



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Beverly Jane Hurley

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Gremio De London, 26A Savage Gardens, London EC3N 2AR	
Post town London	Post code (if known) EC3N 2AR

Name of premises licence holder or club holding club premises certificate (if known)
Gremio De London Ltd, 77 Malham Road, London SE23 1AH

Number of premises licence or club premises certificate (if known)
LN/200506202

Part 2 - Applicant details

I am

Please tick ☐ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A or (B) below)

YES

2) a responsible authority (please complete (c) below)

☐

3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Pleasetick

Ms

☐☐☐☐

Other title
(for example, Rev)

Surname **Hurley**

First names **Beverly Jane**

I am 18 years old or over

Yes

Current postal
address if
different from
premises
address

Flat **████** **Savage Gardens, London EC3 2AR**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT NOT APPLICABLE

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT NOT APPLICABLE

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes 🗳️🗳️

- ☐
- ☐ YES
- ☐ YES
- ☐

Please state the ground(s) for review (please read guidance note 2)

THIS APPLICATION RELATES TO:

- a) The prevention of public nuisance
- b) Public safety

PRELIMINARY MATTERS

Having read the DCMS 'Guidance for Interested Parties Applying for a review' (March 2010) I note that there is some question as to whether a Licensing Authority should entertain an application for a review within 12 months of a previous decision on a licence. This application is not in any way repetitious of representations made at the time or which could have been made at the time.

Firstly De Gremio failed to advertise their application as required by the Licensing Act (and the Regulations made under the Act). There was no notice on LIGHT BLUE paper outside the premises as the law requires, nor was there a notice in a newspaper circulating in the VICINITY of the premises as the law also requires. I was unaware of the application and therefore unable to make representations. I fully realise that the City of London cannot review its own decision of 22 Jun 2017 to grant a licence, but these matters are relevant as to why the Licensing Authority should, less than a year later, consider a review.

Secondly having seen inside the premises in recent weeks they do not appear to me now as they were described in De Gremio's application or the licence subsequently granted.

PREVENTION OF PUBLIC NUISANCE

I am one of over 100 residents who live within the immediate vicinity, and my flat is immediately next to the main part of De Gremio's tapas bar on the first floor.

The plan submitted with the licence application shows the ground floor with an area marked as "Terrace". This has actually been a derelict area for at least the past decade, with old sheds, rubble and general debris overgrown with weeds. The area is completely surrounded on other sides by residential flats - over a hundred in total. It has therefore always been totally quiet, with

no disturbance to the residents in the properties surrounding the area. It is part of the **Fenchurch Street Conservation Area**, and the only noises are the occasional quiet rumble of slowly departing trains for a few seconds. Although 26A Savage Gardens has had a license in the past this derelict area never formed part of that license.

Any use of any part of this area for people eating, drinking, talking and smoking, food and alcohol being served, tables and glasses being cleared and so on, until midnight from Sunday to Wednesday, until 1am Thursday and until 2am Fridays and Saturdays will de facto create a public nuisance. The terrace will, according to the application, have chairs and tables for 60 people at any given time, and as the terrace is surrounded by much taller buildings, the sound will also reverberate and generate noise upwards, affecting all those whose residencies look out over it.

The narrow steep stairs leading down to the terrace from the first floor start at a decked platform at first floor level, which is just a few feet outside my bedroom window. This is where both kitchen and serving staff and all members of the public will leave and return to the bar/restaurant, and is large enough for customers to also stand, drink, talk and smoke.

A large brand new glass archway has been made into the old solid brick wall belonging to Network Rail, and this has two glass doors opening onto the same platform. In addition, all the considerable sound and heat insulation that was inside the restaurant that previously occupied the railway arches has been removed back to the brickwork, I witnessed the thickness of this as it was being removed from the premises, and when I visited, the site foreman told me it provided additional space of at least 3' all round. These two measures will exacerbate noise escaping from the inside of the bar area, especially when the doors will be open in the summer and when customers enter and exit to go outside to smoke, eat and drink, as well as from the recorded music.

The platform and terrace area is illuminated by two very bright floodlights at the top of this archway, which already provide light pollution directly into my bedroom at night time.

The drawing attached to the application showing the first floor shows a small bar area, with a slightly larger kitchen area. In fact, the bar now goes round all three sides of the central internal wall, approximately three times larger than shown on the drawing, and clearly indicating that drinking is the prime purpose of De Gremio.

The first floor drawing does not indicate the new large glass archway, and there are now three sets of opening doors on the first floor level decked area. The doors shown to the left of the ladies toilet area are just a few feet from my bedroom window (and the roof light to the flat below mine), both of which are in the grey area simply marked as "Neighbour".

All the above are in direct contravention of my reasonable expectation (as set out in paragraphs 27 and 75 of the City of London's Licensing Policy) of no undue disturbance to my sleep between the hours of 11pm – 7 am, and will have a significant impact on my living and working amenity. This is a totally different environment to the De Gremio in the crypt of a church in Brixton (where the nearest residences are at least 20 metres away from the Church that houses the bar.)

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The Premises will adversely affect the residential amenity of the more than 100 flats in the immediate vicinity of the licensed premises of which at least 30 directly abut the licensed area. I, and other neighbours, am already adversely effected by the floodlights at the premises. Noise whether music escaping from the arches, people talking on the newly erected platform (a few feet from my bedroom window) or people on the currently derelict area will be further public nuisance.

There are a number bars in the immediate vicinity of this property, most of which close at 11pm or shortly thereafter. At the end of an evening's drinking, between 11-12, many people leaving the area frequently walk up the pedestrian part of Savage Gardens. They shout and sing (and when under the railway arch immediately outside De Gremio, this magnifies that noise), urinate and vomit against that wall, and on our doorstep on several occasions, and leave litter all the way up the street. Late opening hours granted to De Gremio will mean that they will gravitate to 26A, and continue to be able to drink until the early hours of the morning. Signage asking patrons to leave quietly is obviously irrelevant to the public nuisance of patrons and would-be patrons arriving noisily at the premises, particularly after 11.00pm.

As set out above I was disenfranchised from making representations regarding the licence application. I would have made many of these points then, had I been given the opportunity. The property had been empty and unused for a long time, as it had apparently been closed by the Licensing Authority, and the first I knew about anything was when work started on the premises and caused significant disturbance during the day and at night when labourers were sleeping there. I have had no notification about any planning applications for the work that had been already carried out either.

A few weeks after the works started I visited the property and was amazed to see the size of the new bar/restaurant area, which was a significant increase on the old Orpheus restaurant, (which didn't open at the weekends), and requested to meet the owner. Despite several emails, this didn't happen until early March, and it was at this time that I first discovered the existence of a new licence.

When I met Anthony James Thomas, who I understand to be a director of the premises licence holder Gremio de London Ltd, I expressed my strong concerns about the impact of that, the noise, the glass arch and exits and the plans for the terrace, especially as 26A, 26 and 25 Savage Gardens are in a Conservation Area.

I subsequently wrote to the Licensing Authority and Building Regulations, and later Environmental Health and Planning also became involved, as I understand it none of these authorities had been contacted by the licence holder.

PUBLIC SAFETY

As above I note the narrow steep stairs leading down from the platform at first floor level to the terrace. These appear to me to be 'industrial' in nature and wholly unsuitable for public use in a situation where people are imbibing alcohol.

According to the Plans (in the application / annexed to the Licence) the passageway from the terrace to the street entrance is the fire escape route, but these plans do not show the air conditioning plant of various shapes and sizes that narrow the passageway in an irregular manner. Also there are supports for the platform above that occupy space shown on the plans as the fire escape route.

It appears that Fire Safety legislation requires fire escape routes to be kept free of obstructions. The premise licence was granted 22 Jun 2017 and the passageway / escape route is not clear of obstructions. The Premises Licence should be revoked in regard of the obstructed escape route alone.

Furthermore the platform above the passageway / escape route appears to be constructed of domestic decking that in the event of a fire might not take the weight of people evacuating from the bar area. In the event of the platform collapsing the passageway / escape route could become completely obstructed.

On 15 August 1980, 37 people died in a fire at El Hueco, an unlicensed bar at 18 Denmark Place in Soho. We are fortunate in London that we have not seen major loss of life in any drinking establishment since, but we can never afford to become complacent.

Please provide as much information as possible to support the application (please read guidance note 3)

I enclose:

Photograph A, B and C – views of the derelict area. Photograph A also clearly shows the new archway that has been made in the original solid brick wall.

Photograph D – New decking area and doors

Photograph E – my bedroom window and part of the rooflight in the bedroom of Flat A, 26 Savage Gardens.

These have all been taken this year.

Please tick ☐ yes

Have you made an application for review relating to the premises before
NO

☐

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them.

Please tick ☐ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

☐

YES

I understand that if I do not comply with the above requirements my application will be rejected

☐

YES

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

[Redacted Signature]

Date

11/05/2018

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [Redacted]

Notes for Guidance

A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.

The ground(s) for review must be based on one of the licensing objectives.

Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.