

Mayer, Julie

From: Hank Lu [REDACTED]
Sent: 13 December 2021 15:23
To: M&CP - Licensing
Subject: OBJECTION to the application to vary a Premises Licence by Daisy Green Limited

THIS IS AN EXTERNAL EMAIL

Dear Licensing team,

I write to OBJECT to the application by Barbie Green / Daisy Green Foods for further changes to their sale of alcohol, to now be on-premises from 09:30am, and off-premises to now be extended to 7 days a week, between the hours of 11:00 and 20:00 Monday to Sunday on the basis of the prevention of public nuisance.

Do note that the new ask for the off-premises sales is a variation of what they requested a year ago, which was duly rejected by the licensing committee, with an off-premises license instead granted for reduced hours and days. **The reasons for the rejection a year ago still stand, and this repeat application should be rejected as it was a year ago.**

The application for a variation is misleading in that its "brief description" states that the intention is "to bring forward the hour for alcohol sales to commence at 09:00 Monday to Sunday. No changes to conditions or any other hours". But the first paragraph states: "To permit the sale of alcohol on **and off the premises** from 9am to 10.30pm Monday to Sunday". Then the application, on page 13 in the section on non-standard timings Section J, asks for the extension of the licence for off sales to 8pm, seven days a week.

Important to remind us before laying down the arguments that the cafe-bar chain markets itself as the leading and premium all-you-can-drink prosecco bottomless brunch establishment strongly pushing pre-noon binge drinking with a veil of healthy snacking for the Instagram generation.

I am a resident of the Roman House development of 90 apartments, adjacent to the London Wall Place 2 building, and the license holder Daisy Green. The Roman House design of the flats mean that there are top- to-bottom and left-to-right windows and virtually no external walls other than a metallic frame, leaving very limited noise insulation. The City is responsible to ensure that the residents of the residential block of flats it allowed to be built are able to live a normal life with no nuisance of loud noise, loud drunk people, bottles being emptied in bins, drunk people walking around in the very open public spaces of the area, until late in the night. Because of the same design, most of us live with very high temperatures internally very commonly more than 30C, on day and night. This major design flaw means that we have to live with open balconies, to get respite from the heat.

It is with regret that despite the promise of the London Wall Place development to engage in advance on licence matters with the Barbican Residents Association and myself as an informal voice of Roman House (while lacking of a formal association), they chose to not consult with residents in relation to this variation application, as they did not a year ago too.

Furthermore, we note that, yet again, the applicant has put forward no measures of its own to mitigate nuisance and has not bothered to consult neighbours in advance of making yet another application to vary/extend its operating hours.

Two years the committee not only refused an off sales licence but also restricted the sale and consumption of alcohol in the external area of the premises to 21.00 (and allowing smoking until 21.30). The notes of the original licensing meeting for these Premises say that “the sub-committee had concerns relating to the potential for public nuisance resulting from patrons purchasing alcohol and subsequently consuming the alcohol in the vicinity of the premises. It therefore decided that the supply of alcohol would be restricted to on the Premises.” The conditions imposed were in recognition of it being in a heavy residential area.

Since then the Corporation of London has completed its works in the area immediately between the Daisy Green premises and Roman House, installing large areas of grass and a very large amount of public seating making it more convenient now for people to gather and consume alcohol in that area. The public seating is not only in the form of 20+ benches but also the roman amphitheatre style seating around the church ruins themselves, which can have an estimated 20-30 people seated down too, about 2 metres away from the licence holder.

The seating benches installed have already been the cause of public nuisance, as they have attracted many different groups of skateboarders who use the benches to perform on. The City of London has acknowledged this as has thus replaced some aspects of the benches in order to make them less conducive to skateboard acrobatics.

Since the off-premises license was granted, large groups of people have been gathering at the public space, taking away open plastic cups of beer from the cafe-bar, and making large noise after work.

Extending off-premises sales, especially in the weekend and evenings, WILL result in more people consuming alcohol and causing disturbance in areas adjoining the external area of the licensed premises where they would not be subject to the licensee’s control and are closer to the residential areas.

Given that an off-sales license seven days a week was rejected for this cafe-bar 2 years ago and again last year, I recommend that the current license remains in place as is and is NOT extended further.

For clarity, my objection is to sales in any type of container, deemed closed or open; this is because the difference between the two is not meaningful in the modern manner of alcohol preparations, products and serving. It is increasingly the norm for license holders to sell alcoholic beverages including cocktails pre-made in bottles, or for pints of beer to be served in capped pint glasses, making them technically closed but aimed for on-the-spot consumption.

With other premises neighbouring the hundreds of residential properties in Barbican, Roman House and further, the Committee has set an important precedent in refusing to allow applicants to “chip away” at licensing conditions by means of repeated requests to vary the licence. We urge members of the Committee to stand by its original decision in this case, too.

Do note that Environmental Health and the City Of London Police both objected to the license 2 years ago, mentioning:

“Noise associated with this type of activity is not part of the current character of that area and residents of Roman House and of Andrews House on Fore Street would have line of sight to the external drinkers [...] noise from people stood outside whilst drinking is likely to cause disturbance to neighbouring residents..” and “it is our belief that if granted it would undermine the Licensing Objectives of the prevention of crime & disorder and public nuisance.”

We believe that this was accepted by the Licensing Committee in its original decision. It was also accepted by the current Applicant, as the decision letter from the hearing on 12th August 2020 records that “The Applicant summarised that most of the concerns were regarding anti-social behaviour, crowds and nuisance which should be avoided by the 18:00 finish”. It remains the case that the 6pm finish is crucial to avoiding nuisance.

Yours sincerely,

Cheng-Han Lu

