

Town Clerk's Office
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Our ref JM/LIC

Date xx June 2017

Dear Sir/Madam

Applicant: Gremio de London Ltd
Premises: 26A Savage Gardens, EC3N 2AR
Date / time of Hearing: Thursday 22nd June, 9.30 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 22 June 2017 in relation to the above-mentioned application. The Sub Committee's decision is set out below.

The Sub-Committee comprised of Ms Sophie Fernandes (Chairman), Deputy Jamie Ingham Clark and Mr Michael Hudson. The Applicant, Mr Max Alderman of Gremio de London Ltd, was present and, representing the objector, Mr David Roberts, Principal Associate, Eversheds Sutherland, acting for Carolina Tower Hotel Ltd t/as Doubletree by Hilton Tower of London and Hilton UK Ltd. The General Manager of the Doubletree Hotel, Mr Pino Dispinseri, was also present. The local Ward Member for Tower, Ms Marianne Fredericks was in attendance, as an additional objector. As notice of representation had not been provided by Ms Fredericks before the meeting, the Chairman asked the applicant if he had any objections to Ms Fredericks being called upon to speak and he said he was happy for her to do so.

This decision relates to an application made by Gremio de London Ltd on 77, Malham Road SE23 1AH. The application originally sought to provide the following activities:

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 – 00:30 Thu 23:00 - 01:30 Fri-Sat 23:00 – 02:30
Recorded Music	N/A	Sun–Wed 12:00 – 00:00 Thu 12:00 – 01:00 Fri-Sat 12:00 - 02:00

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 a 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. The Applicant felt that the premises would bring vibrancy to the area and compared the application to Gremio de London’s operation in Brixton, which is surrounded by operational properties and there had been no complaints during its 3 and a half year 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.

The Hearing then heard from 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 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.

The objector had further concerns in respect of dispersal onto a quiet, pedestrianised, residential area. Furthermore, they believed 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 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 2017.

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 and crime and disorder.

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.

The Sub-Committee were of the view that the application had been advertised adequately and there had been no objections from residents or responsible authorities. Whilst respecting the hotel’s concerns about protecting their clients from public nuisance and possible crime and disorder, the Applicant was clearly an experienced operator and had run a similar premises for 3 and a half years, in a heavily residential area, with no incidents or complaints.

It was the Sub-Committee’s decision to grant the premises licence 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 appropriate and necessary 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. 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.
10. There shall be no licensable activities on the terraces after midnight.

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,

Julie Mayer

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>