

Mayer, Julie

From: Panayiotis Papakyrianiou [REDACTED] >
Sent: 08 December 2021 22:45
To: M&CP - Licensing
Subject: Representation in relation to: Application for a variation of a premises licence - 2 London Wall Place EC2Y 5AU

THIS IS AN EXTERNAL EMAIL

Dear City of London Licensing Authority,

Application for a Variation of a Premises Licence - 2 London Wall Place, EC2Y 5DH

I intend this to be a formal representation in opposition to the [application](#) for a variation of a premises licence to permit the sale of alcohol on and off the premises 9am – 10.30pm Monday to Sunday, made by Daisy Green Food Ltd (the “Applicant”), in respect of the above premises (the “Premises”).

I live in [REDACTED]. My apartment looks onto the Roman Wall and is near the footway that leads from the Premises to Wood Street. I estimate the Premises to be approximately 30 yards away from my apartment.

In summer 2020, Barbie Green applied for a similar variation to their premise license in June 2020, to add off-sales between the hours of 11.00am and 20.00pm Monday to Sunday. The decision reached by the Licensing Sub-Committee was to permit off-sales between the hours of 11:00 and 18:00 Monday to Friday only with no off-sales at the weekend. This struck a balance between the interests of the residents and the interests of the business, each as evident in the [minutes](#) of the Licensing Sub-Committee meeting on Wednesday, 2 August 2020 at 2pm.

As noted in the minutes, I had submitted objections to Applicant’s 2020 application. Though I do believe the decision reached by the Licensing Sub-Committee did indeed strike a fair balance, I do not believe that any of my previous concerns have since been invalidated. I have no concerns about sale of alcohol *inside* the Premises; it is the off-sales which concern me – the present application attempts to extend the hours in which alcohol can be sold off the premises past the range requested by the Applicant in their 2020 application.

As such, I respectfully repeat my submissions in respect of the 2020 application below (with amendments as appropriate). It is submitted that the application to add off-sales of alcohol to the premises licence should be rejected, as it contravenes the City of London Corporation’s Licensing Act 2003 Statement of Licensing Policy (the “Policy”). The grant of this variation would 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 variation 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 for customers to drink outside the premises 7 days a week and into the night 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 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, and/or on the terrace/footway that runs alongside my apartment building. 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 my windows open; there is no way that noisy customers will not disturb my sleep and affect my air quality through smoking, throughout the week. This is exacerbated by the current realities of working from home, as the noise would additionally be disruptive to my work. 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 for outdoors consumption will lead to an increase in noise levels from the congregation of smokers and drinkers in the terrace/garden and along the footway.

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 to 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. Safeguards in the existing premises licence (which are referred to in this variation application) would be ineffective for the proposed variation. These safeguards state that:

- Prominent signage would request customers to leave quietly. In this variation, the customers *leaving* the Premises are not the issue - selling alcohol to take away would encourage customers to leave the premises and instead drink in the garden and walkway. The terrace/garden space and benches (some of which are along the footway) will act as an invitation for all those who purchase alcohol at the Premises to converge on the terrace/footway and in close proximity to the Roman House's windows, where they could drink and smoke.
- Licensing activities in the external area of the Premises would cease at 21:00, access to the external area would not be permitted to customers with drinks past 21:00, and the external area should be clear of patrons by 21:30. This safeguard would be invalidated by the extension of alcohol permissions to 22:30; I see nothing in this application that would impose further safeguards to accommodate for this.

The footway that leads from the Premises to Wood Street runs adjacent to my apartment building and significant noise can be expected when drinkers buy alcohol specifically for consumption outside of the Premises. 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.

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 little to 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 7 days a week and into the night is a clear breach of this right and should not be permitted. I have large, transparent windows in my apartment, visible from street level; I could foresee the grant of this application encouraging the Applicant's customers to congregate in the area outside my apartment building and cause an infringement of my right to privacy and to the peaceful enjoyment of my home (and I imagine this must be even more strongly felt by those with apartments in lower floors). This is all acknowledged in Paragraph 18 of the Policy.

Subject to what I say below about the historical importance of the site, perhaps a suitable compromise would be to extend the hours during which the Applicant can serve alcohol inside the Premises, but maintain the current restrictions for off-site consumption, to minimise disturbance to residents. I do believe that permitting off-Premises alcohol consumption 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 submitted that permitting this variation 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 frequently 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. Permitting off-sales of alcohol would be contrary to this.

We should encourage more visitors to this beautiful and historic landmark. Under normal circumstances, the site is visited by, for example, tourists and school children on trips. 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/or an injunction to prevent any disturbance caused to me.

I would be grateful if you could please acknowledge receipt of this email.

Yours faithfully,

Panayiotis Papakyprianou