

Mayer, Julie

From: [REDACTED]
Sent: 12 December 2021 22:17
To: M&CP - Licensing
Subject: Application to vary a Premises Licence Daisy Green 2 London Wall Place London EC2Y 5AU

THIS IS AN EXTERNAL EMAIL

Dear Sirs

**Application to vary a Premises Licence
Daisy Green
2 London Wall Place
London
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 November 2021 in respect of the above premises (the "**Premises**").

[REDACTED] 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 principles established pursuant to the City of London Corporation's Licensing Act 2003 Statement of Licensing Policy 2017 (the "**Policy**"), which is designed to safeguard the interests of local residents and the community. The granting of a variation to the licence will (i) extend the level of public nuisance experienced by local residents, (ii) demonstrates disregard to the concerns raised by the Licensing Committee both when granting the initial licence two years ago and rejecting the variation application a year ago and (iii) sets a precedent that applicants who are not granted their preferred licence initially need not worry as they can annually apply for variations to extend.

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 a development of 90 apartments. In my case, the Premises are a stone's throw away from my flat and are visible from my bedroom and living room. The Applicant markets itself as the leading and premium all-you-can-drink prosecco bottomless brunch establishment and actively promotes pre-noon binge drinking with a veil of healthy snacking. Extending the licence to permit the sale of alcohol for extended hours and 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 further 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, as usual and despite previous assurances, has yet again 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. 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. This is unacceptable and a clear example of the culture that the Applicant is seeking to incite, and profit from.

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 Applicant's control and are closer to the residential areas. 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. This was noted by both Environmental Health and the City of London Police during the initial application two years ago.

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, with off-premises sales between 11.00-18.00 Monday-Friday. Despite the Applicant's variation to its existing licence being rejected in Summer 2020, the Applicant has applied for further extended hours even beyond (i) the 2020 application and (ii) its current stated operating hours. This demonstrates a blatant disregard for the Licensing Committee's prior decisions and the Applicant has failed to explain why the Licensing Committee's concerns raised last year are no longer valid. It remains unclear why the Applicant feels entitled 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; off-premises drinking from 09:00 every day of the week in a residential area is completely unreasonable. The Applicant's request to extend the off-premises sales licence to seven days a week was rejected last year and the Licensing Committee sought to strike a balance between residents and the Applicant's business. 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 until 18.00 on weekdays, and the Applicant is seeking to make a mockery of these restrictions. The same concerns that led to the imposition of these restrictions by the Licencing Committee last year remain valid and therefore the variation sought by the applicant should be rejected.

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 appears that the Applicant will not stop trying until it can exercise control of the public area to the detriment of all the 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 repeatedly apply thereafter to vary such licence despite all arguments and objections previously provided at the time of securing such original licence remaining valid.

Yours faithfully

Ravi Rupal

