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Licensing Service
City of Westminster
14th Floor,
64 Victoria Street,
London SW1E 6QP

10th March 2017

Dear Sirs,

Additional Document for Application 16/14133/LIPN at 26 Wellington Street, WC2E 7DD

We are submitting this an additional document in response for this Application in response to the Applicant's submission of the details of the existing Tables and Chairs licenses in the area of these premises. We presume that this has been done to allow him to ask the Licensing Committee to ignore the request made by the CGCA and other Interested Parties to limit the use of Tables and Chairs to 21:00 rather than the 23:00 foreseen by the application.

Our comments on this point are as follows.

We do not dispute the fact that other premises in the area have been permitted tables and chairs licences until 23:00. However as you are aware every application has to be assessed on its own merits. The fact that other premises, including some close to this one, have been permitted to operate tabs and chairs until 23:00 does not mean that additional tables and chairs, outside a building whose upper floors are in residential use, can be permitted between 21:00 and 23:00 without ham that the Public Nuisance Licensing Objective.

The tables and chairs will need to receive both Planning Permission and a Street Trading Licence. These are governed by 2 documents, Westminster Way and the "Guidelines for the placing of Tables and Chairs on the Highway - Supplementary Planning Guidance".

Page 24 of the latter documents states as follows:

We will not normally grant planning permission where the upper floors of the application premises are in residential use. Where the upper floors of an application premises are in residential use, applicants will need to demonstrate that tables and chairs outside will not cause detriment to residential amenity and outline measures which have been taken to eliminate disruption.

The test in this document is a Planning test of "cause detriment to residential amenity". The test under which this Licensing Application is being considered is whether the likely affect of the grant would be to harm the Licensing Objective of the Prevention of Public Nuisance. Our view is that even if it was decided that these tables and chairs would not "harm residential amenity" this does NOT mean that they would not be likely to cause a Public Nuisance. We believe that having people eating, drinking and talking on the street immediately

below residential windows after 21:00 does constitute a Public Nuisance. This is, we assume, why the SPG says that this will not normally be granted.

Our view and that of other Interested Parties is that in this case permission could be granted until 21:00 but should not be granted later than this. We believe that it is appropriate for the Licensing Committee to include this as a condition on the Licence in order to support the Licensing Objective of the Prevention of Public Nuisance.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'David', written in a cursive style.

David Kaner
Member – CGCA Planning & Licensing Sub-Committee
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