



LICENSING (HEARING) SUB COMMITTEE

Date: WEDNESDAY, 9 NOVEMBER 2022

Time: 11.00 am

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

APPLICANT: Night Light Leisure

**PREMISES: Simmons Bar, 21 Widegate
Street, E1 7HP**

<https://youtu.be/4h3vKSPthYg>

CONTENTS

Hearing Procedure	(Pages 3 - 4)
Report of the Executive Director Environment	(Pages 5 - 10)
Appendix 1: Copy of Temporary Event Notice for 2 - 4 December 2022	(Pages 11 - 18)
Appendix 2: Copy of Temporary Event Notice for 9 - 11 December 2022	(Pages 19 - 26)
Appendix 3: Copy of Temporary Event Notice for 16 - 18 December 2022	(Pages 27 - 34)
Appendix 4: Copy of Temporary Event Notice for 31 December 2022 - 1 January 2023	(Pages 35 - 42)
Appendix 5: Conditions consistent with the operating schedule	(Pages 43 - 52)
Appendix 6: Representations from responsible authorities	(Pages 53 - 66)
Appendix 7: Plan of Premises	(Pages 67 - 68)

LICENSING 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 himself 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 heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support consideration should be given to having one spokesman on behalf of all parties so as to avoid repetition. Although the use of a spokesman will be encouraged by the Sub Committee, the decision rests with those parties making representations.
6. In the event of disorder or persistent disregard of the authority of the Chair, the Chairman may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Sub Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.

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


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

Committee(s): Licensing Sub-Committee	Hearing Date(s) 9 November 2022	Item no.
Subject: Licensing Act 2003: - Hearing to consider an objection to four Temporary Event Notices		
Name of Premises: Simmons Bar Address of Premises: 21 Widegate Street, E1 7HP		
Report of: Juliemma McLoughlin – Executive Director Environment		Public / Non-Public
Ward (if appropriate): Bishopsgate		

1 Introduction

- 1.1 To consider and determine, by public hearing, objections against notification for four temporary events under the Licensing Act 2003.
- 1.2 Under the Licensing Act 2003 a standard temporary event notice submitted to the Licensing Authority may be objected to by the Police and/or Environment Health within three working days of its receipt. The objections can be on the grounds that one or more of the licensing objectives will be undermined.
- 1.3 A hearing to consider any objection notices has to be held within seven working days beginning with the day following the end of the period within which an objection notice may be given. The hearing must be at least 24 hours before the event is due to take place. Due to the timescales involved this report has been put forward at short notice.

2 Summary of Temporary Event Notices

- 2.1 Four temporary event notices were submitted by:
Night Light Leisure
 **Charing Cross Road**
London
WC2H 0JR

They were received by the City of London Licensing Authority on 28 October 2022 for events to be held in respect of the premises:

Simmons Bar
21 Widegate Street
E1 7HP

2.2 Details of the proposed temporary events are as follows:

Date and time of events:

- 1. From: Friday 2 December 2022**
Until: Sunday 4 December 2022
- 2. From: Friday 9 December 2022**
Until: Sunday 11 December 2022
- 3. From: Friday 16 December 2022**
Until: Sunday 18 December 2022
- 4. From: Saturday 31 December 2022**
Until: Sunday 01 January 2023

Licensable activities sought:

- i) The sale by retail of alcohol (on the premises only)
- ii) The provision of regulated entertainment -
- iii) The provision of late night refreshment-Sat

Maximum number of people: 130

2.3 All the temporary event notices seek to extend the terminal hour for the sale by retail of alcohol and the provision of regulated entertainment, and to introduce the provision of late-night refreshment, as follows:

Activity	Current Licence	Proposed amendment of T&E applications
Supply of alcohol for consumption on the premises*	Sun–Wed 10:00-23:00 Thu-Sat 10:00-01:00	Sun–Thu no change Fri-Sat 10:00-03:00
The provision of regulated entertainment**	Sun–Wed 10:00-23:00 Thu-Sat 10:00-01:00	Sun–Thu no change Fri-Sat 10:00-03:00

The provision of Late Night Refreshment	n/a	Fri-Sat 23:00-03:00
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*Current licence is for on and off sales, proposed additional hours are for on sales only

**Slight variations of times on the current licence dependant on the type of regulated entertainment.

2.4 A copy of the Temporary Event Notices can be seen as Appendices 1 to 4.

3 Licensing History of Premises

3.1 A copy of the current licence can be seen as Appendix 5.

4 Objection notices received

4.1 An objection to the temporary event notice was received from the City of London Environmental Health Service on 28 October 2022. The basis of the objection is that the proposed event brings a significant risk of undermining the licensing objective ‘the prevention of public nuisance’.

4.2 A copy of the representation can be seen as Appendix 6.

5 Policy Considerations

5.1 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

5.2 The following sections/paragraphs of the City of London Corporation’s Statement of Licensing Policy, although not all directly related to the consideration of an objection to a temporary event notice, contain sections which are applicable to this report.

Paragraph 92 states an overriding policy principle namely, that each application will be decided on its individual merits.

Paragraph 92 also 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.

Paragraphs 97 to 103 provides information on Temporary Event Notices in general.

Statutory Guidance

- 5.3 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are particularly applicable to this application:

Chapter 7 relates in general to Temporary Event Notices. Of particular note is paragraph 7.28 (role of licensing authority and determination at the hearing) and paragraphs 7.32 – 7.34 (objection notices and the requirement to issue a counter notice if required).

6 Map and Plans

- 6.1 A plan of the premises is attached as Appendix 7.

7 Summary

- 7.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. 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 of London.

8 Options

8.1 The Sub-committee must, having regard to the objection notice;

- i) Give the premises user a counter notice if it considers it appropriate for the promotion of one or more of the licensing objectives to do so (which will stop the event from taking place).

8.2 If the Sub-committee decide not to issue a counter notice it must take one of the following steps:

- ii) Allow the event to go ahead but impose one or more of the existing premises licence conditions on the temporary event notice if it considers it appropriate for the promotion of a licensing objective to do so (but only insofar as such conditions are not inconsistent with the event); or
- iii) Allow the event to go ahead as set out in the Temporary Event Notice

8.3 Following a decision by the Sub-committee one of more of the following actions will need to be taken at least 24 hours before the beginning of the event period specified in the temporary event notice:

- Where a counter notice is issued (option i) a copy is to be sent to the premises user, Police and Environmental Health along with a notice stating the reasons for the decision.
- Where a counter notice is not issued but conditions have been added (option ii) the decision, along with a 'statement of conditions' must be given to the premises user, Police and Environmental Health
- Where a counter notice is not issued (option iii) notice of the decision must be given to the premises user, Police and Environmental Health.

9 Recommendation

9.1 It is therefore RECOMMENDED that your Sub-committee determine this notice for a temporary event in accordance with paragraph 8 of this report.

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

Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised January 2022) Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. (April 2018)	MCP	3 rd Floor Guild Hall Statutory Guidance



City of London
Temporary Event Notice
Licensing Act 2003

For help contact

Telephone: [REDACTED]

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Simmons Bars - Liverpool Street

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Sean

* Family name

Peterson

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

09485237

Business name

Night Light Leisure

If your business is registered, use its registered name.

VAT number

- 209166708

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

☐ Yes ☒ No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

☒ Yes ☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name	<input type="text" value="21"/>
* Street	<input type="text" value="Widegate Street"/>
District	<input type="text"/>
* City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="E1 7HP"/>
* Country	<input type="text" value="United Kingdom"/>

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither ☒ Premises licence ☐ Club premises certificate

* Premises licence number	<input type="text" value="LN/200502197"/>
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Location Details

* Provide further details about the location of the event

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Cocktail Bar

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

XMAS licensing extension
All current license conditions to Apply
Security to be on duty from 8pm through to the end of the event

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
([see also guidance on completing the form, note 6](#)):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

([See also guidance on completing the form, note 7](#)).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 8](#)).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 9](#))

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

Starting
23:00 - 03:00 Thursday - Saturday
Ending at
03:00 Sunday.

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

[\(see also guidance on completing the form, note 11\)](#)

130

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

DJ Playing from 7pm through to close.

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Cardiff City Council

Licence number

CCCI04727

Date of issue

16 / 11 / 2022
dd mm yyyy

Continued from previous page... Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☒

Yes

☐

No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

11

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐

Yes

☒

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? ☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: ☐ Yes ☒ No

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

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

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- ☒ Ticking this box indicates you have read and understood the above declaration

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

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/city-of-london/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Simmons Bars - Liverpool Street"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



City of London
Temporary Event Notice
Licensing Act 2003

For help contact

Telephone: [REDACTED]

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

☐ Yes ☒ No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

☒ Yes ☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither ☒ Premises licence ☐ Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Cocktail Bar

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

XMAS licensing extension
All current license conditions to Apply
Security to be on duty from 8pm through to the end of the event

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, note 6](#)):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

([See also guidance on completing the form, note 7](#)).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 8](#)).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 9](#))

Event start date

09

 /

12

 /

2022

dd

mm

yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

11

 /

12

 /

2022

dd

mm

yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

Starting
23:00 - 03:00 Thursday - Saturday
Ending at
03:00 Sunday.

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

[\(see also guidance on completing the form, note 11\)](#)

130

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

DJ Playing from 7pm through to close.

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Cardiff City Council

Licence number

CCCI04727

Date of issue

16 / 11 / 2022
dd mm yyyy

Continued from previous page... Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☒

Yes

☐

No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

11

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐

Yes

☒

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? ☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: ☐ Yes ☒ No

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

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

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * The information contained in this form is correct to the best of my knowledge and belief
- * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- ☒ Ticking this box indicates you have read and understood the above declaration

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

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/city-of-london/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Simmons Bars - Liverpool Street"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



City of London
Temporary Event Notice
Licensing Act 2003

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

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

☐ Yes ☒ No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value=""/>
Telephone number	<input type="text" value=""/>
Other telephone number	<input type="text" value=""/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

☒ Yes ☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name	<input type="text" value="21"/>
* Street	<input type="text" value="Widegate Street"/>
District	<input type="text" value=""/>
* City or town	<input type="text" value="London"/>
County or administrative area	<input type="text" value=""/>
* Postcode	<input type="text" value="E1 7HP"/>
* Country	<input type="text" value="United Kingdom"/>

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither ☒ Premises licence ☐ Club premises certificate

* Premises licence number	<input type="text" value="LN/200502197"/>
---------------------------	---

Location Details

* Provide further details about the location of the event

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Cocktail Bar

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

XMAS licensing extension
All current license conditions to Apply
Security to be on duty from 8pm through to the end of the event

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, note 6](#)):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

([See also guidance on completing the form, note 7](#)).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 8](#)).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 9](#))

Event start date

16	/	12	/	2022
dd		mm		yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

18	/	12	/	2022
dd		mm		yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

Starting
23:00 - 03:00 Thursday - Saturday
Ending at
03:00 Sunday.

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

[\(see also guidance on completing the form, note 11\)](#)

130

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

DJ Playing from 7pm through to close.

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Cardiff City Council

Licence number

CCCI04727

Date of issue

16 / 11 / 2022
dd mm yyyy

Continued from previous page... Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☒

Yes

☐

No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

13

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐

Yes

☒

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? ☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: ☐ Yes ☒ No

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

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

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- ☒ Ticking this box indicates you have read and understood the above declaration

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

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/city-of-london/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Simmons Bars - Liverpool Street"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



**City of London
Temporary Event Notice
Licensing Act 2003**

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

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

☐ Yes ☒ No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value=""/>
Telephone number	<input type="text" value=""/>
Other telephone number	<input type="text" value=""/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

☒ Yes ☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name	<input type="text" value="21"/>
* Street	<input type="text" value="Widegate Street"/>
District	<input type="text" value=""/>
* City or town	<input type="text" value="London"/>
County or administrative area	<input type="text" value=""/>
* Postcode	<input type="text" value="E1 7HP"/>
* Country	<input type="text" value="United Kingdom"/>

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither ☒ Premises licence ☐ Club premises certificate

* Premises licence number	<input type="text" value="LN/200502197"/>
---------------------------	---

Location Details

* Provide further details about the location of the event

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Cocktail Bar

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

New Years Eve licensing extension
All current license conditions to Apply
Security to be on duty from 8pm through to the end of the event

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, note 6](#)):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

([See also guidance on completing the form, note 7](#)).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 8](#)).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 9](#))

Event start date

31	/	12	/	2022
dd		mm		yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

01	/	01	/	2023
dd		mm		yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

Starting
23:00 Saturday NYE
Ending
04:00 Sunday NYD

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

[\(see also guidance on completing the form, note 11\)](#)

130

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

DJ Playing from 7pm through to close.

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Cardiff City Council

Licence number

CCCI04727

Date of issue

16 / 11 / 2022
dd mm yyyy

Continued from previous page... Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☒

Yes

☐

No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

14

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐

Yes

☒

No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? ☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: ☐ Yes ☒ No

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

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

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- ☒ Ticking this box indicates you have read and understood the above declaration

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

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/city-of-london/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Simmons Bars - Liverpool Street"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



Licensing Act 2003

Section 24

Premises licence

Licensing, City of London

PO Box 270 Guildhall, London EC2P 2EJ

Premises licence number

LN/200502197

Part 1 - Premises details

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

Simmons Bar, 20 Widegate Street, London

Telephone Number

Where the licence is time limited - the dates

Licensable activities authorised by the licence

Alcohol Sales (On & Off Sales), Perform Play, Live Music (e), Recorded Music (f), Similar to (e) (f) or (g)

Opening Hours

	Start	Finish	Start	Finish	Start	Finish
Sunday	07:30	23:30				
Monday	07:30	23:30				
Tuesday	07:30	23:30				
Wednesday	07:30	23:30				
Thursday	07:30	01:30				
Friday	07:30	01:30				
Saturday	07:30	01:30				

The times the licence authorises the carrying out of licensable activities

Alcohol Sales (On & Off Sales)

	Start	Finish	Start	Finish	Start	Finish
Sunday	10:00	23:00				
Monday	10:00	23:00				
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	01:00				
Friday	10:00	01:00				
Saturday	10:00	01:00				

Perform Play Live Music (e)

	Start	Finish	Start	Finish	Start	Finish
Sunday	12:00	21:30				
Monday	12:00	21:30				
Tuesday	12:00	21:30				
Wednesday	12:00	21:30				
Thursday	12:00	21:30				
Friday	12:00	21:30				
Saturday	12:00	21:30				

Recorded Music (f)

	Start	Finish	Start	Finish	Start	Finish
Sunday	10:00	23:00				
Monday	10:00	23:00				
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	01:00				
Friday	10:00	01:00				
Saturday	10:00	01:00				

Similar to (e) (f) or (g)

	Start	Finish	Start	Finish	Start	Finish
Sunday	12:00	22:00				
Monday	12:00	22:00				
Tuesday	12:00	22:00				
Wednesday	12:00	22:00				
Thursday	12:00	22:00				
Friday	12:00	22:00				
Saturday	12:00	22:00				

Opening Hours						
	Start	Finish	Start	Finish	Start	Finish
Sunday	07:30	23:30				
Monday	07:30	23:30				
Tuesday	07:30	23:30				
Wednesday	07:30	23:30				
Thursday	07:30	01:30				
Friday	07:30	01:30				
Saturday	07:30	01:30				
Non Standard Timings and Seasonal Variations						

Part 2

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

Widegate Street Bar Limited
120 Charing Cross Road
London
WC2H 0JR

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

09919297

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

Sean Thomas Peterson

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

CCCI04727 - Cardiff Council

Date granted: 20/09/2020

Amendment date: 22/10/2022

Gavin Stedman

Port Health & Public Protection Director

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

(b) "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;

(c) "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;

(d) "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

(e) "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.

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

a. The film classification body is not specified in the licence, or

4. The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

a. admission of children must be restricted in accordance with any recommendation made by that licensing authority.

5. In this section "children" means any person aged under 18; and

6. "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

Annex 2 - Conditions consistent with the Operating Schedule

1. There will be no amplified live music or speech at any time.
2. There will be a maximum of four performers of live music at any one time.
3. There will be no playing of drums at any time.
4. The doors opening onto the rear yard will be kept closed during performances of live music or plays.
5. The doors opening onto the rear yard, when closed, will be capable of achieving a 35-40db weighted sound reduction index (Rw) and installed according to manufacturers instructions.
6. The rear yard will not be used for the playing of live music or performance of plays at any time or for consumption of alcohol after 21.30hrs.

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

1. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
2. 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.
3. There shall be no sale of alcohol in unsealed containers for consumption off the premises after 22.00 hours.
4. On any occasion that regulated entertainment is provided, not less than 2 SIA registered door supervisors shall be engaged to control entry.

Annex 4 – Plans

Plan Reference:

Ground Proposal Plan

Reference: dwg 905F

Date: 24.07.2012

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Ainsworth, Chloe

From: [REDACTED]
Sent: 28 October 2022 15:19
To: [REDACTED]
Subject: FW: Online TENx4: Simmons 21 Widegate Street
Attachments: city-of-london-1293465-02.03.04.12.22 Liverpool Street TEN (1).pdf; city-of-london-1293466-09.10.11.12.22 Liverpool Street TEN (1).pdf; city-of-london-1293468-16.17.18.12.22 Liverpool Street TEN (1).pdf; city-of-london-1293469-31.12.22 & 01.01.23 Liverpool Street TEN (1).pdf

From: [REDACTED]
Sent: 28 October 2022 15:18:41 (UTC+00:00) Dublin, Edinburgh, Lisbon, London
To: [REDACTED]
Subject: FW: Online TENx4: Simmons 21 Widegate Street

Good afternoon,

The Pollution Team wish to make a representation to OBJECT to the attached TENs applications, on the grounds that these events are likely to breach the public nuisance licensing objective.

Kind Regards
Siobhan



Siobhan Crossby | Environmental Health Officer – Pollution Team
Mobile: [REDACTED] | Switchboard: [REDACTED]
City of London | Environment Department | Guildhall | London | EC2V 7HH
[REDACTED] www.cityoflondon.gov.uk

Juliemma McLoughlin
Executive Director Environment

For further details about how and why we process your personal data, please see our Privacy Notice, available at www.cityoflondon.gov.uk/privacy

NOTE: Saturdays working hours throughout the City are 09:00 to 14:00.

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

From: DES - EH - Pollution <[REDACTED]>
Sent: 28 October 2022 15:09
To: [REDACTED]
Subject: FW: Online TENx4: Simmons 21 Widegate Street

From: [REDACTED]
Sent: 28 October 2022 14:51
To: [REDACTED]
Cc: [REDACTED]
Subject: Online TENx4: Simmons 21 Widegate Street

Dear All,

Please find attached a TEN's applied for the above named premises.

Please note the last date for representation is: 1st November 2022

Kind Regards,



Jack Gaiger
Assistant Licensing Officer
Environment Department
PO Box 270
Guildhall
London
EC2P 2EJ
[REDACTED]
Juliemma McLoughlin
Executive Director Environment

Simmons Bar, Widegate Street – TEN Hearing

The Pollution team have submitted representations to object on the grounds of 'Prevention of Public Nuisance' to the 4 applications of Temporary Events Notice submitted for the following dates:

- 2nd December 23:00 until 4th December 03:00 (operating 23:00-03:00 each evening)
- 9th December 23:00 until 11th December 03:00 (operating 23:00-03:00 each evening)
- 16th December 23:00 until 18th December 03:00 (operating 23:00-03:00 each evening)
- 31st December 23:00 until 1st January 04:00

Paragraph 91 of the City of London's Licensing Policy states:

'The City Corporation understands the view of the Government but considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07.00.'

Considering the frequency of these most recent TENs applications does cause some concern for our department. It is proposed that Simmons Bar operate across 3 consecutive weekends starting from 23:00 on Thursday until 03:00 Sunday, which in our opinion would be detrimental to the residential receptors in the vicinity.

Applications for TENs at these premises have historically been submitted across the previous year I believe there were 18 TENs in total representing 9 evenings 23:00-03:00 the following day, these TENs did not receive representation from the Pollution Team and we have no evidence to support these events took place or that they caused disturbance to the local receptors.

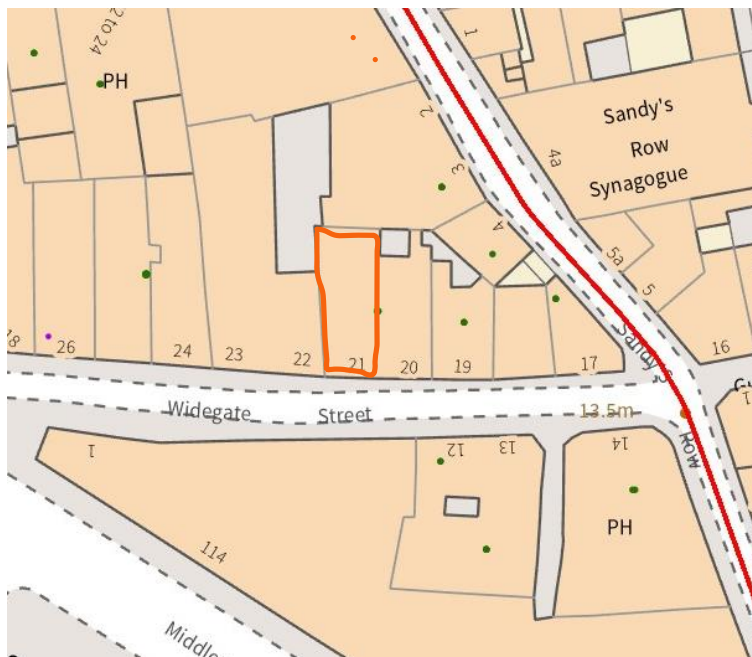


Fig 1. Demonstrates the location of Simmons Bar, 21 Widegate Street, outlined in orange.

The Green Dots denote residential locations.

Residential locations in close proximity to Simmons Bar:

3 flats @ 20 Widegate Street
London E1 7HP

5 flats @ Sandy's Row Apartments
2 - 3 Sandy's Row London E1 7HW

2 flats @ 12 Widegate Street
London E1 7HP

There are 3 flats above the venue, 2 of which share a party wall that has historically demonstrated structural deficiencies which allow noise to travel through the building. This department are aware that some of the properties above Simmons Bar may be let to people staying a few days here and there, sadly the transient nature of these residents would make it difficult to quantify nuisance as they are not likely to make a complaint to the local authority and would in fact opt to complain to the letting agent / owner.

The last complaint received by this department for Simmons Bar was received in March 2019 from residents in Sandy's Row who overlook a courtyard and back door utilised by the staff of Simmons Bar.

On 28th June 2019 a planning hearing took place following an appeal from a planning enforcement notice. The premises had been operating as a drinking establishment but had a restaurant / retail use class. Conditions were recommended by the Pollution team to mitigate the impacts of the drinking establishment on the residents in the vicinity, and whilst it is accepted that Widegate Street is an area that is busy and vibrant in the evening a terminal hour of 23:00 was determined to be appropriate ***“to allow residents respite from any noise arising from the premises at times when they should have reasonable expectations for quiet to sleep and relax”***.

The planning inspector stated

“The main issue is the effect of the development on the living conditions of neighbouring residents with particular regard to noise and disturbance.”

He went on to say

“However, subject to controls over opening hours, such noise would not continue on into times when residents would have their highest expectations for peace and quiet. Indeed, it is suggested that peak hours for the premises are between 1830 and 2100. At the Hearing, the parties agreed that, whilst it was earlier than the licencing regime allowed for, a closing time of 2300 would be appropriate. Furthermore, residents living in busy, vibrant mixed residential and commercial areas where there are high levels of night time uses will have expectations for higher ambient background noise levels. It seems to me that a closing time of 2300 would allow neighbouring residents peace and quiet at times when they have the highest expectancy for sleep and relaxation. Particularly since the licencing regime requires music to desist by 2130.”

He then imposed a condition restricting the hours of operation which the applicant now seeks to circumvent by means of a TEN application. It is my opinion that the Planning Inspectors decision (please see Appendices for the Planning Inspectors Appeal Decision) was correct with respect to this matter as the occupiers of the residential properties in the immediate vicinity are likely to be adversely impacted by noise later into the night if these TEN applications were to succeed.

There is currently a planning application for these premises in the process of determination to bring the operating hours in line with the premises licence for this premises.

The current Premises Licence states that they can sell alcohol and play recorded music:

- Sunday – Wednesday 10:00 - 23:00
- Thursday to Saturday 10:00 - 01:00

Unfortunately, the Planning department are not consultees for TENs and are unable to make representation at this time, in spite of any potential breach of planning conditions.

The applicant has informed us that since the planning inspectors' decision in 2019 improvements to the premises have been made, and insulation has been installed. This department has received no evidence to suggest that these improvements have positively impacted the acoustic properties of the building.

There is a sound limiter that has been set with assistance from this department following the planning inspector's decision. The noise level was set with a 23:00 terminal hour in mind and not later.



Appeal Decision

Hearing held on 18 June 2019

Site Visit made on 18 June 2019

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/K5030/C/18/3205199 20-21 Widegate Street, London E1 7HP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Widegate Street Bar Ltd against an enforcement notice issued by the City of London Council (the LPA).
- The enforcement notice was issued on 17 May 2018.
- The breach of planning control as alleged in the notice is, without the grant of express planning permission, the change of use of the Premises from restaurant (A3) and retail (A1) uses to use as a Drinking Establishment (Class A4).
- The requirements of the notice are: stop using any part of the Premises as a Drinking Establishment (as defined above in Section 3 of this Enforcement Notice, under Alleged Breach of Planning Control).
- The period for compliance with the requirements is 28 days.
- The appeal is proceeding on the grounds set out in section 174(2)(c), (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matters

1. I carried out an unaccompanied site visit the day before the Hearing, observing the appeal premises from Widegate Street. I then carried out a site visit to the appeal property following the close of the Hearing where I was accompanied by representatives of the parties.
2. The enforcement notice is directed at a material change of use. That being the case, it was agreed at the Hearing that the allegation should also state a material change of use, as this is the act of development as defined by statute. This can be corrected as it would not give rise to injustice to the appellant or the local planning authority.

The appeal on ground (c)

3. For the appeal on ground (c) to succeed, the onus is on the appellant to demonstrate, on the balance of probabilities, that the matters stated in the notice which give rise to the alleged breach of planning control did not constitute a breach of planning control.

4. In assessing whether that test is met, it necessary to first determine whether what is alleged in the enforcement notice constitutes development, as defined in section 55 of the 1990 Act. Section 55(1) of the 1990 Act defines development as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use of any buildings or other land. The notice alleges the material change of use to a use as a drinking establishment. The main issue before me is, therefore, whether the alleged matters amount to a material change of use for the purposes of section 55(1) of the 1990 Act.
5. Reference is made in evidence to Section 55(2)(f) of the 1990 Act which states, in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class is not development. Those use classes are set out in the Town and Country (Use Classes) Order 1987, as amended (the UCO). This means that a change between uses within the same class does not amount to development.
6. There is agreement between the parties that the before and after uses are not within the same use class. Section 55(2)(f) is not therefore engaged. However, the UCO is permissive only; it only seeks to establish that changes between uses with the same class are not development. It is not restrictive, in that it does not state that changes between uses not in the same class will be a material change of use. Instead, establishing whether a material change of use has occurred is a question of fact and degree whether those uses within different classes are materially different from one another.
7. The land to which the notice relates comprises the ground floor of 20-21 Widegate Street, the basement level and the courtyard to the rear. It excludes the entrance portico from Widegate Street to the flats above.
8. Planning permission¹ was granted in March 2011 for the entirety of 20-21 Widegate Street for the change of use from office (Class B1) use to provide six self-contained residential units (3 x 1 bedroom, 3 x 2 bedroom) (Class C3) at first - third floor level and café/restaurant use (Class A3) and retail use (Class A1) at ground floor and basement and associated alterations. This permission subdivided the ground floor to provide one café/restaurant unit in No 20 and one retail unit in No 21. It is common ground between the parties that the permission was implemented. The LPA indicated that the last lawful use for the ground floor of the premises was that for which permission was granted in March 2011 – retail and a café/restaurant use.
9. The appellant commenced occupation of 20-21 Widegate Street in May 2016 from when it began operating in its current format as Simmons Bar – a drinking establishment. Prior to that 20 Widegate Street was in operation as a premises known as Champagne Cult. At the Hearing, it was put to me that part of the premises known as 21 Widegate Street had been vacant for various periods of time.
10. The LPA indicated that No 21 was in a café use towards the end of 2016/early 2017, whilst its 2017 Retail Survey indicated that the unit was in use as Meeks Antiques. However, this does not tally with the appellant's indication that

¹ 10/00939/FULL

occupation as Simmons Bar began some time prior to that and that, given the internal arrangement of Simmons Bar, No 21 would have appeared vacant externally.

11. In any event, whilst the appellant indicated at the Hearing that it had no evidence of No 21 having ever been in retail use, it could not provide any evidence to demonstrate, on the balance of probabilities, that it had not been. Given the onus is on the appellant, I find that the previous use of that part of the premises known as No 21 was, on the balance of probabilities, retail. To that end, I find the LPA's argument that the previous use of the ground floor of the premises was a mixed use of café/restaurant and retail in line with the 2011 permission the more compelling one.
12. The appellant argues that the present use is not materially different from the use of the premises in its former guise as Champagne Cult, which the LPA concluded to be a restaurant in line with the last lawful use of the premises. It is said that Champagne Cult was a drink led operation, with no catering kitchen. The only food products it was said to provide were snacks and anti-pasti. Nevertheless, even if it were the case that the present use as Simmons Bar was not materially different to its previous use as Champagne Cult, it is clear to me, that the present use as Simmons Bar is not a restaurant. The premises primarily serves drinks with around 80% of the business deriving from the sale of drinks. It is, as was described at the hearing, a 'wet-led' operation. In my view, that is materially different in character to a restaurant which is, by definition, a food led operation.
13. Consequently, notwithstanding the LPA's findings that Champagne Cult comprised a restaurant use, I find that use of the entirety of the premises that was taking place at the time the notice was issued is materially different from the last lawful use of the premises as a mixed use of restaurant/café and retail. On that basis, I find, on the balance of probabilities, that a material change of use has occurred. Consequently, what has occurred does amount to a material change of use for the purposes of section 55(1) of the 1990 Act and therefore constitutes development for which planning permission is required under section 57 of the 1990 Act.
14. Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) grants planning permission for various material changes of use between uses in different classes. The material change from a mixed use as a restaurant/café and retail to a drinking establishment does not fall within any of the classes of permitted development under Schedule 2, Part 3 of the GPDO. There is no evidence before me either that the development has been granted planning permission under section 58 of the 1990 Act.
15. Thus, I find that the matters stated in the notice which give rise to the alleged breach of planning control did constitute a breach of planning control.
16. The appeal on ground (c) therefore fails.

The appeal on ground (a) and the deemed application

Main Issue

17. The main issue is the effect of the development on the living conditions of neighbouring residents with particular regard to noise and disturbance.

Reasons

18. The appeal site comprises the ground floor, basement level and rear courtyard area of a mid-terraced building. This part of Widegate Street is characterised by a range of uses including restaurants, public houses, offices and shops. The site lies within the Central Activities Zone as designated in the London Plan² which, amongst other things, is a cultural centre. From my own observations, I agree with the parties that Widegate Street is a busy thoroughfare with high levels of footfall owing to its proximity to major transport hubs. Moreover, given the prevalence of bars and restaurants on Widegate Street and surrounding streets, the area has a vibrant evening economy. As such, the ambient noise levels are relatively high, particularly on an evening as bars and restaurants attract more customers.
19. The closest residential properties to the appeal site are located in the three flats in the upper levels of the appeal premises. In addition, there is a single upper floor flat backing onto the premises at 5 Sandy Row and five flats within 2-3 Sandy Row. There are also several other upper floor flats located along various points of Widegate Street. The LPA's concerns, and those of neighbouring residents, principally derive from two sources of noise - from patrons congregating on Widegate Street and the courtyard to the rear; and from music being played inside the premises.
20. The business operates up until 2330 on Sundays to Wednesdays and 0100 Thursdays to Saturdays. I saw from my site visit that the ground floor of the premises was relatively small. Whilst I recognise that visit was not carried out during a peak period, relatively few customers were present at the time. In addition, it seems to me that, were 150 people to be within the ground floor and basement level at any one time as suggested by the LPA, such numbers would not be capable of being managed in terms of the movement of people for any sustained period of time. The estimated 110 customers at any one time put forward by the appellant seems to me to be a more reasonable figure. Indeed, it was suggested that typically on a busy night, 80 people would be in the premises at any one time with around 200 over the course of an evening. I have no compelling evidence to believe that is not the case.
21. There are several speakers piping music at the ground and lower floor level of the premises. The music system has a limiting system, which prevents music from being louder than 75dBa. At the site visit, myself and the parties heard the music system when it is said it was at its loudest. Externally, I stood outside the property on Widegate Street and music was barely perceptible. Thus, I consider that, subject to a condition requiring the external doors to be kept closed and to be self-closing, internal noise from voices and music will be unlikely to be harmful to those residents at the properties on Sandy Row. Moreover, it was put to me at the Hearing that the premises licence requires music not to be played any later than 2130.
22. Nevertheless, I recognise that music and the sound of voices could transmit upwards to the flats above. The appellant contends that the residential accommodation above was not correctly insulated. However, the LPA indicates that conditions on the 2011 relating to noise transmission to the flats were discharged to their satisfaction. In the absence of evidence to lead me to believe otherwise, I have no reason to disagree. Thus, given they were

² The London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011, 2016

designed to mitigate against noise of around 65dBA, noise mitigation measures as part of that 2011 permission will play some role in reducing noise transmission.

23. Furthermore, it seems to me that the use of the premises as a drinking establishment would give rise to a similar level of noise as the prior use as a restaurant. Restaurants can give rise to noise from customers talking, music being played and noise from the kitchen. Indeed, the nature of the previous use as Champagne Cult suggests that noise levels would not be too dissimilar. In addition, the LPA has suggested a condition should be imposed which requires an acoustic report and scheme for noise mitigation to be submitted which ensures that noise transmission from the premises is kept at an acceptable level. I agree such a condition is necessary and will assist in mitigate any noise nuisance from the premises. Thus, I am satisfied that internal noise levels from the operation to the flats above would not be unduly harmful.
24. It was put to me at the Hearing that gatherings of around 50 people can congregate on Widegate Street at any one time. However, as was pointed out at the hearing, it is difficult to say with any degree of certainty that all 50 people congregating are solely customers of the appeal premises. There is a restaurant directly opposite which offers bar facilities, as well as a pub further down on Widegate Street. Moreover, the courtyard to the rear can only accommodate around 10-15 people. I saw from my site visit that it is a rather cramped space with limited opportunity for moving around. Nevertheless, undoubtedly noise from people talking either to the front of the premises or in the courtyard to the rear would be perceptible in the closest residential properties, particularly if windows are left open.
25. However, subject to controls over opening hours, such noise would not continue on into times when residents would have their highest expectations for peace and quiet. Indeed, it is suggested that peak hours for the premises are between 1830 and 2100. At the Hearing, the parties agreed that, whilst it was earlier than the licencing regime allowed for, a closing time of 2300 would be appropriate. Furthermore, residents living in busy, vibrant mixed residential and commercial areas where there are high levels of night time uses will have expectations for higher ambient background noise levels. It seems to me that a closing time of 2300 would allow neighbouring residents peace and quiet at times when they have the highest expectancy for sleep and relaxation. Particularly since the licencing regime requires music to desist by 2130.
26. I accept that drinking establishments can be inherently noisy places and clearly the appeal site here has given rise to levels of noise which have resulted in complaints from local residents. However, given the context of the location of the appeal site, the character of the surrounding area, the nature of the premises and the controls available in the form of conditions, I am satisfied that, on balance, the premises will not give rise to unduly harmful levels of noise and disturbance to the detriment of the living conditions of surrounding residents.
27. I conclude on the main issue, therefore, that the development will not have a harmful effect on the living conditions of neighbouring residents with particular regard to noise and disturbance. Consequently, it accords with policy 7.15 of the London Plan which state that development should avoid significant adverse

noise impacts on health and quality of life. It also accords with Strategic Objective 5 of the City of London Local Plan 2015 (LP) which aims to ensure the provision of inclusive facilities and services that meet the high expectations of the City's business, resident, student and visitor communities. In addition, it would accord with LP policies CS3, DM3.5, CS15, DM15.7 and DM21.3 which: seek to proactively manage night-time entertainment to minimise disturbance to residents and workers; state that proposals for night-time entertainment will only be permitted where there is no unacceptable impact on the amenity of residents; seek to protect the City's quiet areas; seek to minimise potential noise conflicts; and seek to protect the amenity of existing residents particularly with regard to noise-generating uses.

28. The LPA argues that the Draft London Plan Policy D12 states that new noise generating developments such as pubs close to residential development should put in place measures to mitigate and manage noise impacts. Nevertheless, preparation of the Draft London Plan is at a relatively early stage and thus I afford its policies, including those cited on the notice - GG3, D13 and HC6, limited weight.

Other Matters

29. The appeal site lies within the Bishopgate Conservation Area. Given that the drinking establishment use is in keeping with the prevailing vibrant, mixed-use night time economy character of the area, I am satisfied that it will preserve the character and appearance of the Conservation Area. For the same reasons, I consider the development will preserve the setting of the listed buildings at Sandy's Row Synagogue and 24-25 Widegate Street.

Conditions

30. The purpose of conditions 1 and 2 is to require the appellant to comply with a strict timetable for dealing with a scheme for noise attenuation and the installation of self-closing mechanisms on the door which needs to be addressed in order to make the development acceptable. The condition is drafted in this form it is because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matters because the development has already taken place. The conditions therefore provide for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.
31. A condition is suggested by the LPA that no live or recorded music should be played that can be heard outside of the building. However, I agree with the appellant that such a condition is vague and imprecise and would be difficult to enforce as whether music can be perceived externally to the premises would be a matter for the person listening.
32. Similarly, the LPA's suggested condition that no promoted events should be carried out is not necessary because I have no reason to believe such events

do not give rise to any different noise or disturbance issues than regular operating of the bar. In addition, the measures in respect of conditions 1 and 2 should mitigate any excess noise arising should such events be held.

33. The premises licence allows for the use to operate until 0100 on Thursday, Friday and Saturday and 2330 on Sunday to Wednesday. Nevertheless, the licencing regime has differing considerations and whilst there should not be duplication, I consider that the premises should not open any later than 2300 as suggested by the LPA to allow residents respite from any noise arising from the premises at times when they would have reasonable expectations for quiet to sleep and relax. I impose a condition relating to opening hours accordingly.

Conclusions

34. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the material change of use of the Premises from restaurant (A3) and retail (A1) uses to use as a Drinking Establishment (Class A4) as described in the notice as corrected.

35. The appeal on ground (g) does not fall to be considered.

Formal Decision

36. It is directed that the enforcement notice is corrected by the insertion of the word "material" between the words "the" and "change in paragraph 3 of the notice.
37. Subject to the correction, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the material change of use of the Premises from restaurant (A3) and retail (A1) uses to use as a Drinking Establishment (Class A4) at 20-21 Widegate Street, London E1 7HP as shown on the plan attached to the notice and subject to the following conditions:

- 1) The use hereby permitted shall cease within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i. Within 28 days of the date of this decision, a scheme in the form of an acoustic report compiled by a qualified specialist shall be submitted for the written approval of the local planning authority specifying the materials and constructional methods to be used to ensure that the noise levels attributable to the drinking establishment use hereby permitted on the ground floor and basement of the premises does not exceed NR30, or a level to be agreed by the local planning authority, in the physically adjoining residential units in the upper floors of the premises.
 - ii. If within 11 months of the date of this decision, the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of ii) above, the appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

- iv. The approved scheme shall have been carried out and completed within 56 days of the scheme having been approved.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

If the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The use hereby permitted shall cease within 28 days of the date of failure to meet the requirements set out in i) and ii) below:

- i. Within 28 days of the date of this decision, self-closing mechanisms must be fitted on all exterior doors.
- ii. The self-closing mechanisms shall be maintained thereafter.

If the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The external doors to the premises shall be kept closed at all times except for in an emergency or for maintenance purposes.
- 4) The drinking establishment use hereby permitted shall not be open to customers between the hours of 2300 on one day and 0700 on the following day on Mondays to Sundays.
- 5) No servicing of the premises shall be carried out between the hours of 2300 on one day and 0700 the following day from Monday to Saturday and between 2300 on a Saturday and 0700 the following Monday and on Bank Holidays. Servicing includes the loading and unloading of goods from vehicles and disposal of waste outside the building.

J Whitfield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nick Campbell	Appellant
Jonathan Phillips	Agent
Richard Vivien	Acoustic Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Susan Bacon	Senior Planning Officer, City of London Corporation
Siobhan Crossby	Environmental Health Officer, City of London Corporations
Tony Newman	Senior Planning Officer, City of London Corporation
Rachel Pye	Assistant Director, City of London Corporation
Peter Shadbolt	Assistance Director Planning Policy, City of London Corporation

INTERESTED PERSONS:

Sam Ghosh	Local Resident
Daniel Mendosa	Local Resident
Manreet Randhawa	Local Resident
Joanne Taylor-Smith	Local Resident

DOCUMENTS

- 1 List of those notified of the date, time and arrangements of the Hearing

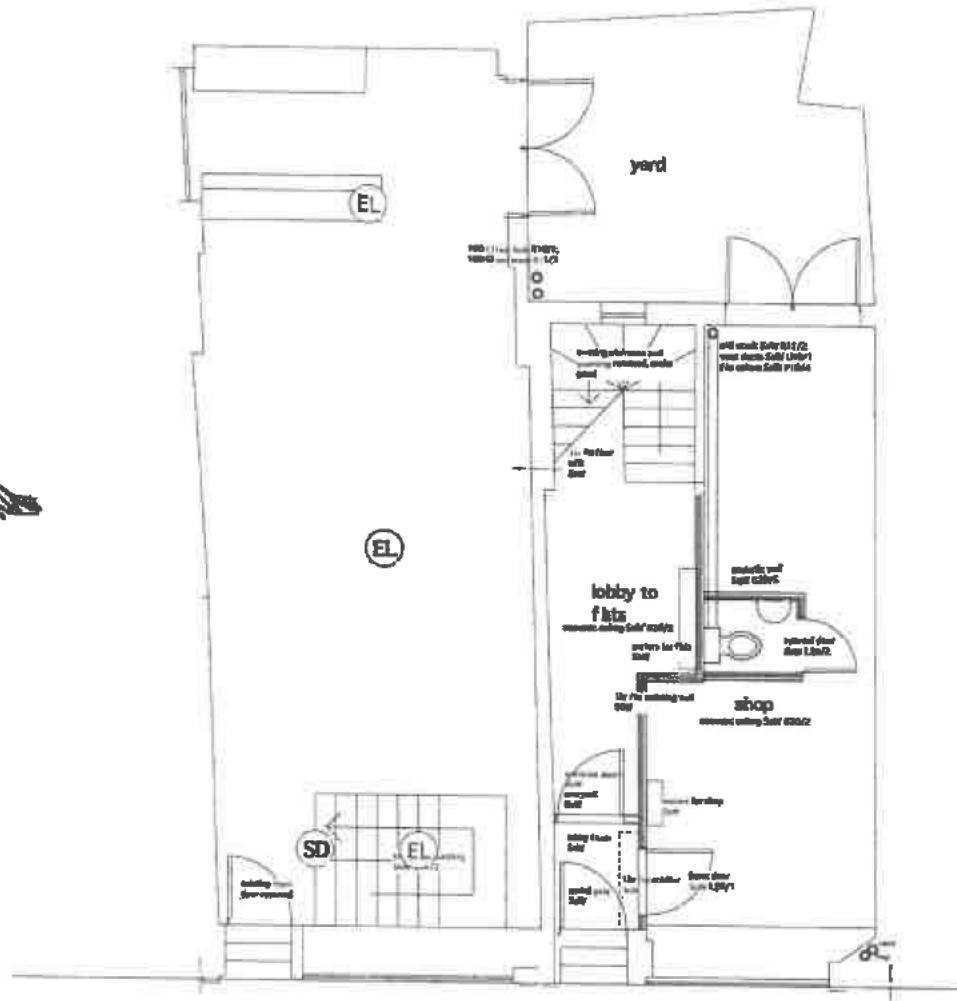
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20-21 Widegate Street
London E1 7HP
date 24/7/12
scale 1:50 @ A2
ground proposal plan
dwg 905F
BAR FITTINGS



rev A 15.4.11 layout amended
rev B 18.4.11 dumb waiter moved
rev C — furnishings added
rev D 24.7.12 West wall corrected
rev E — yard walls corrected
rev F 4/9/12 bar counters to North wall

(EL) emergency light
(SD) smoke detector
(EB) emergency beacon



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