

LICENSING (HEARING) SUB COMMITTEE

Wednesday, 9 December 2015

Minutes of the meeting of the Licensing (Hearing) Sub Committee held at the Guildhall EC2 at 2.00 pm

Present

Members:

Revd Dr Martin Dudley
Marianne Fredericks (Chairman)

Edward Lord

Officers:

Steve Blake - Markets & Consumer Protection Department
Paul Chadha - Comptroller & City Solicitor's Department
Peter Davenport - Markets & Consumer Protection Department
Gemma Stokley - Town Clerk's Department

Applicant:

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

Premises:

James Rankin – Barrister, Winkworth Sherwood Law
Mr Quaradeghini –Caravaggio
Charlotte Edwards, Winkworth Sherwood Law

In Attendance:

Peter Davenport – Licensing Manager
Steve Blake - Assistant Director Environmental Health & Public Protection
Siobhan Marshall – Environmental Health Officer, Pollution Team

Licensing Act 2003 (Hearings) Regulations 2005

A Summary Review Hearing was held at 2.00pm in Committee Room 1, Guildhall, London, EC2, to consider and determine interim measures regarding the application for a summary review of the premises licence for 'Caravaggio, 107-112 Leadenhall Street, EC3A 4AF'

The Sub Committee had before them the following documents:-

Appendix 1: Application for Summary Licence Review and s.53A Certificate

Appendix 2: Current Premises Licence

1. The Hearing commenced at 2.05pm.
2. The Chairman introduced the panel members and officers present.
3. Mr Grant noted that the panel had read the City of London Police reports in Appendix 1 and reported that an agreed position on the interim steps had been reached between both parties.
4. Mr Grant suggested that the panel consider the following interim steps, which had also been agreed to by the licence holder:
 - Reducing the permitted hours of all licensable activities to 23.30hrs
 - All persons (save for staff) shall be off the premises and the premises closed to the public by midnight
 - 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 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.”
5. Mr Grant informed the panel that the City of London Police’s original application had requested a fourth interim step whereby ‘alcohol shall only be sold to a person sitting down eating a substantial table meal and for consumption with that meal’. However, as the application made clear, the City of London Police were satisfied that the premises functioned safely and was well managed when it ran as a restaurant and so, with the introduction of new time limits on all licensable activities, the applicant was now happy to delete this fourth interim step.
6. Mr Grant noted that the premises had asked for an exception to these interim steps for New Year’s Eve. Whilst the applicant was not minded to agree to this request, it was noted that, if a temporary event notice was served and provided sufficient comfort to the City of London Police, this would be considered on its merits.
7. The panel were told that there was some dispute regarding the information contained within the City of London police application. Mr Grant highlighted that some facts were still emerging, particularly regarding the murder weapon, and that the results of a post-mortem on the deceased were likely to be released later this afternoon. He added that, nevertheless, the City of London Police stood by their application and their concerns over the ability of a restaurant manager to adequately manage an out of hour’s nightclub.

8. Mr Rankin underlined the fact that his client was horrified at the evening's events and the resulting fatality. He added that Mr Quaradeghini was a long standing servant of the City and the premises had been open since 1996 without incident. He reiterated that his client took issue with many of the facts contained within the application.
9. All parties withdrew from the room whilst the Panel deliberated and made their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.
10. The Chairman thanked both parties for reaching what they saw as a sensible agreement on the interim steps. She said that the decision of the Sub Committee was in agreement with the amended recommendations of the City of London Police which was as follows:-
 - Reducing the permitted hours of all licensable activities to 23.30hrs
 - All persons (save for staff) shall be off the premises and the premises closed to the public by midnight
 - 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 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."
11. The Chairman stated that the panel were concerned to hear that the premises may possibly submit a temporary event notice for New Year's Eve given that they were aware that Mr Quaradeghini would not be in the country at that time.
12. Mr Quaradeghini confirmed that any possible event on New Year's Eve would take the form of a sit down meal only.
13. The Chairman told the applicant and the Premises User that the Full Review Hearing would take place on Monday, 4 January 2016 at 4.00pm.

The meeting closed at 2.35pm

Chairman

Gemma Stokley
020 7332 1407
gemma.stokley@cityoflondon.gov.uk

Copy of the Interim Decision circulated to all parties on 9 December 2015

THE COMMON COUNCIL OF THE CITY OF LONDON

LICENSING SUB-COMMITTEE

Marianne Fredericks CC (Chairman)
Revd. Dr. Martin Dudley CC
Edward Lord CC

**Licensing Act 2003: Summary Review – Notification of Interim Steps
Caravaggio, 107-112 Leadenhall Street, EC3A 4AF**

I write to notify you of the decision of the Licensing Authority of 9 December 2015 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 Caravaggio, 107-112 Leadenhall Street, EC3A 4AF.

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 to 23.30hrs
- All persons (save for staff) shall be off the premises and the premises closed to the public by midnight
- 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 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 **Monday, 4th January 2016** at **4.00pm** 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).