeman highlighted that an additional 5-10% in sales would be extremely significant during the current pandemic and would help the business survive. Ms Freeman hoped a compromise could be made as there was a desire to be a long-term operator in the area.
29. There were no concluding comments from the Objectors.
30. The Chairman thanked all attendees for their comments and explained that a written decision letter would be sent to all parties within five working days by email only.
31. The Sub Committee retired at 14:54 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.
32. 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".

33. The Sub Committee regarded noise nuisance to be the principal concern to Objectors. The Sub Committee noted this was a business that had operated without any significant issues to date 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 Applicant had also made significant concessions to help address the key concerns of the Objectors.
34. The Sub Committee also felt that an increase of 5-10% in sales was hugely significant to the business, which was struggling due to the impact of the coronavirus pandemic.
35. The Sub Committee concluded that 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, and it was the Sub Committee's decision to grant the variation of the premises licence to permit off-sales between the hours of 11:00 and 18:00 Monday to Friday only with no off-sales at the weekend. The Sub Committee did not consider there to be a need for any additional conditions.

The meeting closed at 2.54 PM

Chairman

Contact Officer: Leanne Murphy
E-mail: leanne.murphy@cityoflondon.gov.uk



**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 -
Off-sales of alcohol are permitted between the hours of 11:00 and 18:00 Monday to Friday only

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 and Off 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, and [redacted] of designated premises supervisor where the premises licence authorises for the supply of alcohol

Prudence Elisabeth Freeman
[redacted]

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



Latest amendment 12th August 2020

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 –

$$P = D + (D \times V)$$
 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 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.

The following conditions/resolutions were agreed by the City of London's Licensing Sub Committee at a hearing held on 12th August 2020:

9. Off-sales of alcohol are permitted between the hours of 11:00 and 18:00 Monday to Friday only.

Annex 4 – Plans

Ground And Basement Floors As Proposed Licensing

Reference: 19.02.02 Rev E

Date: may 2019

Mayer, Julie

From: [REDACTED]
Sent: 13 December 2021 08:45
To: Breese, Robert
Subject: Application by Barrie Green for extension of on and off licence.

Dear Mr. Breese,

I am writing to oppose the above application. They are applying for an inordinate extension of hours, 7 days a week and this could well cause additional disturbance to residents who live cheek by jowl with these premises.

It must be borne in mind that we have a school within the Barbican with students up to the age of 18 years and the Guildhall School of Music & Drama with students from the age of 18 who would legally be able to acquire alcohol throughout the times that the licence permits. This could cause unacceptable disturbance to residents and off licence provision might well cause additional detritus across the estate.

This organisation have wasted no time in applying for extensions to their licence and almost before one is in place another comes before us.

I object most vociferously to any further extensions being granted to these premises. It is an attractive site and they should not be permitted to destroy the goodwill they have received to date.

Please note my objection to their applications.

Yours sincerely,

Vivienne Littlechild MBE JP CC
Elected Member for the Ward of Cripplegate
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Representing the interests of Barbican Residents



City of London Licensing Authority,
Guildhall,
Aldermanbury,
London EC2V 7HH

8th December 2021

Dear Sir/Madam

Ref: Application to vary Premises Licence LN/200507956 from Daisy Green on behalf of Barbie Green, 2 London Wall Place, London EC2Y 5AU

We are writing on behalf of the Barbican Association, a Recognised Tenants' Association representing residents of the Barbican Estate, to **object** to the above applications on the grounds of the Prevention of Public Nuisance, in particular that of noise disturbance.

It is disappointing and deeply frustrating to see yet another application from Barbie Green for a variation of its premises licence. Since its first licence was granted, Barbie Green has submitted applications to vary its premises licence in both July 2019 and June 2020 – and yet here we are again on what feels like Groundhog Day with yet another application submitted in November 2021. How many more times are we going to be faced with dealing with this issue? It is surely a waste of both our time and your time as City of London councillors to debate this as nothing has changed. We would remind:

In recognition of the fact that the premises are located in a heavy residential area, you may recall that the original licensing meeting for these Premises concluded 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.”*

However, Barbie Green continued to seek to extend both its permitted hours of operation and its ability to provide off sales, and, again as you will also surely recall, your consideration of a similar application for a variance of the premises' licence in June 2020 to “add off-sales between the hours of 11.00am and 20.00pm Monday to Sundays” was as follows *“The Sub Committee sought to strike a balance for residents and the business, and it was the Sub Committee's decision to grant the variation of the premises licence to permit off-sales between the hours of 11:00 and 18:00 Monday to Friday only with no off-sales at the weekend”*.

Now here we are, just 18 months later, again facing another application for a further extension of the premises' licensing hours. This time the headline application states that the application is “to permit the sale of alcohol on and off the premises 9am -10.30pm Monday to Sunday”,

thereby extending its off-sales licensing periods not only by 2 hours in the mornings and two and a half hours in the evenings but also extending these hours to include weekends.

We observe that there is some confusion however as to what is actually being requested as Part 3 of the main application states that the “*nature of the proposed variation*” is “*To bring forward the hour for alcohol sales to commence at 09:00 Monday to Sunday. No changes to conditions or any other hours*”. So would this be for sales of alcohol on or off the premises? Or both?

Moving on to Page 13 of the application, Section J (Supply of alcohol) the applicant states that its **standard days and timings** to supply alcohol are 9am – 10.30pm Monday to Sunday. In the **non-standard timings** section, the applicant states that its intention is to offer ***off-sales Monday to Sunday 11.00 – 20.00***.

Hence, we would assume that if the standard days and timings already allow for the sale of alcohol to be consumed on the premises from 9am, then this application is for permission to extend the licence for off sales – thereby enabling outside drinking – not only by at least two hours during weekdays, from 6pm to 8pm (or is it 10.30pm as the headline description states?) but also now to include weekends. Both are totally unacceptable and are in contravention of the decision made by the Licensing Committee just 18 months ago which concluded that there should be no off-sales either after 6pm on weekdays or anytime at weekends.

We therefore find this application frustrating in the extreme and, as nothing has changed since the Licensing Committee made its decision on the application in 2020, we can see no reason for allowing the extension of the hours of operation to 8pm (and emphatically not 10.30pm) seven days a week, nor for starting at 9am as proposed. We would also like to observe that it is also frustrating that the applicant has yet again not bothered to consult with its neighbours in advance of making this application.

We can only repeat the objections that we have put forward on the previous occasions when these applications have been submitted. As we highlighted in our previous objection in 2020, outside drinking causes noise nuisance. Indeed, the City of London’s own Environmental Health department agrees – in her representation to the 2018 application, Dawn Patel stated both that “*Noise associated with this type of activity is not in the character of the area*” and “*noise from outside 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*”. This appeared to be accepted both by the Licensing Committee in its original decision and by the applicant given that the August 2020 hearing recorded that “*The Applicant summarised that most of the concerns were regarding anti-social behaviour, crowds and nuisance which should be avoided by the 18:00 finish*”.

It is our unwavering view that, to avoid noise nuisance, the 6pm finish is maintained and that no off-sales are allowed at weekends given that this is a predominantly residential area and that the premises are within line-of-sight of many Barbican flats, particularly Andrewes and Willoughby Houses. We are sure you are aware that the soffits, the undersides of the balconies above the living and bedroom windows in the Barbican, are excellent reflectors of street-level sounds into the rooms. These windows are not double glazed and are not always kept closed, particularly in the summer months when outside drinking may be more attractive for Barbie Green patrons. There are bedrooms facing the proposed site and noise disturbance at night, before a school and a work day in such a dense residential area would be particularly intrusive.

We are also concerned that extending hours of sales would encourage groups of people to drink in an area of historic value, with the associated fears of damage that would entail. The premises’ external courtyard area is located right next to the ruins of St Alphege church and the

very attractive London Wall Place gardens that have become an icon in the area, a peaceful place for people to enjoy. Unmonitored external drinking is likely to destroy this as well as raising concerns over both security and hygiene issues.

We urge the Committee to stand by the decision it made only last year and maintain the current approved licencing hours ie. limiting the hours of off-sales to 6pm, Monday to Friday only.

Yours sincerely,

Jane Smith, Chair Barbican Association Planning & Licensing Sub-Committee
Sue Cox, Deputy Chair, Barbican Association Planning & Licensing Sub-Committee

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Mayer, Julie

From: James Durcan [REDACTED] >
Sent: 08 December 2021 11:09
To: Breese, Robert
Subject: Re: Barbie Green Licensing Application

THIS IS AN EXTERNAL EMAIL

Dear Mr Breese,

I am writing to object to the Licensing application by Daisy Green in relation to the Barbie Green premises in London Wall.

My grounds for objection are that the proposed expansion of the license is likely to result in public nuisance, particularly to local residents. This public nuisance would be prevented if the application were refused.

This is the third time in three years that Daisy Green has made a licensing application in relation to these premises. One might believe that Daisy Green are hoping that the Licensing Panel will succumb to continuing pressure and / or that local residents will give up the battle to preserve their neighbourhood against public nuisance. It is disappointing that the restaurant, which is much used by local residents including myself and my family, should submit this application without any consultation with local resident groups.

Residents were strongly opposed to the granting of an off sales license in 2019 and pleased when the Licensing Panel denied that application. In 2020 Daisy Green tried again and received permission for off sales Monday to Friday 11am to 6pm. Those restricted hours reflected a realisation that off sales later in the evening or at weekends, coupled with the proximity of seats and benches nearby, could easily result in substantial public nuisance. (Residents already suffer from skateboarders using that space, particularly at weekends.) The current application to expand the off sales license until 8pm in the evening and on Saturdays and Sundays raises very real concerns that it could lead to public nuisance. It seems odd that a restaurant whose opening hours on a Sunday, according to its website, are 8.45 am to 5pm wants a license to make off sales until 8pm. Is the restaurant proposing to cease serving food and on sales of alcohol at 5pm but continue making off sales until 8pm?

The proposal to serve on sales of alcohol from 9 - 11 am in addition to the current hours of 11am to 10.30 pm also raises concerns. Currently Barbie Green attracts those seeking a coffee and something to eat in the mornings. By serving alcohol through the morning there is a real risk of changes in the customer base that could result in greater public nuisance, particularly at weekends.

The restaurant appears to have recovered well from the problems caused by the pandemic to the extent that it now curtails the times available for lunch or dinner to 90 minutes or 100 minutes. From a commercial perspective that is entirely understandable but, extending the off sales license until 8 pm, would create a greater probability that diners would continue drinking off the premises with greater potential for public nuisance.

I would like to be notified of the date of the hearing as I, and other residents, would like to attend and present our objections in person.

James Durcan
Chair
Andrewes House Residents Group



Town Clerk
City of London
Guildhall
London
EC2P 2EJ
21 November 2021

Dear Sir

Variation for Daisy Green Food Limited, LN/200507956, dated 17 November 2021 (“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 to permit the sale of alcohol on and off the premises from 09.00 to 22.30 Monday to Sunday.

We are confused as the application form for variation attached on the City’s website appears to be the application for off sales made in June 2020 which was accepted, but with a scaling back of the hours of off sales to 11.00 to 18.00 on Monday to Friday only, on 12 August 2020 by the Licensing (Hearing) Sub Committee.

In the response below we are assuming that the form attached is incorrect and that the Variation is as stated in the summary note on the City’s website.

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

1. 2 London Wall Place is on the edge of a major residential estate, being the Barbican Estate and the adjacent Roman House. Off sales will encourage people to drink in areas adjacent 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 22.30 Monday to Sunday, being every day and evening of the week. Notably this includes all of 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. Serving alcohol on premises at 09.00 every day of the week has the potential to cause a significant increase in noise levels which will impact on neighbouring residents. Again, this is contrary to the City of London’s policies designed to manage premises so as not to cause undue disturbance.
3. 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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Wallside House Group

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13 December 2021.

[REDACTED] of London Licensing Authority
Guildhall
Aldermanbury
London EC2V 7HH

Dear Sirs

Application to vary Premises Licence LN200507956
Daisy Green on behalf of Barbie Green
2 London Wall Place
EC2Y 5AU

I object to this application on behalf of the Wallside House Group which represents 14 Houses situated in Monkwell Square and in my personal capacity as a resident of Wallside .

Wallside is situated in Monkwell Square which is immediately across Wood Street from London Wall Place where the licensed premises are situated. Currently off-premises sales are limited to Monday to Friday from 11 am -6 pm and these hours took into account the concerns of nearby residents. Limited off sales hours were only allowed in August 2020, the Licensing sub-committee acknowledging that the Applicant's business was suffering due to the impact of the coronavirus pandemic and taking into account the potential for anti-social behaviour or public nuisance affecting the neighbouring residences . The potential for anti social behaviour and nuisance is only increased now that more workers have returned to the City .

It is concerning that the Applicant appears to request an extension of the licence for both on and off sales while not requiring any variation of the existing licence conditions. The existing conditions do not allow the sale of alcohol and food in the outside area of the premises after 9.30 pm. This restriction acknowledged the disturbance that residents would be exposed to if the outside premises continued to be occupied after 9.30 pm. It is difficult to see why allowing off-sales at a time when on sales are not permitted and taking into account the extensive outside seating area installed by the Corporation of London in London Wall Place would not contribute to public nuisance. In addition the applicant has made no proposals for managing the area to avoid disturbance . For Wallside there would therefore be an increased risk that people buying alcohol from Barbie Green will come into Monkwell Square to consume it and cause disturbance when using the Highwalk .

It is disappointing that although the Applicant is legally represented and well aware of the channels from communicating with local residents there has again been no attempt at consultation.

It was noted in the August 2020 decision' that mission creep was highly likely if this variation was granted'.

Yours faithfully

Mary Bonar
Chairman Wallside House Group



Appendix 5vi)

Willoughby House Group
Representing the interests of Willoughby House Group Residents
Barbican
London EC2Y8BN

1 December 2021

City of London licensing authority,
Guildhall,
Aldermanbury,
London EC2V 7HH

Application to vary Premises Licence LN/200507956
Daisy Green on behalf of Barbie Green
2 London Wall Place
London
EC2Y 5AU

On behalf of Willoughby House Group, which represents the residents of c150 flats in one of the residential blocks neighbouring the Premises, we write to object to this application on the grounds of the Prevention of Public Nuisance, in particular noise disturbance.

The application for a variation is misleading in that its "brief description" states that the intention is "to bring forward the hour for alcohol sales to commence at 09:00 Monday to Sunday. No changes to conditions or any other hours". The first paragraph also states, "To permit the sale of alcohol **on and off the premises** from 9am to 10.30pm Monday to Sunday". Then the application, on page 13 in the section on non-standard timings Section J, is to extend the licence for off sales to 8pm, seven days a week. Are we to assume the application is for off sales to 10.30pm every day or 8pm? We could have here a proposal that alcohol sales are from 9am (now 11am) and off sales up to 10.30pm (now 6pm Mon to Fri) and also to include Saturday and Sunday.

Our view is that the Licensing Committee has already considered the operation of Barbie Green and reached a decision which takes into account the likelihood of nuisance to residential neighbours by constraining the hours of operation for off sales to 6pm, Monday to Friday. The licence also specifies that no alcohol is to be served in the external part of the premises after 9 pm in recognition of the effect on residents. Conditions have not changed. We therefore see no reason for extending the hours of operation.

Furthermore, we note that, yet again, the applicant has put forward no measures of its own to mitigate nuisance and has not bothered to consult neighbours in advance of making yet another application to vary/extend its operating hours.

The City of London has invested in London Wall Place gardens surrounding the Barbie Green Premises to create a peaceful place that improves the amenity of the area for all. It includes large number of benches. If extended off-sales are allowed from Barbie Green there is a real risk that this area becomes an outside drinking area, discouraging other users.

The Willoughby House flats which face directly towards Barbie Green include living rooms and bedrooms along that frontage. Street level sound from the Premises bounces under the

balcony soffits into those room, especially as windows are single glazed and are not always kept closed during the evening.

The notes of the original licensing meeting for these Premises said 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 conditions imposed were in recognition of it being in a heavy residential area.

Our experience is that outside drinking results in noise nuisance, and the longer the drinking goes on for, the greater the nuisance. The City’s Environmental Health department agrees, and in her representation to a 2018 application on the same Premises, Dawn Patel noted that the nuisance is greater when background noise drops off later in the day. She said “Noise associated with this type of activity is not in the character of the area” and “noise from outside 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”. We believe that this was accepted by the Licensing Committee in its original decision. It was also accepted by the current Applicant, as the decision letter from the hearing on 12th August 2020 records that “The Applicant summarised that most of the concerns were regarding anti-social behaviour, crowds and nuisance which should be avoided by the 18:00 finish”. It remains the case that the 6pm finish is crucial to avoiding nuisance.

Since the first decision on Barbie Green was reached and accepted, there has been a new licensing application in July 2019, and again June 2020, and again November 2021. Do we really have to go through this for a fifth consecutive year in 2022 (Enoteca application was 2018)? We all spend hours making our case, we take time off work to speak at the hearings, it must be costly to the CoL too. Yet nothing has changed, the residential blocks have not moved!

With other premises neighbouring our homes, such as WeWork, the Committee has set an important precedent in refusing to allow applicants to “chip away” at licensing conditions by means of repeated requests to vary the licence. We urge members of the Committee to stand by its original decision in this case, too.

Yours faithfully
Fionnuala

Fionnuala Hogan
Chair
Willoughby House Group

Mayer, Julie

From: Hubert Best [REDACTED] >
Sent: 13 December 2021 12:04
To: Breese, Robert; M&CP - Licensing
Cc:
Subject: Application to vary a premises licence under the Licensing Act 2003

THIS IS AN EXTERNAL EMAIL

FAO Robert Breese, Licensing Officer

Dear Mr Breese

Re Application to vary a premises licence under the Licensing Act 2003 by Daisy Green Food Limited, in relation to Barbie Green, 2 London Wall Place, London EC2Y 5AU, Premises Licensing Number LN/200507956

I am a resident in Andrewes House, Barbican. I write to register my objection to granting of the increased licensing hours applied for in the above Application.

The close proximity of the premises to a large number of residential properties, including Roman House in Wood Street, Andrewes and Willoughby Houses in the Barbican, makes the increased potential for public nuisance arising from extending the hours of in particular off-licence sales a significant risk, which is much less likely to be posed by in-premises sales of alcohol - usually with food, bearing in mind that Barbie Green is a restaurant and not a pub. Such off-licence sales are also more likely to lead to people drinking in public, e.g. in the street and in the neighbouring public open spaces and gardens, resulting in increased threat of crime and disorder, with resulting increased threats to public safety.

It should be borne in mind that the surrounding areas are largely pedestrianised, therefore residents walking to and from their properties, including to access public transport, are vulnerable to crime and safety issues - the more so, taking into consideration the recent closure of the Wood Street Police Station.

Yours sincerely

Hubert Best

[REDACTED]

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Mayer, Julie

From: Ian Collins [REDACTED]
Sent: 13 December 2021 07:41
To: Breeze, Robert
Subject: Objection to Barbie Green licence extension

THIS IS AN EXTERNAL EMAIL

Dear Mr Breeze,

I object to the proposed increase in licensed hours by the Barbie Green bar near to my Andrewes House flat on the four permitted grounds: prevention of crime and disorder; public safety; prevention of public nuisance; protection of children from harm.

Yours truly,
Ian Collins

[REDACTED]

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Subject: Barbie Green variation of Premises Licence - objection
Date: 30 November 2021 12:29:26

THIS IS

Dear licensing authority,

I write to object to the current application by Daisy Green in respect of Barbie Green. The proposed extension of hours of operation for outside drinking do not meet the licensing objective to prevent public nuisance - particularly given the highly residential nature of the neighbourhood. The sub-committee recognised this by granting a licence limiting off sales to 6pm on Monday-Friday only. Extending this to 9am in the morning, and to 10.30pm at night, and to Saturday and Sunday, as this application seeks to do, significantly increases the risk of noise and nuisance. It was considered unacceptable by the committee at the time of the original application, and it still is. Since nothing has changed, I hope the committee will reject this application.

Kind regards

Liz Hirst

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Mayer, Julie

From: Peter & Margaret Hurcombe [REDACTED] >
Sent: 13 December 2021 11:03
To: M&CP - Licensing
Subject: Objection to Planning Application by Barbie Green

THIS IS AN EXTERNAL EMAIL

We wish to make an objection to the current planning application by Barbie Green, and in particular to the request to extend substantially the hours for off sales of alcohol, on the grounds that this will increase public nuisance and probably also crime and disorder. We already experience frequent occurrences of loud noise from groups of people walking along Fore Street and Wood Street (both residential streets) in the evening. More recently we have also noticed groups of predominantly young people congregating on the high walk of Andrewes house, smoking and drinking. We consider that any extension of the hours for off sales of alcohol from Barbie Green is certain to exacerbate both of these situations.

Peter and Margaret Hurcombe
[REDACTED]

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9 December 2021

City of London licensing authority,
Guildhall,
Aldermanbury,
London EC2V 7HH

We write to object to the variation of the Barbie Green 2 London Wall Place EC2Y 5AU licensing hours application LN/200507956, on the grounds of preventing Public Nuisance.

As previous chair of the BA Planning and Licensing sub-committees this is now the 4th time I have made a representation on the licensing hours of these premises. First it was Enoteca 2018, then 2019, 2020 and now 2021 with Barbie Green. Despite assurances to keep us informed, yet again there was no attempt to consult with their neighbours prior to the application. Will we have to go through all of this again in 2022? Does your very carefully considered decision made just over a year ago mean nothing?

The decision a year ago was to limit the off sales to 6pm Monday to Friday. The arguments are all the same:-

1. The premises overlook a heavy residential area
2. When considering the 2018 application the City's Environmental Health Department stated that 'noise from outside drinking is likely to cause disturbance to neighbouring residents'
3. London Wall Place gardens is an area to be proud of, beautifully landscaped and an amenity to be enjoyed. The many benches, whilst being a lovely place to sit in peace, pose a risk that the area becomes an outside drinking area
4. Evidence of anti-social behaviour causing a public nuisance when customers drink excessively at Bad Egg on Moor Lane
5. The Willoughby House, Andrewes House and Roman House flats that overlook Barbie Green have living rooms and bedrooms facing the premises. The windows are all south facing and need to be open on warm evenings
6. The soffits of the Barbican flats reflect noise from the street and the windows are single glazed

We urge the Committee to abide by their decision made a year ago to limit the licensing hours on the grounds of Preventing Public Nuisance.

Is it possible to stop Barbie Green applying for an extension on an annual basis when all of the original arguments still hold? After all, this is an expensive process for us all in terms of time and effort. Presumably the CoL has some recompense for their work, but Barbie Green's neighbours do not. We research past documents, we inform our neighbours, we write letters and we take time (some have to take time off work, one neighbour who spoke a year ago works for the Health service) to attend and speak at the hearings.

Yours sincerely,

Helen and Neville Kay

[REDACTED]
[REDACTED]



2nd December 2021

Dear Sir or Madam,

Barbie Green, 2 London Wall Place - licence variation

We write to object strongly about the above.

We reside very close by and, unfortunately, within earshot of the above premises. We should like to be able to work and live without the noise and disruption which would arise were the above granted.

It appears to us that this application is even wider than that which was rejected only a short while ago. We trust that this current application will be similarly rejected.

Yours faithfully



David P Kidd

Ruth M Kidd

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Mayer, Julie

From: [REDACTED]
Sent: 10 December 2021 15:48
To: M&CP - Licensing
Subject: Objection to Barbie Green's application for extending off sales hours of alcohols

THIS IS AN EXTERNAL EMAIL

Dear Town Clerk officer,

Hello. I'm writing in connection with Barbie Green's application for extending off sales times of alcohols. As a house owner of Roman House, I wish to object strongly to this application for the following reasons:

- 1) This is a heavy residential area, and the extended off-sale hours of alcohol are very likely to affect the life of residents, especially on security issues.
- 2) I see no necessity of selling alcohol from as early as 9am in the morning. Unless, the business owner is so caring about offering drinks to someone seeking alcohols just about 160m away from a girl's school, which raises another concern about children's safety.
- 3) I see no necessity of extending the hours to 10.30pm Monday to Sunday either. For instance, if I may ask, what's the point of extending the off-sales hours to 10.30pm on Sunday when this restaurant is closed at 17.00pm?

With all respect, I can only view such application as a sly act that shows no consideration or responsibility to the residents who are actually living here.

Thank you for your time.

Yours sincerely,
Lingshu Li Wu

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Mayer, Julie

From: Hank Lu [REDACTED]
Sent: 13 December 2021 15:23
To: M&CP - Licensing
Subject: OBJECTION to the application to vary a Premises Licence by Daisy Green Limited

THIS IS AN EXTERNAL EMAIL

Dear Licensing team,

I write to OBJECT to the application by Barbie Green / Daisy Green Foods for further changes to their sale of alcohol, to now be on-premises from 09:30am, and off-premises to now be extended to 7 days a week, between the hours of 11:00 and 20:00 Monday to Sunday on the basis of the prevention of public nuisance.

Do note that the new ask for the off-premises sales is a variation of what they requested a year ago, which was duly rejected by the licensing committee, with an off-premises license instead granted for reduced hours and days. **The reasons for the rejection a year ago still stand, and this repeat application should be rejected as it was a year ago.**

The application for a variation is misleading in that its "brief description" states that the intention is "to bring forward the hour for alcohol sales to commence at 09:00 Monday to Sunday. No changes to conditions or any other hours". But the first paragraph states: "To permit the sale of alcohol on **and off the premises** from 9am to 10.30pm Monday to Sunday". Then the application, on page 13 in the section on non-standard timings Section J, asks for the extension of the licence for off sales to 8pm, seven days a week.

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. 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.

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, as they did not a year ago too.

Furthermore, we note that, yet again, the applicant has put forward no measures of its own to mitigate nuisance and has not bothered to consult neighbours in advance of making yet another application to vary/extend its operating hours.

Two years 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). The notes of the original licensing meeting for these Premises say 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 conditions imposed were in recognition of it being in a heavy residential area.

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 replaced some aspects of the benches in order to make them less conducive to skateboard acrobatics.

Since the off-premises license was granted, large groups of people have been gathering at the public space, taking away open plastic cups of beer from the cafe-bar, and making large noise after work.

Extending off-premises sales, especially in the weekend and evenings, WILL result in 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 closer to the residential areas.

Given that an off-sales license seven days a week was rejected for this cafe-bar 2 years ago and again last year, I recommend that the current license remains in place as is and is NOT extended further.

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.

With other premises neighbouring the hundreds of residential properties in Barbican, Roman House and further, the Committee has set an important precedent in refusing to allow applicants to “chip away” at licensing conditions by means of repeated requests to vary the licence. We urge members of the Committee to stand by its original decision in this case, too.

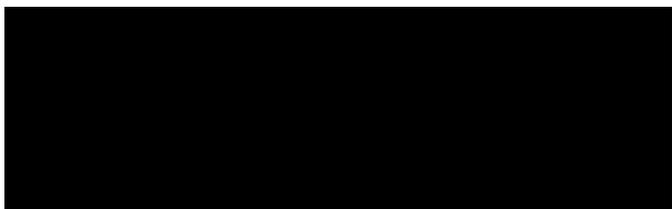
Do note that Environmental Health and the City Of London Police both objected to the license 2 years ago, mentioning:

“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.”

We believe that this was accepted by the Licensing Committee in its original decision. It was also accepted by the current Applicant, as the decision letter from the hearing on 12th August 2020 records that “The Applicant summarised that most of the concerns were regarding anti-social behaviour, crowds and nuisance which should be avoided by the 18:00 finish”. It remains the case that the 6pm finish is crucial to avoiding nuisance.

Yours sincerely,

Cheng-Han Lu



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From: [REDACTED]
To: [Breese, Robert; M&CP - Licensing](#)
Subject: Barrie Green Food Limited 2 London Wall Place EC2Y 5 AU-Variation of Licensing Premises Licence LN/200507956
Date: 13 December 2021 10:37:53

THIS IS AN EXTERNAL EMAIL

Dear Sir,

I write to object to the above application which is intended to lead to a substantial extension of both on and off sales during periods when the main residents of the City are residential home owners/occupiers. There has not to my knowledge been any consultation regarding this matter with those directly affected namely the residents of the Barbican and adjacent residential blocks.

The proposed variation creates a dangerous precedent and the sale and consumption of alcohol during the proposed periods is highly likely to lead to further unwelcome disturbance and therefore public nuisance with potential for criminal behaviour. Recent similar applications where the City of London have made some variations to licensing has shown there is a direct correlation between extension of licensing hours and disturbance. It is also well documented that the sale of alcohol especially in City locations leads to serious problems within anti-social behaviour.

Yours faithfully
R. E.Monkcom

[REDACTED]

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From: [REDACTED]
To: [Breese, Robert](#)
Subject: License application objection
Date: 14 December 2021 14:15:22

THIS IS AN EXTERNAL EMAIL

Dear Robert

I would like to object to the licence application below from Barbie Green.

In particular I am concerned that alcohol will be sold in the morning, there are children in the area, resident and students, and attracting morning drinkers may harm them;

Late in the evening as this is a residential area noise level can harm everyone with a young family or just resting if they have an early morning critical job,

Also with drinkers occupying a rare green area some residents feel not so safe when passing by and restricted, or feel at risk, and teens in particular would be at risk, where usually this area is safe for them,

So please reconsider or if possible talk to the resident association of Andrewes house Barbican to explain and reassure concerns on public safety, children safety, public nuisance;

Here are the details I received from the Andrewes house association

Regards

Valeria Moore
[REDACTED]

Barbie Green, the restaurant in London Wall, has its third application in three years to increase its permitted hours for on sales and off sales of alcohol. The application is difficult to understand. According the City of London Licensing Officer Barbie Green currently has an on sales license Monday - Sunday from 11am to 10.30 pm. They are applying to extend these hours to 9am to 10.30 pm Monday - Sunday.

In addition, they currently have an off sales license to supply alcohol from 11am to 6pm Monday to Friday. They are applying to extend their hours of off sales to 11am to 8pm and to make off sales at weekends too. They have requested a license to permit off sales Monday to Sunday from 11am to 8pm.

These changes represent a substantial expansion of their license. To the best of my knowledge these proposals have been put forward without any prior

consultation with local residents.

Providing off sales at the weekend and later in the evening create a substantially increased risk of disturbance to local residents. Serving alcohol from 9am may attract a different clientele from those who currently drop in for a coffee and a snack in the morning.

According to its website Barbie Green is open from 8am to 10 pm Monday to Saturday and from 8.45 am to 5pm on Sundays. Consequently, the license applied for goes beyond its current hours of business.

Sent from my iPhone

Mayer, Julie

From: Pam Muir [REDACTED] >
Sent: 13 December 2021 12:05
To: Breese, Robert
Subject: Barbie Green London Wall planning application

THIS IS AN EXTERNAL EMAIL

We understand that Barbie Green wish to extend their licensing hours for sale of alcohol both on and off premises.

As close neighbours we are surprised that the consultation allows us only one day to lodge any objections.

We are concerned about the potential for noise and public nuisance in this area especially with the extension of off sales alcohol and the extension of weekend opening hours. We therefore wish to object to this application.

Yours faithfully,
Pamela Muir and Tim Kenneally

[REDACTED]

Sent from my iPad

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From: [REDACTED]
To: [Breese, Robert](#)
Cc: [M&CP - Licensing](#)
Subject: Barbie Green-Licensing application LN/200507956
Date: 13 December 2021 14:06:06

THIS IS AN EXTERNAL EMAIL

Dear Mr Breese,

We are writing to object to the recent licensing application by Barbie Green. We believe that longer licensing hours will have a negative impact on the surrounding neighbourhood on the following grounds:

- the further increase in footfall during closing time would encourage loitering and the gathering of groups in the vicinity of the Salters Garden. There is already a steady flow of noisy gatherers at fairly regular intervals.

- the cafe is on the side of a very busy road. We often see groups of people crossing the road dangerously. In addition, children in the vicinity would be at risk of crossing or falling onto the busy road. An extension in licensing hours will only add to this.

-drinkers sitting in the vicinity of Salters Hall often smoke cannabis and now that drugs are commonplace in the City of London, the risk to children's exposure to harmful substances would increase under new licensing hours at Barbie Green.

-people urinating and leaving rubbish behind is commonplace around Barbie Green. With the increased footfall that would surely follow the new licensing arrangements, public nuisance and disorder will only increase further.

We hope these comments are helpful towards reaching this important decision.

Yours faithfully,

Gareth Owen & Alec Parsons-Smith

[REDACTED]

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Mayer, Julie

From: Christopher Owen [REDACTED]
Sent: 13 December 2021 15:07
To: Breese, Robert
Subject: Planning Application - Licence for Barbie Green

THIS IS AN EXTERNAL EMAIL

Hello Mr Breese,

re : Premises licence number LN/200507956

I would like to object to the planned licence application for Barbie Green to extend it's licensing hours to commence at 9am Monday to Sunday on the following grounds:

- I believe that this extension would increase the possibility of crime and disorder
- I believe that this extension would increase the possibility of being a public nuisance

Thank you - Chris Owen.

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Mayer, Julie

From: Panayiotis Papakyrianiou [REDACTED] >
Sent: 08 December 2021 22:45
To: M&CP - Licensing
Subject: Representation in relation to: Application for a variation of a premises licence - 2 London Wall Place EC2Y 5AU

THIS IS AN EXTERNAL EMAIL

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 permit the sale of alcohol on and off the premises 9am – 10.30pm Monday to Sunday, made by Daisy Green Food Ltd (the “Applicant”), in respect of the above premises (the “Premises”).

I live in [REDACTED]. 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.

In summer 2020, Barbie Green applied for a similar variation to their premise license in June 2020, to add off-sales between the hours of 11.00am and 20.00pm Monday to Sunday. The decision reached by the Licensing Sub-Committee was to permit off-sales between the hours of 11:00 and 18:00 Monday to Friday only with no off-sales at the weekend. This struck a balance between the interests of the residents and the interests of the business, each as evident in the [minutes](#) of the Licensing Sub-Committee meeting on Wednesday, 2 August 2020 at 2pm.

As noted in the minutes, I had submitted objections to Applicant’s 2020 application. Though I do believe the decision reached by the Licensing Sub-Committee did indeed strike a fair balance, I do not believe that any of my previous concerns have since been invalidated. I have no concerns about sale of alcohol *inside* the Premises; it is the off-sales which concern me – the present application attempts to extend the hours in which alcohol can be sold off the premises past the range requested by the Applicant in their 2020 application.

As such, I respectfully repeat my submissions in respect of the 2020 application below (with amendments as appropriate). 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 and into the night 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 by the current realities of working from home, as the noise would 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 referred to 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. This safeguard would be invalidated by the extension of alcohol permissions to 22:30; I see nothing in this application that would impose further safeguards to accommodate for this.

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 7 days a week and into the night 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 extend the hours during which the Applicant can serve alcohol inside the Premises, but maintain the current restrictions for off-site consumption, to minimise disturbance to residents. 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: [REDACTED]
To: [Breese, Robert](#)
Subject: Barbi Green - OBJECTION to application to vary licence
Date: 13 December 2021 17:23:26

THIS IS AN EXTERNAL EMAIL

Dear City of London Licensing

Premises Licence number: LN/200507956

I strongly OBJECT to this application on the ground of prevention of public nuisance.

When Barbie Green last attempted to vary its licence, the Licensing (Hearing) Sub-Committee letter (to objectors) dated 14 August 2020 containing its decision stated that it sought to “strike a balance for residents and the business” in allowing off-sales no later than 6pm Monday to Friday, with NO off-sales at weekends.

In the Applicant’s initial application in July 2019, off-sales were rejected by the Sub-Committee due to the risk of public nuisance. This is the third bite of the cherry that the Applicant has sought.

No consultation with residents has been made concerning this attempt to widen the goal-posts once again, presumably because the Applicant understands just how threatening this application is to residents’ peace of mind. Will the Applicant keep on submitting variation requests *ad infinitum* until they achieve the licensing hours they asked for in the first place?

Barbi Green advertises an all-you-can-drink bottomless prosecco brunch. By starting on-sales of alcohol at 9am, the pre-lunch drinkers will be well underway before midday has even arrived. This is not acceptable in a residential area.

By flying in the face of the Sub-Committee’s previous decision, the request to allow off-sales at weekends and later into the evening can only have one result: more drunk people hanging around London Wall Place beneath residents’ windows (Roman House; Andrewes House; Willoughby House). Again, this is not acceptable in a residential area.

If the Applicant submits that incidents of public nuisance have been low, in support of their application, then it should be noted by the Sub-Committee that this is precisely because of the licensing restrictions currently in place, not despite them. Opening up off-sales to weekends and to later in the evening on weekdays oversteps the balance struck by the Sub-Committee the last time the applicant sought to vary the conditions.

Please halt this disrespectful mission-creep by the Applicant by rejecting their application in its entirety.

Yours faithfully

Nigel Pilkington

[REDACTED]

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Mayer, Julie

From: JENNY QUILLINAN [REDACTED]
Sent: 13 December 2021 11:20
To: Breese, Robert
Subject: Re planning application for Barbie Green and increase in hours for sales and off sales of alcohol

THIS IS AN EXTERNAL EMAIL

Dear Robert

I've just found out that Barbie Green is applying to extend their licensed hours to sell alcohol on their premises. I strongly object to this application on the grounds that it could be a public nuisance to the residents living in the Barbican particularly those in Andrewes House and Willoughby House and other residents living close by. I have already experienced a lot of noise from people who drink and sit around the area close to Barbie Green (there are far too many benches that enable this behaviour) and make a lot of noise well into the night. The thought that this could be a regular feature of living near to Barbie Green if this licence application goes ahead fills me with dread. I do hope this request is refused.

Best wishes

Jenny

Jenny Quillinan
[REDACTED]

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Mayer, Julie

From: [REDACTED]
Sent: 12 December 2021 22:17
To: M&CP - Licensing
Subject: Application to vary a Premises Licence Daisy Green 2 London Wall Place London EC2Y 5AU

THIS IS AN EXTERNAL EMAIL

Dear Sirs

**Application to vary a Premises Licence
Daisy Green
2 London Wall Place
London
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 November 2021 in respect of the above premises (the "**Premises**").

[REDACTED] 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 principles established pursuant to the City of London Corporation's Licensing Act 2003 Statement of Licensing Policy 2017 (the "**Policy**"), which is designed to safeguard the interests of local residents and the community. The granting of a variation to the licence will (i) extend the level of public nuisance experienced by local residents, (ii) demonstrates disregard to the concerns raised by the Licensing Committee both when granting the initial licence two years ago and rejecting the variation application a year ago and (iii) sets a precedent that applicants who are not granted their preferred licence initially need not worry as they can annually apply for variations to extend.

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 a development of 90 apartments. In my case, the Premises are a stone's throw away from my flat and are visible from my bedroom and living room. The Applicant markets itself as the leading and premium all-you-can-drink prosecco bottomless brunch establishment and actively promotes pre-noon binge drinking with a veil of healthy snacking. Extending the licence to permit the sale of alcohol for extended hours and 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 further 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, as usual and despite previous assurances, has yet again 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. Since the off-premises license was granted, large groups of people have been gathering at the public space, taking away open plastic cups of beer from the cafe-bar, and making large noise after work. This is unacceptable and a clear example of the culture that the Applicant is seeking to incite, and profit from.

Extending off-premises sales, especially in the weekend and evenings, will result in 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 Applicant's control and are closer to the residential areas. 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. This was noted by both Environmental Health and the City of London Police during the initial application two years ago.

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, with off-premises sales between 11.00-18.00 Monday-Friday. Despite the Applicant's variation to its existing licence being rejected in Summer 2020, the Applicant has applied for further extended hours even beyond (i) the 2020 application and (ii) its current stated operating hours. This demonstrates a blatant disregard for the Licensing Committee's prior decisions and the Applicant has failed to explain why the Licensing Committee's concerns raised last year are no longer valid. It remains unclear why the Applicant feels entitled 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; off-premises drinking from 09:00 every day of the week in a residential area is completely unreasonable. The Applicant's request to extend the off-premises sales licence to seven days a week was rejected last year and the Licensing Committee sought to strike a balance between residents and the Applicant's business. 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 until 18.00 on weekdays, and the Applicant is seeking to make a mockery of these restrictions. The same concerns that led to the imposition of these restrictions by the Licencing Committee last year remain valid and therefore the variation sought by the applicant should be rejected.

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 appears that the Applicant will not stop trying until it can exercise control of the public area to the detriment of all the 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 repeatedly apply thereafter to vary such licence despite all arguments and objections previously provided at the time of securing such original licence remaining valid.

Yours faithfully

Ravi Rupal



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From: [REDACTED]
To: [M&CP - Licensing](#)
Subject: Daisy Green on behalf of Barbie Green (2 London Wall Place, EC2Y 5AU). Licence NO. LN/200507956.
Application to vary the premises licence
Date: 01 December 2021 10:25:55

THIS IS AN EXTERNAL EMAIL

Dear Sir/Madam

This application is somewhat “over the top”, but nevertheless has substance.

It is unnecessary and a likely source of nuisance to allow open air drinking of alcohol from 9.00am; but reasonable to allow it at lunchtime and thence until about 10.00pm, provided the Barbie Green cafe/restaurant does not then simply transfer to a public house.....with drinkers clustered outside by the dozen!

Some sort of warning about noise should be added to the discussion regarding the license by the Licensing Office, given the proximity of bedrooms etc - and especially because the gardens are such a success in terms of peace and quiet, even beauty, in that location.

Drinkers should be prevented from leaving the licensed premises, in order to preserve the above amenity.

Faithfully
Michael Swash

[REDACTED]

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From: [REDACTED]
To: [Breese, Robert](#)
Cc: [REDACTED]
Subject: Barbi Green - expansion of their license
Date: 13 December 2021 12:13:16

THIS IS AN EXTERNAL EMAIL

Dear Mr Breese

Regarding the proposals presented by Barbi Green, as they seem to represent a substantial expansion of their current license, I would like to know why these have been put forward without any prior consultation with residents.

Off sales at the weekend and later in the evening are likely to create noise and unwanted disturbance to local residents. Serving alcohol from 9am sounds ludicrous to me as who drinks alcohol that early in the morning? It's one thing to buy a bottle from a supermarket at that time and take it home to drink with lunch or dinner but I dread to think what type of undesirable clientele Barbi Green will attract if this is allowed. If they are trying to expand their customer base to include these customers, I won't be patronising them again any time soon.

I see from the Barbie Green website that they are open from 8am to 10 pm Monday to Saturday and from 8.45 am to 5pm on Sundays so the license. applied for goes beyond their current business hours.

Kind regards
Wendy Sweetser
[REDACTED]

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12th Dec 2021

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 Barbie Green / Daisy Green Foods for further changes to their sale of alcohol, to now be on-premises from 09:30am, and off-premises to now be extended to 7 days a week, between the hours of 11:00 and 20:00 Monday to Sunday on the basis of the prevention of public nuisance.

Do note that the new ask for the off-premises sales is a variation of what they requested a year ago, which was duly rejected by the licensing committee, with an off-premises license instead granted for reduced hours and days. **The reasons for the rejection a year ago still stand, and this repeat application should be rejected as it was a year ago.**

The application for a variation is misleading in that its "brief description" states that the intention is "to bring forward the hour for alcohol sales to commence at 09:00 Monday to Sunday. No changes to conditions or any other hours". But the first paragraph states: "To permit the sale of alcohol on **and off the premises** from 9am to 10.30pm Monday to Sunday". Then the application, on page 13 in the section on non-standard timings Section J, asks for the extension of the licence for off sales to 8pm, seven days a week.

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. 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.

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, as they did not a year ago too.

Furthermore, we note that, yet again, the applicant has put forward no measures of its own to mitigate nuisance and has not bothered to consult neighbours in advance of making yet another application to vary/extend its operating hours.

Two years 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). The notes of the original licensing meeting for these Premises say 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 conditions imposed were in recognition of it being in a heavy residential area.

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 replaced some aspects of the benches in order to make them less conducive to skateboard acrobatics.

Since the off-premises license was granted, large groups of people have been gathering at the public space, taking away open plastic cups of beer from the cafe-bar, and making large noise after work.

Extending off-premises sales, especially in the weekend and evenings, WILL result in 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 closer to the residential areas.

Given that an off-sales license seven days a week was rejected for this cafe-bar 2 years ago and again last year, I recommend that the current license remains in place as is and is NOT extended further.

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.

With other premises neighbouring the hundreds of residential properties in Barbican, Roman House and further, the Committee has set an important precedent in refusing to allow applicants to “chip away” at licensing conditions by means of repeated requests to vary the licence. We urge members of the Committee to stand by its original decision in this case, too.

Do note that Environmental Health and the City Of London Police both objected to the license 2 years ago, 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."

We believe that this was accepted by the Licensing Committee in its original decision. It was also accepted by the current Applicant, as the decision letter from the hearing on 12th August 2020 records that "The Applicant summarised that most of the concerns were regarding anti-social behaviour, crowds and nuisance which should be avoided by the 18:00 finish". It remains the case that the 6pm finish is crucial to avoiding nuisance.

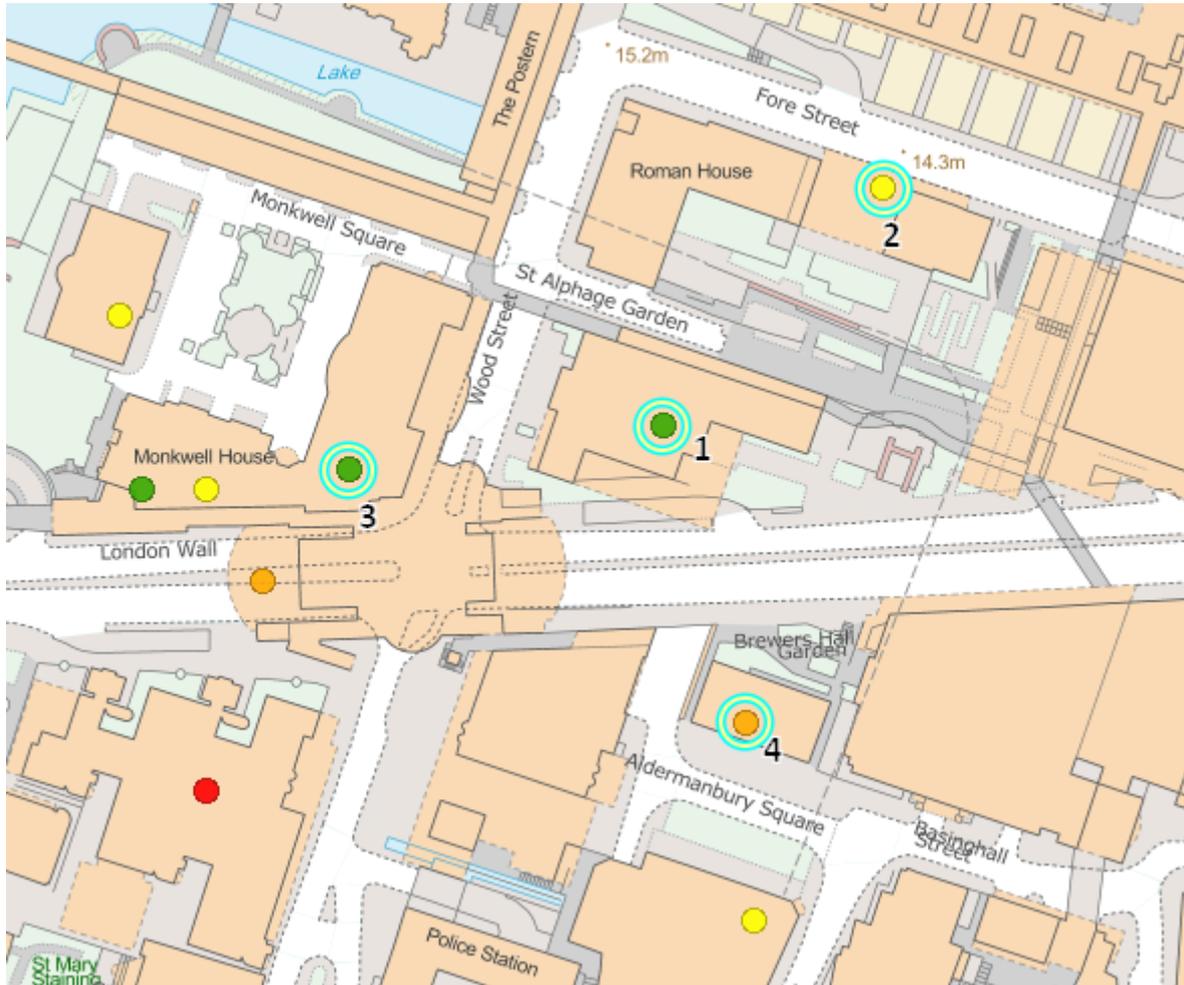
Yours sincerely,

Dr Dimitri Varsamis



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Premises Location Map

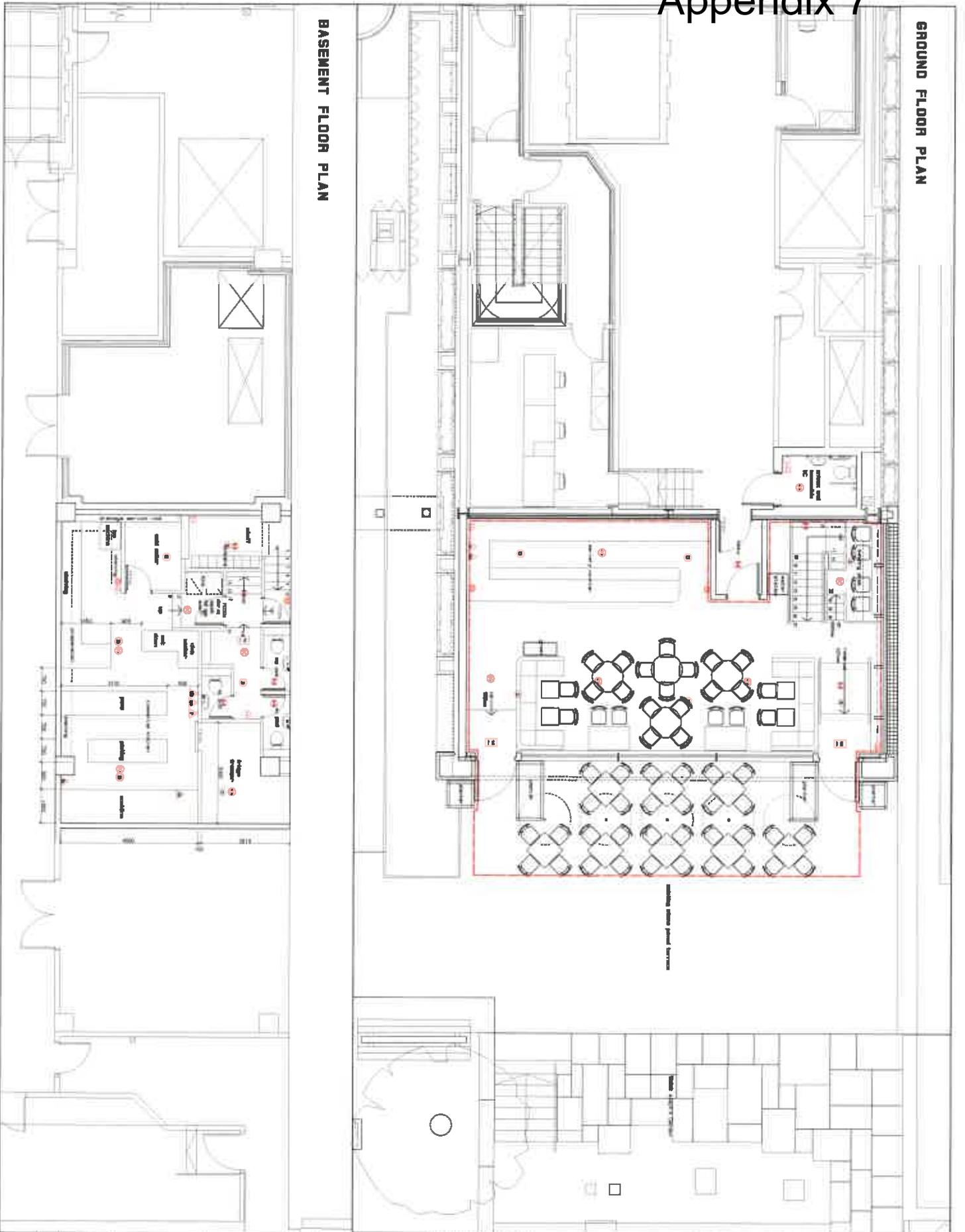


	Trade Name	Alcohol Closing Time	Late Night Refreshment Closing Time
1	Daisy Green	22:30	Unlicensed
2	The Salters Company	Midnight	Unlicensed
3	Gather & Gather, Lloyds Bank Plc	22:00	Unlicensed
4	Worshipful Company of Brewers	Midnight	01:00

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GROUND FLOOR PLAN

BASEMENT FLOOR PLAN



PIPE SCHEDULE KEY

- 1. New water supply
- 2. New gas supply
- 3. New sewer supply
- 4. New storm water supply
- 5. New drainage supply
- 6. New electrical supply
- 7. New mechanical supply
- 8. New structural supply
- 9. New structural reinforcement
- 10. New structural reinforcement
- 11. New structural reinforcement
- 12. New structural reinforcement
- 13. New structural reinforcement
- 14. New structural reinforcement
- 15. New structural reinforcement
- 16. New structural reinforcement
- 17. New structural reinforcement
- 18. New structural reinforcement
- 19. New structural reinforcement
- 20. New structural reinforcement

Architect
Structural Engineer
MEP Engineer
Interior Designer
Quantity Surveyor
Construction Manager
Health and Safety Officer
Project Manager
Client

Project Name: 21 Ladbroke Park, London, W8 3NF
Project No: 21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100

Revision: 1.0
Date: 10/10/2023

Author: [Name]
Checker: [Name]
Approver: [Name]

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