

MINUTES OF THE LICENSING REVIEW (HEARING) SUB COMMITTEE

HELD ON THURSDAY, 22ND JUNE 2017 AT 09.30 AM

APPLICANT: GREMIO DE LONDON LTD
PREMISES: 26A SAVAGE GARDENS, EC3N 2AR

Sub Committee:

Ms Sophie Fernandes (Chairman)
Mr Michael Hudson
Deputy Jamie Ingham Clark

Officers:

Town Clerk – Julie Mayer & Bose Kayode
Comptroller and City Solicitor – Paul Chadha
Markets & Consumer Protection – Peter Davenport & Steve Blake

Given Notice of Attendance:

Applicant:

Mr Max Alderman, Gremio de London Ltd

Making representation:

Mr David Roberts, Principal Associate – Eversheds Sutherland
Mr Pino Dispinseri, Manager of Carolina Tower Hotel Ltd t/as Doubletree by Hilton
Tower of London

The local Ward Member for Tower, Ms Marianne Fredericks was in attendance, as an additional objector. As notice of Ms Frederick's representation had not been provided before the Hearing, the Chairman asked the Applicant if he had any objections to Ms Fredericks being called upon to speak and he did not.

Licensing Act 2003 (Hearings) Regulations 2005

A Public Hearing was held at 09:30 AM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for the premises Gremio de London Ltd, 26A, Savage Gardens, EC3N 2AR

The Sub Committee had before them the following documents:-

Appendix 1 – Report of the Director of Markets and Consumer Protection:
Copy of Application
Amendment to Application

Appendix 2 – Conditions Consistent with the Operating Schedule

Appendix 3 – Representations from Other Persons:

Carolina Tower Hotel Ltd t/as Doubletree by Hilton Tower of London

Appendix 4 –Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales

Appendix 6 - Plan of Premises

- 1) The Hearing commenced at 09:30 am.
- 2) The Chairman introduced the Sub-Committee Members and confirmed that all papers had been considered by the Sub-Committee in advance of the hearing. The Chairman asked those present to introduce themselves and state in what capacity they were attending the Sub-Committee.
- 3) The Chairman opened the hearing by underlining that the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives and that these could only be promoted during licensed hours.
- 4) At the start of the Hearing, the Chairman sought confirmation as to how Gremio de London Ltd would operate. Mr Alderman explained the intended operation as an informal tapas restaurant and bar, with a restaurant in a designated space and terrace, which could also be used for smokers. Mr Alderman advised that there would be no regulated entertainment on any part of the premises, just recorded music.
- 5) The Chairman invited those who had made representations as 'other persons' to address the Sub Committee. The Hearing heard from the Mr Roberts, who explained that the Double Tree Hotel had raised the objection, not Hilton Hotels Ltd, its parent Company. Mr Roberts advised that his client's main objections related to the prevention of public nuisance and crime and disorder, should the license be granted to 2.30 am on weekends, with an extra hour at bank holidays. The Doubletree Hotel had no objection to the use of the premises as a tapas bar but were concerned that the hours applied for might lend themselves to a late-night drinking establishment.
- 6) The objector had submitted photographs showing the location of the premises, in advance of the hearing, and showed them during the hearing. The Applicant had also submitted location photographs, photographs of Gremio de London's operation in Brixton and menu cards but did not show them during the hearing.
- 6) The Chairman invited any persons with new points to make about the application to address the Sub Committee. The Applicant felt that the premises would bring vibrancy to the area and compared it to Gremio de London's operation in Brixton, which is surrounded by residential properties had received no complaints during its 3-and-a-half-years of operation. The Applicant had

worked with the Police in drafting the operating schedule and felt that the hours proposed were appropriate for this type of operation.

- 7) The objector had made representation in respect of dispersal onto a quiet, pedestrianised, residential area. Furthermore, they were concerned that the location of the terrace, surrounded by taller buildings, would generate noise upwards, thereby impacting on the hotel's bedrooms, which frequently have 92% occupancy. The objector asked for controls on the smoking area and for a limit to be imposed on numbers permitted onto the terrace and smoking areas after midnight. The objector confirmed that the Doubletree's roof terrace was used until midnight.
- 8) The local Ward Member for Tower advised that, in addition to the 2 local hotels, the area surrounding the premises was a quiet, residential area, with 2 blocks of residents with bedrooms facing Savage Gardens and 100 flats on closeby Peep Street. The Ward Member was aware of issues with noise dispersal from other premises in the area but the Chairman reminded the Hearing that there had been no other representations from responsible authorities or residents. The Sub Committee were also satisfied that notice of the Licence Application had been displayed adequately.
- 9) The applicant accepted the concerns of the objector and Ward Member but felt they were largely speculative. He advised that there would be 80 covers in the restaurant, the bar had a capacity of 100 and the numbers would be regularly risk assessed as part of the operating schedule, which had been drafted in consultation with the Police. Furthermore, the objector would have swift recourse, within the Licensing Act, should any of their concerns be founded.
- 10) During questions from the Sub Committee, the objector advised that residents had not complained about noise from the railway, despite this being a heavily used, international area. The objector confirmed that the hotel was double glazed but did not have further information to hand about sound proofing to the building.
- 11) During questions from the Sub Committee, the Applicant advised that capacity on the terrace would be 50/60 and the area would have tables and chairs. The premises' security arrangements would focus on the front and rear of the building and the area designated for smokers would keep them away from Savage Gardens. The Conditions would include a log book and telephone number for any concerns during dispersal. The Applicant felt that the later terminal hour would encourage staggered dispersal times and a large exit at 2.30 am would be highly unlikely.
- 12) The Chairman invited both parties to sum up. The objector advised that there was no objection to a Tapas Bar or midnight/1 am closure but felt that the 2.30 am closure time, with an additional hour at bank holidays, would encourage a late-night drinking culture and noise nuisance in a quiet, pedestrianised, residential area. The objector also felt that numbers on the terrace should be strictly controlled, particularly after midnight, or it should be used just for smokers. The Applicant felt that the concerns were largely speculative and that

the proposed hours were sound and fair for this type of operation. Furthermore, the applicant had worked with the Police in drafting the operating schedule and had offered noise reduction measures.

- 13) The Chairman thanked all parties and explained that the Sub-Committee would now retire to deliberate on the application. The Chairman explained that it was expected that the Sub-Committee would come to a decision that day and therefore invited all present to remain in the meeting room while the Sub-Committee considered its decision.
- 14) The Sub-Committee retired 10.20 am.
- 15) At 10.50 the Sub-Committee returned from their deliberations and explained that they had reached a decision. The Chairman thanked those who had remained to hear the decision of the Sub-Committee.
- 16) 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 and crime and disorder.
- 17) In reaching its decision the Sub Committee considered the character of the area and the proposed business operations of the applicant. The Sub-Committee were of the view that the application had been advertised adequately and noted that there had been no objections from residents or responsible authorities. Whilst understanding the hotel's concerns about protecting their clients from public nuisance and possible crime and disorder, the Applicant was clearly an experienced, responsible operator and had run a similar premise for 3 and a half years, in a heavily residential area, with no incidents or complaints.
- 18) The Chairman reported that it was the Sub-Committee's decision to grant the premises licence as offered by the applicant as follows:

Activity	Current Licence	Proposed
Supply of Alcohol	N/A	Mon–Wed 11:00 – 00:00 Thu 11:00 – 01:00 Fri–Sat 11:00 - 02:00 Sun 12:00 – 00:00
Late Night Refreshment	N/A	Sun–Wed 23:00 – 00:00 Thu 23:00 - 01:00 Fri–Sat 23:00 – 02:00
Recorded Music	N/A	Sun–Wed 12:00 – 00:00 Thu 12:00 – 01:00 Fri–Sat 12:00 - 02:00

The Sub Committee declined the extended hours on bank holidays.

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

1. The premises will install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises will be covered enabling frontal identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings shall be stored for a minimum period 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 recent data or footage with the absolute minimum of delay when requested. (MC01)
2. There shall be no promoted events on the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time between by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and/or the event is (independent of the premises licence holder) promoted to the general public. (MC02)
3. When the premises is carrying on licensable activities after 00:00 hours, at least 2 registered door supervisors are to be on duty from 21:00 until customers have left the premises. (MC07)
4. 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)
5. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly. (MC16)
6. The Licence holder shall make available a contact telephone number to neighbouring properties and the City of London Licensing Team to be used in the event of complaints arising. (MC19)
7. A log shall be kept at the premises and record all refused sales of alcohol for reasons that the person(s) is, or appears to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be made available on request by the Police or an authorised officer of the City of London Corporation. (MC20)

8. 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 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)
 9. 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. (MC17)
 10. There shall be no licensable activities on the terraces after midnight.
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- 19) The Sub-Committee noted that a Dispersal Plan was being drafted and they would like sight of this, once completed.
 - 20) The Chairman thanked all parties for their attendance and explained that written confirmation of the decision would be circulated to all within five working days.

The meeting closed at 10.55 am

Chairman

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