

## **MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE**

**HELD ON WEDNESDAY 18 JULY 2022 AT 1.45PM**

**APPLICANT:** The Pavilion Bar and Restaurant Ltd  
**PREMISES:** The Pavilion Bar and Restaurant, 200 Aldersgate Street  
(Unit 3 South), London, EC1A 4HD

**Sub-committee:**

Deputy Marianne Fredericks (Chairman)  
Mary Durcan

**Officers:**

Town Clerk – Chloe Ainsworth  
Comptroller and City Solicitor – Frank Marchione  
Markets & Consumer Protection - Peter Davenport

**Applicant:**

Peter Mayhew (Director, Beyond the Blue Training and Consultancy, on behalf of the applicant)  
Andrew Deyhim (Applicant)

**Making representation:**

Sue Cox  
Alpesh Lad

**In attendance and provided written representations:**

Sade Okutobu

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### **Licensing Act 2003 (Hearings) Regulations 2005**

A virtual public Hearing was held at 1.45pm to consider the representations submitted in respect of a premises licence in respect of The Pavilion Bar and Restaurant, 200 Aldersgate Street (Unit 3 South), London, EC1A 4HD.

The Sub-Committee had before it the following documents:

- Hearing Procedure
- Report of the Director of Markets & Consumer Protection
- Appendix 1: Copy of Application
- Appendix 2: Amended Application
- Appendix 3: Conditions consistent with the operating schedule
- Appendix 4: Representations from Other Persons (4i – 4xii)
- Appendix 5: Map of Subject Premises

Appendix 6: Plan of Premises

Appendix 7: Residential Proximity to Pavilion Bar and Restaurant

Appendix 8: Pavilion Statements and Supporting Documents

The Hearing commenced at 1.49pm.

At the commencement of the Hearing, the Chairman introduced herself, before asking the panel member, the City of London Corporation officers and the other parties present to introduce themselves. The Chairman then outlined the purpose and procedure of the hearing.

The Chairman informed the Hearing that due to the extreme weather some panel members had been unable to travel to Guildhall. She proposed to adjourn for 30 minutes to allow the panel member present to familiarise herself with the papers. The Applicant, his representative and the residents took this opportunity to hold a further discussion regarding some of the objections to the application.

When the Hearing reconvened, the Chairman stated that all written representations had been read by the Sub Committee.

The Chairman invited the Applicant to introduce the basis for the application, with reference to how the premises would be operated and support the licensing objectives. Mr Peter Mayhew, representing the Applicant, outlined the context of the application, stating that the premises is a bar and restaurant promoting the arts and philosophy by providing a space for artists and delivering workshops, seminars and presentations on these subjects.

The Applicant confirmed that after reviewing the objections from residents, the application was now amended to:

| <u>Activity</u>  | <u>Current Licence</u> | <u>Proposed Licence</u> |
|--|------------------------|-------------------------|
| Supply of alcohol for consumption on and off the premises. | N/A                    | Mon–Sun 12:00-23:00     |
| Opening Hours  | N/A                    | Mon–Sun 07:00-23:30     |

In addition, late night refreshments had been removed and off-sales would be restricted solely to allow the sale of alcohol to customers seated in the outdoor area and would be conditioned as such. The Applicant also provided a set of proposed conditions, contained in Appendix 8 for the Sub Committee's consideration.

Mr Mayhew provided the Sub Committee with some background to the establishment of The Pavilion. He explained that the Applicant is involved in a group that organises tours to cultural centres across London. Following these tours, the group meets at

different locations to hold a discussion. Mr Mayhew stated that The Pavilion Bar and Restaurant has been established to become the fixed location for these discussions.

Mr Mayhew accepted that the original application did not accurately reflect the true purpose of the venue. He explained that whilst the public will be able to purchase food and drinks at the premises, during the evening, events held will be targeted at an audience interested in the arts and/or philosophy. Mr Mayhew stressed that the venue had not been designed to be a late-night bar or nightclub. In relation to an application for outdoor seating, Mr Mayhew acknowledged that this was outside of the jurisdiction of this Sub Committee. However, he wanted to clarify that the provision for off-sales of alcohol was required solely to allow the sale of alcohol to customers in the outdoor seating area until 22:00, and only if a pavement license were to be granted. Therefore, the Applicant had put forward the condition that off sales would be solely for patrons seated at the outside tables.

Mr Mayhew stated that the licensing and opening hours had now been reduced and drew the Sub Committee's attention to the Dispersal Policy, which set out how the Applicant intends to manage the venue and satisfactorily disperse of customers from the premises at the end of the evening.

Mr Mayhew stated that he hoped that the reduction in hours and a more detailed explanation of the nature of the business had reduced concerns about anti-social behaviour. Mr Mayhew stated that the Applicant had offered a condition to limit the number of smokers outside after 10pm to address noise concerns.

Mr Mayhew stated that it was the Applicant's intention to use the current extraction system. He noted that, if, in the future, the Applicant sought to change this, then he would need planning permission and added that he believed the previous incumbent had been denied this permission.

Mr Mayhew emphasised that the Applicant wished to have a positive relationship with residents and - to ensure this – the Applicant had suggested a condition stating that the residents should have the direct contact number of the premises. Furthermore, following the discussions with the residents present at the Hearing, which took place during the adjournment, Mr Mayhew stated that the Applicant was content to have a condition stipulating the times that bottles may or may not be moved to address related noise concerns.

Mr Mayhew stated that the Applicant did not intend to hold externally promoted events and that he was content to have a condition on the licence to disallow this. However, he noted that private parties and bookings would be a part of the business.

Mr Mayhew concluded that the Applicant respected the concerns of the residents, that he had tried to manage these appropriately and that he hoped, with the reduced hours and the correct conditions that the application could be granted.

The Chairman reiterated that the matter of outdoor seating would be considered by another Panel and added that the Panel's powers relating to smoking outside the licensed area were limited. She noted that some of the proposed conditions would be best placed in a management plan.

The Chairman then invited those making representations to set out their objections against the Application.

Mr Alpesh Lad, representing himself and several other residents of London House, advised that the apartments were home to key workers, young children and elderly people, and that an attraction of London House was the surrounding peaceful and quiet environment. Mr Lad pointed out that due to this quiet environment, noise travels further. He informed the Sub Committee that he objected to the application on the grounds of: the prevention of public nuisance; public safety; prevention of crime and disorder and the protection of children from harm.

Mr Lad stated that he and the other residents appreciated that they live in the City, but that a balance should be struck between the requirements of the residents and the Applicant. He suggested that if the licence was to be granted, the following conditions should be applied:

1. The premises may operate until 23:00, Monday to Friday.
2. Sale of alcohol should conclude at 22:30 to allow customers to disperse by 23:00.
3. Weekend operation should conclude by 17:00.
4. No offsite sales of alcohol.
5. No outside tables or drinking permitted.
6. No promoted events.
7. Any extraction equipment should need separate planning.

Ms Sue Cox, Deputy Chairman of the Barbican Association, then addressed the Sub Committee. She began by stating that it is important that residential amenity is protected, particularly residents' sleeping hours between the hours of 23:00 and 07:00. Ms Cox noted that she was content with the amendments to the opening hours during the week, but that she and the members of the Barbican Association continued to believe that the opening hours proposed for the weekend were excessive. Ms Cox queried why a licence until 23:00 was necessary if the venue's main purpose was to discuss the arts and poetry and suggested a closure time of 17:00 at the weekend would be more appropriate. She referred the Sub Committee to page 69 of the agenda pack, which listed key licensed premises surrounding the location and questioned the relevance of the venues listed.

The Chairman explained to Ms Cox that the premises chosen for inclusion at page 69 were based on their location within a certain circumference of the applicant premises.

The Sub Committee then retired and considered the application, carefully deliberating upon the representations submitted in writing and orally at the Hearing by those making representations and the Applicant. It was evident that the most relevant licensing objective that required the Sub Committee's consideration was the prevention of public nuisance, in particular noise. In reaching its decision, the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated 2022.

In determining what constituted a public nuisance, the Sub Committee relied upon the definition of “public nuisance” contained in Halsbury’s Laws of England which defines public nuisance as *“one which inflicts damage, injury or inconvenience on all the Queen’s subjects or on all members of a class who come within the sphere or neighbourhood of its operation. The character of the neighbourhood is relevant to determination of the question of whether a particular activity constitutes a “public nuisance”.*

The Sub Committee noted that the Applicant had reduced licensing and opening hours and no longer required the service of late-night refreshments. It also noted Appendix 8, in which the Applicant had clearly set out how they intend to operate the premises, the dispersal policy and proposed conditions. This reassured the Panel that, after a false start, the Applicant had considered the concerns of the local residents and sought to address them especially in relation to public nuisance. Furthermore, it noted that the Applicant had agreed to a management plan during the course of the Hearing.

The Sub Committee concluded that, with the imposition of suitable conditions, it would be possible for the Applicant to operate the premises in accordance with the licensing objectives, and it was the Sub Committee’s decision to grant the premises licence. The Sub Committee was of the view that a management plan in place should include, but not be limited to:

- The management of the frontage of the premises.
- Patron smoking and dispersal at the end of the evening.
- The delivery and disposal of bottles and rubbish.

The Sub Committee then considered the issue of conditions and concluded that it was necessary and appropriate to impose conditions upon the licence to address the concerns relating to public nuisance. The Sub Committee noted the conditions suggested voluntarily by the Applicant and agreed to incorporate those it deemed necessary, plus the hours as requested by the Applicant.

The hours shall be granted as amended by the Applicant and set out below:

| <u>Activity</u>   | <u>Current Licence</u> | <u>Proposed Licence</u> |
|---|------------------------|-------------------------|
| Supply of alcohol for consumption <b>on</b> the premises  | N/A                    | Mon-Sun 12:00-23:00     |
| Supply of alcohol for consumption <b>off</b> the premises | N/A                    | Mon-Sun 12:00-22:00     |
| Opening Hours   | N/A                    | Mon-Sun 07:00-23:30     |

Conditions

1. Off- sales of alcohol shall be provided by table service only.
2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly (MC16).
3. The Licence holder shall make available a contact telephone number to nearby residents and the City of London Licensing Team to be used in the event of complaints arising (MC19).

**The meeting ended at 3.10 pm**

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Chairman

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