

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON WEDNESDAY 29 MAY AT 1.00 PM

APPLICANT: Gremio de London Ltd
PREMISES: Gremio de Fenchurch, 26A Savage Gardens, London,
EC3N 2AR

Sub-Committee:

Sophie Fernandes (Chairman)
Shravan Joshi
Michael Hudson

Officers:

Town Clerk – Leanne Murphy
Comptroller and City Solicitor – Paul Chadha
Markets & Consumer Protection - Peter Davenport
Markets & Consumer Protection - Rachel Pye
Markets & Consumer Protection - Andre Hewitt

Given Notice of Attendance:

Applicant:

Max Alderman* (Director, Gremio)

Making representation:

Leo Charalambides (from FTB Chambers representing 17 residents)
Marianne Fredericks CC
Siobhan Marshall (Environmental Health)

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 1.00PM in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application for a variation of a premises license in respect of Gremio de Fenchurch, 26A Savage Gardens, London, EC3N 2AR, the applicant being Gremio de London Ltd.

The Sub-Committee had before them the following documents:-

Hearing Procedure

Report of the Director of Markets & Consumer Protection

Appendix 1: Copy of Application

Appendix 2: Current Licence

Appendix 3: Applicant Amendment

Appendix 4: Conditions consistent with the operating schedule

Appendix 5: Review Hearing Minutes

Appendix 6: Consent Order

Appendix 7: Representations from responsible authorities

i) Environmental Health

Appendix 8: Representations from Other Persons

i) Resident 1

ii) Resident 2

iii) Resident 3

iv) Resident 4

v) Resident 5

vi) Resident 6

vii) Resident 7

viii) Resident 8

ix) Resident 9

x) Resident 10

xi) Resident 11

xii) Resident 12

xiii) Resident 13

xiv) CC Fredericks

Appendix 9: Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales

Appendix 10: Plan of Premises

1. The Hearing commenced at 1.00pm.
2. At the commencement of the Hearing, the Chairman stated that there had been an expression from the solicitor representing the residents that objected to the application for an adjournment of the Hearing.
3. The Chairman invited Mr Charalambides to set out the reasons for an adjournment. Mr Charalambides explained that he was representing all of the resident objectors and others in the wider community who crowdfunded the legal representation. He noted that none of the resident objectors were able to attend the Hearing due to it taking place at half term and so close to a bank holiday.
4. Mr Charalambides explained that S.102 of the licensing guidance emphasised the importance of the views of the local and wider community which would not be given at this Hearing without any residents present. He also advised that he could not take instruction from any of his clients should he need to if the Hearing was to go ahead.
5. Mr Charalambides advised that there were four key questions that the residents would like answered by the Applicant which would make a rearranged Hearing easier:
 - a. Advice on the licensing and planning of the premises;
 - b. To explain the confusion around off-sales and the area for its consumption;
 - c. The capacity of the premises and how the licensable conditions would be risk assessed;
 - d. The exact use of the premises.

6. The Comptroller and City Solicitor provided the statutory grounds for an adjournment advising the Sub Committee that subject to the provisions of Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005, an Authority had the power to adjourn a Hearing where it considers it to be necessary and in the public interest.
7. The Chairman invited the Applicant to respond to the request. The Applicant stated that this was a bizarre case as there had already been delays to the Hearing due to the original three public notices at the premises being removed. The Applicant indicated that he would prefer to proceed with the Hearing but would accept the decision of the Sub Committee if they agreed to an adjournment.
8. The Sub Committee drew the attention of those present to the agenda pack noting that the minutes of the Review Hearing indicated that very few residents attended the previous Hearing and when the Chairman offered the residents in attendance the opportunity to speak, they all confirmed they were happy with the summaries presented to the Sub Committee on their behalf. It was questioned whether residents would attend and speak if the Hearing were to be adjourned to another date.
9. The Sub Committee noted that they had received the written representations of all objectors, most of which were very similar, and the legal advisor and local Common Councilman present could adequately present the views of the residents. Ms Fredericks stated that she had submitted an objection in her own right. Mr Charalambides echoed that none of his clients were present to give him instruction during the Hearing. He also stated under the hearing regulations, each individual objector had the right to speak and give their individual voice which carried significant weight in a Hearing.
10. Mr Charalambides confirmed that a number of residents wished to be in attendance at the Hearing as the outcome would directly impact on the residents and the local area.
11. Ms Fredericks stated that the objector Beverley Hurley was the applicant of the Review Hearing last year and was instrumental to the case. She also noted that the Review Hearing had been adjourned as the Applicant was on holiday.
12. Ms Fredericks stated that the application was vague, and the residents had many questions that they wished to ask the Applicant. As they were unable to be present, they could not advise how the premises personally impacted them. Ms Fredericks therefore supported the request for an adjournment.
13. The Sub Committee retired at 1.19pm to decide whether they felt an adjournment was necessary.
14. The Sub Committee returned at 1.28pm.

15. The Chairman stated that having listened very carefully to the submissions made by the objectors and the Applicant who did not object, the Sub Committee reluctantly agreed to adjourn the Hearing.
16. All parties were content with the decision to adjourn the Hearing to a later date.
17. The Chairman adjourned the Hearing, thanked all parties for their attendance and explained that written confirmation of the new Hearing date would follow.

The meeting closed at 1.30 PM

Chairman

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