



Representing the interests of Barbican Residents

Barbican Assoc Licensing Sub-Committee
c/o 343 Lauderdale Tower
Barbican
London EC2Y 8NA

City of London Licensing Authority,
Guildhall,
Aldermanbury,
London EC2V 7HH

20th June 2022

Dear Sir/Madam

Ref: Application for Premises Licence from The Pavilion Bar and Restaurant Ltd, Retail Unit 3, South 200 Aldersgate Street, London EC1A 4HD

We are writing on behalf of the Barbican Association, a Recognised Tenants' Association representing residents of the Barbican Estate, to **object** to the above applications primarily, but not exclusively, on the grounds of the Prevention of Public Nuisance.

Late submission on website

We note that this application was submitted on 26th May 2022 and yet it did not appear on the City of London website until 1st June 2022, a time lapse that we find unacceptable not least as that was just before the 4 day Platinum Jubilee weekend when many people were away, thereby significantly reducing the amount of time for representations to be made.

No prior consultation with residents

Given that the location of the proposed premises is in close proximity to so many residential blocks, we are also disappointed and frustrated that the applicant chose not to consult with any of the nearby residents before submitting this application.

Indeed, it is even more so given that there is no mention of residents whatsoever in this application. The description of the business states that "*The Pavilion is a mid to high end hybrid coffee store/eatery. Situated on the ground floor of mid-level skyscrapers in the City of London and is **focused on business/office trade**....*"

Whilst we accept that the applicant's premises are to be located at the base of a large office block, it is surely obvious to any observer that the site is close to a large number of residential blocks. London House is just a few metres away on Aldersgate Street, diagonally opposite there is the Barbican Estate where Mountjoy House, Thomas More House and Seddon House are located, Spencer Heights, Aldersgate Court and Barts Square are at the rear of the location and Little Britan is also in the near vicinity. How can all of these just be ignored?

No recognition of the presence of schools

We would also point out that the applicant's claim in the description of business that "*There are no schools in the near vicinity...*" is erroneous. What on earth is the applicant's definition of "near vicinity"?! Hatching Dragons Nursery in Ironmongers Hall is about a minute's walk away (0.1m) whilst the City of London School for Girls is only a couple of hundred metres further away (0.3m).

Our key objections centre on:

1. Prevention of Public Nuisance

We would remind that in Section 8 (Applications for premises licences) of the Revised Guidance Document issued by the Home Office under Section 182 of the Licensing Act 2003 in April 2018 it states:

"8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*

And it goes on:

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective....

As we commented earlier, the applicant has made no reference to residents whatsoever despite being located so close to so many residential blocks. Where in the application is there any recognition of this and what "smoking, noise management and dispersal" measures are proposed in order to protect the residential amenity of the people living in the near vicinity?

Excessive and unacceptable proposed opening hours

The proposed opening hours of the establishment are shown as 7am – 12.30am every day of the week, including weekends, with licensing hours requested of 10am-midnight. If it is focused on business/office trade then why apply for such extended hours, in particular at weekends when business/office trade is scarce, if not non-existent? Also, what about the rights of the nearby residents and the protection of their residential amenity?

We would point out that the City of London's Statement of Licensing Policy 2017 states that "*The City Corporation considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning.....Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00*". If a licence were to be granted to the applicant past 23.00pm then it would be taking away residents' right to quiet enjoyment of their homes during these key hours.

The smoking ban inside premises has also increased the number of people either smoking outside premises or accompanying smokers. The noise of people socialising outdoors can cause public nuisance, even if they are not badly behaved. In addition, the blocking of footways by people standing outside drinking and smoking is a public nuisance.

It is clear that residents can also be subjected to nuisance from the noise of people on their way to and from premises and loitering in the streets after they have left the premises, especially if they have had a lot to drink. Alcohol fuelled anti-social behaviour can create high levels of noise, disturbance and nuisance as well as raising concerns over both security and hygiene issues. The Aldersgate Street area is

a quiet and peaceful locality in the evenings and particularly at weekends. Hence any noise during this time is amplified.

Where is the proposed provision of late night refreshments outdoors to be located?

The application form states that the premises intend to supply alcohol and late night refreshments. Of some major concern to us is the answer to the question “*Will the provision of late-night refreshment take place indoors or outdoors or both?*” as the answer given is “both”.

Where will these late-night refreshments be served outdoors? On the pavement outside the premises right by the Museum of London roundabout? What about the safety issues being so close to a busy thoroughfare? And more pertinently what about the prospect for late night noise nuisance? If the applicant is proposing to place tables outside the premises and serve alcohol and late-night refreshments until midnight every day of the week then this would clearly be unacceptable in terms of noise and loss of residential amenity.

The same answer is given to the question “*Will the sale of alcohol be for consumption*” on or off the premises ie. both. What exactly is the applicant proposing with regard to “outside” and “off the premises”? The statement further in the application form that “*all doors and windows shall remain closed in the evening to prevent public nuisance*” rings hollow if late night refreshments and alcohol can be consumed outside the premises until midnight. This is totally unacceptable in such a heavily populated residential area.

Noise associated with outdoor drinking and late night dispersal of customers from such establishments is most definitely not in the character of the area. Noise from outside drinking is likely to cause disturbance to neighbouring residents at a time when they wish to rest and sleep and such disturbance is definitely not in accordance with the licensing objective to prevent public nuisance

We would also question what form these “late night refreshments” are to take. Are we talking about, for example, toasted sandwiches and paninis etc or something more substantial? If so, do the premises have adequate cooking and ventilation facilities already in place to avoid cooking smells wafting around and into nearby residents’ windows. If not, does the applicant intend to install such facilities – and if so, where?

No promoted/private events

Given the fact that there are no offices open in the area at weekends, we see no reason for the applicant to be granted any licensing hours on Saturdays or Sundays. Indeed, we are concerned that if the venue were to be allowed to operate at the weekends, it is probable that it would be rented out for private events and parties given the lack of business/office trade. We therefore feel very strongly that there should be no private parties or promoted events allowed at this site.

Similar establishments at the same location had much shorter operating hours

We would mention the fact that the previous user of the site, **EAT**, operated between the hours of 6.30am – 6.30pm on weekdays, between 9.30am – 4pm on Saturdays and was closed on Sundays. **Abokado**, also located at 200 Aldersgate Street, had opening hours of between 7am – 8pm Monday – Friday and was closed at weekends. **The Natural Kitchen**, a bar and restaurant which was located just a few yards away from this proposed establishment, had operating hours of 08.00am – 15.00pm Mondays and Tuesdays and 08.00am – 21.00pm Wednesdays, Thursdays and Fridays. On Saturdays and Sundays it was also closed, reflecting the residential nature of this location.

We believe that the licensing hours requested by the applicant are excessive and unreasonable and, if granted, would inevitably have a negative impact on the residential amenity of the many people living in the close vicinity.

Other issues

In addition to the issues regarding the Prevention of Public Nuisance we would also mention:

2. Public Safety

During working hours, the pavements in this locality are usually busy and often crowded with office workers, tourists visiting the many sights in the area, school groups visiting e.g. the Museum of London. Hence any blocking of the pavement by groups of e.g. smokers congregating outside the establishment or any further narrowing of the pavement with e.g. outdoor seating would create a safety hazard on such a busy thoroughfare.

3. Prevention of Crime and Disorder

We are concerned over the potential for an increase in alcohol fuelled anti-social behaviour and the consequent prospect of increased crime and disorder in what is currently a peaceful area. Groups of drinkers leaving the premises and hanging around the area are also a concern, not just for nearby residents but for anyone walking in the area or returning home alone.

4. Protection of children from harm

As we have already pointed out, Hatching Dragons Nursery in Ironmongers Hall is about a minute's walk away (0.1m) from the premises whilst the City of London School for Girls is only a couple of hundred metres further away (0.3m). There are also children living in the many residential blocks surrounding this site.

Summary

Given all of the above, we reiterate our strong objection to this application and request that, should a premises licence be granted, then it should reflect the premises' location in a residential area and the hours granted should be significantly restricted from the hours currently applied for.

We therefore request that if a licence is to be granted, the following conditions should be applied:

- The premises should be allowed to operate until 11pm on weekdays only.
- The provision of Late Night Refreshments should be refused
- The consumption of alcohol outside the premises should not be allowed.
- Private parties/promoted events should definitely not be allowed at any time particularly at weekends.

Yours sincerely,

Jane Smith, Chair Barbican Association Planning & Licensing Sub-Committee
Sue Cox, Deputy Chair, Barbican Association Planning & Licensing Sub-Committee