

**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

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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).