

Town Clerk's Office
John Barradell
Town Clerk & Chief Executive



Beer & Buns Ltd
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Our ref BK/LIC

Date 16 August 2017

Dear Sirs

Applicant: Beer & Buns
Premises: 20 Bury Street, London, EC3A 5AX
Date / time of Hearing: Thursday 10th August, 11.00 am
Venue: Committee Room 1, 2nd Floor, West Wing, Guildhall, London EC2P 2EJ

I write to confirm the decision of the Licensing (Hearing) Sub-Committee at the hearing held on 10 August 2017 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Deputy Jamie Ingham Clark (Chairman), Ms Marianne Fredericks and Mr Michael Hudson.

Mr Suraj Desor made submissions in support of the application on behalf of both Mr Maurice Abboudi and Mr Christopher Kemper, Directors, Beer & Buns Ltd.

Mr Misha Stavrides, Ms Yvonne Courtney and Mr Johnathan Whitby, residents were present and made submissions against the application.

1. This decision relates to an application made by Beer & Buns of 20 Bury Street, EC3A 5AX

The application originally sought to provide the following activities:

Activity	Current Licence	Proposed
Supply of Alcohol	N/A	Mon – Sun 11:00 – 00:00
Late Night Refreshment	N/A	Mon – Sun 23:00 – 00:30

Recorded Music	N/A	Mon – Sun 11:00 – 00:30
Hours Premises are open to the public	N/A	Mon – Sun 11:00 – 00:30

Prior to the date of the Hearing the panel and the representations against the application received an evidence bundle of documents containing the following:

- Email correspondence to the resident objectors;
- Further correspondence to and from to the resident objectors;
- Photographs/artists impressions of site;
- Sample menus for K10 (takeaway) and Beers & Buns
- Copy of the judgement in the case of Daniel Thwaites plc -v- Wirral Borough Magistrates' Court

At the start of the Hearing, the Chairman sought confirmation from the applicant regarding a detailed description as to how Beer & Buns would operate.

Mr Suraj Desor advised that Beer and Buns would operate over two floors. K10 would be a takeaway shop situated on the ground floor, including an outside space with a bar and a restaurant on the top floor. The offering would be Japanese food and drink with craft beer. The premises would have a large kitchen with food being the main focus. It was noted that the location is considered to be more commercial than residential.

In addition, the applicants stated that the licensee had been operating licensed premises for over 18 years with a number of sites within the City of London (The 'City') including sites based on Fetter Lane, Minster Court and Appold Street. Mr Suraj Desor stated that the past history and experience that the applicants have had in running businesses demonstrates that they are more than capable of running business in accordance with the licensing objectives. The panel were also informed that a branch of Beer and Buns currently operates on Appold Street and had done so without any concern.

Mr Christopher Kemper also provided the panel with a brief history of his business career. He stated that he had run a number of businesses within the City since 1999. He also provided an overview of the concept of Beer and Buns and stated that the ground floor is essentially a 'takeaway' operating mainly during Monday – Friday serving Japanese dishes.

Beer and Buns would operate on the first floor, with approximately 80 covers. They anticipate that the clientele will mainly be individuals who wish to enjoy a meal sitting at a

table with the purchase of alcohol with their main meal. There was also the possibility of having a mobile bar downstairs, which could be used dependent on the weather.

The Sub-Committee considered the following concerns relating to: the dispersal policy and the operating times during the weekends; the restriction of promoted events, the mobile bar and the hours of off sales.

In response to the concerns raised by the panel, Mr Suraj Desor advised that Beers and Buns would be happy to agree to a condition which did not allow there to be any promoted events on the premises. Further, it was agreed that there would be no off sales after 23:00, a dispersal policy would be available to council officers on request and a sign would be displayed requesting that individuals leave the premises quietly.

Discussion then turned to the area outside the premises which the Applicant had sought to have included as part of the licensed premises. After taking instructions, Mr Desor advised the Sub-Committee that the applicant no longer wished this area to be included in the application.

The Sub Committee considered the application and carefully deliberated upon the representations submitted in writing and orally at the hearing by those making representations and the Applicant.

In reaching the 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 January 2013.

Furthermore, the Sub-Committee had regard to the duty to apply the statutory test as to whether an application should or should not be granted, that test being that the application should be granted unless it was satisfied that it was necessary to refuse all, or part, of an application or necessary and appropriate to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.

In determining the application, the Sub-Committee first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of public nuisance.

In reaching its decision, the Sub Committee took into account the character of the area and the proposed business operations of the Applicant and the information provided by the Applicant along with the representations made both orally and in writing by those opposing the application.

It was the Sub-Committee's decision to grant the premises licence as follows:

Activity	Current Licence	Proposed
Supply of Alcohol	N/A	Mon – Sun 11:00 – 00:00
Late Night Refreshment	N/A	Mon – Sun 23:00 – 00:30
Recorded Music	N/A	Mon – Sun 11:00 – 00:30
Hours Premises are open to the public	N/A	Mon – Sun 11:00 – 00:30

The Sub Committee then considered the issue of conditions and concluded that it was necessary and appropriate to impose conditions upon the licence so as to address the concerns relating to public nuisance.

Mindful of the nature of the premises and the concerns expressed, the Sub-Committee considered the following conditions to be appropriate and necessary to promote the licensing objectives:

1. There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.(MC02)
2. 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.(MC15)
3. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.(MC16)
4. There shall be no sale of alcohol in unsealed containers for consumption off the premises after 23:00. (MC18)
5. 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)
6. A 'Challenge 21' Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 21 shall provide documented

proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card. (MC21)

The Sub Committee noted Beer and Buns intention to install CCTV, however considered that it was not necessary to impose such a condition at this stage given that there had not been any concerns regarding public protection.

The Sub-Committee reiterated the requirement of Beer and Buns resubmitting revised plans in line with the restriction to the outside area and clearly depicting the layout including the seating and location of bar areas, along with any proposed 'mobile bar along with a copy of its dispersal policy.

If any party is dissatisfied with this decision, he or she is reminded of the right to appeal, within 21 days of the date of this letter, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.

Yours faithfully,

Bose Kayode

Clerk to the Licensing (Hearing) Sub Committee

Useful Numbers/Websites:

An 'Out of Hours' noise response service is available 24 hours a day by telephone:
0207 6063030

The City's Environmental Health Team can be contacted at:

publicprotection@cityoflondon.gov.uk

The City's Licensing Department can be contacted on: licensing@cityoflondon.gov.uk

Licensing Policy and Code of Good Practice for Licensed Premises:

<http://www.cityoflondon.gov.uk/business/licensing/alcohol-and-entertainment/Pages/Licensing-policy.aspx>

CC: Judy Willis, Poppleston Allen, 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS