

From: [REDACTED]
To: [M&CP - Licensing](#)
Subject: NYT Aura Limited
Date: 14 March 2023 19:51:58

THIS IS AN EXTERNAL EMAIL

To whom it may concern,

I am writing to express my strong objection to the application by NYT Aura Limited [REDACTED] [REDACTED] for a late night drinking establishment/nightclub at Ground, Lower Ground and Basement Level of The Corn Exchange, 55 Mark Lane, London, City of London, EC3R 7NE.

The proposed operating hours of the establishment until 3am, combined with the potential noise and disturbance that it will generate are of great concern to myself and many other residents in the area.

As you are no doubt aware, the City of London has a licensing policy that is designed to ensure the safety and well-being of its residents. Specifically, the policy states that the licensing committee should take into account the impact that a proposed establishment will have on the local community, and whether it is likely to cause a nuisance or disturbance to nearby residents. In this case, it is clear that the proposed establishment will have a negative impact on the surrounding residential buildings that comprise hundreds of homes.

Moreover, the licensing policy also sets out the requirement for applicants to provide a plan for how they will mitigate the impact of their establishment on the local community.

I have yet to see any such viable plan from the applicant, and it is therefore unclear how they intend to prevent the noise and disturbance that will inevitably be generated by the proposed late night drinking establishment/nightclub, especially after the great number of proposed patrons, many of whom will be under the influence of alcohol have left the venue and are walking Mark Lane and the surrounding streets. Many such patrons will be stopping to eat take away food in the early hours of the morning causing sustained disturbance. Kindly note para 39 of STATEMENT OF LICENSING POLICY 2022 where the "City Corporation takes note of the nuisance and potential danger to pedestrians, and particularly to disabled people and those using access equipment or items such as pushchairs, by the obstruction of the highway, which includes the footway, by customers of the licensed premises smoking, drinking and eating on the public highway."

Para 96 of the STATEMENT OF LICENSING POLICY 2022, PUBLIC SAFETY acknowledges the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. However, it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses. Furthermore, it will also take into account its responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the City. Residents are often impacted by noise between the hours of 23:00 and 7:00 so frequently that most do not bother reporting it any more. This does not mean it does not happen and that their health and well being are not impacted. The applicant is unable to control disorder at these times, to the detriment of local residents. I note that the applicant intends to open at the weekends also which will likely attract a large mass of patrons from outside the vicinity, most of whom, based on experience, are likely to be oblivious to residents welfare despite any signs displayed to that fact.

Para 40 STATEMENT OF LICENSING POLICY 2022, PUBLIC NUISANCE requires detail of the steps an applicant is taking to comply with the licensing objectives and in particular, how the outside areas will be managed to prevent noise, smell, or obstruction nuisance to neighbours. There is no viable plan presented to mitigate the issues outlined especially after patrons have left the venue.

I draw the Licensing Authority's attention to para 64 of STATEMENT OF LICENSING POLICY 2022 CRIME AND DISORDER where the City Corporation recognises that drug use by young people in a club environment is not something that applies to all licensed premises. However, many entertainment venues, such as night clubs and dance venues, can be popular with both drug users and suppliers. Apart from the clear dangers

mismanagement of drugs prevention measures has on users, there will be a massive and disproportionate impact on the surrounding area being chiefly business and residential if the applicant is not able to effectively manage this risk.

The applicant has not been able to demonstrate how the safety of vulnerable individuals will be ensured pursuant to paras 76-78 STATEMENT OF LICENSING POLICY 2022 after they leave the immediate vicinity. Most patrons, many of whose senses will be impaired under the influence of alcohol, will not be familiar enough with the area and so safety officers should be provided to monitor and assist. Such measures have not been addressed in the application apart from mentions of security and cctv at the vicinity.

The huddled nature of buildings in this area amplifies sounds to such a degree that every shout, scream and jeer is heard throughout the community. Each City resident is a living witness to such disturbances. Such disturbances are made worse in the late spring, summer and early autumn months when windows are left open. Please refer to para 24 of STATEMENT OF LICENSING POLICY 2022 where the City Corporation takes account of the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they can to prevent such crime and disorder.

The applicant's application for closing at 2am and 3am will mean that underground transport will not be available to leaving patrons. This will mean a marked increase in the number of mini cabs called to the area as well as crowds waiting at bus stops. Kindly note para 29 STATEMENT OF LICENSING POLICY 2022, residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23.00 and 07:00. Sleep is always disturbed when jeering is heard in streets in the early hours. The applicant is not able to control this. The applicant has failed to make due regard to the proximity of residents in their application (Para 3 STATEMENT OF LICENSING POLICY 2022).

I would also like to draw your attention to the fact that the area in which the proposed establishment is located is already subject to a number of other late night alcohol serving bars/clubs where there is a high level of foot traffic and noise pollution, particularly during the late hours of the evening/early morning. I draw the Licensing Authority's attention to Chapter 12 STATEMENT OF LICENSING POLICY 2022, CUMULATIVE IMPACT where the Licensing Authority recognises that the cumulative impact of licensed premises can be experienced by residents in areas even where there is no current cumulative impact policy. Cumulative impact is not defined in the Licensing Act but is addressed in national guidance which defines it as "the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area" There are at least 20 late evening alcohol serving establishments already in the immediate vicinity with another night club across the road. There are many more behind 0.2 miles. I request the Licensing Authority to seriously consider, amongst other things, whether the grant of a further premises licence, or club premises certificate, would significantly add to the cumulative impact of a number of other premises thereby undermining one or more of the licensing objectives (para 134 STATEMENT OF LICENSING POLICY 2022).

The addition of a late night drinking establishment/nightclub in this area is only likely to exacerbate the problems identified and will make it even more difficult for residents, many of whom are City of London workers, to enjoy a peaceful and undisturbed night's sleep. Granting this application will go against the City of London's pledge to "Create healthy homes, space to thrive and vibrant communities"(para 14 STATEMENT OF LICENSING POLICY 2022). I ask the Licensing Authority to make due regard when making their decision to para 38 STATEMENT OF LICENSING POLICY 2022 where in "all cases, the granting of a licence will depend on the impact of an activity, particularly on local residents or late-night businesses. Consideration will be given to relevant matters including, but not limited to, the level of noise and vibration, litter, people coming and going, queuing and any potential for criminal activity or disorder including the potential for a terrorist attack."

Para 39 addresses many areas of concern residents have with respect to this application in regard to their well being where the "City Corporation takes note of the nuisance and potential danger to pedestrians, and particularly to disabled people and those using access equipment or items such as pushchairs, by the obstruction of the highway, which includes the footway, by customers of the licensed premises smoking, drinking and eating on the public highway."

I strongly urge you to reject this application for a late night drinking establishment/nightclub in the City of London. The proposed operating hours and the potential noise and disturbance it will generate are simply not acceptable in an area that houses many residential units and hotels and the applicant has failed to provide any

viable plan for how they intend to mitigate these issues.

We implore the committee to act to “prevent residents or businesses being disturbed” (para 18 STATEMENT OF LICENSING POLICY 2022) and we respectfully request that the Corporation in reaching their decision gives due regard to the provisions of the European Convention on Human Rights in that everyone has the right to respect for his home and private life and that every person is entitled to the peaceful enjoyment of his possessions. The Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a convention right (para 20 STATEMENT OF LICENSING POLICY 2022)

Further, kindly note para 30 STATEMENT OF LICENSING POLICY 2022, where the Licensing Authority “will impose conditions with respect to premises that operate during the daytime and early evening as a restaurant style venue and then as the evening progresses become alcohol led, changing significantly in nature and creating risks in terms of health and safety as well as negatively impacting on the licensing objectives. For applications such as these that are subject to a hearing, the Licensing Authority will impose conditions appropriate to the style of operation and category of the business.

I trust that you will take these concerns seriously and act accordingly.

I await to hear from you.

Regards,
Phoebe Chau
■ Pepys Street