



## Representing the interests of Barbican Residents

7 October 2016

### RESPONSE TO City of London's Statement of Licensing Policy 2017

1. We write on behalf of the Barbican Association, a recognized tenants' association, recognized by the City of London, which represents the interests of residents and long lessees on the Barbican Estate.
2. We welcome the arrival of the DRAFT "Statement of Licensing Policy 2017". It is much clearer and better laid out than the previous version.
3. For the avoidance of doubt, the notes below refer to the hard copy version of the draft policy handed to us in a meeting on 29 September 2016.

#### PUBLIC NUISANCE

4. "Public Nuisance" and noise are important to us. We ask that this policy explicitly recognizes, as the Westminster Parliament has in an Act of Parliament, the existence of the four residential wards within the City of London; in our case those of Aldersgate and Cripplegate. We think this would help to give effect to the Human Rights obligation mentioned in paragraph 18.
5. We would therefore also ask that applicants, officers and Members appreciate that premises within Aldersgate and Cripplegate, as well as premises which are in adjacent wards but close to or overlooking the Barbican Residential Estate, have a greatly increased potential to cause Public Nuisance and, as a result, greater limitations should be placed on their licenses (in contrast to a premises in Cheapside or Gresham Street, for example).
6. Paragraph 75 – (We also state this with respect to Licensing Hours.) – We believe that this section should also recognize that the background noise levels fall away markedly in the Barbican area at about 20.00 hrs and are very low throughout weekends and public holidays. The majority of Barbican flats have single-glazing. Barbican residents include children. We believe that children should be able to get a sound sleep after 20.00 hrs. We also believe that residents should not be disturbed by licensed premises and their patrons before 10.00 hrs on weekends and public holidays.
7. We strongly support the stance taken in paragraphs 76 to 86.

8. We would ask that the policy explicitly states that the usage of roof-top terraces and balconies on non-residential buildings including office buildings, close to the established City residential clusters, have the potential to cause great nuisance to residents and their children and that applicants should expect limitations on their usage between 19.00 hrs and 10.00 hrs.
9. We support David Coleman's observations re paragraphs 76 to 78: *This is good policy for avoiding disturbance to residents. However I would like to see more attention given to general noise pollution in support of your recently published noise strategy (para 2.3.3). There is a place for high volume music venues, but absolutely no reason for them to share the experience with people walking down the street. This could be solved by the simple expedient of requiring all premises licensed for music to keep their doors and windows shut while music is playing. If that requires more air conditioning, so be it.*

### **LICENSING HOURS**

10. Paragraph 27 – We believe that the section on “Licensing hours” should also recognize that the background noise levels fall away markedly in the Barbican area at about 20.00 hrs and are very low throughout weekends and public holidays. The majority of Barbican flats have single-glazing. Barbican residents include children. We believe that children should be able to get a sound sleep after 20.00 hrs. We also believe that residents should not be disturbed by licensed premises and their patrons before 10.00 hrs on weekends and public holidays.
11. Paragraph 29 – We welcome this recognition of a premises's ability to change its style of operation depending on the hour of the day, but we are curious to understand how residents, officers and Members would gain an understanding of an applicant's intentions, or a change in intentions, and how that would be reflected on the current application form.

### **MAKING AN APPLICATION**

12. Paragraph 36 – “takes note” is not effective. The City has responsibilities under Equalities legislation and must prevent disabled people being, in effect, forced to abandon lengths of pavement and use the less-safe carriageway.
13. Paragraphs 43 and 44 – We would like it to be the City's policy that (a) there is a system in place for notices of all premises applications, and applications for variations therefore, are emailed out to interested

parties including residents' representatives; and (b) that in the case of applications which may affect Barbican residents, officers are to actively encourage applicants to have meaningful pre-application discussions with residents' representatives, and to provide prospect applicants of residents' representatives contact details.

14. Paragraph 43 – we endorsed David Coleman's suggestion:

*It is in everyone's interest to give strong encouragement to applicant/resident negotiation. I suggest adding: "The City Corporation will give great weight to any operating conditions agreed between the applicant and local residents. Only in the most exceptional circumstances will the City Corporation redraft or excise conditions agreed between the applicant and local residents."*

15. We would further suggest adding, "*The drawing up of an Agreed Management Plan, agreed by both the applicant and residents' representatives, in both the pre-application and publication consultation phases, often leads to savings of time and money, along with producing less stressful situations. Agreed Management Plans should be lodged with the City's Licensing and Environmental Health departments.*"

## **PROTECTION OF CHILDREN FROM HARM**

16. We have, since the last policy was adopted, seen the emergence of a new type of office building with a new pattern of usage. We are thinking of an instance where an office building is constructed, occupied by a commercial entity, which entity then subdivides the building in a manner so that a sub-sub-lessee may only take a desk, a number of desks or only a small room. We would argue that in such circumstances it is difficult for the building operators to control the "culture" of the individual occupants of the building.

17. In the instance above, the building operator has targeted the "digital" / "tech" market. Free alcohol is available. The building operates 24 / 7. Events, including weekend events, are held to which outsiders are invited, with the outsiders including teenagers under 18 learning "tech" skills. Our understanding is that some of these events have resulted in people under the age of 18 falling asleep on the premises, on sofas, bean bags etc. We are concerned that a loose culture, a rabbit-warren style of sub-division within the interior of the building, the provision of free alcohol, along with people under the age of 18 overnighting in the building, could lead to unfortunate results. We do not believe that paragraphs 95 and 96 adequately address this issue.

## CONDITIONS

18. Paragraph 116 – We support David Coleman’s suggestion: *Conditions should positively support licensing objectives, not just "not undermine" them. I suggest "... condition on the licence in order to achieve licensing objectives."*
19. Paragraph 118 – This paragraph should be re-worked so as to allow adherence to an Agreed Management Plan to be a condition of the granting of a premises licence.

## CUMULATIVE IMPACT

20. Paragraph 110 – We welcome the explicit consideration that the Authority will give to the impact of a number of premises in an area.

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