

LICENSING (HEARING) SUB COMMITTEE
MONDAY, 11 JUNE 2012
Premises: Padron, 13 Harrow Place, London E1 7DB

Sub Committee

Jeremy Simons (Chairman)
Alex Bain-Stewart
Marianne Fredericks

City of London Officers

Caroline Webb - Town Clerk's Department
Paul Chadha - Comptroller & City Solicitor's Department
Peter Davenport - Markets & Consumer Protection Department

The Applicant

Mr Andrew Burleigh, Director of Padron Limited.

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of a new premises licence application made by Padron Ltd for the premises known as 'Padron, 13 Harrow Place, London E1 7DB'.

The application sought to provide licensable activities for the supply of alcohol between the hours of 11:00 to 23:00 Monday to Sunday.

The application also sought to open the premises between the hours of 11:00 to 23:30 Monday to Sunday.

- 2) The Chairman introduced himself and the other Members of the Sub Committee.
- 3) It was noted that no members of the panel had any personal or prejudicial interest.
- 4) The Sub Committee sought clarification regarding the boundaries of the proposed licensed area, particularly in regards to the external 'seating area' highlighted on the premises plans. The applicant, Mr Burleigh, confirmed that since submitting the original application, he had decided to not include the external seating area and that the supply of alcohol would only be within the premises itself. His solicitor had assured him that amended plans had been sent to show his new intentions but no such plans had been received by the Sub Committee, the Town Clerk or the Licensing Department.
- 5) Mr Burleigh confirmed that his application sought for the premises to open from 11:30 to 23:30 hours Monday to Sunday with the supply of alcohol from 11:30 to 23:00 hours on the same days.

- 6) Mr Burleigh explained to the Sub Committee that he had held nine premises licences previously and had not received any complaints about his premises in the past. The aim of Padron was to bring a new concept of dining to the area, with alcohol sales intended as a secondary income to food sales.
 - 7) In answer to a question from the Sub Committee, Mr Burleigh indicated that he would be content to not open Padron on Saturday and Sunday. He also confirmed that the premises may be open earlier than 11:30 hours in order to serve breakfasts and that the upstairs area would be closed to patrons and only used for storage.
 - 8) The Chairman highlighted that the main area of contention between the applicant and the objectors was the closing time of the premises and the terminal hour of the supply of alcohol. In order to address the concerns of local residents, Mr Burleigh indicated that he would accept a terminal hour of 22:40 for the supply of alcohol with a 23:00 hour closing time.
 - 9) The Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
1. The Sub Committee considered the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant. The Sub Committee were also made aware of a letter from Padron Ltd to the Middlesex Street Estate Residents' Association dated 21 May 2012 which contained proposals to reduce the periods for the sale of alcohol and to remove the request to have external areas licensed along with the resident association's response that was included on a letter that invited them to attend the hearing.
 2. 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 2011.
 3. Furthermore, the Sub-committee took on board 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 to impose conditions on the granting of the application in order to promote one (or more) of the licensing objectives.
 4. 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 was the prevention of public nuisance.

5. At the hearing, the applicant indicated his willingness to amend the terminal hours on the application to 22:40 hours Monday to Friday for the supply of alcohol and for the premises to be closed at 23:00 hours Monday – Friday. The application for the supply of alcohol and opening hours on Saturdays and Sundays was withdrawn and the boundary of the licensed premises would no longer include outside areas.
6. It was the Sub-committee's decision to grant the application for a premises licence as amended for the following licensable activity:
 - The Supply of Alcohol from 11:00 to 22:40 hours Monday – Friday

Licensable activities may only take place within the boundary as depicted on the plan of the premises. An amended plan is to be resubmitted showing the new agreed boundary which no longer includes the two outside areas.

The Sub-Committee also considered whether it was necessary to impose any conditions upon the licence and decided to impose the following condition:

Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

8. If the Sub Committee was wrong, all parties are reminded that any responsible authority, business, resident (in the vicinity) or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.
9. If any party is dissatisfied with the decision, he or she is reminded of the right to appeal, within 21 days, 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.

The meeting ended at 10.02 am

Chairman

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