

Marianne Fredericks CC

Licensing Act 2003

The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005

Revised Guidance issued under section 182 of the Licensing Act 2003

City of London Licensing Policy

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GREMIO de LONDON Ltd 26A SAVAGE GARDENS

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I am writing in support of Ms Beverly Hurley's application to review the premises licence at the above location. In addition to the Prevention of Public Nuisance and Public Safety I also wish to raise Crime and Disorder concerns.

I am a Common Councilman for the Ward of Tower in which the premises are situated.

I live in the Ward, above a busy public house, some 2 or 3 minutes walk from Savage Gardens.

I was elected to the Court of Common Council of the City of London in 2008 and have served continuously since. I was appointed, by the Court, to the Licensing Committee in 2009, served as Chairman in 2013 - 16 and Deputy Chairman 2011 - 2013 and 2016 - 2017. I serve on various other committees including Planning and Transportation and its Street & Walkways Sub Committee which deals with Highway matters; Children and Community Services which covers Housing, Education and Social Services; Policy and Resources which is responsible for governance arrangements, strategic priorities, agreeing policy, allocating overall resources and overseeing the City's security and emergency planning arrangements, as well as various other committees and governorships.

At the time the original application was made I was looking after an elderly former colleague and arranging his admission to hospital. I missed an email advising me of applications.

The applicants failed to post the legible **pale blue** A4 notice **prominently** at the premises as required by Regulation 25(a) and Section 17(5).

The applicants failed to place a notice in a newspaper circulating in the **vicinity** of the premises as required by Regulation 25(b) and Section 17 (5).

If the applicants had advertised their application in accordance with Regulation 25 as required by Section 17 then it is almost certain that a constituent would have raised the matter in sufficient time for me to prepare a representation within the prescribed period.

Public Nuisance

I have carefully read Ms Beverly Hurley's representation regarding public nuisance and I agree fully with what she has said and adopt it as mine.

I enclose a copy of the hotel's representation from last year. Although this was before the Licensing Sub-Committee last year, it forms part of the broader picture now and the Sub-Committee conducting the review should not disregard it. As I understand the hotel's ground floor bar on Savage Gardens is licensed to 11.00 pm, but out of respect for their residential neighbours they do not allow people with drinks outside after 10.00 pm.

Public Safety

I have read Ms Hurley's representation carefully and reflected upon what she has said about the Denmark Place fire and complacency and I agree wholeheartedly and again adopt all of what she has said regarding public safety as my own.

Crime and Disorder

I understand that the phrase 'light touch regulation' appeared in the white paper that proceeded the Bill that subsequently became the Licensing Act 2003. Her Majesty's Government and subsequently Parliament realised that the vast majority of those who owned, managed and worked in the Licensed Trade were honest and decent men and women earning a living in a lawful and responsible manner. The matters that have come to light regarding the original application (viewed in conjunction with the failure to advertise the application) cast doubt in my mind upon the trustworthiness of those involved with Gremio de London.

The Original Application

On 28 April 2017 Maxwell John Alderman acting on behalf of Gremio de London Limited submitted an application for a premises licence at 26A Savage Gardens. The application form was falsified in three material respects.

A. Rateable Value / Fee Payable

The rateable value stated on the application was £6,700 which meant the applicants only paid £190 to make the application. The true rateable value of the premises is at least £63,200 which meant that the fee that should have

been paid to make the application would have been at least £315. More disturbingly the rateable value box is on the second page of the application form immediately below the premises address and may have given officers the impression that the application was for very small premises and as a result have become a very low priority.

The figure of £6,700 is the rateable value of a small games room within the premises, but it is difficult to perceive any reasonable basis on which Mr Alderman could have thought it was the rateable value of the premises that Gremio were seeking a licence for.

Mr Alderman is involved in the management of numerous pubs and bars and according to the sole director of Gremio, Mr Anthony James Thomas, when I spoke to him on site on Friday 13 April 2018, Mr Alderman deals with the licence applications of which there are (again according to Mr Thomas) 7 or 8 a year. Rateable values vary across London but not dramatically. Mr Alderman knew the figure was incorrect.

Secondly, when the premises were advertised 'To Let' by Grant Mills Wood on behalf of Network Rail a rateable value of £58,700 was stated.

Thirdly, whether the Valuation Office Agency database is searched by postcode or by street and town the rateable values of £6,700 "Bst 26a, Savage Gardens, London, EC3N 2AR" and £56,500 "Pt Gnd Mezz & 1st Fs 26a, Savage Gardens, London, EC3N 2AR" both appear.

B. Surrounding Properties

It is inconceivable that the applicants were unaware of the immediately adjacent residential properties when they claimed in regard of the currently derelict area "The terrace to the rear of the property is surrounded by commercial properties and as such will not need to be time limited though it will be regularly monitored and well lit." Mr Alderman consented to act as Designated Premises Supervisor (DPS), which means either he knew about the residential neighbours or he was consenting to the DPS of licensed premises he was wholly unfamiliar with.

During my meeting with Mr Thomas on 13 April 2018 he expressed the opinion that this false statement did not matter because it was known at the Licensing Sub Committee that the derelict area was surrounded by residential properties (Mr Alderman admitted at the hearing 22 June 2017 that the derelict area was, in fact, surrounded by residential properties). This is not case, responsible authorities were taken in by the false statement during the 28 day consultation period and therefore missed the opportunity to make representations.

C. Plans submitted 28 Apr 2017

These plans show a walkway above escape route, which was not constructed until earlier this year.

Section 17(3) requires an application for a premises licence be accompanied by a 'a plan of the premises to which the application relates,'. Any doubts as the meaning of the phrase "a plan of premises" can be resolved in the normal way by reference to the rest of the Act. Section 29 provides a mechanism by which planned premises can obtain a licence. As paragraph 8.87 of the Home Office guidance explains:

"Where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities, investors may be unwilling to commit funds unless they have some assurance that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed."

Paragraph 8.89 of the guidance provides that an application can be made under S.17 where *inter alia* "clear plans of the proposed structure exist", but paragraph 8.89 must be read in conjunction with paragraph 8.90 that states:

"In such cases, the licensing authority would include in the licence the date upon which it would come into effect."

The applicants asked for a licence starting 1 July 2017, but in the event were granted a licence on the 22 June 2017 starting the same day. That was the day of the Licensing Sub-Committee, which I attended, and there was no indication from the Mr Alderman that the plans were proposed rather than extant.

Section 17(2) is clear that applications under Section 17 are subject to the Regulations made under Section 54. The application form for a premises licence is Schedule 2 of the Regulations and requires an applicant to state (at Part 3 of Schedule 2) when they want the licence to start.

D. Plan drawn 16 May 2017

The 'Ground Floor Plan' purports to show (in red) fire safety signs and equipment and by direction arrows the means of escape. It is also clearly marked 'LICENSING'. In that it omits plant, including air conditioning units and the flue from a neighbouring property, it gives the impression that the escape route is significantly wider than it actually is, but far worse than that it hides the fact that persons attempting to make their escape along this passageway would be impeded by irregular obstructions. If the London Fire Brigade had been aware of the irregular obstructions along the escape route I should have thought that they would have made a site visit and submitted an objection to the grant of licence.

Deceit in obtaining the licence is not a ground for revoking the licence, but alcohol and dishonesty are a toxic mix. Given the above matters, the Licensing Authority cannot have the usual confidence that the premises licence holder and the designated premises supervisor will make reasonable

efforts to comply with conditions or licensing laws. The City of London and the various responsible authorities all recognise that on occasions mistakes are made and licensed premises fail to comply with laws and / or conditions but they know that the vast majority of those involved in the licensed trade in the Square Mile are honest and decent people and therefore work with the trade to resolve matters. There are, however, limits and Gremio's actions in regard of the application, the application fee, the plans and the failure to advertise the application casts further doubt on whether they can be fully trusted to operate the premises in a lawful and orderly manner. The Licence should therefore be revoked on Crime and Disorder grounds.

In the event that the Licensing Sub Committee has doubts regarding this matter then they may wish to note that on 19 July 2017, less than a month after Mr Alderman had to admit to the City's Licensing Sub Committee on 22 June 2017 that his statement "The terrace to the rear of the property is surrounded by commercial properties and as such will not need to be time limited though it will be regularly monitored and well lit." was untrue, he copied and pasted the same words into an application to the London Borough of Lambeth, where it was also untrue (There is a park to the rear of the Lambeth premises). In fact every single word of Mr Alderman's response to the query "Describe the steps you intend to take to promote the four licensing objectives:" (section 18 of 21 of the premises licence application form) is a copy and paste of his Savage Gardens application. I enclose a copy of the application in regard of Arch 77 Albert Embankment. Mr Alderman's actions display a complete contempt for the four licensing objectives.

Further Matters

Grant of Licence

There is a commonly held, but entirely erroneous belief that if a person or company makes an application for a premises licence then unless somebody objects the grant of a licence is automatic.

The reality plainly set out at Section 18(1)(a) is that unless an application for a premises licence is made in accordance with section 17 and (as set out at Section 18(1)(b)) the applicant has complied with the requirements set out at Section 17(5) then the power of a Licensing Authority to grant a licence does not crystallise.

This is clear in the Revised Guidance issued under section 182, which states at paragraph 1.15 (General Principles) that:

If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application,..
(Emphasis added)

and also at paragraph 34 of the City of London's Licensing Policy

The City of London Licensing Authority only has discretion on whether to grant applications for new premises licences or variations to licences, or to impose conditions on granting or varying licences, if representations relevant to the licensing objectives are made by 'responsible authorities' or by 'other persons'. If no representations are received and the application has been lawfully made, the Licensing Authority must grant all applications for premises licences.
(Emphasis added)

As set out above Gremio's application was not in accordance with S.17 and the S.17(5) requirements were not complied with and regardless of other concerns set out below, the premises licence should not have been granted.

The unlawful manner in which the application was made and the licence was issued are not grounds upon which the licence can be reviewed, but nor can the applicant's actions in obtaining the licence be disregarded.

Premises Leaseholder

Section 2 Licensing Act states that "A licensable activity may be carried on under and in accordance with a premises licence."

I met with Mr Anthony James Thomas a director of Gremio de London Limited at 26A Savage Gardens on 13 April 2018. He told me that subsequent to obtaining the licence in June 2017 they, by which I understood him to mean Gremio de London Ltd, had leased the premises from Network Rail. It transpires that it was not Gremio that leased the premises, but another company of which Mr Thomas is a director of, namely Tooting Tram and Social Limited. I enclose the Land Registry Title and Plan, which is a public document. It is not clear which company is responsible for the works that have been carried out at the premises, nor who would be carrying out licensable activities. Despite Tooting leasing the premises last year there has not to my knowledge been any application to transfer the licence.

I see and hear various references to the 'Antic Group', but it would appear that since 2012 there has been no such entity, but merely a variety of oddly named companies that appear to somehow involve Mr Thomas and / or Mr Alderman.