

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON TUESSDAY 19 MARCH AT 2.30 PM

APPLICANT: City Centre Events Ltd
PREMISES: The Pelt Trader, Arch 3, Dowgate Hill, London, EC4N 6AP

Sub Committee:

Deputy Jamie Ingham Clark (Chairman)
Shravan Joshi
Graham Packham

Officers:

Gemma Stokley - Town Clerk's Department
Paul Chadha - Comptroller and City Solicitor
Andre Hewitt - Markets and Consumer Protection

Given Notice of Attendance:

Applicant:

Piers Warne	Solicitor for the Applicant
Jon Dalton	Owner of the Pelt Trader
Lauren MacDougal	Manager of the Pelt Trader and Designated Premises Supervisor

Making representations:

Garry Seal	Environmental Health
Andrew Kennett	Resident and Clerk to the Worshipful Company of Skinners
Wayne Taylor	Resident

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 2.30 PM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a variation of a premises license to change the hours for the supply of alcohol off the premises from 10:00-21:00 Mon-Sat and 11:00-21:00 Sunday to 10:00-22:30 Mon-Sat and 11:00-22:30 Sunday in respect of The Pelt Trader, Arch 3, Dowgate Hill, EC4N 6AP, the applicant being City Centre Events Ltd.

The Sub Committee had before them the following documents:-

Hearing Procedure
Report of the Director of Markets & Consumer Protection
Appendix 1: Copy of Application
Appendix 2: Premises Licence
Appendix 3: Conditions consistent with the operating schedule
Appendix 4: Representations from responsible authorities
Appendix 5: Representations from Other Persons

Appendix 6: Plan of Premises

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

1. It was noted that prior to the hearing the applicant, through its solicitor, amended the application to reduce the terminal hour to 22.00.
2. The Chairman stated that the Sub Committee was governed by the four licensing principles set out in the Licensing Act 2003 and could therefore only make conditions based on the application in question.
3. At the commencement of the Hearing, Shravan Joshi declared a personal, non-pecuniary interest, by virtue of the fact that he was currently serving as Master of the Worshipful Company of Fuellers who were tenants at Skinners Hall.
4. The Chairman invited those making representations to set out their objections to the application. The Hearing heard representations from Mr Kennett and Mr Taylor, residents of Skinners Hall, who objected to the premises being granted extended hours for outside drinking as it would create significant noise nuisance for residents and could also impact on commercial and other events hosted by their Livery Company at Skinners Hall as well as their own, personal routines. Mr Kennett advised of the close proximity of the four flats within Skinners Hall to the premises and its outside drinking area. He added that some of the flats were street side, overlooking the premises. Mr Taylor stated that he had resided here for over 11 years and was primarily concerned by late night noise, particularly given that the noise emitted from the outside drinking area tended to amplify and reverberate between buildings.
5. The Sub Committee also heard objections from Garry Seal of Environmental Health. Mr Seal emphasised the fact that it was his belief that residents in this area would be adversely affected by this proposed extension to outside drinking hours. He added that the existing cut off of 21.00 seemed to be a reasonable compromise.
6. In response to questions from the Sub Committee, Mr Seal confirmed that there were no management issues with the premises and that no particular complaints had been received by Environmental Health to date. However, he went on to express concern at the likely number of patrons filling the pavement area outside of the premises late at night should the variation be granted.
7. In response to questions, Mr Kennett and Mr Taylor confirmed that the windows in their premises were either original sash windows or Dormer windows with no secondary glazing. They also confirmed that their accommodation was not equipped with air conditioning. In response to further questions from the Sub Committee, they confirmed that they were not presently disturbed by patrons leaving the premises at the terminal hour as the premises' management are sympathetic to residents and encourage patrons to leave quietly.

8. In response to questions from the Sub Committee, the Applicant confirmed that the road outside the premises was two lanes wide and that the pavement area was wide enough to allow approximately 1 metre outside of the premises' chalked off drinking area for people to pass by. The marked-out area for outside drinking was as agreed with Cannon Place and was situate to immediately to the right of the premises entrance.
9. The Applicant stated that they were not unsympathetic to the concerns raised by residents and that, as a result, they would be happy to amend the variation for the supply of alcohol off the premises to terminate at 22.00 as opposed to 22.30. The solicitor acting on behalf of the applicant stated that they believed that this represented a fair compromise and was also in line with good practice as set out within the City Corporation's own Code of Practice and Statement of Licensing Policy. He reiterated that no complaints had been received in relation to the premises and also emphasized that there were no Police representations for consideration, highlighting that there were no crime and disorder issues.
10. The Sub Committee was informed that the premises had been opened in 2013 with the licence transferred to its present holder in 2014. The applicant had then sought a similar variation in 2017 but had withdrawn this in light of representations received at the time, including those from Environmental Health. Instead, they had operated under a series of Temporary Event Notices (TENs) throughout Summer 2017 which had permitted outside drinking until at least 22.00 with no representations or complaints received in relation to these. This was offered as further evidence that noise emitting from the premises was not excessive and also that there were no crime and disorder issues.
11. The solicitor acting on behalf of the applicant informed the Sub Committee that some customers had expressed frustration at being asked to take drinks inside the premises at 21.00, particularly given that there were no similar conditions imposed on other premises in the area. He highlighted that Skinners Hall operated a later licence than the Pelt Trader and held many events throughout the year and concluded by stating that even those making representations today had confirmed that there were currently no issues around dispersal and the management of the premises in general.
12. In response to questions from the Sub Committee around the applicants proposed Management Plan, the applicant confirmed that this was a new document relating to the proposed variation but that a lot of the measures documented here were already in place prior to submitting this application. The document simply served to formalise these arrangements. The Sub Committee also questioned likely numbers using the outside drinking area between 21.00 – 22.00. The applicant emphasised that this was very much weather dependent but that they expected there to be between 20-30 patrons using the outside area between these times. Those objecting to the application stated that they felt that this was a conservative estimate.
13. In response to further questions, Mr Dalton confirmed that this was the only premises owned by City Centre Events Ltd in the City at present. In terms of 'policing' crowds and disruptive patrons, the premises manager stated that

disruptive patrons were refused service and tended to respond well to requests from management. The Sub Committee were also informed that the premises operated a 'Challenge 21' policy and stated that younger drinkers did not tend to be part of their regular clientele.

14. The Chairman of the Sub Committee questioned whether the applicant would have any objection to the imposition of a condition requiring them to provide local residents with a contact telephone number to be used in the event of complaints arising. The applicant confirmed that they would have no objection to this and would also be happy to meet residents to discuss any concerns face to face, if it helped to foster better relations.
15. The solicitor acting on behalf of the applicant summarised by stating that the premises was well managed at present. On busy nights, two members of staff were dedicated to managing the outside drinking area and regularly collecting glasses – something which many other local venues did not do. He stated that a small variation was being requested by way of compromise and that an extension to 22.00 for the supply of alcohol off the premises was a legitimate expectation for a premise of this nature in an area where there were residents nearby. The Chairman suggested that it might be helpful to comment on a ratio of staff to patrons drinking outside within the premises' management plan going forward.
16. Mr Taylor questioned whether a condition banning glassware from being taken outside of the premises might be considered to mitigate against smashed glass and the resulting noise/danger from this. He added that he believed that this condition was increasingly being applied by Westminster City Council. The Solicitor acting on behalf of the applicant clarified that this condition was normally only attached with good reason.
17. The Chairman then informed the parties that they were invited to make closing statements. Both parties felt like they did not have anything further to add.
18. The Chairman thanked all attendees for their comments and the Sub Committee retired at 03:09 PM.
19. The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the Hearing. It was evident that the most relevant licensing objective that required the Sub Committee's consideration was the prevention of public nuisance. In reaching its decision, the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2017.
20. The Sub-Committee concluded that, with the imposition of suitable conditions, it would be possible for the applicant to manage external drinking for an additional hour whilst still promoting the licensing objectives.
21. It was therefore the Sub Committee's decision to grant the variation as follows:

Activity	Current Licence	Proposed
Supply of Alcohol off the Premises	Mon – Sat 10.00 – 21.00	Mon-Sat 10.00 – 22.00
	Sun 11.00 – 21.00	Sun 11.00 – 22.00

22. The Sub Committee then considered the issue of conditions and concluded that it was necessary and appropriate to impose just one additional condition upon the licence so as to address the concerns relating to public nuisance.

a) The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising (MC19).

23. Whilst deciding against imposing a condition to that effect, the Sub-Committee expects the licensee to implement its “Front outside area management plan and general noise plan” which was placed before the Sub-Committee.
24. The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would follow.

The meeting closed at 03:30PM

Chairman

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