

**MINUTES OF THE LICENSING REVIEW (HEARING) SUB
COMMITTEE**

HELD ON 30 DECEMBER 2013

APPLICANT: CITY OF LONDON POLICE
PREMISES: THE DOLLHOUSE, 7-8 BISHOPSGATE CHURCHYARD,
LONDON, EC2M 3TJ

PRESENT

Sub Committee:

Edward Lord OBE JP CC (Chairman)
Marianne Fredericks CC
Deputy John Barker OBE CC

City of London Officers:

Alistair MacLellan – Town Clerk’s Department
Paul Chadha – Comptroller & City Solicitor’s Department
Peter Davenport – Markets & Consumer Protection Department

Applicant:

Gary Grant – Counsel representing the Applicant
Superintendent Norma Collicot – City of London Police
Inspector Hector McKoy – City of London Police
PC Daniel White – City of London Police

Premises:

Andrew Woods – Solicitor representing the Premises
Robert Wright – Designated Premises Supervisor

Responsible Authorities and Other Persons:

Jon Averbs – City of London Environmental Health and Trading Standards
Nigel Bedford – London Fire & Emergency Planning Authority

In Attendance:

Rakesh Hira – Town Clerk’s Department
Loretta Wright - wife of Robert Wright
Daniel Munt – potential partner in The Dollhouse

Licensing Act 2003 (Hearings) Regulations 2005

A Review Hearing was held at 11.00am in Committee Room 3, Guildhall, London, EC2, to consider and determine, through review, measures regarding the application

for a review of the premises licence for 'The Dollhouse, 7-8 Bishopsgate Churchyard, London, EC2M 3TJ.'

The Sub Committee had before them the following documents:-

Appendix 1 – Report of the Director of Markets and Consumer Protection

Application for Summary Review
Grounds for Review
Additional Information in support of Application

Appendix 2 – s.53A Certificate

Appendix 3 – Copy of Current Licence

Appendix 4 – Plan of Premises

Appendix 5 – Hearing Decision – October 2011

Appendix 6 – Decision of Licensing Sub Committee (Consideration of Interim Steps) – 2 December 2013

Appendix 7 – Representations from Responsible Authorities

City of London Trading Standards
London Fire & Emergency Planning Authority

Appendix 8 – Representations from Other Persons]

City of London Environmental Health

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

Together with late papers circulated subsequent to the Sub Committee agenda being published:

Email dated 24 December 2013 from Andrew Woods to Gary Grant outlining in brief proposals designed to reform the operational management of the Premises;

Witness Statement of Michael Watson, a licensing consultant engaged by the Premises;

Proposed Staff Licensing Guide and Operational Manual drafted by Michael Watson on behalf of the Premises;

Curriculum Vitae of Daniel Munt, a proposed joint-partner in the Premises.

1. The Hearing commenced at 11.00am.
2. The Chairman introduced the panel members and officers present and summarised the papers that had been considered by the panel in advance of the hearing. Given the number of attendees, those present introduced themselves and stated in what capacity they were attending the sub committee.
3. In response to an observation by Mr Woods, the Chairman noted that the sub committee had not seen or considered an application submitted by the premises to change the details of the Designated Premises Supervisor on Friday 27 December 2013.
4. The Chairman invited Mr Woods to explain the existing and proposed ownership arrangements concerning the premises, including the identity of existing and proposed partners. Mr Woods explained that the premises were currently owned by Mr David Wilcox (Premises Licence Holder) and Mr Robert Wright (Designated Premises Supervisor), as partners on a 50:50 basis. He stated for the record that Mr Wilcox and Mr Wright were half-brothers. It was proposed that this ownership model be changed to involve four investing partners, namely Mr Wilcox, Mr Wright, Mr Daniel Munt and Mr Charles Oakley.
5. Mr Wright intervened to explain that each of the four partners would hold a 25% investment in the premises. He added that Mr Charles Oakley was involved in Oakley Horseboxes and would be able to bring considerable marketing experience to the premises. He noted that the proposed partnership arrangements were not formal (being only a partnership-at-will at present) but that it was intended to formalise arrangements through a limited company.
6. The Chairman stated that the sub committee would be reviewing how the premises had been operated to date, and how the premises may be operated if its operating model were to be changed. He added that the sub committee would be basing its decision on the evidence it had before it and asked therefore if those present accepted the evidence that had been published to date.
7. Mr Woods stated that his client did not accept all of the published evidence. He said that it was the aim of his client – at the hearing - to outline how the premises would move forward from the current situation. He added that his client accepted the need for a review of the premises licence and that there were clearly some issues over how it had been operating to date.
8. The Chairman commented that it would be helpful for Mr Woods to make clear how much of the published evidence his client did or did not accept. Mr Woods replied that his client was happy with the purely factual evidence, such as information held on the Police Computer and within Police Witness Statements. His client did not accept more subjective evidence however – an example being a claim that his client had a ‘blank expression’ on his face when approached over an issue regarding the operation of the premises. Mr Woods concluded by

saying that principally his client did not accept the claim that there had been a completed lack of engagement between the premises and the City of London Police. His client did accept however that there had been operational failures in the management of the premises and accepted the need for the review of the premises licence following the trigger incident on the night of 28/29 November.

9. The Chairman invited the Applicant to open their evidence. Mr Grant drew the sub committee's attention to a witness statement by the local police commander within the agenda pack that stated that the premises were a source of great concern to him and that 'chaos was commonplace'.
10. Mr Woods intervened to note that the page numbers of his agenda pack did not match with those being used by the Applicant.

The Sub Committee took a short break whilst this issue was resolved. It reconvened at 1145.

11. Mr Grant stated that he would deal with the highlights of the evidence before the sub committee. He argued that the trigger incident of 28/29 November was not an isolated event but should instead be regarded as a culmination of the consistent failure of the premises management to operate the premises responsibly. He noted that three of the police statements – given by local beat officers - with the agenda pack supported this view in that they each referred to the premises as being the location of flashpoints of disorder and violence.
12. Mr Grant continued by noting that the view of the Police was supported by the Estate Manager of neighbouring Dashwood House. He drew the sub committee's attention to the Incident Log kept by security staff at Dashwood House that demonstrated consistent issues of criminal damage, urination, vomiting, sexual acts, disorder and other anti-social behaviour by patrons of the Dollhouse that affected Dashwood House.
13. Mr Grant went on to note deep concern over the 18 incidents of serious disorder, crime and violence that had been recorded in relation to the premises. He noted that of these, 14 had gone unreported by the premises and therefore it was a fair inference that similar incidents were going similarly unreported. He added that it was the view of Inspector McKoy that the level of disorder associated with the premises was disproportionate to its size. It was apparent that some patrons carried knives into the premises, and there was police intelligence that some patrons attended with handguns – which gave troubling context to the shout of 'Go get the gun' heard by Police responding to the trigger incident on 28/29 November. Furthermore, the disorder associated with the premises was not restricted to alcohol-related anti-social behaviour, in that police intelligence had identified some patrons who had links to gang-related activity.
14. Mr Grant noted that the typical character of the premises' clientele was that of those who chose to use violence as a means of communication. He highlighted incidents of disorder associated with the premises. On 10 June 2012 a car had been used to deliberately mount the pavement so that it could be driven into a

group of persons. On 21 May 2012 a fight that had started within the premises had continued into the street, during which two individuals had been stabbed. The premises had failed to report this incident to the police. On 22 April 2013 a male had argued with his ex-girlfriend within the premises and then violently attacked her within full view of two SIA-approved premises security staff who later refused to provide evidence on what they had witnessed to police, claiming fear of reprisal. He added that when police did attend, there was often an atmosphere of latent hostility shown towards them by the patrons of the premises.

15. Mr Grant said that it was the Applicant's opinion that the licence holder appeared to place profit before sensible management. Irresponsible sale of alcohol was compounded by late opening hours that allowed already-drunk patrons attend the premises, consume more alcohol and typically fight each other. It was clear that the premises had gained the reputation for those who were intent on engaging in violence and disorder. He illustrated the irresponsible sale of alcohol by noting that an undercover police officer had witnessed large, wholesale bottles of vodka served with lit flares, encouraging the celebration of overindulgence. This practice had been raised with premises management but had continued despite assurances to the contrary. Throughout, it was clear that management was ineffective in both preventing, and dealing with, violence and disorder. It was for this reason that the Applicant was seeking complete revocation of the licence rather than the simple reduction in licenced hours.
16. Mr Grant went on to note that the response of the premises to the interim suspension of the premises licence had been to seek to involve Mr Daniel Munt as a proposed partner.
17. Inspector McKoy intervened to note that he had discussed Mr Munt's background with Metropolitan Police colleagues based in Westminster, and had been given generally negative feedback on Mr Munt's experience of operating licenced premises.
18. Mr Grant continued by drawing the sub committee's attention to the Schedule of Incidents within the agenda pack, and noted that it was an informative exercise to relate this chronologically to the meetings held between the Police and the premises management. For example, the 21 May 2012 stabbing and 10 June 2012 fight had been raised with management at the meeting on 14 August 2012. At that meeting the Police had expressed concern and requested for speedy reporting of such incidents so that they could respond. Despite this, there had been 18 incidents of violent disorder subsequently, of which 14 were unreported. Furthermore, management was warned about irresponsible drinks promotions and told not to glorify drinking from large wholesale bottles – this practice had nevertheless continued.
19. Mr Grant noted that under the proposed partnership model, Mr Wright and Mr Wilcox would still control 50% of the premises between them and would therefore still exercise significant control over its management. This was concerning given evidence of their previous approach to management. For

example, their inability to adequately deal with misleading promotional literature used during 2012 that falsely claimed that the premises was the venue of Lady Gaga's Official Afterparty following her London concert. The seriousness of this had been compounded by the fact that the date clashed with the Paralympic Marathon and would have conflicted with scheduled road closures in the vicinity of the premises.

20. Mr Grant reiterated the example of police intelligence that a handgun had been displayed within the premises on 19 November 2012, and that this had been echoed in the '*Go get the gun*' shout overheard by police responding to the November 2013 trigger incident.
21. Mr Grant highlighted the evidence gathered by a covert police officer who had visited the premises, who had noted inadequate searching of patrons by bar staff and the obvious use of drugs by patron in the toilets. When a drug user had later been arrested it transpired he was a member of the Promoter's team using the premises that evening, and moreover when the premises management had been informed of this their reaction had been one of indifference. Lastly, the covert police officer had witnessed lit flares coming dangerously close to lighting low-hanging decorations within the premises.
22. Mr Grant added that when police had attended the premises on 1 January 2013 there had been a strong smell of cannabis with the venue; there were no female door supervisors, meaning all female patrons had been admitted without being searched for drugs and offensive weapons; and that there had been an atmosphere of hostility to the police, including an overheard instruction to '*Go get the knife*'.
23. Mr Grant said that the issues apparent at the venue during the Christmas 2012 and New Year 2013 had been raised with premises management at a meeting on 14 January 2013. At that meeting it had been suggested that Mr Wright become the Designated Premises Supervisor, and that the problems – which were described by management as 'one-off' in nature – be dealt with by adopting some new premises policies. These policies were similar to the proposals now given by the premises management once more. Nevertheless, following the January 2013 meeting, problems at the venue had continued. Management was arguably part of the problem therefore, than part of the solution. Mr Grant noted that it was interesting to see that the premises management was proposing to no longer work with promoters, given the example of Mr Wright informing the Police in December 2012 that the premises would no longer work with a certain promoter – and nevertheless the promoter in question had continued to run regular events at the venue subsequent to this.
24. Mr Grant highlighted two further incidents, including the so-called St Valentine's Day Massacre in February 2013 that police had been told would be a relaxed afro-beat music event but was instead promoted using images of 50-Cent. Moreover, in the same month there was a serious fight at the venue which police intelligence reported to involve a known drug dealer.

25. Mr Grant then referred to an incident that took place on 19 October 2013 (he noted this was incorrectly listed in the documentation as having occurred on 27 October). Around 100 persons had been ejected from the premises and proceeded to fight in the street outside. The large scale disorder had to be dealt with by deploying police dogs. The premises had not assisted, save simply locking its doors. Premises management did not call police for assistance.
26. Mr Grant went on to note that the trigger event of 28/29 November then occurred. He expressed concern that at the Interim Hearing on 2 December, Mr Wilcox had described the premises as peaceful during the evening – but it was now known that on that night a male had – within the venue - been repeatedly bottled and had his face slashed with either a broken bottle or knife so severely that part of his face had to be reattached in hospital.
27. The Chairman intervened to ask if the premises had provided CCTV footage of the interior of the premises for the night of 28/29 November. Inspector McKoy replied that, despite numerous attempts to contact Mr Wright, this had not been provided. The Chairman noted that this meant the premises was technically in breach of its licensing conditions.
28. Mr Grant went on to briefly note that the premises – following a visit by City of London Trading Standards - was also apparently serving cheap vodka in branded-bottles, and that moreover it appeared that some of these bottles had not had the appropriate duty paid on them. Furthermore, at a subsequent visit by the London Fire and Emergency Planning Authority (LFEPA) empty cheap and branded bottles had once more been witnessed in the basement of the premises. This was in addition to issues raised by the LFEPA in their submission to the sub committee.
29. Mr Grant concluded by noting the Applicant was unimpressed by the proposed new management model. Moreover the Applicant was unimpressed with Mr Munt's reputation in the operational management of licenced premises. He drew the sub committee's attention to Inspector McKoy's written submission that issues concerning the management of the premises were 'not superficial', and that the licencing objectives had been consistently undermined. The Applicant therefore remained of the view that the premises licence should be revoked.
30. Mr Bedford addressed the sub committee, noting that both he and colleagues from the LFEPA Peak Activity Team had concerns with the premises management's approach to fire safety, following visits to the venue. He noted that on one visit to the premises, he had not been able to access the fire alarm panel due to large items being stored in front of it. Moreover, the premises manager had failed to keep a scheduled appointment for a routine fire safety audit and that fire safety standards at the premises had not been maintained as expected.
31. Mr Avern summarised both the Environmental Health and the Trading Standards submissions to the sub committee, noting that four potential offences

under the Serious Crime Act 2007 had been identified following visits to the premises, two of which were classed as 'serious'.

At the request of Mr Woods the sub committee took a short break from proceedings.

32. When the sub committee reconvened, Mr Woods was invited to state his client's case. He said that he would aim to be concise in addressing issues in the written evidence, and to propose in part remedial action that was planned by the premises management. He said his client agreed that the past operation of the premises had encouraged disorder, but that much of the disorder had been associated with promoted events.
33. The Chairman intervened to note that whilst a promoted may be responsible for disorder, the licence holder of the premises remained accountable to how it was managed.
34. Mr Woods agreed. He suggested that the approach outlined in his 24 December email be adopted. He said that his client agreed that the character and genre of the premises needed to change, and that his client was prepared to resolve issues associated with its management. He noted that Mr Munt had been involved in the management of licenced premises in London for several years, and had recently been runner-up on Best Bar None Awards. Despite Inspector McKoy's statement that Metropolitan Police colleagues had given negative feedback over the management of premises that Mr Munt had been involved in, Mr Munt had been unaware of any issues when he had last been in touch with the Metropolitan Police a fortnight ago. Mr Woods added that no part of his evidence was intended to be defensive or sought to challenge the reasons for the review of the premises licence. He added that his client accepted there had been some failings in the management of the premises.
35. The Chairman suggested that this was an understatement, given that even if half of the evidence provided to the sub committee were true the failings would remain very serious indeed. He added that many of the incidents of serious disorder – particularly on 19 October 2013 and 28/29 November 2013 had occurred when Mr Wright was the Designated Premises Supervisor.
36. In response to a question from the Chairman, Mr Wright confirmed he had been present on the night of 28/29 November and that he had not reported the escalating violence to police as it had occurred quickly and the police had begun to respond by the time he had a chance to report it. The Chairman noted that the sub committee had seen CCTV footage that demonstrated it had in fact taken a significant period of time for the police to respond. Mr Wright stated that trouble had started as a small scuffle at the top of the stairs into the venue with which premises security staff had been dealing with.
37. In response to a question from the Chairman over why the sub committee should believe the nature of the premises management should change given both Mr Wright and Mr Wilcox would remain controlling partners, Mr Wright replied that he had always demonstrated a willingness to change the character

of the premises. For example, he had attempted to diversify the business model of the premises by offering food. He had been canvassing Mr Oakley's involvement in the premises for quite some time. He added that, as a teacher by profession, he did not want to be running a venue that was associated with crime and disorder. He accepted the failings of the past two years but argued these had given him the experience to move on and change the character of the venue.

38. Mr Woods noted that the last meeting between premises management and the Police had been on 31 July 2013, and therefore there had been a significant period on non-engagement by the Police before the trigger incident of 28/29 November. Furthermore, the event held at the venue on 28 November had been a repeat of a previously peaceful event held in 2012. Moreover, management had submitted a 696 form for the event, based on which the event had been classed 'low-risk'.
39. In response to questions from the Chairman, Mr Wright confirmed that CCTV of the interior of the premises on 28 November had been submitted to the City of London Police during the week commencing 23 December, and that the delay in submitting it had been due to the fact he lives outside of London.
40. Mr Woods noted that one of the incidents referred to in the agenda pack – during which a male had assaulted a transgender companion – had taken place between a couple rather than two strangers. The Chairman commented that nevertheless the incident remained very serious indeed given it represented domestic violence. Mr Woods agreed.
41. In response to a question from the Chairman, Mr Wright confirmed the venue had been open as normal during the summer period.
42. Mr Woods suggested that the pattern of incidents associated with the premises was consistent with that of a comparative venue. The Chairman replied that, based on the evidence before the sub committee, the number of incidents associated with the venue was clearly above average.
43. In response to a question from Mr Woods over why the police had failed to meet with the premises between 31 July and the November trigger incident given its management was as bad as was alleged, Inspector McKoy replied that routine diary pressures had precluded a meeting from taking place. Mr Woods noted that this was not an acceptable reason given characterisation now made of the premises management by the Applicant. A member of the sub committee observed that City of London Police had held a number of meetings with Premises management, commitments arising from which the premises management had often failed to maintain. Moreover, when Police had attended the Premises they had often been met with hostility by the Licence Holder.
44. In response to a question from the sub committee over how much confidence could be placed in the ability of the premises management to translate their commitments into actual outcomes, Mr Wright provided examples of management having done so in the past, namely through the provision of staff

uniforms; installation of rigid barriers; prioritising the timely submission of 696 forms; ceasing to sell jeroboam and methuselah-sized bottles.

45. Mr Woods added that Mr Wright was keen to promote a good working relationship with the Applicant, and that he felt he had a good working relationship with Inspector McKoy – this was demonstrated by the tone of emails within the agenda pack.
46. The Chairman questioned the contrast between Mr Wright's expressed desire for a good working relationship with the Police, and the documented hostility shown by patrons of the premises to visiting Police. Mr Grant intervened to note that documented hostility was the result of clientele and Mr Wilcox, rather than Mr Wright.
47. In response to a question from the Chairman, Inspector McKoy confirmed police officers had been injured during the trigger incident on 28/29 November.
48. Mr Woods asked the sub committee, when coming to its decision, to consider the pattern of incidents over the past six months. He asked them to consider also the fact that Mr Wright had invested around £100,000 in the premises. He asked that the sub committee consider that Mr Wright was the individual who was able to take the premises forward. Commenting on various issues, he noted that lit flares had been risk assessed; mention of the police intelligence on the handgun within the venue was the first time Mr Wright had been made aware of it; and that a female door supervisor had been hired and retained within 24-hours of the suggestion for the premises to do so.
49. The Chairman replied that proper searching of both males and females was an expectation of any licensed premises. Mr Wright agreed, noting that the January and February 2013 meetings with police had focused on searching. Inspector McKoy intervened to note the police had witnessed ineffective search practices at the premises subsequent to those meetings.
50. In response to a question from a member of the sub committee over whether door searches had ever revealed and weapons or drugs, Mr Wright replied that they had not, and that moreover door staff had been using wands to carry out those searches. A member of the sub committee commented that this was concerning given that weapons and drugs had been evidenced to be within the venue during the course of its operation over the past two years.
51. The Chairman noted that he found it hard to believe that any London nightclub would fail to find any weapons or drugs among its patrons, particularly over a 12 month period. He asked how many persons the premises had refused entry to over the past year. In reply, Mr Wright commented that 100 persons had been refused entry on the night of the trigger incident – he added that the premises aimed to only admit smartly dressed over-21 year olds.
52. In response to a question from the sub committee Mr Wright replied that the permitted capacity of the venue was 210 persons. Mr Bedford commented that the premises had originally been given a 150-person capacity and that this had

later been extended to 191 (including staff). This capacity had been provided in writing. Mr Grant intervened to note that the premises' website claimed they could hold private functions for 300 persons.

53. In response to a question from the Chairman, Mr Wright confirmed that the premises kept an incident log. Mr Bedford intervened to note that, when he visited the premises and requested to see such a log, he was told that this would not be possible.
54. Mr Woods intervened to suggest that, in addition to the proposals outlined in his 24 December email, the sub committee choose to adding standard conditions onto the premises licence.
55. In response to a question from the Chairman, Mr Munt confirmed that he was prepared to make a full 25% investment in the premises and remain committed for the long-term, noting that it would not benefit him financially to abandon his investment after a short period of time.
56. In response to a question from Mr Grant over why he had left his previous employment and instead invest in the premises, Mr Munt replied that he had already left his previous employment and was planning to make an investment when the opportunity arose. He noted that he had been approached by Mr Wright through a third party in early December 2013. He confirmed that he had been made aware of issues associated with the premises during the course of December after the Summary Review had taken place on 2 December. Moreover the current Review Hearing was giving him the opportunity to become familiarised with these issues further.
57. In response to a comment from a member of the sub committee over the size of his investment compared to the shared investment of Mr Wright and Mr Wilcox, Mr Munt replied that he had been promised full operational control over the premises. A member of the sub committee expressed concern that Mr Munt, as a minority shareholder, would not be able to exercise control over Mr Wilcox, particularly given Mr Wright – as his half-brother – had been unable to also.
58. In response to a question from a member of the sub committee regarding the trigger incident on 28/29 November, Mr Wright confirmed that disorder had started on the stairs of the venue as guests were leaving. He added that the bar had stopped serving at 0300 and the music had ceased by 0315, and that lights had been switched on at that time. He had been present on the dancefloor handing out cake. The member of the sub committee noted that it was clear from the evidence that the disorder had started within the premises, on the dancefloor, with the bottle attack that resulted in the severe facial injury to an individual. She noted that the premises was a small venue and asked how staff had failed to notice such a serious incident occurring in such a small space. Mr Wright replied that a lot of people had been leaving the venue at that time and so the incident had not been spotted amongst the crowd. The member of the sub committee noted further that the written report of the incident suggested that security staff had in fact noticed the incident and had ushered the victim off the premises whilst failing to call either an ambulance or the Police.

59. Mr Woods reiterated his request that the sub committee consider the pattern of incidents over the past six months when reaching their decision. He added that the inclusion of Mr Munt as a partner in running the premises was a statement of intent.
60. Mr Grant added that – with four partners – Mr Munt would always face being outvoted on matters regarding operational control of the other partners chose to do so. He added that, even if the licence was amended to include reduced hours, this would not solve the failings in premises management such as the apparent sale of cheaper vodka in branded bottles.
61. Mr Wright added that the premises had taken a delivery of alcohol on the night that Environmental Health officers had seized alcohol that had not had its duty paid, and in response the premises had passed on details of the supplier to the authorities for further investigation.
62. The Chairman thanked those present and noted the sub committee would retire to consider its decision. He advised them that the decision would be circulated by email that afternoon, and a full written decision would be circulated in writing in due course.

The meeting closed at 1.55pm

Chairman

Alistair MacLellan
020 7332 1416
alistair.maclellan@cityoflondon.gov.uk

Copy of the Decision circulated to all parties on 7 January 2014

THE COMMON COUNCIL OF THE CITY OF LONDON

LICENSING SUB-COMMITTEE

Edward Lord OBE JP (Chairman)
Marianne Fredericks CC
Deputy John Barker OBE CC

Monday 30 December 2013 (11:00-13:55)

IN RE:

THE DOLLHOUSE
7-8 BISHOPSGATE CHURCHYARD EC2M
(WARD OF BISHOPSGATE)

The Sub-Committee was addressed by Mr Gary Grant of Counsel for the Applicant and by Mr Andrew Woods for the Premises. The Sub-Committee also heard from Mr Jon Averbs, Port Health and Public Protection Director and Mr Nigel Bedford of the London Fire and Emergency Planning Authority on behalf of the responsible authorities.

This was a substantive Review Hearing convened, following an Interim Steps Hearing, for premises known as The Dollhouse, 7-8 Bishopsgate Churchyard, London, EC2M 3TJ held on Monday 2 December 2013.

The Sub-Committee had before it an agenda pack including a Report of the Director of Markets and Consumer Protection, the application for summary review along with the detailed grounds for review and supporting evidence, representations from responsible authorities and other persons, as well as papers circulated on behalf of the premises licence holder subsequent to the publication of the Agenda but prior to the commencement of the hearing, including brief proposals for reform of the operational management of the premises outlined by Mr Andrew Woods, and copies of a proposed Staff Licensing Guide and Premises Operational Manual.

The Sub-Committee considered the verbal evidence provided on behalf of the Applicant, namely that the trigger incident of serious public disorder on the night of 28/29 November 2013 was the culmination of serial mismanagement of the Premises, preceded as it was by a similar incident on 19 October 2013 and typified throughout the period of operation of the venue by the failure to adequately implement commitments made to the City of London Police during licensing engagement meetings; failure to responsibly stage and manage promoted events; failure to adequately report instances of public disorder to the

Police; and failing to promote an atmosphere within the premises consistent with one to be expected of a responsibly managed venue of night-time entertainment.

The Sub-Committee also considered the evidence put forward in the representations from responsible authorities and other persons. They noted the fact that materials seized at the premises by City of London Trading Standard had led to breaches of the Food Safety Act 1990, Trademarks Act 1994 and the Fraud Act 2006 being identified. Furthermore they considered the fact that the premises licence holder had engaged unsatisfactorily with officers from the London Fire & Emergency Planning Authority and had failed to implement safety measures required by that authority. Moreover, the Sub-Committee noted the Designated Premises Supervisor's unawareness, when questioned, of the permitted capacity of the premises.

The Sub-Committee went on to consider the verbal evidence put forward on behalf of the premises licence holder with the intention of reforming the way in which the premises was operated, including the proposed new joint-partnership model that would see operational control of the premises handed to Mr Daniel Munt; confirmation that Mr David Wilcox would cease to have any involvement in the management of the premises; the willingness expressed by Mr Robert Wright to change the character and operating model of the business; and commitments to cease running promoted events and reduce the licensed hours of alcohol sales.

The Sub-Committee considered the available options contained in S.53C(3) of the Licensing Act 2003, these being :

- The modification of the conditions of the premises licence;
- The exclusion of a licensable activity from the scope of the licence;
- The removal of the designated premises supervisor from the licence;
- The suspension of the licence for a period not exceeding three months;
- The revocation of the licence

The Sub-Committee felt it clear from the evidence before it that there were clear failings in the responsible and appropriate operational management of the premises that demonstrated the unwillingness or inability for premises management to operate the venue in a manner consistent with that expected of a licensed premises in the City of London. Evidence provided to the Sub-Committee by the City of London Police clearly demonstrated – through consistent instances of public disorder - that there was a real and demonstrable risk to the personal safety of both patrons of the venue and the wider general public that would not be solved by a simple reduction of licensed hours. This evidence was also reinforced by representations from responsible authorities and other persons that expressed demonstrable concern over the legal, responsible sale of alcohol within the venue. Moreover, the Sub-Committee

noted that the failure by premises management to implement commitments made to the City of London Police at regular licensing meetings for the improved management of the premises.

Furthermore, the Sub-Committee was not convinced that the proposed management re-structure and change in the character of the premises satisfactorily addressed the concerns raised by the police and responsible authorities. Whilst acknowledging that the proposed re-structuring of the business had, by necessity, been put together in a short period of time, the Sub-Committee had serious concerns as to the continued involvement of Mr Wilcox and Mr Wright with the business. Consequently, the Sub-Committee did not consider that the proposed change in management structure and designated premises supervisor would be sufficient to allay the concerns of the Applicant or the Sub-Committee.

The Sub-Committee went on to consider whether the imposition of conditions on the premises licence or removal of one or more licensable activity from the premises licence were capable of addressing the serious concerns raised by the Applicant in respect of crime and disorder issues and concluded that, in light of the number of serious incidents of crime and disorder associated with the premises over a prolonged period of time that these two options were not capable of satisfactorily addressing the Sub-Committee's concerns.

The Sub-Committee also considered whether the suspension of the premises licence would be appropriate but concluded that, in light of the number of serious instances of crime and disorder culminating with the events of 28/29 November 2013 that the suspension of the premises licence for up to 3 months would not be sufficient to address its concerns as to the levels of violence associated with the premises and the manner in which the premises had been managed.

In light of all the evidence presented to the Sub-Committee, it considered that it was necessary and appropriate to revoke the premises licence with immediate effect.

If any party is dissatisfied with this decision they are reminded of the right to appeal, within 21 days of the date of this decision being communicated to them, to a Magistrates' Court. Any party proposing to appeal is also reminded that under section 181 (2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make any order as to costs as it thinks fit.

**C E Lord
M Fredericks
J Barker**