

**From:** [REDACTED]  
**To:** [M&CP - Licensing](#)  
**Subject:** Representation against Daisy Green Ltd Variation of Licence  
**Date:** 13 July 2020 23:44:36

---

Dear Sirs

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

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

I live in Roman House, Wood Street, and my apartment looks onto the Roman Wall and is adjacent to the footway (St Alphage Gardens) 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 vary the existing licence to extend the serving and sale of 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 granting of a variation to the licence will extend the level of public nuisance experienced by local residents, and also demonstrates disregard to the concerns raised by the Licensing Committee when granting the licence last year. I say this for the reasons set out below.

***The Prevention of Public Nuisance***

I believe that varying this licence will breach the licensing objective to prevent public nuisance in accordance with Paragraphs 72-86 of the Policy. The City of London Corporation's policy is that it is very sensitive to the impact of licensed activities which are close to residential areas (Paragraph 73). The Premises are in very close proximity to Roman House which is home to a large number of residents. In my case, the Premises are a stone's throw away from my flat and are visible from my bedroom and living room. Extending the licence to permit the sale of alcohol and for it to be consumed off the Premises in very close proximity to a residential block of apartments cannot reasonably be expected to uphold this objective not to cause nuisance in the vicinity of residential accommodation.

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

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

congregation of smokers and drinkers on the terrace, in the garden and along the footway.

Prospective licence applicants are required to have regard to the Policy and the potential adverse impact on local residents, so as to mitigate any disturbance. This is referenced multiple times throughout the Policy. For example, Paragraph 28 states that applicants are required to assess the adequacy of their proposals to prevent public nuisance. The Applicant 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 acquire alcohol and consume it off the Premises and in the surrounding areas, especially in the evenings. The Applicant has not addressed these matters. Given the historical beauty of the Roman Wall and the gardens, it can be expected that granting the variation will invite drinkers to congregate outside the Premises and along the footway towards Roman House, especially in the warmer weather.

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

The Policy itself suggests managing this by not permitting customers who are smoking to take drinks outside and locating smoking areas away from residential properties. Granting this variation 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 the variation of this licence is a clear contravention of the aspects of the Policy relating to the prevention of public nuisance.

### ***Existing Licence***

The Applicant already has the benefit of a licence, permitting it to sell alcohol Monday-Sunday, 11:00-22:30. I do not understand why the Applicant feels it has a right to monopolise and commercialise the use of the garden space, inciting an alcohol fuelled environment encouraging people to drink all around the garden and open space. There were clear reasons for the Licencing Committee to impose the restrictions on off premises sales and the consumption of alcohol outside the area of the terrace, and the applicant now seeks to vary these. The same concerns that led to the imposition of these restrictions by the Licencing Committee remain valid and therefore the variation sought by the applicant should be rejected.

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.

In my view, it has always been clear that the Premises are not large enough for a bar and it was obvious that to maximise profit, the Applicant, sooner or later, would seek to attract customers by using the open external space around the Premises, especially in the warmer weather. It should not be the case that the applicant has the right to commercialise the open space around the Premises to the detriment of other local residents and users. Permitting the variation of this licence sets a dangerous precedent whereby those applicants that have restrictions imposed on the grant of a licence can shortly thereafter apply for a variation to remove those restrictions once they have secured the original licence.

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

It is further submitted that permitting this variation to the existing licence will cause a breach 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 by selling alcohol directly outside my window 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.

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.

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

Ravi Rupal

, Roman House, Wood Street, London EC2Y 5AG