

DRAFT

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

4 MARCH 2021

2PM

**Councillors Present:** Councillor Brian Bell  
Councillor Emma Plouviez

**Officers in Attendance:** Subangini Sriramana (Principal Licensing Officer)  
Amanda Nauth (Lawyer), Peter Gray (Governance Officer)

**Also in Attendance:** Santo Remedio, Ground Floor, 55 Great Eastern Street, EC2A 3HP

Andy Newman (Applicant's Agent)  
Natalie Feary (Director at Santo Remedio and Applicant)  
Edson Diaz Fuentes (Director and Chief Executive at Santo Remedio)  
Ross Clarke (Shoreditch resident, speaking in support of the application)  
Mauel Diaz Cebriab (Shoreditch resident, speaking in support of the application)

**Responsibility Authority**

David Tuitt (Licensing Team Leader)

**Observer:**

Karishman Mahmmod (Legal Services)

**1. Election of Chair**

1.1 Councillor Brian Bell was appointed as Chair.

**2. Apologies for Absence**

2.1 Apologies for absence were submitted on behalf of Councillor Gilbert Smyth.

### **3. Minutes of previous meetings**

#### **RESOLVED:**

That the minutes of the following meetings be agreed as a correct record:

- 17 September 2020
- 1 October 2020
- 15 October 2020
- 19 October 2020
- 3 December 2020
- 17 December 2020
- 21 January 2021

### **4. Licensing Sub-committee Hearing Procedure**

4.1. The hearing procedure was outlined by the Chair

### **5. Premises License:**

5.1 Subangini Sriramana introduced the application for a premises license under the Licensing Act 2003:

- To authorise the supply of alcohol for consumption on the premises
- Provision of Late night refreshment

Representation from the Police was withdrawn following agreement to reduced hours and all proposed police conditions. Representation was received from the Licensing Authority on the grounds of the Preventions of Public Nuisance and Special Policy Area. There were no other representations.

5.2 Andy Newman (Licensing Consultant) made submissions in support of the application on behalf of the applicant. He submitted that with the exception of the representation from the Licensing Authority, no other representations had been received. Andy Newman submitted that the applicant managed two other premises in London with no issues arising around public nuisance. Further, four expressions of support had been received in relation to the application. The restaurant would consist of a seated waitress service providing for local clientele with minimal effect on the Special Policy Area because of the type of individuals attracted to the premises.

5.3 Natalie Feary and Edson Diaz Fuentes (Applicants) made submissions in support of the application, referring to the restaurant on Tooley Street, managed by them in a way that was respectful to neighbours. The venue in question was a sit down restaurant with set booking times for arrival with a maximum capacity of 35. She assured the Sub-Committee that guests would not cause any disturbance and that all effort was made to ensure that patrons left the premises in a respectful manner. The restaurant brought authentic Mexican food to London and provided local employment. There were no off sales from the premises.

5.4 David Tuitt made submissions against the application. He stated that the premises was in the Special Policy Area in an area saturated by licensed premises.

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He acknowledged that this was a small premise with conditions in place. Further, the Police had withdrawn their objections. He considered that there would be recovery in the area following the Pandemic.

5.5 Ross Clarke spoke in support of the application, stating that those who patronised the restaurant went to meet friends and did not cause any disturbance.

5.6 Mael Diaz Cebriab spoke in support of the application, stating that the restaurant served authentic Mexican food. Patrons visited the restaurant predominantly to eat and not to drink. He said that the restaurant was a good addition to the area.

5.7 The Chair considered that the core hours were acceptable and the restaurant was small with a condition that alcohol was ancillary to meals. Reference had been made to the fact that although some existing licensees may have changed their business model or ceased trading during the pandemic, most licenses not had been surrendered and still remained in place. Shoreditch was fully expected to recover, and the committee agreed there was an ongoing need to support the Special Policy Area in respect of other applications.

### **Decision:**

The Licensing Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm,

the application for a premises licence has been approved in accordance with the Council's Statement of Licensing Policy and the proposed conditions set out in paragraph 8.1 of the report, with no amendment:

### **Reasons for the decision**

The application has been approved as the Licensing sub-committee was satisfied that the licensing objectives would not be undermined in the Shoreditch Special Policy Area (Shoreditch SPA).

The sub-committee took into consideration that the Metropolitan Police agreed reduced hours and conditions in advance of the hearing with the applicant. It was also noted that there were no representations against the application from local residents in the area. The sub-committee took into consideration that there were two representations in support of the application.

The sub-committee took into consideration that it was a small restaurant, with the maximum capacity of 39 patrons (35 patrons inside and 4 patrons outside of the premises), that provided table service for a substantial meal with alcohol by waiter/waitress service together with other restaurant conditions which the applicant agreed to in order to maintain the licensing objectives.

The sub-committee took into consideration the fact that the applicant was an experienced operator of this type of local restaurant at other premises in Hackney in which they both live and work, and in the Shoreditch SPA from 2016 without incident. The applicant demonstrated that they were responsible operators who had an understanding of the nature of the locality in which the premises was located, and the proposed hours would not add to the cumulative impact of the Shoreditch SPA. The sub-committee felt that the premises due to its size and capacity would have less of a negative impact on the Shoreditch SPA.

The sub-committee heard from the applicant's representative who stated in their representations that the applicant had been operating the premises respectfully and mindful of their neighbours and local residents. Local residents had welcomed this restaurant to the area. Patrons tended to book in advance to have their meals, and there were no issues of noise nuisance from the premises.

After hearing from the applicant and from the Responsible Authority (Licensing), the sub-committee was satisfied with the conditions and the core hours that the applicant agreed to would mitigate any negative impact that granting the licence would have on the Shoreditch SPA, and on the potential for patrons to stay in the area for longer. The sub-committee noted that it is not clear to what extent premises licences in the area had been surrendered or transferred, however, it was noted that it was a challenging time in the Shoreditch SPA

Having taken all of the above factors into consideration, the Licensing Sub-Committee was satisfied, when granting the application, that the licensing objectives would not be undermined, particularly in relation to the prevention of public nuisance in the Shoreditch SPA.

## **7. Temporary Event Notices - Standing Item**

There were no temporary events notices.

**Duration of the meeting:** 2pm - 3pm

**Signed**

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**Chair of Committee**

**Contact:**

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