



LICENSING (HEARING) SUB COMMITTEE

Date: WEDNESDAY, 19 FEBRUARY 2014

Time: 11.00 am

**Venue: COMMITTEE ROOM 3 -
CTTEERM3**

APPLICANT:

CITY OF LONDON POLICE

PREMISES:

**FENG SHUI, 1A PUDDING LANE, LONDON
EC3R 8AB**

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LICENSING (HEARING) SUB COMMITTEE PROCEDURE FOR PUBLIC HEARINGS

1. This procedure shall apply to all public hearings conducted under the provisions of the Licensing Act 2003.
2. Public hearings conducted under the provisions of the Licensing Act 2003 shall take the form of a discussion led by the licensing authority. Cross-examination will be permitted when the Sub Committee considers it to be required. The conduct of hearings shall be broadly based, subject to the discretion of the Sub Committee, on the points set out below.
3. At the start of the hearing the Chairman of the Sub Committee will introduce him/herself and other Members of the Sub Committee as well as the City Corporation officers present. Anyone making representations will then be asked to introduce themselves and anyone accompanying them. The applicant will then do likewise.¹
4. The Chairman will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Sub Committee will then make any rulings necessary in respect of requests for witnesses to be heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support, consideration should be given to having one spokesman on behalf of all parties so as to avoid repetition. Although the use of a spokesman will be encouraged by the Sub Committee, the decision rests with those parties making representations.
6. In the event of disorder or persistent disregard of the authority of the Chair, the Chairman may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Sub Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.

¹ In hearings where a licence is being reviewed, references in this procedure to 'applicant' should be read as references to the licence holder and references to 'those making representations' should be read as references to those applying for the review.

9. In the event that the Sub Committee has decided that cross-examination will be permitted, those making representations will be invited to ask questions of the applicant and their witnesses (if any). The applicant and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
10. The Chairman will ask all parties if there is anything else they would like to add in support of their respective cases.
11. Those making representations will then be invited to make closing submissions followed by the applicant.
12. The Sub Committee will then retire to consider their decision. They may call for assistance by the representatives of the Town Clerk and/or the Comptroller & City Solicitor but those persons will play no part in the decision-making process.
13. In due course, the Sub Committee will return to announce their decision or to inform those present when the decision will be given.

Committee(s): Licensing (Hearing) Sub-Committee	Hearing Date(s): 19 February 2014
Subject: Licensing Act 2003 - Application for the summary review of a premises licence	
Name of Premises: Feng Shui Address of Premises: 1a Pudding Lane, EC3R 8AB	
Report of: Director of Markets and Consumer Protection	Public
Ward (if appropriate): Bridge and Bridge Without	

1 Introduction

- 1.1 To consider and determine, by public hearing, the application for a summary review of a premises license under the Licensing Act 2003 by the Commissioner of Police for the City of London, taking into account the representation of the responsible authority detailed in paragraph 4 and the policy considerations detailed in paragraph 6 of this report.
- 1.2 The decision of the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives, namely:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

2 Summary of Application

- 2.1 An application under s.53A of the Licensing Act 2003 (premises associated with serious crime or disorder) made on behalf of the Chief Officer of Police for the City of London by Inspector **McKoy** was received by the Licensing Authority on 24 January 2014 for the summary review of a premises licence in respect of the premises:

Feng Shui
1a Pudding Lane
EC3R 8AB

on the grounds that the premises is associated with both serious crime and serious disorder. The application was accompanied with the grounds for review. A copy of the application can be seen as Appendix 1a and the grounds for review as Appendix 1b.

The application was also accompanied with the statutorily required Certificate signed by Superintendent N. Collicott (Appendix 2).

3 Licensing History of Premises

- 3.1 The premises is a basement Chinese Restaurant and Bar. Its current licence permits the following licensable activities:

<u>Activity</u>	<u>Current Licence</u>
Sale of Alcohol, Film, Plays, Live Music, Recorded Music, Performance of Dance, Provision of dance,	Mon-Sun 10:00 – 04:00
Late Night Refreshment	Mon-Sun 23:00 – 05:00

The opening hours of the premises are from 08:00 to 05:00 Monday to Sunday. A copy of the current licence can be seen as Appendix 3 and a plan of the premises as Appendix 4.

- 3.2 The premises, trading as Feng Shui, obtained a licence on 1 June 2012.
- 3.3 On 24 January 2014 the City of London police applied under s.53A of the Licensing Act 2003 for a review of ‘Feng Shui’ on the basis that the premises are associated with both serious crime and serious disorder.
- 3.4 Following the receipt of the application for summary review the Licensing Sub-Committee met on the 28 January 2014 to consider whether it was necessary to take interim steps pending the determination of the substantive review. The Sub-Committee made the decision to reduce the terminal hour of all licensable activities to

midnight and to impose the following condition on the premises licence with immediate effect: ‘There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.’ A copy of the decision can be seen as Appendix 5.

4 Representations from Responsible Authorities

- 4.1 One representation has been received from the City of London’s Environmental Health Pollution Control Team. The representation evidences customers of Feng Shui creating public nuisance in November 2013. The representation can be seen in full as Appendix 6.

5 Representations From Other Persons

- 5.1 There were no representations from other persons.

6 Policy Considerations

- 6.1 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing policy and statutory guidance issued under s 182 of the Licensing Act 2003.

City of London Corporation’s Statement of Licensing Policy

- 6.2 The following sections/paragraphs of the City of London Corporation’s Statement of Licensing Policy are particularly applicable to this application.

Paragraphs 51-54 - state the Corporation’s policy on setting conditions which may be applicable dependant on the step(s) taken by members as stated in paragraph nine of this report.

Paragraph 66 - Introduces a number of relevant matters to be considered by the City Corporation when assessing the likelihood of a

particular licensable activity causing an unacceptable adverse impact, particularly on local residents and businesses.

Statutory Guidance

- 6.3 The following sections/paragraphs of the guidance issued by the Home Office entitled, ‘Section 53A Licensing Act 2003 – Summary Review Guidance’, are of particular relevance to this application:

Chapter 5 refers to the review of the premises licence and the steps that a licensing authority can take.

Paragraph 5.1 reiterates that the licensing authority must, ‘Consider what steps it considers appropriate for the promotion of the licensing objectives.’

Paragraph 5.1 also states that the licensing authority must decide whether or not the interim steps taken i.e. suspension of the premises licence, ceases to have effect altogether or becomes the subject of any steps which it considers are appropriate when making its determination on the review.

- 6.4 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are also relevant to this application:

Chapter 9, paragraphs 9.27 to 9.40, covers the determination of applications at a hearing. Of particular note is paragraph 9.39 which states, ‘The [*licensing*] Authority’s determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve’.

Chapter 11 specifically refers to guidance on reviews. In particular, paragraph 11.17 states that, ‘The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.’

7 Map of area and nearby premises

- 7.1 A map showing the location of the premises together with nearby licensed premises is attached at Appendix 7. A key of those premises is included which indicates the maximum permitted hours for alcohol sales in respect of each premises.

8 Summary

- 8.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1998. The Corporation must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the City.

9 Options

- 9.1 The sub-committee must, having regard to the application and any relevant representations, take such of the following steps (if any) as it considers appropriate and necessary for the promotion of the licensing objectives:

- i) modify the conditions of the licence (this includes altering or removing any existing condition or adding any new condition);
- ii) exclude a licensable activity from the scope of the licence;
- iii) remove the designated premises supervisor;
- iv) suspend the licence for a period not exceeding three months;
- v) revoke the licence

In the event that the Sub-Committee decides to take either of the steps set out in i) and/or ii) above, it may provide that the modification or exclusion is to have an effect for a specified period (not to exceed 3 months).

Any determination by the sub-committee will not have effect until the end of 21 days following notification of the decision by the licensing

authority. If the decision is appealed against, any determination will have effect after the appeal is disposed of.

The sub-committee’s decision is required to be made at the conclusion of the hearing.

In the meantime, any interim steps taken under s.53A (2) will remain in place until after the time period specified above i.e. the determination of the review becomes effective.

10 Recommendation

10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a review of a premises licence in accordance with paragraph 9 of this report.

Prepared by P Davenport
 Licensing Manager
 peter.davenport@cityoflondon.gov.uk

Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy Statutory Guidance – ‘June 2013 Amended Guidance Issued Under Section 182 Of The Licensing Act 2003’. Section 53A Licensing Act 2003 – Summary Review Guidance	MCP	5 th Floor Walbrook Wharf https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol-supporting-guidance/s53a-licensing-act?view=Binary
Premises file	MCP	5 th Floor Walbrook Wharf

Appendix 1i)

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

City of London Licensing Department, Walbrook Wharf, 78-83 Upper Thames Street, London EC4R 3TD

CITY OF LONDON Environmental Health & Public Protection		
24 JAN 2014		
DIP.	REC.	FAO

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I Inspector McKoy [on behalf of] the chief officer of police for the City of London Police police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

Feng Shui, 1A Pudding Lane, London

Post town: London

Post code (if known): **EC3R 8AB**

2. Premises licence details:

Name of premises licence holder (if known): LZ London Ltd

Number of premises licence holder (if known): [REDACTED]

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

See attached "Grounds for summary Review"

Signature of applicant: Hector McKoy
Date: 24/01/2014
Capacity: Licensing Inspector

Contact details for matters concerning this application:

Address: **Police Licensing**
78-83 Upper Thames Street
Walbrook Wharf
EC4R 3TD

Telephone number(s): 02076012791

Email: hector.mckoy@cityoflondon.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

FENG SHUI

1A PUDDING LANE, LONDON EC3R 8AB

CITY OF LONDON POLICE

GROUNDS FOR SUMMARY REVIEW

Introduction and summary of police case on Summary Review

1. This application for a Summary Review of the Premises Licence relating to “Feng Shui”, 1A Pudding Lane, London, EC3R 8AB, has been instigated by the City of London Police in order to prevent the further occurrence of incidents involving serious crime and serious disorder associated with this nightclub and its customers. As an **interim step** pending the full review hearing (which must take place within 28 days) the police invite the licensing authority to consider:
 - a. Suspending the premises licence, or
 - b. Reducing the permitted hours of licensable activities and the closing time to no later than 00:00hrs, removing the current Designated Premises Supervisor and prohibiting promoted events from taking place.
2. This application follows a marked and serious escalation in incidents of violent crime and serious disorder occurring at the premises over the past 6 months in particular. The premises have failed to successfully respond to police warnings and engagement intended to assist the operators to resolve the issues. The last incident occurred in the early hours of Sunday 19th January 2014. Although not a specific “trigger incident” it is yet another example of a violent incident at the premises. This incident involved the customers of Feng Shui participating in acts of disorder and aggression towards police which took up to one hour before the police were able to safely restore a level of order. A male (who had come from another venue and attempted to enter Feng Shui) received head injuries which caused him to collapse in the street outside the venue

and he required urgent medical treatment at the scene before being taken to hospital. The attending Police were faced with hostile aggression from the clientele of Feng Shui as they tried to treat the male with a number of people attempting to prevent the police from giving potentially lifesaving first aid. Due to the serious nature of the incident the police had to cordon off the street in order to protect the London Ambulance Service Paramedics treating the male and to preserve evidence at the scene. As mentioned above, this incident, serious and extensive as it was, is not a one off. It follows a pattern of incidents involving assaults and public disorder in and around the premises involving its customers in the early hours of the morning, mainly after 01:00hrs. Many of the perpetrators are under the influence of alcohol bought and consumed inside Feng Shui. The venue has become a magnet for disorder. The management have demonstrated that they have insufficient control over events held at the premises which are usually organised by external promoters. The police have, at this stage, very little confidence that this licence holder and his management team have the necessary skills required to put things right in the future. The management have refused the advice of the police to stop holding promoted events despite their inability to manage them safely.

3. The City of London Police believe that if the premises is allowed to continue operating in the manner it now does there will continue to be frequent incidents of serious crime and serious disorder at the premises. Other licence procedures (such as a standard review) will not achieve the immediate changes that are necessary to protect members of the public from serious harm. It is anticipated that at the full review hearing the police will invite the licensing authority to consider all options up to, and including, revocation of the Premises Licence.
4. Prior to the incident on 19th January 2014, the police have tried to engage with the management of the venue and have had several meetings with them in an effort to offer advice and induce voluntary changes to their operation to promote the licensing objectives. Despite this engagement the licence holder, management and door staff have shown themselves to be either unable or unwilling, to take effective steps that promote the objective of preventing crime and disorder.

5. A further meeting was held between the police and the management of the venue after the incident on the 19th January whereby the police requested the venue to stop holding promoted events. The management have refused this request and have indicated that they intend to hold more promoted events in the immediate future.

Feng Shui as a venue

6. Feng Shui operates a twofold business as a restaurant Monday – Friday catering for both the lunch time and evening trade and as a night club on Friday, Saturday and Sunday nights until the early hours of the morning. The restaurant side of the operation to date has caused no problems with respect to crime and disorder and causes no problems for the City of London Police. The restaurant typically operates until about 23:00 hours. The night club however does present an increasing problem with respect to crime and disorder and is an ongoing concern to the City of London Police. Typically the night club runs from midnight until 04:00 hours with customers queuing outside from 23:00 hours. The venue's extensive Premises Licence permits it to provide regulated entertainment and sell alcohol until 04:00 hours on Sunday to Saturday. The venue may remain open and provide late night refreshment until 05:00hrs 7 days a week.
7. The Premises Licence Holder is LZ LONDON LTD which according to the venue management is owned by 6 individuals. The police have only had dealings with two of these individuals Mr Wei Li and Mr Johnny Zhu and have no information of the other parties involved in the ownership of the venue. The Designated Premises Supervisor is currently Mr Wei Li. The day to day manager appears to be Mr Lippy Laing. Mr Laing was criminally convicted for licensing-related offences on 26 July 2012 when the City of London Justices described his offending as "wilful, knowing and for commercial gain". It is understood that Mr Laing also had his personal licence suspended by the court. In addition Mr Laing was the manager of, "Charlie's Bar", at the time its licence was revoked by the Corporation at a licence review hearing held on 28 May 2012.

8. Feng Shui is in Pudding Lane adjacent to the junction of Eastcheap close to Monument Underground Station. The premises is situated about 200 yards from another premises called Clause (A cocktail bar/club and restaurant located at Lovat Lane).
9. The layout of the Feng Shui lends itself to that of a standard restaurant with plenty of dining facilities and a capacity of around 150. However on the nights of Friday/Saturday and Sunday the venue becomes a night club hosting regular promoted events under the branding of 'Club Twist' run by external promoters. After police raised concerns with the management about the running of these promoted events, Mr Wei Li stated that all future events from mid November would be in house events without the use of external promoters. However the venue has continued to hold promoted events organised by external promoters under the bringing of 'Club Twist' .

Recent incident on Sunday 19th January 2014

10. On the night of Saturday 18th January 2014 (going into the early hours of Sunday 19th January) Feng Shui hosted a promoted event called 'Temptations Saturdays at Club Twist' The party was widely advertised to the general public on social media sites including 'Instagram' . The police did not receive a 696 risk assessment form in respect of the event. The event was advertised as 10pm – 4am, Ladies over 18 and Guys over 21. No trainers, hoods or caps.
11. Police were notified (by a member of the public) of an incident of disorder outside Feng Shui and involving its customers at around 3.20am. A series of witness statements from officers who attended the scene will be provided in due course in addition to CCTV evidence. In summary officers will evidence serious incidents of public disorder, acts of aggression and hostility outside Feng Shui in Pudding Lane. The public disorder spanned over 50 minutes. Police came across a male collapsed on the ground with head injuries and attempted to start emergency first aid procedures.

However a number of patrons tried to prevent the officers treating the male despite the obvious need for urgent medical attention. Police officers had to force back the crowd in order to start treatment of the male. The police later had to cordon off the area in order to protect Paramedics who arrived to treat the male prior to taking him to hospital. A number of arrests would have been made if the police were not so outnumbered by the numbers of aggressive participants involved in the disorder and therefore a tactical decision was made by police officers to hold the crowd back. During the time the officers were dealing with the incident a vehicle activated the City's ANPR camera system as the occupant of the vehicle was linked to the possession of firearms. The vehicle was followed on camera before it pulled up in Eastcheap in the vicinity of Feng Shui. Officers were dispatched to intercept the vehicle but it made off before it could be stopped.

12. The crowds outside Feng Shui were very anti-police and attempts were made to confront and goad police into confrontation. Groups shouted, swore aggressively, and lunged at police officers as they were trying to maintain order and protect paramedics treating the injured male. It was clear that the crowds were intent on violence and had little regard for any police presence.
13. Officers in attendance asked a large number of the patrons if they saw the incident and if they could assist the police with enquiries. The police received no co-operation from anyone present despite the severity of the injuries the male sustained and despite the fact it would have occurred in full view of a number of individuals.
14. The door staff and management at Feng Shui were wholly ineffective and provided no assistance to the police when dealing with this incident. The staff did not engage with their patrons and made no attempt to put into place any policy to deal with dispersal or incident management.

Previous incidents

15. Previous incidents associated with Feng Shui over the past 6 months demonstrate:

- a. A pattern of alcohol-related disorder and violence associated with Feng Shui;
- b. Weaknesses in the management and door supervision team to prevent such incidents and/or properly assist police in their investigations.
- c. Failures of the management to respond to previous police warnings;
- d. The venue seems to attract trouble-makers. For example, it is of deep concern that members of the door staff have been threatened with a firearm but are reluctant to assist police due to fear of reprisals. A number of other individuals also later refused to assist police with enquiries in relation to incidents that have occurred at the venue. This then leads to the question what type of customer is being attracted to Feng Shui as a licensed premises and why?

Date	Time	Incident	Reference
Sunday 4.8.13	03:20	ABH A female was assaulted inside Feng Shui and received facial injuries. The door staff then removed her and not the suspect and failed to call the police. The matter was discovered by a passing police patrol as the victim was seen arguing with the door staff of the venue due to the way she had been treated.	CR/4491/13
Monday 26.8.13	03:36	Disorder Police passing the venue uncovered a disturbance at Feng Shui involving a lot of irate patrons of the venue. The venue staff ejected two people from the venue then closed their event earlier than expected causing a lot of individuals to become irate and cause trouble outside the venue leaving the police to deal with.	Cad 1650
Monday 9.9.13	04:00	Disorder/Public Nuisance Passing police patrols saw a very large number of intoxicated people gathered at Feng Shui. Staff of the venue locked the doors and the door staff refused to disperse the crowd stating that they were shut and the people on the street	IN/10214/13

		were no longer their problem. The door staff then went home leaving the police to deal with the dispersal which took over an hour. Various drunken arguments and taxi disputes broke out further tying up police resources to deal with.	
Sunday 29.9.13	03:35	ABH & Common Assault Two people were involved in an altercation within Feng Shui at the promoted event 'Club Twist'. There were removed from the venue where they continued to fight and the police were called. One of the parties received facial injuries from the attack.	CR/5573/13 CR/5780/13
Monday 7.10.13	01:01	Fight/Threats of violence A member of the public calls up to say there is a fight outside Feng Shui and that a male threatened to assault a female and set her car on fire. The people involved drove off and were caught up by police and none of the people involved wished to co-operate or make any formal allegations.	Cad 324
Sunday 27.10.13	03:26	People fighting with bottles Police received a call from a member of the public who states there was 20+ people fighting with bottles at Feng Shui. On arrival security had confirmed that an altercation had occurred but it was now finished, police remained on scene to oversee that no further altercations occurred at the venue. A CID officer later confirms from viewing the CCTV that a number of people are seen throwing bottles around and people are seen smashing bottles over people's heads.	Cad 2015
Sunday 3.11.13	04:08	Public Nuisance The control room for London Transport had to contact the police due to the patrons of Feng Shui blocking the entire street outside the venue and they were unable to get any buses to continue on their route. Police required to disperse.	Cad 1972
Tuesday 5.11.13	02:32	Mass Disorder The manager came running out of Feng Shui and flagged down a passing police	Cad 1354

		patrol as around 50 people had 'rushed' the door and lost control and needed help to restore order. Police intervened and managed to restore order to the venue.	
Saturday 16.11.13	01:20	Positive trace of drug use Police attended Feng Shui in accordance with an operation testing for drug use. Surfaces within the male toilet provided a positive reading for cocaine.	IN/13986/13
Sunday 17.11.13	01:00	Gang Intelligence An Intelligence report states that gang members linked to Stratford are attending Feng Shui	IN/14250/13
Sunday 17.11.13	01:30	Door staff threatened with firearm An Intelligence report states that a male concealed a firearm on his persons before threatening a member of the door staff with it.	IN/14178/13 CR/6649/13
Sunday 17.11.13	01:38	Violence & Disorder A passing police patrol uncovered a number of patrons of Feng Shui fighting in the street and called for urgent assistance. The disorder had reached a level where the venue had to close in order to prevent any further incident.	Cad 833
Sunday 1.12.13	03:49	Fight at Feng shui Police were called to a fight at Feng Shui and on arrival found an extremely intoxicated female receiving medical attention from the LAS. The venue management denied any fight had occurred and no further information would be provided by anyone in attendance at the venue.	Cad 1770
Sunday 5.1.14	03:56	Public Nuisance A member of the public calls in to state there is a lot of noise coming from Feng Shui in Pudding Lane. Police attend and confirm there is a lot of noise at the location caused by the dispersal of the patrons.	Cad 1770
Sunday 19.1.14	03:15	Violence & Disorder A number of patrons of Feng Shui were involved in scuffles at the door of the	CR/3214/14 Cad 1501 Cad 1532

	<p>venue with one male sustaining head injuries requiring hospital admission. Initial reports came in that two males had been bottled inside the venue and one of the males collapsed. None of the parties involved would co-operate with the police and there is suggestion that the male was hit with an unknown object by door staff. Police spent over a hour dispersing an angry and hostile crowd.</p>	
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Previous police engagement with management

14. Since March 2012 there have been a number of meetings between police and Wei Li, and Johnny Zhu the owners of Feng Shui and the current Designated Premises Supervisor (Li). The purpose of these meetings was to try to establish effective management and assist with the venue meeting the licensing objectives particular with respect to crime and disorder.

15. An initial meeting took place between Wei Li and John Hall and Paul Holmes of the City of London Police licensing team to discuss the proposal for the venue. Li informed them that he wanted to run a Chinese restaurant for the City workers and also encourage members of the Chinese community. The police had reservations about the late terminal hour and wished to invoke a no promoted event condition, however Wei Li stated that he would like to host a few selected promoted events aimed at the Chinese community through contacts and people he knew. Based on good faith and taking him at his word the police did not object to the licence application and did not request for a no promoted events condition to be added to the licence. Wei Li was fully informed of the 696 procedure and what was required with respect to security and the management of the venue when running an event at the venue.


16. Although the premises licence was granted in June 2012 the premises did not open in full until April 2013 due to issues with building works at the venue. The venue initially started hosting promoted events in April 2013 aimed at the Chinese

community but only held 8 of these events. On Sunday 2nd June Feng Shui held their first non Chinese promoted event called 40/40 Sunday which is an 'urban' type event with a very different crowd and set up to the Chinese events they had previously run. The 'urban' events have now been a regular fixture until the present day with no further Chinese events taking place.

17. Further meetings have taken place between the police and Wei Li/Johnny Zhu as a result of incidents that have occurred at the venue. The police have advised the management to seek to host safer types of event and speak with reputable promoters with a track record of safe events. To date two of these promoters have held meetings with Li/Zhu but have reported that the venue are difficult to work with and have not been able to establish a working relationship. The venue has reverted to hosting their problematic 'urban' events despite the advice of the police. Recent troubles at the venue have called for the police to request that Li/Zhu stop running promoted events all together as they are unable to run them safely. The management have continually refused to stop the events despite the advice of the police.

Conclusion

18. The police have no confidence that Feng Shui is in a position to operate safely as an early-hours nightclub in a manner that promotes the licensing objectives. It seems highly unlikely that any steps could be put in place in the immediate future to change that position. Their day time trade as a Chinese restaurant present no problems and they clearly have the required skill and expertise in this area. In the police's opinion there is a very real risk and likelihood that serious violence and/or serious crime will re-occur if the venue remains open with its current licensable hours. Therefore, at this stage, the police believe that either a suspension of the premises licence or a reduction of licensable and closing hours to 00:00hrs, the removal of the DPS and a condition prohibiting promoted events is the necessary, appropriate and proportionate interim step pending the full review hearing.



Inspector Hector McKoy
City of London Police

24 January 2014

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Name and address of police force

City of London Police
37 Wood Street
London
EC2P 2NQ

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder

Premises

Feng Shui, 1A Pudding Lane, London EC3R 8AB

Premises licence number (if known): [REDACTED]

Name of premises supervisor (if known): Wei Li

I am a Superintendent in the police force.

This application follows a marked and serious escalation in serious incidents of violent crime and serious disorder occurring at the premises over the past 6 months. The incidents are frequent and continuing. The last incident was on 19 January 2014. The premises have failed to successfully respond to police warnings and engagement intended to assist the operators to resolve the issues. Swift action is needed to protect the public from serious harm resulting from this premises' operation as a nightclub into the early hours. This is best achieved by instigating a summary review as other licensing procedures will not achieve the aim of promoting the licensing objectives, particularly preventing crime and disorder, expeditiously.

[REDACTED] SUPERINTENDENT N. COLLICOTT
(Signed) (Date) 24th January 2014

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**Licensing Act 2003
Section 24
Premises licence**

Trading Standards (Licensing Section), City of London
PO Box 270 Guildhall, London EC2P 2EJ

Premises licence number

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description LZ, 1a Pudding Lane	
Post town London	Post code EC3R 8AB
Telephone number	

Where the licence is time limited - the dates
--

Licensable activities authorised by the licence Alcohol Sales, Perform Play, Exhibit Film, Live Music, Recorded Music, Perform Dance, Provision of Dance, Late Night Refreshment

The times the licence authorises the carrying out of licensable activities	
Alcohol Sales, Perform Play, Exhibit Film, Live Music, Recorded Music, Perform Dance, Provision of Dance	
Sunday	10:00 - 04:00 -
Monday	10:00 - 04:00 -
Tuesday	10:00 - 04:00 -
Wednesday	10:00 - 04:00 -
Thursday	10:00 - 04:00 -
Friday	10:00 - 04:00 -
Saturday	10:00 - 04:00 -

The times the licence authorises the carrying out of licensable activities cont'd

Late Night Refreshment

Sunday	23:00 - 05:00	-
Monday	23:00 - 05:00	-
Tuesday	23:00 - 05:00	-
Wednesday	23:00 - 05:00	-
Thursday	23:00 - 05:00	-
Friday	23:00 - 05:00	-
Saturday	23:00 - 05:00	-

The opening hours of the premises

Opening Hours

Sunday	08:00 - 05:00	-
Monday	08:00 - 05:00	-
Tuesday	08:00 - 05:00	-
Wednesday	08:00 - 05:00	-
Thursday	08:00 - 05:00	-
Friday	08:00 - 05:00	-
Saturday	08:00 - 05:00	-

Where the licence authorises supplies of alcohol - whether these are on and/or off supplies

On the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

LZ London Ltd
1a Pudding Lane
London
EC3R 8AB

Registered number of holder, for example company number, charity number (where applicable)

07810872

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Wei Li
1a Pudding Lane
London
EC3R 8AB

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol

Date granted 1st June 2012

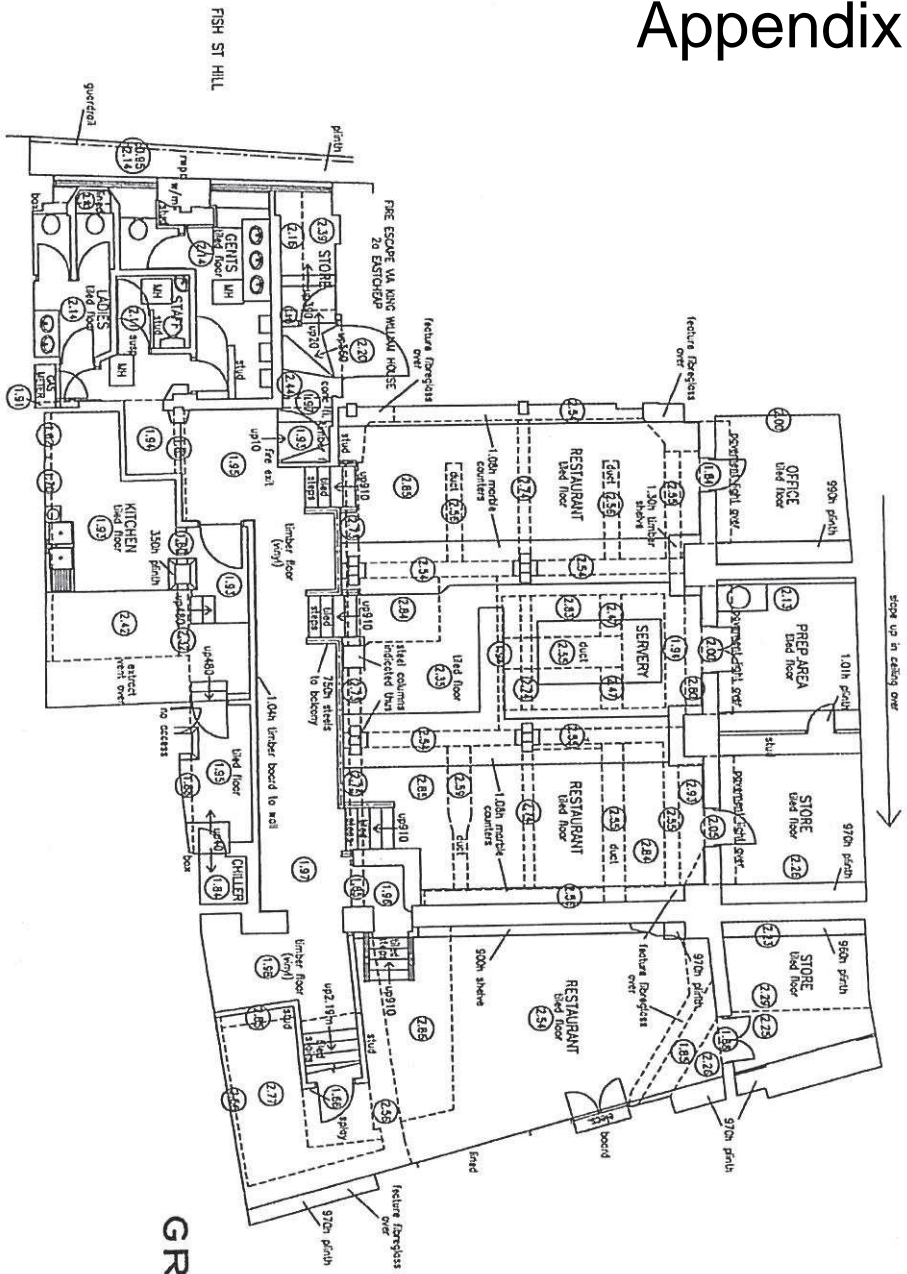
Director of Environmental Services

Conditions consistent with the Operating Schedule

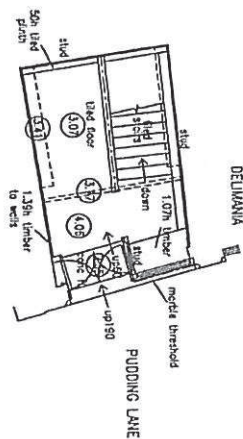
1. A CCTV system will be installed. All public areas of the licensed premises, including the main entrance lobby area, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
2. Prominent signage shall be displayed at all exits from the premises requesting that customers leave quietly.

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BASEMENT PLAN



GRD. FLOOR ENTRANCE



NOTES	
PROJECT FORMER LORENZO'S REST. 1A PUDDING LANE, LONDON.	
CLIENT JOHNNY ZHU	
DRAWING GROUND FLOOR ENTRANCE AND BASEMENT PLAN	
SCALE 1:50 (A1)	DATE MAR 12
DWG NO 3041-01	REV

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

HELD ON 28 JANUARY 2014

APPLICANT: CITY OF LONDON POLICE
**PREMISES: FENG SHUI, 1A PUDDING LANE, LONDON
EC3R 8AB**

PRESENT

Sub Committee:

Kevin Malcolm Everett DSc CC (Chairman)
Marianne Fredericks CC
Deputy John Barker OBE CC

City of London Officers:

Rakesh Hira – Town Clerk’s Department
Georgina Denis – Town Clerk’s Department
Paul Chadha – Comptroller & City Solicitor’s Department
Peter Davenport – Markets & Consumer Protection Department
Steve Blake – Markets & Consumer Protection Department

Applicant:

Gary Grant – Counsel representing the Applicant
Inspector Hector McKoy – City of London Police
John Hall – Licensing Officer, City of London Police
PC Daniel White – City of London Police

Premises:

Mary McKenna – Barrister, Holborn Chambers
Wei Li – Director of Fen Shui
Johnny Zhu – Director of Fen Shui

Licensing Act 2003 (Hearings) Regulations 2005

A Summary Review Hearing was held at 10.53am in Committee Room 3, Guildhall, London, EC2, to consider and determine interim measures regarding the application for a summary review of the premises licence for ‘Feng Shui, 1A Pudding Lane, London EC3R 8AB.’

The Sub Committee had before them the following documents:-

Appendix 1: Application for Summary Licence Review

Appendix 2: s.53A Certificate

Appendix 3: Current Premises Licence

1. The Hearing commenced at 10.53am.
2. The Chairman introduced the panel members and officers present and invited Mr Grant to summarise his client's application.
3. Mr Grant noted that the panel had read the City of London Police reports in Appendix 1 and that the panel had seen the CCTV footage of an incident which occurred at the premises on 19 January 2014.
4. Mr Grant informed the panel that the City of London Police was of the opinion that the premises functioned safely during day time hours when it ran as a restaurant. However since the premises started operating as a nightclub in April 2013 there had been frequent occurrences of serious crime and disorder.
5. Mr Grant informed the panel that the frequent instances of serious crime and disorder were often linked to promoted events and nights when disc jockeys performed at the premises.
6. The panel were told that the City of London Police had tried to introduce the owners of the premises to safe promoters but the owners had not taken the advice of the Police and continued to hold promoted events which gave rise to instances of crime and disorder.
7. The most recent incident of serious crime and disorder occurred on 19 January 2014. Mr Grant told the panel that he believes the incident was the latest example of the continued type of violence that the Police had dealt with since the premises started operating as a night club.
8. Mr Grant made two amendments to the previous incidents chronology in Appendix 1. The first on page 11; the incident on 27 October 2013, should read "Police received a call from a member of the public". The second on page 12; the incident on 19 January 2014, Mr Grant told the panel there was no evidence to say the male received head injuries while inside the premises but instead was 'at' the premises.
9. Mr Grant said that further reports would be sent by the City of London Police to be circulated to the panel and appropriate parties once appropriate information had been redacted from the report.
10. Mr Grant stated that the City of London Police believed the patrons which visited the premises; when it operated as a night club, were volatile and anti-police. Mr Grant reported that there was intelligence that some patrons may be part of gangs of a criminal nature.

11. Mr Grant informed the panel that the City of London Police was of the opinion that certain promoters whose events were prone to violence were attracted to specific venues which may be in financial trouble and that the owners of these premises operated promoted events for financial purposes. Mr Grant told the panel that he believed that this was the reason why the premises owners had not taken the City of London Police's advice to stop using their premises for promoted events.
12. Mr Grant suggested that the panel consider the following interim steps:
 - Reduce the permitted hours of all licensable activities and the closing time of the premises to the public, to midnight from Monday to Sunday.
 - No promoted events to be held at the premises.
13. Mr Grant told the panel that he had discussed the interim steps with Ms McKenna; representative for the premises, before the hearing and she had agreed to the City of London Police's recommendations.
14. Ms McKenna told the panel that she was in agreement with the City of London Police's recommendations and that she was only made aware of the hearing documents that morning and will consider making further representations after she has reviewed the material.
15. Members of the Panel withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
16. The Chairman said that the decision of the Sub Committee was to in agreement with the recommendations of the City of London Police which was as follows:-
 - Reducing the permitted hours of all licensable activities and the closing time of the premises to the public, to midnight from Monday to Sunday.
 - There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.
17. The Chairman told the applicant and the Premises User that the Full Review Hearing would take place on Wednesday 19 February 2014 at 11.00am.

The meeting closed at 11.25

Chairman

Contact: Georgina Denis, 020 7332 1399, georgina.denis@cityoflondon.gov.uk

Copy of the Interim Decision circulated to all parties on 28 January 2014

THE COMMON COUNCIL OF THE CITY OF LONDON

LICENSING SUB-COMMITTEE

Kevin Malcolm Everett DSc (Chairman)
Marianne Fredericks CC
Deputy John Barker OBE CC

**Licensing Act 2003: Summary Review – Notification of Interim Steps
Feng Shui, 1A Pudding Lane, London EC3R 8AB**

I write to notify you of the decision of the Licensing Authority in relation to an application made pursuant to Section 53A of the Licensing Act 2003 by the Commissioner of Police for the City of London Police for a Summary Review of the premises licence for Feng Shui, 1A Pudding Lane, London EC3R 8AB.

In light of representations made on behalf of the Commissioner, the Licensing Authority has decided to exercise its power under Section 53B of the Licensing Act to impose the following interim steps:

- Reducing the permitted hours of all licensable activities and the closing time of the premises to the public, to midnight from Monday to Sunday.
- To impose the following condition on the premises licence :- “There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided at any time between 23:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.”

A full Review Hearing will take place on **Wednesday 19 February 2014** at **11.00 am** at Guildhall.

In the meantime the premises licence holder is entitled, pursuant to Section 53B (6), to make representations against the interim step decision. In such a case a public hearing will take place within 48 hours of the receipt of those representations; the calculation of 48 hours being in accordance with Section 53B (10).

Davenport, Peter

From: Lambert, Richard
Sent: 29 January 2014 16:12
To: Davenport, Peter; M&CP - Licensing
Cc: Sambells, Rachel
Subject: FW: Representation: Prevention of Public Nuisance: Feng Shui, 1A Pudding Lane, London, EC3R 8AB. City of London Police review of premises license.

Dear all,

I refer to the above application by the City of London Police, for a review of the existing premises license of Feng Shui, 1A Pudding Lane, EC3R 8AB and wish to make representations on behalf of the Environmental Health (Pollution Control) Team of Department of Markets and Consumer Protection in respect of the prevention of the public nuisance licensing objective.

To summarise:

We have received one complaint about Monument Street and Botolph Lane area on 8th October 2013 from a resident located in Werna House, Monument Street. The complainant raised issue with -

- Noise from customers from a nearby nightclub coming to and leaving the area by vehicles, taxis and cars.
- Noise from from vehicle hi fi systems, shouting and tooting of car horns.
- The resulting effect being lack of sleep and disturbance.

The City undertook a proactive observation of the area in response to the complaint received and in order to investigate which nightclub was the subject of complaint, this was undertaken by Westminster City Council's out of hours Environmental Health Officers on 9th November and an excerpt of their report is shown below:

"Arrived in Pudding Lane at 0250 on 9th. Congested with cars in Pudding Lane but only 6 cars in Botolph Lane.

0255 A few customers leave the Club and go to their vehicles in Monument Street. Not noisy.

0305 People now piling out of the Club. Most hang around outside. 3 doormen try to encourage them to leave. A fight breaks out at 0309 but is quickly brought under control by door staff and others. Cars now coming up Pudding Lane but it quickly becomes blocked as they stop outside the Club. Quite a lot of noise from voices and cars with occasional tooting.

0315 A few women from the Club have now made their way to Botolph Lane. Most are drunk and talking very loudly. One tries to drive down Botolph Lane but incompetence means she gets stuck. There is plenty of space but she decides to reverse back up to Eastcheap but other cars trying to get down. This causes some noise.

0325 Lots of taxi's have been present for 20 minutes now. Some of these and some cars drive round the circuit Eastcheap, Botolph Lane, Monument St, Pudding lane.

0330 Most now dispersed. Spoke to door staff. They said they have a license till 4am but were closing at 3 tonight. They described it as a quiet night."

This demonstrates that on the 9th November 2013 there was some evidence of public nuisance from patrons leaving Feng Shui, 1 A Pudding Lane.

Regards Richard

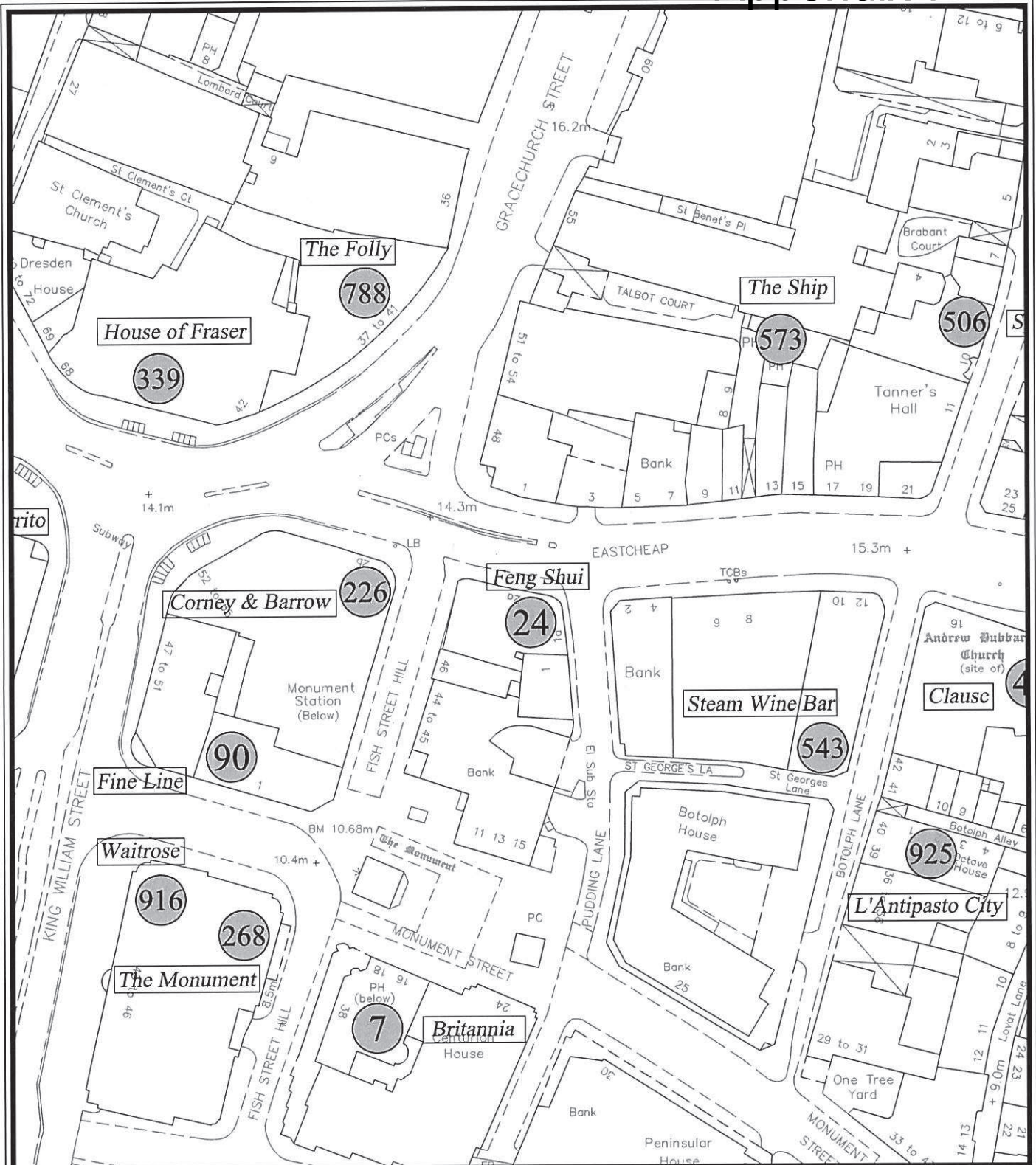
*Richard Lambert
Environmental Health Officer
Markets and Consumer Protection;
Pollution Team City of London
PO Box 270, Guildhall
London EC2P 2EJ*

Tel: 020 7332 3026

Mob: 07802 366729

Fax: 020 7332 1316

Web: www.cityoflondon.gov.uk



Address :

Feng Shui (ref 24),
1A Pudding Lane,
London, EC3R 8AB.

PLAN PREPARED BY THE CARTOGRAPHIC
CAD & RESEARCH SECTION OF THE
CONSTRUCTION PROJECTS DIVISION
P.G.Bennett, MA (Cantab) FRICS
City Surveyor

CITY SURVEYOR'S DEPARTMENT
Tel : 020 7332 1507




CITY OF LONDON

MARKETS AND CONSUMER PROTECTION

Environmental Health and Public Protection Section

PO BOX 270, GUILDHALL,
LONDON, EC2P 2EJ.
Tel : 020 7332 3227 Fax : 020 7332 3536

Print Scale : 1 : 1 @ A3	Scale 1:750
Date : Feb 2014	
Drawn by : M.J.B.	
Drawing No : 5-C-37880	
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Feng Shui, 1A Pudding Lane, London, EC3R 8AB

<u>Map Reference</u>	<u>Name</u>	<u>Maximum Permitted Hours for Alcohol Sales</u>
1. (7)	Britannia	Thu – Sat: 10:00 – 03:00
2. (268)	The Monument	Thu – Sat: 11:00 – 02:00
3. (916)	Waitrose	Sun – Sat: 07:00 – 00:00
4. (925)	L' Antipasto City	Mon - Sat: 10:00 – 22:30
5. (90)	Fine Line	Sun – Sat: 08:00 – 02:00
6. (543)	Steam Wine Bar	Sun – Sat: 12:00 – 23:00
7. (4)	Clause	Thu – Sat: 11:00 – 03:00
8. (226)	Corney & Barrow	Sun – Sat: 07:30 – 00:00
9. (339)	House of Fraser	Mon - Sat: 08:00 – 23:00
10. (788)	The Folly	Mon - Sat: 08:00 – 01:00
11. (573)	The Ship	Thu – Sat: 10:00 – 01:00
12. (506)	Spice Trader	Mon – Sat: 10:00 – 23:00