

MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE

HELD ON 17 DECEMBER 2012 AT 10:30 AM

APPLICANT: THE COMMISSIONER OF THE CITY OF LONDON POLICE

PREMISES: CLUB 2AD, 2 CRUTCHED FRIARS, LONDON EC3N 2HT

Present:

Sub Committee

Deputy Edward Lord OBE JP (Chairman)

Alderman Simon Walsh JP

Sophie Fernandes CC

City of London Officers

Rakesh Hira - Town Clerk's Department

Paul Chadha - Comptroller & City Solicitor's Department

Peter Davenport - Markets & Consumer Protection Department

Steve Blake - Markets & Consumer Protection Department

The Applicant (The Commissioner of the City of London Police)

Mr Gary Grant of Counsel, accompanied by Commander Wayne Chance, Inspector Rita Jones, John Hall and PC Dan White of the City of London Police.

Not Present:

Representations from Other Parties

Marianne Fredericks CC for the Ward of Tower

Licensee (Club 2AD)

Licensing Act 2003 (Hearings) Regulations 2005

- 1) A public hearing was held in Committee Room 1, Guildhall, London EC2, to consider the application by the City of London Police for a Summary Review of the premises 'Club2AD, 2 Crutched Friars, London EC3N 2HT'.
- 2) The Sub Committee had before them copies of:-
 - (a) Report of the Director of Markets & Consumer Protection
 - (b) Application for Summary Review
 - (c) S.53A Certificate
 - (d) Copy of Current Licence

- (e) Plan of Premises
 - (f) Hearing Decision – April 2007
 - (g) Hearing Decision – August 2012
 - (h) Decision of the Licensing (Hearing) Sub Committee (Consideration of Interim Steps) – 21 November 2012
 - (i) Decision of Licensing (Hearing) Sub Committee (Interim Steps Hearing) – 23 November 2012
 - (j) Map of subject premises together with other licensed premises in the area and their latest terminal time for alcohol sales
- 3) The hearing commenced at 10.31am
 - 4) The Chairman opened the hearing by introducing himself, the other Members of the Sub Committee and the officers present.
 - 5) The Chairman explained that today's Hearing was to consider a Summary Review application made by the City of London Police in relation to the premises Club2AD, 2 Crutched Friars, London EC3N 2HT. He pointed out that following the consideration of any interim steps the premises licence was suspended on 21 November 2012.
 - 6) The Sub Committee noted the non-attendance of the licensee or any representative; the Chairman stated that sufficient notice had been provided to the Premises Licence Holder but no response had been received.
 - 7) The Applicant pointed out that the additional bundle of evidence had been served on the Premises Licence Holder and a delivery receipt had been provided by the courier service.
 - 8) Mr Gary Grant of Counsel introduced the City of London Police's application for a Summary Review. He stated that prior to the 30 August 2012 Review Hearing there was a disproportionate level of disorder and violence due to the late night activity and becoming an after party venue. He pointed out that the premises increasingly attracted gang members who were associated with the drugs and violence.
 - 9) The Chairman commented that the Sub Committee had read the committee papers, in particular the summary document prepared by the Applicant, and was more than sympathetic and had reached a preliminary view on the application. The Sub Committee considered the incident of 18 November 2012 to be particularly disturbing both in its

seriousness and the fact that it occurred so soon after the review of the premises licence back in August 2012.

- 10) In light of the non-attendance of the premises licence holder or any submissions made on its behalf the Sub Committee concluded that the licensing objectives, in particular the crime and disorder objective, would only be served if the premises licence was revoked. He explained that as a consequence the premises would be closed and it was the intention of the Sub Committee that the interim steps imposed on 21 November 2012, namely the suspension of the premises licence, remain in force until the implementation of today's Summary Review Hearing (21 days from the date of today's hearing or the determination of any appeal against the Sub Committee's decision, whichever is the latter.)
- 11) Commander Chance pointed out that the crime and disorder statistics had decreased considerably since Club 2AD had been closed.
- 12) The Chairman thanked all parties who attended the Hearing.

The meeting ended at 10.39am

Chairman

Contact Officer: Rakesh Hira
Tel. no. 020 7332 1408
E-mail: rakesh.hira@cityoflondon.gov.uk

Decision of the Sub Committee circulated to all parties on 20 December 2012

I write with regard to the Summary Review Hearing held on 17 December 2012 in relation to the above-mentioned application.

The Premises Licence Holder was not present but the Sub Committee was satisfied that the licensee had been notified of the date and time of the Hearing with sufficient notice. The Premises Licence Holder had not provided the Licensing Authority with any reasons for its non-attendance prior to the hearing. Consequently, the Sub Committee decided to proceed with the Summary Review Hearing in the Premises Licence Holder's absence as permitted by Regulation 20(2) (b) of the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub Committee was addressed by Gary Grant of Counsel for the Applicant who drew the Sub Committee's attention to the documentary evidence filed by the Applicant in support of the Summary Review application. The Sub Committee members indicated that they had read the statements and supplementary documentation relating to the stabbing incident which occurred on the premises on 18 November and which triggered the Summary Review application. They also noted the Applicant's conclusions, namely, that the only effective way in which to promote the licensing objectives in this instance would be to revoke the premises licence.

The Sub Committee carefully considered the application and the supplementary evidence provided by the City of London Police. It considered the incident of 18 November 2012 to be particularly disturbing both in its seriousness and the fact that it occurred so soon after the review of the premises licence back in August 2012. The Sub Committee considered the options available under S.53C(3) of the Licensing Act 2003 and came to the conclusion that the only step that it could take to effectively promote the licensing objectives, in particularly the prevention of crime and disorder objective, would be to revoke the premises licence and agreed to do so.

The Sub Committee would wish to draw to the Premises Licence Holder's attention that the interim steps imposed at its hearing of 21 November 2012 and subsequently confirmed at its hearing on 23 November 2012, namely the suspension of the premises licence, are to remain in force until the implementation of today's Summary Review Hearing (21 days from the date of today's hearing or the determination of any appeal against the Sub Committee's decision, whichever is the latter.)

If any party is dissatisfied with this decision they are reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act, 2003 the Magistrates' Court hearing the appeal may make any order as to costs as it thinks fit.