

## Murphy, Leanne

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**From:** Hank Lu <luhank@ymail.com>  
**Sent:** 14 July 2019 21:42  
**To:** M&CP - Licensing  
**Subject:** Lu

Dear Sirs,

### **Application for a Premises Licence**

#### **2 London Wall Place, EC2Y 5DH**

I intend this to be a formal representation in opposition to the application for a premises licence to serve alcohol made by Daisy Green Food Ltd (the "**Applicant**") in respect of the above premises (the "**Premises**").

I live in Apartment 83 Roman House, Wood Street and my apartment looks onto the Roman Wall and is adjacent to the footway that leads from the Premises to Wood Street. The Premises are approximately 30 yards away from my apartment.

It is submitted that the application to serve alcohol at the Premises should be rejected. It contravenes the City of London Corporation's Licensing Act 2003 Statement of Licensing Policy (the "**Policy**"). The grant of a licence will cause a public nuisance as well as infringe my Human Rights (and those of the residents of Roman House) pursuant to the European Convention of Human Rights ("**ECHR**"). I say this for the reasons set out below:

#### ***The Prevention of Public Nuisance***

I believe that permitting this licence will breach the licensing objective to prevent public nuisance in accordance with Paragraphs 72-86 of the Policy. The City of London Corporation's policy is that it is very sensitive to the impact of licensed activities which are close to residential areas (Paragraph 73). The Premises are in very close proximity to Roman House which is home to a large number of residents.

In my case, the Premises are a stone's throw away from my apartment and are visible from my bedroom and living room. Permitting the serving of alcohol 7 days a week for 12 hours each day in very close proximity to a residential block of apartments cannot reasonably be expected to uphold this objective not to cause nuisance in the vicinity of residential accommodation.

Permitting this premises licence is an invitation for consumers to consume alcohol and smoke in the vicinity of a residential block and in the garden and public area adjacent to my apartment and/or on the terrace/footway that runs alongside my apartment. This will cause disturbance in the form of noise pollution, litter and smoke (from smoking). Pursuant to Paragraphs 85 and 86 of the Policy, the City Corporation is committed to assessing the unacceptable, adverse impact, *particularly* on local residents. The application contravenes these objectives.

Paragraph 84 of the Policy further recognises the importance of the potential adverse impact on surrounding areas of licensed premises due to noise, smells, or congestion. My apartment is directly adjacent to the footway/terrace and garden area, and during the Summer months when internal temperatures in my apartment can reach upwards of 30 degrees Celsius, I am required to keep open my sliding patio doors; there is no way that noisy customers will not disturb my sleep and affect my air quality through smoking, throughout the week. Paragraph 35 of the Policy states that consideration will be given to *inter alia*, "the level of noise and vibration, people coming and going, queuing and any potential criminal activity or disorder". Allowing the Premises to serve alcohol will lead to an increase in noise levels from the congregation of smokers and drinkers on the terrace, in the garden and along the footway.

Prospective licence applicants are required to have regard to the Policy and the potential adverse impact on local residents, so as to mitigate any disturbance. This is referenced multiple times throughout the Policy. For example, Paragraph 28 states that applicants are required to assess the adequacy of their proposals to prevent public nuisance. The Applicant has made no such provision.

Paragraph 39 of the Policy states that the Applicant is to address the licensing objectives, to demonstrate measures to ensure the Premises are 'good neighbours' and demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from the Premises. The footway that leads from the Premises to Wood Street runs adjacent to my apartment and significant noise can be expected when drinkers disperse from the Premises late at night. The Applicant has not addressed these matters. Given the historical beauty of the Roman Wall and the gardens, it can be expected that drinkers are likely to congregate outside the Premises and along the footway towards Roman House, especially in the warmer weather.

Paragraph 41 of the Policy states that the Applicant is to have regard to the Policy and make a positive commitment to preventing problems from occurring at the Premises and Paragraph 76 states that the City Corporation will expect the Applicant to propose practical steps to prevent disturbance to local residents.

As far as I am concerned, the Applicant has not complied with any of these Paragraphs of the Policy and has completely disregarded its obligations under the Policy. Rather, the Applicant has written in its application that:

*"Use of the external terrace as shown on the plan shall cease at 22:30, save for customers temporarily leaving the premises to smoke".*

I fail to see how this mitigates any impact on local residents whatsoever. In fact the Applicant itself acknowledges that there will be customers leaving the Premises to smoke (and presumably talk and presumably continue drinking) outside my window after 22.30.

The Policy itself suggests managing this by not permitting customers who are smoking to take drinks outside and locating smoking areas away from residential properties. I do not understand how the Applicant can possibly regulate the precise location to be used for smoking: the open terrace, garden space and benches (some of which are along the footway) will act as an invitation for all those in the bar to come and smoke on the terrace/footway and in close proximity to my window. This is also acknowledged in Paragraph 79 of the Policy where the City Corporation accept the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder.

Paragraph 39 of the Policy suggests that regard should be had to the nature of the area where the premises are situated; the gardens and terrace are built around the historical Roman Wall which is a protected landmark and not an attraction designed to promote drinking, smoking and anti-social behaviour in its vicinity.

In summary, the Applicant has had no regard to the Policy when making this application, and the granting of this licence is a clear contravention of the aspects of the Policy relating to the prevention of public nuisance.

### ***European Convention of Human Rights***

It is further submitted that permitting this premises licence is a contravention of my Human Rights (and those of the nearby residents) under Article 8 of the ECHR. Under Article 8, I have a right to respect for my private life and home. I am also entitled to peaceful enjoyment of my possessions. Encouraging people to stand outside my home and drink, smoke, make noise and cause a general disturbance for 12 hours 7 days a week is a clear breach of this right and should not be permitted. I have large, transparent windows in my apartment and the grant of this application will encourage customers of the Applicant to congregate outside my apartment and cause an infringement of my right to privacy and to the peaceful enjoyment of my home. This is all acknowledged in Paragraph 18 of the Policy.

Subject to what I say below about the historical importance of the site, I believe a suitable compromise would be to limit the hours during which the Applicant can serve alcohol to between 11am to 7pm so

that people wanting to continue consuming alcohol later into the evening can move elsewhere and away from residents and minimise disturbance. Furthermore, the premises licence should be confined to the internal area and conditions should be imposed to prevent the consumption of alcohol outside the Premises. Also, if a smoking area is to be permitted, this should be restricted to the London Wall side of the Premises and away from the Roman Wall, the gardens and the footway that runs adjacent to my apartment. Obviously, any such conditions will then need to be rigorously enforced by the City of London Corporation. Permitting alcohol consumption and smoking can be expected to increase the level of public nuisance and cause disproportionate levels of disturbance to residents, as well as to visitors to the historic site of the Roman Wall.

The City Corporation is legally obliged to have regard to the Home Office guidance. It is clear that permitting this premises licence will not uphold the licencing objectives as set out in the Policy.

### ***Historical Landmark***

The section of the Roman Wall adjacent to the Premises was built in AD 120 as part of a Roman Fort. It is a tourist attraction and is a unique feature of the City of London's long history. It is imperative that its beauty and character is maintained.

Following the recent redevelopment in the vicinity and the installation of benches outside the Premises, the area is used by many City workers for quiet relaxation or reading. It would be out of character for the terrace and footway areas to be used for consumption of alcohol and public smoking. The application makes no reference to the measures which are to be taken by the Applicant to prevent its customers from taking drinks out onto the terrace/walkway and consuming them on the public benches and surrounding areas. In fact, the Applicant specifically envisages the consumption of alcohol on the terrace surrounding the Premises and, therefore, in the vicinity of the Roman Wall.

We should encourage more visitors to this beautiful and historic landmark. I have seen school children on trips and tourists to the Roman Wall and these types of visitors should not be met by the sight of people milling around drinking and smoking in public during the day or in the evenings. This should remain an area of historic beauty, and not be overshadowed by a pub.

I reserve my rights to bring a legal claim for breach of my Human Rights, a tortious claim for nuisance and an injunction to prevent the disturbance caused to me.

Please acknowledge receipt.

Yours faithfully

Cheng-Han Lu  
Apartment 83 Roman House, Wood Street, London EC2Y 5AG