

INUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON Tuesday 10th December 2024, 10:00AM

Sub Committee:

Mary Durcan (Chairman)

David Sales

Michael Hudson

Officers:

Raquel Pinto – Town Clerk's Department

Gavin Steadman - Port Health & Public Protection Director

Rachel Pye – Assistant Director Public Protection, Environment Department

Robert Breese – Licensing Officer, Environment Department

Sadhari Pepera - Comptroller & City Solicitor

Applicant:

Alex Proud- Applicant

Remmy Gill– Applicant's Representative

Those Making Representations:

Deputy Marianne Fredericks

In attendance:

Paul Holmes – City of London Police

Siobhan Crossby – Environment Department, Pollution Team

Licensing Act 2003 (Hearings) Regulations 2005

A Public Hearing was held at 10am to consider representations submitted in respect of a variation application for an existing premises licence by City Galleries Limited, 32 John Adam Street, London, WC2N 6BP for the premises Proud City, 4 Minster Pavement, London, EC3R 7PP.

The Sub-Committee had before it the following documents:

- Hearing Procedure
- Report of the Executive Director Environment
- Appendix 1: Copy of Application
- Appendix 1 (a): Current Licence
- Appendix 2: Representations from Other Persons
 - Responsible Authority

- Resident 1-7
- Appendix 3: Proposed Conditions
- Appendix 4: Map of nearby premises and terminal hours
- Appendix 5: Plan of Premises

The Hearing commenced at 10:00am. The Chairman introduced herself before asking the Sub Committee, the City of London Corporation officers and other parties present to introduce themselves.

The Chair confirmed the nature of the application which was a variation application to the existing licence held by the venue, which is a cabaret club, restaurant and nightclub premises. The application seeks to increase the terminal hour for all current licensable activities on a temporary trial basis until the 1st of October.

The Panel noted that there was one representation from the responsible authority and seven written representations from 'other persons'. The Panel noted that those who submitted representations were unable to attend due to various reasons.

During the presentation from the applicant, the following points were noted:

- Economic hardship was the core reason for the application.
- Nightclubs in Britain were closing rapidly, with none expected to remain open by 2029.
- The post-COVID boom lasted only two months, and the cost-of-living crisis, interest rates, and mortgage payments have severely impacted the sector.
- The applicant claimed that the City of London's success was partly due to its vibrant nightlife, which was at risk.
- The business has been in the City of London for nearly 15 years and has a good relationship with the City of London Corporation, as the local authority.
- The application was not about customers staying later but about attracting promoters who prefer clubs with later licenses.
- Losing promoters to West End venues with later licenses forces them as a business to take risks on new promoters.
- Later licenses do not significantly change how late people leave the venue.
- Authorities in the City of London support the application as it helped create better conditions which the original application did not have and reduced disturbances to residents.
- A new dispersal plan was created after complaints, which had since led to no further complaints.
- The business worked well with authorities and adjusts when necessary, demonstrating their ability to listen and improve.
- The applicant hoped that the committee will vote in favour of the application based on their track record and cooperation with authorities.

During questions to the Applicant and subsequent discussion the following points were noted:

- It was confirmed that the extension of operating hours from 3 AM to 5 AM was on a trial basis. Initial agreement for a trial period until the 1st of October 2025.

- The purpose of the trial period was to demonstrate compliance with the conditions and focus on commercial viability.
- The venue operated through the use of two event rooms, which fed into the new dispersal plan which looked to, minimise disruption by using Mincing Lane for all dispersals.
- Events in Room 1 would finish at 5 AM, whereas events in Room 2 would disperse earlier, to allow the dispersal to be conducted via Mincing Lane.
- The two-room operation has been in place since COVID and has been working well without issues.
- There would be an increased presence of trained and licensed security personnel to enhance dispersal efficiency.
- The previous venue in Westminster was sold due to high rent and economic difficulties.
- The applicant felt there was a better economic climate and business-minded authority in the City of London.
- Capacity was rarely at its limit; events in both rooms occur once every two to three weeks. Events running at full capacity were typically only on New Year's Eve and a few other times a year.
- The applicant has experience managing larger venues like Proud and Bandwidth.
- There were two teams working in the premises, one which manage the restaurant and cabaret, and another for the club afterwards.
- On the issue of vetting new promoters, it was noted that the applicant had internal staff with 10-15 years of experience working with promoters.
- Risk assessments were sent to the Police for due diligence before events. The police had the authority to veto events, and their decisions were respected.
- The extension of operating hours was primarily for promoted events, not regular events. The Cabaret events, which made up 70% of revenue, ended by midnight.
- The Applicant challenged the perception of later operating hours, which he believed did not significantly affect actual departure times.
- The Police Representative confirmed that the Applicant was correct, that the Applicant uses a risk assessment process in the City of London, where venues voluntarily provide risk assessment forms that the police review using intelligence databases. This process helped venues decide whether to host an event, with police guidance but without disclosing police information. It was also noted that venues like Proud have responded well to police suggestions.
- During an average week, there were three late night events that operated from 11:30 PM to 3:00 AM. This did not include Christmas, where the schedule may differ.
- The late-night events were all promoted events by external promoters (in liaison with the police), while the cabaret and brunch events were in-house. The cabaret events occur every Thursday, Friday, and Saturday, and the brunch events happen on Saturdays and Sundays. Corporate midweek events, which end early, are also in-house.
- The premises did not serve alcohol right to the end of closing time. As part of the venue's dispersal policy, the premise has raised the lights, lowered the

music, and closed the bar to signal to the crowd that it's closing time. This has helped with the transition of getting patrons to leave promptly.

- On the issue of lowering the licensing hours to a quarter of an hour shorter, the applicant stated that on late nights (Thursday, Friday, Saturday), this would not be an issue as they started to wind down earlier. However, for Monday, Tuesday, and Wednesday nights, it would be preferred that the hours were not shortened as they hold corporate events.
- Premises were expected to be empty by 3:00 or 5:00 AM, except on New Year's Eve.
- Parking on Mark Lane was being discouraged, with a higher presence of security personnel to assist and provide information on patrons leaving the premises.
- Most customers used public transport or taxis, with fewer parking spaces available. Noise complaints had significantly reduced due to the discouragement of parking and through working with the police.
- There was no specific data that the Applicant had on how customers arrive, but through their observations, it showed minimal loitering.
- Staff were trained to provide information to patrons for efficient dispersal.
- The promoters that had been engaged over the last year had led to fewer people driving.
- The premises did not have noise monitoring as the venue was three floors down, with no windows and it had no noise issues.
- The premises had extensive CCTV coverage with high-definition and night-time cameras which were checked regularly, and CCTV recordings were provided to authorities when needed.
- Residents were on surrounding streets, and not directly opposite or in front of the venue.
- There were no ongoing issues with the nearby hotel since an incident in 2017.
- The Applicant stated they had an open-door policy for residents to meet and discuss concerns.
- The security staff would ensure noise levels remained reasonable.
- The smoking area was well away from the street, in a courtyard with metal barriers and no re-entry allowed. There was also a maximum of 25 patrons allowed in the smoking area at any time.

During the presentation from those making representations the following points were noted:

- Context around the current licence was given as it currently stood, Sunday to Thursday until 2:00 AM, Friday and Saturday until 3:00 AM.
- The licence was negotiated when Proud Cabaret was taken over, with residents and the vicar initially objecting to the late-night licence. The 2:00 AM and 3:00 AM licences were a settlement with residents and the hotel to prevent outright objections.
- There have been ongoing problems with customers dispersing from the venue, which residents had raised however could not be in attendance due to work and other commitments.
- Since 2017, there had been intermittent issues with fights and complaints,

including bad reviews on Trustpilot.

- Ongoing problems with customer parking and noise, especially as customers leave and hang around in their cars.
- Mark Lane is a dead-end street with limited parking, leading customers to park in nearby areas like Peep Street and Savage Gardens.
- Managing people once they are on public streets was challenging and often becomes an antisocial behaviour issue.
- Residents frequently raise objections and report issues during licensing applications.
- A recent big fight in Hart Street was reported by the vicar, but the venue's staff were unaware of it.
- Intermittent disturbances have been enough to constantly disturb residents and hotel guests.
- A new 500+ room hotel is being developed near Fenchurch Street Station.
- The Apex Hotel had Afghan refugees during COVID, which led to fewer complaints during that period as there were fewer events taking place.
- The area has several hotels, including Novotel, Four Seasons, and Leonardo, attracting business clients and tourists. The noise from late-night events disturbs guests and residents, especially those who drive or use Ubers.
- Other nightclubs in the area have closed, and although other premises had later hours, it was stated that they never stayed open until then, therefore making Proud the primary venue for concern.
- Promoted events have caused problems in the past, and concerns were raised about handing over control to promoters. If the reason for the application was so that promoters had the 5am licence, it was suggested that they apply for a Temporary Event Notice.
- The main business is in-house events like cabaret and corporate events, which run smoothly. However, the licence extension was primarily for promoted events, which were causing the issues.
- Although the dispersal plans aimed to minimise disturbances, challenges remained with parking and noise in surrounding streets. It was also raised that once patrons leave the premises it was no longer their responsibility.
- Residents and hotel guests were disturbed by noise, given their proximity and the nature of the narrow roads where sounds were amplified, which impacted their sleep and health.
- The issues of the premises financial viability were noted however this raised concerns as well as potential issues with future operators.
- Concerns over limited police presence and budget cuts made managing disturbances and their dispersals more challenging. Environmental health officers may not always be available to respond quickly to noise complaints, as they might be occupied elsewhere.
- Extending the licence to 5:00 AM was seen as unacceptable. Part of the destination city initiative meant that there were more people coming to the city and staying here, with several hotels and short-stay accommodations. A later licensing hour would further disturb residents and guests.

During questions to those making representations and subsequent discussion the following points were noted:

- The Applicant clarified that the venue was unaware of recent complaints, as they have been working closely with the noise team and have not received reports for a number of years. The Apex Hotel had an issue in 2017, but there were no recent complaints. The Applicant assured that the venue aims to have a higher presence of trained and licensed personnel on the streets to minimise issues.
- The Police Representative explained that in the past year, there have been three crimes reported in the area. Two of these incidents, which occurred in August 2024, involved a disagreement over a phone charger. The third incident, in October 2024, involved an argument between two groups, which was resolved by security before escalating. One of these incidents happened outside the premise, while the other two were inside. These were the only recorded crimes in the past 12 months.
- The objector stated that extending the operating hours from 3:00 AM to 5:00 AM raised significant concerns, as residents expected a good night's sleep from 11:00 PM to 7:00 AM, as outlined in the licencing policy and supported by World Health Organisation guidelines. The original licence was negotiated to balance the needs of residents and business operations, but extending the hours disrupts this balance, leading to noise and dispersal issues. People arriving at midnight and leaving at 3:00 AM or 5:00 AM created disturbances that cannot be effectively controlled, resulting in public nuisance. The only way to prevent these noise and disturbance issues is to not grant the extended hours.
- The Objector also raised that residents reported violent incidents to the police but often do not report noise from people in cars, which was why residents were now emailing and sending videos of disturbances due to frustration with the reporting process.
- The Applicant wanted to clarify a few points that had been raised by the objector:
 - Complaints made by residents are logged and enforced by the City of London's enforcement team.
 - Security personnel do patrol the streets and have stopped fights from escalating.
 - The business operates on a very thin margin, and the additional 30% revenue is crucial for survival.
 - The current economic landscape is much tougher than 15 years ago, with significant drops in restaurant bookings post-COVID.
 - The venue does not hand over control to promoters; security and staff maintain high standards.
 - Extending operating hours will not stop people from parking in the same places, but efforts are being made to discourage it.
 - Complaints about noise and disturbances are not being received by the venue.
 - New hotels cannot legally shut down existing nightclubs.
 - There have been no significant complaints about sound or fights in the

past year.

- The trial period for the licence extension will end in three years due to planned redevelopment.
- The new licence includes stricter conditions on entry and re-entry times, making it a modern and stricter licence. The venue already complies with 99% of the revised licencing conditions.
- Police do patrol the streets during events, and objections from noise, licencing, and police have not been raised for this licence.
- The Police representative confirmed that a pre-application meeting took place and a series of improved conditions would be replacing the informal voluntary agreements if the licence was granted. The risk assessment process would become mandatory, ensuring events could not proceed without timely review.
- On the issue of lack of patrols as raised by the objector, the Police Representative explained that the nighttime economy and late-night Levy fund police patrols, allowing the police to respond quickly to calls for assistance and monitor dispersal. As a result of these agreements, the police did not raise objections to the application.
- The Objector clarified that several venues in the area ran successfully without using their late-night licences. Cafe Vergano closed before COVID, which was unrelated to nightclub closures. Other premises operate as restaurants, cafes, and bars without impacting the community. The vicar and other residents have reported disturbances caused by customers, and staff are not always present to manage dispersals. The licence holder is ultimately responsible for preventing public nuisance, crime, and disorder, but current issues with parking and noise are not being managed effectively.
- The Objector also added that by extending operating hours this would prolong disturbances for residents. Conditions on the licence should be voluntarily adhered to, following the code of best practice. Once patrons leave the venue, they were no longer the venue's responsibility, leading to noise in quiet streets. The extension is primarily for the promoter's benefit, not the venue's main business. The promoter's desire for a 5:00 AM licence could exacerbate existing issues.
- The Applicant clarified that their current business was struggling, with cabaret bookings down by 60%. The landscape was changing, with brunches becoming more popular and clubbing declining. This application was being sought to help as the business could not conduct brunches in the underground, basement restaurant. This was a trial basis and a last chance for the business to adapt to the changing market and improve its revenue.
- An Officer from the Environmental health team was present and clarified that over the last two years, the pollution team had received four substantiated complaints associated with Proud Cabaret. Other complaints related to unsocial behaviour are managed by the police and are not always recorded by the pollution team. There had been an increase in email complaints from local residents about people standing on Peep Street, but these complaints are difficult to substantiate as residents do not contact the out-of-hours service. When issues have been raised with Proud Cabaret, they have responded appropriately. Historically, there were issues with other late-night venues on

New London Street, but since those venues closed, complaints have significantly reduced.

- In response to a question about whether noise complaints were related to the premise, the Objector stated that complaints from were videoed and time-stamped, allowing residents to rest without waiting for a noise line response, which could take 20 minutes. A disturbance required police attendance due to anti-social behaviour from drunk individuals. While it was difficult to pinpoint the source, it was likely that Proud's customers were causing the disturbances, given the closures of other venues and Proud being the main venue in the area.
- The discussion did not address hotel events and focused instead on licensed premises. An example of an event at the DoubleTree hotel extended late into the night, causing noise and disturbances as attendees dispersed into the street. This raised concerns that only the premise was being considered as the main cause of noise nuisance, where the impact of hotel events should also be considered on residents.
- The Objector responded to state that other hotels, such as Leonardo, were also facing complaints, particularly during late music events on weekends. While City of London residents are accustomed to some noise, late-night disturbances are troubling. The current licence permits events until 3:00 AM, which is late for a residential area. Residents often tolerate noise but are concerned about extending event hours further.
- Addressing noise complaints was challenging, as residents cannot always identify the source. Parking issues and disturbances outside the Vicarage also contribute to frustrations. Residents seek a balance between supporting local businesses and ensuring a good night's sleep.
- The Applicant clarified that emphasised the need for staying factual and as it was confirmed by other parties present, the applicant complied and addressed any issues efficiently, when these were brought to their attention. Security staff use surveillance cameras to monitor the areas residents had raised concerns on, and they were open to implementing additional policies, such as a dispersal plan. They were also willing to conduct security sweeps and record video footage to ensure compliance. Overall, there was a strong desire to work collaboratively with neighbours and maintain open communication.
- It was stated that the Applicant had applied for on and off sales alongside the request to extend alcohol sales until 5:00 AM. The Applicant clarified that the venue does not allow alcohol to be taken off the premises, therefore they were content to have this as a condition.

The Chair invited the Applicant to sum up. The Applicant stated they were happy with the case they had put forward. The Objector was then invited to sum up. Although the Applicant expressed a desire to work with the residents, it was regrettable that they did not consult the residents before submitting the application. While they consulted others and obtained their agreement, the residents who are directly affected were left out of the conversation. This oversight led to objections, which could have been addressed when the application was resubmitted. The failure to take this opportunity raises concerns about the applicant's commitment to addressing

residents' issues. The proposed 5:00 AM closing time remained particularly worrying for the residents, leading to continued objections.

The Chair explained that the Sub Committee would retire to make a decision, and all parties would be advised of the outcome within 5 clear working days. The Chair thanked all those present and closed the Hearing at 11:42.

Deliberations:

The Sub-Committee retired to carefully consider the application, on the representations submitted in writing and orally at the hearing by the applicant and those making representations. It was evident that the most relevant licensing objectives requiring the Sub-Committee's consideration was the prevention of crime and disorder, prevention of public nuisance and public safety

The Sub-Committee also noted the written representations from residents and an oral representation by a Member of Tower Ward.

The Sub-Committee considered all representations from both the Applicant and the concerns raised by those making representations when it convened to deliberate the outcome of the hearing. The Sub-Committee, overall, saw no substantiated evidence that this application would be in breach of the licensing objectives.

The Sub-Committee had sympathy with the concerns raised by residents regarding noise and the expectation sleep will not be unduly disturbed between the hours of 23:00-07:00. The Panel noted there had been four confirmed complaints relating to the premises in the last two years, however, there was no evidence to suggest that the complaints mentioned by residents emanated from this particular premises. There was also no evidence to substantiate these complains as residents did not contact the out-of-hours service to formally report the complaints. The Panel also noted that a number of the complaints referred to by the Objector had taken place some years previously and there were other licensed premises nearby with similar or later hours than Proud's current licence.

The Panel were satisfied with the Applicant's responses to the concerns raised at the hearing, and felt that the many additional conditions attached to the application, would ensure that the new licence would provide stricter conditions which the premises must abide by, rather than doing so on a voluntary basis as per the original application. The Panel felt that one further condition was necessary to ensure that the licensable objectives were met, and as such, it agreed that the supply of alcohol in unsealed containers off the premises would not be permitted.

Overall, the Sub-Committee saw no evidence which suggested that the opening of this premise to 05:00 would further exacerbate nuisance, crime and disorder or cause a risk to public safety. The Sub-Committee noted that this licence would be for a trial period until the 1st of October 2025 to ascertain that the premises could demonstrate compliance. Furthermore, given the number of other outlets in area with similar operating hours, the nature of the premise, the robust dispersal policy and the proposed conditions already attached to the application agreed by the responsible authorities and by the Sub-Committee itself, it could not, therefore justify the refusal

of the application.

In reaching its decision, the Sub-Committee was mindful of the provisions of the Licensing Act 2003 ('the Act'), in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated 2022.

In determining what constituted a public nuisance, the Sub-Committee relied upon the common law definition of 'public nuisance' as: *'one which inflicts damage, injury or inconvenience on all the King's subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a "public nuisance"'*.

DECISION

The Sub-Committee determined that the licence should be granted as set out below:

<u>Activity</u>	<u>Licence hours</u>
Supply of Alcohol for consumption on Exhibit Film, Live Music, Recorded Music, Perform Dance	Sun – Weds: 10:00-03:00 Thurs – Sat: 10:00-05:00
Late Night Refreshment	Sun – Weds: 23:00-03:00 Thurs – Sat: 23:00-05:00
Opening Hours	Sun – Weds: 10:00-03:00 Thurs – Sat: 10:00-05:00

The Sub-Committee had regard to the conditions that parties had agreed upon in advance of the hearing.

The Sub-Committee therefore agreed that the following conditions should be attached to the premises licence:

1. Until 1st October 2025, permission is given for the premises to open for all licensable activities named on this licence until 03:00 hours Sunday to Wednesday, and until 05:00 hours Thursday to Saturday.
2. On occasions where licensable activities are carried between 03.00 and 05.00

hours the venue capacity will be limited to 350.

3. After 02.00 hours customers can only enter and exit the premises via the Mincing Lane entry/exit door.
4. There shall be no new admissions or readmission of customers to the premises after 02:00 hours save for customers who have temporarily left the premises to smoke.
5. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log shall record the following with the date and time of the incident/refusal:
 - (a) all crimes reported to the venue
 - (b) all ejections of customers
 - (c) all refusals of entry
 - (d) all refused sales of alcohol to persons under the age of 18, or appearing under the age of 25 without valid ID
 - (e) any incidents of disorder (disturbance caused either by one person or a group of people)
 - (f) any seizures of drugs or offensive weapons
6. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapons, or other illegal items onto the premises at any time shall be in place and operate at the premises. A copy of the policy shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request.
7. 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. A copy of the policy shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request.
8. Promoted events shall be notified to the Police at least 14 days in advance of the event by way of a documented risk assessment by the licence holder. A promoted event is an event where the musical entertainment is provided by persons other than the licence holder or an employee of the licence holder, and the event is promoted to the general public independent of the licensee.
9. The licence holder shall install and maintain a membership, identification and age verifier such as club scan or similar, which will provide a full face photograph, for use at all promoted events. No patrons, DJs or performers (along with their guests and entourages) shall be admitted or re-admitted to the premises at promoted events unless they have provided sufficient documentation for recording on the device;

10. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall always be present on the premises when they are open to the public. This staff member shall be able to show the police or Licensing Authority recordings of the preceding two days immediately when requested.
11. When promoted events are held, all patrons, DJs or performers (along with their guests and entourages) entering or re-entering the premises shall be searched by the use of functional metal-detecting search arches, supplemented with the use of hand held wands.
12. When the premises is carrying on licensable activities after 22.30 hours, a minimum of 6 registered door supervisor(s) are to be on duty and the number of door supervisors will be employed on a ratio of (1:50). In addition at any time for which a promoted event risk form has been submitted.
13. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature.

In addition to the conditions above, the Sub Committee also imposed the following condition:

14. There shall be no sale of alcohol in unsealed containers for consumption off the premises.

Chairman

The meeting ended at 11:42am.