

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON Wednesday 2 April 2025, 14:00PM

Sub Committee:

Deputy Peter Dunphy (Chairman)
Deputy John Fletcher
Brendan Barns

Officers:

Raquel Pinto – Town Clerk's Department
Gavin Steadman - Port Health & Public Protection Director
Rachel Pye - Licensing Manager, Environment Department
Robert Breese - Licensing Officer, Environment Department
Sadhari Pepera - Comptroller & City Solicitor
Blair Stringman - Town Clerk's Department

Applicant:

Niall McCann (Applicant's Solicitor)
Twinkle Keswani – Founder/Director
Dave Nevitt – Consultant, Complete Licensing
Matt Saunders – Project Manager

Those Making Representations:

Will Robinson (Resident's Solicitor)
Philip Lobb
Saba Naqshbandi KC – (Resident's Solicitor – on behalf of multiple residents)
Julian Payne
Simon O'Reagan
Graham Packham

Licensing Act 2003 (Hearings) Regulations 2005

A Public Hearing was held at 2pm to consider representations submitted in respect of a variation application for an existing premises licence by Butter Chicken Hospitality Ltd, 71-75 Shelton Street, Covent Garden, London WC2H 9JQ for the premises Bulbul, Part Ground & Lower Ground Floor, Victoria House, 25 Tudor Street, EC4Y 0DD.

The Sub-Committee had before it the following documents:

- Hearing Procedure
- Report of the Executive Director Environment
- Appendix 1: Copy of Application
- Appendix 2: Representations from Other Persons

- Resident 1-18
- Appendix 3: Proposed Conditions
- Appendix 4: Map of nearby premises and terminal hours
- Appendix 5: Plan of Premises

The Hearing commenced at 14:00. The Chairman introduced himself before asking the Sub Committee, the City of London Corporation officers and other parties present to introduce themselves.

The Panel noted that there was no representation from the responsible authorities and several representations from 'other persons'.

During the presentation from the applicant, the following points were noted:

During the hearing, the applicant, Butter Chicken Hospitality Ltd—represented by Twinkle Keswani and Niall McCann—presented their proposal for a new restaurant named "Bulbul," to be located at Victoria House, 25 Tudor Street. The restaurant would feature a ground floor entrance on Temple Avenue and a basement dining area accommodating 80 diners, with a maitre-d' managing customer flow and a lift available for disabled access. Fire safety measures, including suppression systems and mechanical ventilation, were highlighted to address odour and noise concerns, with the basement's acoustic integrity ensuring minimal disturbance. Waste would be stored internally and removed during sociable hours, and delivery operations would be managed to reduce disruption. The applicant emphasised that the fine dining nature of the establishment would not contribute to crime or disorder, and a dispersal policy would be in place to manage customer exits and smoking areas. They expressed willingness to accept conditions such as the presence of a maitre-d' and specific waste removal times, while also requesting flexibility in operating hours to adapt to evolving dining trends.

During questions to the Applicant and subsequent discussion the following points were noted:

The applicant's representative responded to questions, highlighting the applicant's background as a restaurateur. It was noted that the proposal includes a maître d' to guide guest's downstairs, lift access for disabled patrons, and seating for 80 guests. Additionally, they added that the venue would have a secondary fire escape, separate staff toilets, and a dedicated staff room—features typical of high-end restaurants. Modest operating hours and licensing conditions were proposed, including a ban on outdoor drinking and plans for noise control and customer dispersal. It was noted that discussions with the landlord about large bin usage were ongoing. Addressing nuisance and fire safety concerns, the representative noted the absence of the City of London Police and fire brigade at the hearing. They clarified that fire safety is regulated separately under the Regulatory Reform (Fire Safety) Order. The applicant said they would adopt the Challenge 25 policy to manage alcohol sales and use mechanical ventilation to avoid opening windows, thus preventing odour issues. Members were told that the restaurant will be located underground with soundproof ceilings and operate until 11:00 PM. Smoking will be permitted across the road. The applicant does not plan to use delivery services like Deliveroo and aims to reduce public nuisance through appropriate conditions. While some concerns were raised about the location, the representative argued that basements are often ideal for restaurants. The applicant remains committed to compliance and addressing all concerns.

During the presentation from those making representations the following points were noted:

Objectors raised concerns about the restaurant's proximity to homes, particularly the entrance being next to ground-floor apartment windows. They feared noise from customers, staff, and deliveries, and noted the lack of separate service access. The absence of an acoustic assessment was also highlighted, especially for early morning and late-night noise. There were worries about the proposed smoking area, with objections to directing smokers across the road due to noise reverberation. A designated, staff-managed smoking area was recommended. While a dispersal policy was welcomed, its effectiveness was questioned without security staff. Further concerns included late-night disturbances, loitering, and the impact on residents' peace. Fire safety issues were raised, citing misunderstandings about alarm systems and the need for clear evacuation plans. Some feared the venue could attract crime, especially with limited police presence at night. Lastly, objections were made to the proposed all-day alcohol licence, citing risks of increased noise and public nuisance. Examples included disruption from taxis, deliveries, and refuse handling, as well as odours and patrons gathering outside.

During questions to those making representations and subsequent discussion the following points were noted:

The panel asked objectors about noise and disturbance from the sale of alcohol. They highlighted the proximity of the restaurant to residential windows, making it intolerable. Additionally, the panel inquired about the fire brigade's scrutiny of fire safety measures. The objectors said they had not seen specific documentation from the fire brigade. The importance of having a maitre-d' to manage customer entry, exit, and the smoking area was also discussed. Objectors supported this for preventing public nuisance. The practicality of waste disposal methods was questioned. Objectors pointed out issues with using the lift and locked bins, deeming the methods unfeasible. The impact of the restaurant's opening hours on residents was addressed. The objectors reiterated concerns about noise, especially late at night.

Minute Paragraph Summary:

During the hearing, Butter Chicken Hospitality Ltd, represented by Twinkle Keswani and Niall McCann, presented their proposal for a new fine dining restaurant named "Bulbul" at Victoria House, 25 Tudor Street. The venue would feature a ground floor entrance on Temple Avenue and a basement dining area for 80 guests, with a maitre-d' managing customer flow and a lift for disabled access. The applicant highlighted fire safety measures, including suppression systems and mechanical ventilation, to address odour and noise concerns, and committed to internal waste storage with removal during sociable hours. They emphasised that the restaurant's nature would not contribute to crime or disorder and proposed a dispersal policy to manage exits and smoking. They were open to conditions such as the presence of a maitre-d' and specific waste removal times, while requesting flexibility in operating hours. In response to questions, the applicant's representative noted the inclusion of a secondary fire escape, staff facilities, and modest licensing conditions, including a ban on outdoor drinking and adoption of the Challenge 25 policy. They clarified that fire safety falls under the Regulatory Reform (Fire Safety) Order and that the restaurant would not use delivery services like Deliveroo. Objectors raised concerns about the restaurant's proximity to residential windows, potential noise from patrons and

deliveries, and the lack of a separate service entrance. They criticised the absence of an acoustic assessment and expressed worries about the proposed smoking area, recommending a staff-managed alternative. While they welcomed the dispersal policy, they questioned its effectiveness without security staff and raised concerns about late-night disturbances, loitering, and crime. Objections were also made to the proposed all-day alcohol licence, citing risks of increased noise and public nuisance. During further discussion, objectors reiterated concerns about noise, especially late at night, and questioned the practicality of waste disposal methods and the adequacy of fire safety. The importance of a maitre-d' to manage customer behaviour was acknowledged by both sides.

The Chair invited the Applicant to sum up. The Applicant acknowledged that while not all operational details have been finalised, planning is underway, and further discussions with the landlord are expected to resolve waste management arrangements. It was also noted that Deliveroo or similar delivery services are not anticipated, given the restaurant's positioning as a fine dining establishment.

The Objectors were then invited to sum up. Concerns were raised regarding the adequacy of the proposed measures, particularly the absence of an acoustic analysis and doubts about the ability to meet licensing objectives. If the application was granted, it was suggested that conditions should include a prohibition on deliveries or services between 5:00 PM and 9:00 AM, mandatory staff supervision, and the implementation of a managed smoking area. Clarification was also requested on the proposed brunch service hours. The potential impact on children, elderly residents, and individuals working from home was highlighted, with concerns that the proposal could disturb the peace. Additional protective measures were proposed to safeguard residents, though uncertainty remains about the applicant's future operations. It was also noted that takeaway services could disrupt the premises, underscoring the need for stringent conditions if approval was given.

The Chair explained that the Sub Committee would retire to make a decision, and all parties would be advised of the outcome within 5 clear working days. The Chair thanked all those present and closed the Hearing at 3.30pm.

Deliberations:

The Sub-Committee retired to carefully to consider the application, on the representations submitted in writing and orally at the hearing by the applicant and those making representations. It was evident that the most relevant licensing objectives requiring the Sub-Committee's consideration was public nuisance and public safety.

The Sub-Committee considered all representations from both the Applicant and the concerns raised by those making representations when it convened to deliberate the outcome of the hearing. The Sub-Committee, overall, saw no substantiated evidence that this application would be in breach of the licensing objectives.

The Sub-Committee had sympathy with residents' concerns about noise and waste management. The panel also reviewed objections related to the smoking area and open area management and noted matters raised in relation to fire safety and potential odour issues. The Panel fully considered risk assessments and noted their there was no objection from the fire authorities.

The Panel were satisfied with the Applicant's responses to the concerns raised at the hearing and felt that the conditions attached to the application, would ensure that the licence would provide strict conditions which the premises must abide by, rather than doing so on a voluntary basis. The Panel were mindful of concerns raised but noted the application was for the consideration of alcohol. The panel felt that one further condition was necessary to ensure that the licensable objectives were met, and as such, suggested that refuse collection and deliveries not be permitted between 11:00PM-8:00AM.

Overall, the Sub-Committee noted the concerns raised by those making representations and believed these had been answered satisfactorily by Applicant's Solicitor. When deliberating the outcome of this application the Sub-Committee saw no evidence that this application would be in breach of the licensing objectives. Furthermore, the panel agreed the proposed conditions attached to the application and the further additional condition agreed by the Sub-Committee itself, could therefore not justify the refusal of the application.

DECISION

The Sub-Committee determined that the licence should be granted as set out below:

<u>Activity</u>	<u>Original Licence Application</u>	<u>Amended Application</u>
Supply of alcohol for consumption on & off the premises	Mon – Sun - 10:00-23:00	Mon – Sun - 10:00-23:00 (supply alcohol changed to 'on premises' only)
Provision of Live Music	Mon – Sun - 10:00-23:00	N/A
Provision of Recorded Music	Mon – Sun - 10:00-23:00	N/A
Late Night Refreshment	Mon – Sun - 23:00-23:30	N/A
Opening Hours	Mon – Sun - 09:30-23:30	Mon – Sun - 09:30-23:30

The Sub-Committee had regard to the conditions that parties had agreed upon in advance of the hearing.

The Sub-Committee therefore agreed that the following conditions should be attached to the premises licence:

1. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will notably record the following:
 - (a) any crimes reported to the venue
 - (b) any licensing related complaints received
 - (c) any visit by a relevant authority or emergency service
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol during the hours the premises is licensed to sell it. **(MC4)**
2. Customers permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not be permitted to take drinks or glass containers with them. **(MC14)**
3. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly. **(MC18)**
4. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age ID must bear a photograph, date of birth and a holographic mark or an ultraviolet feature. **(MC31)**
5. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. A copy of the policy shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request. **(MC17)**
6. All external doors, lobby doors, and windows shall be kept closed save for entry or exit, or in the event of an emergency. **(MC19)**
7. All music and digital announcements shall be controlled through a digital sound processing unit (DSP) with a limiter, the limits for which shall be set and maintained at a level agreed with Environmental Health. The sound limiter controls shall be kept locked and only accessed by the licensee or a person authorised by the licensee. **(MC22)**
8. A noise management plan shall be in place to identify how noise arising from all sources of noise including regulated entertainment, plant, pa systems and patrons shall be effectively controlled so as to minimise the risk of public nuisance and how any complaints of noise will be dealt with. A copy of the plan shall be retained on the premises and made available for inspection by a police officer and/or authorised officer of the licensing authority on request. **(MC23)**
9. 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. **(MC24)**

10. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested. **(MC1)**

11. Promoted events will not be held at the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public. **(MC2)**

12. Loudspeakers shall not be located in the entrance lobby. **(MC21)**

In addition to the conditions above, the Sub Committee also imposed the following condition:

1. Refuse collection and deliveries not permitted between 11:00PM-8:00AM

Chairman

The meeting ended at 3.30pm.

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