Public Document Pack



LICENSING (HEARING) SUB COMMITTEE

Date: TUESDAY, 14 SEPTEMBER 2021

Time: 12.45 pm

Venue: COMMITTEE ROOM 1, 2ND FLOOR, WEST WING, GUILDHALL -MEMBERS OF THE PUBLIC CAN VIEW THE MEETING VIRTUALLY AT:

https://youtu.be/nRoYgxOy0Iw

APPLICANT: City of London Licensing Authority

PREMISES: Blank Gallery trading as Canvas Bar, 27B Throgmorton Street, London, EC2N 2AN

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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.

0Committee(s):		Hearing Date(s):	Item no.
Licensing		24 August 2021	
Subject:			
Licensing Act 2003 -	Application for the	review of a premis	es licence
Name of Premises:	Blank Gallery		
Address of Premises:	27b Throgmorton S	Street	
Report of:		Public / N	o n- Public
Director of Markets an	nd Consumer Protect	tion	
Ward (if appropriate):	Broad Street		

1 <u>Introduction</u>

- 1.1 To consider and determine, by public hearing, the application for a review of a premises licence under the Licensing Act 2003, taking into account the representations of responsible authorities 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 <u>Summary of Application</u>

2.1 An application under s.51 of the Licensing Act 2003 for the review of a premises licence has been made by the **City of London Licensing Authority,** acting in its capacity as a responsible authority, and was received by the Licensing Authority on 1 July 2021 in respect of the premises:

Blank Gallery 27b Throgmorton Street EC2N 2AN on the grounds of the prevention of crime and disorder. A copy of the application for review is attached as Appendix 1(a) and includes a diary of events (Appendix 1b) and an email confirming the addition of a new designated premises supervisor in August 2020 (Appendix 1c).

Further statements and associated exhibits supporting the review application are attached as Appendices 2(i)-(vi) relating to Andre Hewitt, Pritam Raghoonath and Nad Valaydon respectively.

3 <u>Licensing History of Premises</u>

3.1 The premises was granted a licence on 22 January 2019 and opened as a restaurant and bar. The Licence holder was Blank Gallery Limited trading as Blank Gallery. The premises is licensed for the following licensable activities:

Supply of Alcohol	08:00 - 02:00 Mon to Sun
Late night refreshment	23:00 - 02:00 Mon to Sun

Opening hours for the premises are: 07:00 - 02:30 Mon to Sun. Supply of alcohol is for both on and off sales.

The premises licence was suspended for non-payment of the licensing fee on 13 February 2020. An application for a change of designated premises supervisor (DPS) was processed on 4 August 2020. A request was received from the DPS to be removed from the premises licence on 22 March 2021.

A copy of the current premises licence can be seen as Appendix 2(ii) - APH5.

4 <u>Representations from Responsible Authorities</u>

- 4.1 There was one representation from a responsible authority namely, The City of London Police. The representation supports the review application.
- 4.2 The representation from the Police is attached as Appendix 3(i) (a statement from Daniel White), Appendix 3(ii) (a statement from

Benjamin Ellen), and Appendix 3(iii) showing exhibits BE1 to BE15 relating to the statement of Benjamin Ellen.

5 <u>Representations From Other Persons</u>

5.1 There were no representations from other persons.

6 <u>Policy Considerations</u>

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 (2017 Policy).

Paragraphs 53 - 64 set out the Corporation's policy on the 'Prevention of Crime and Disorder' licensing objective which has been engaged in this review application.

Paragraphs 115 - 121 state the Corporation's policy on setting conditions which may be applicable dependant on the step(s) taken by members as outlined in paragraph eight.

Statutory Guidance

6.3 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are particularly applicable to this application (revised April 2018):

Chapter 11 provides specific guidance on reviews. Paragraphs 11.16 to 11.23 set out the powers available to the licensing authority where it considers that action is necessary to promote the licensing objectives. Paragraph 11.20 stating that any remedial action, '...should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review'.

Paragraphs 11.24 to 11.28 sets out matters to consider when a review arises in connection with crime.

Chapter 10 refers to conditions attached to premises licences with paragraph 10.10 stating that, 'Conditions should be determined on a case-by-case basis and standard conditions which ignore these individual aspects should be avoided.' Also, 'Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.'

7 <u>Summary</u>

7.1 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.

8 **Options**

- 8.1 The sub-committee must, having regard to the application and any relevant representations, take such of the following steps (if any) as it considers 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 qualifying 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 be permanent or temporary. If temporary, it shall have an effect for only such period that it may specify (not to exceed 3 months).

Any decision of the Sub-Committee will not have effect until the end of 21 days following notification of the decision to the appellant by the licensing authority. In the event of an appeal against the Sub-

Committee's decision, the decision will be suspended pending the determination of the appeal.

9 <u>Recommendation</u>

10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a review of a premises licence in accordance with paragraph 8 of this report.

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

Background Papers

BACKGROUND PAPER	DEPT	FILE
Corporation of London Statement of Licensing Policy (revised Jan 2017)	МСР	3 rd Floor Guild Hall
Statutory Guidance – 'Revised Guidance Issued Under Section 182 Of The Licensing Act 2003'. April 2018		Statutory Guidance

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Appendix 1i)



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

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 this 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. You may wish to keep a copy of the completed form for your records.

City of London Licensing Authority

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 27b Throgmorton Street			
Post town London	Post code (if known)	EC2N 2AN	

Name of premises licence holder or club holding club premises certificate (if known) Blank Gallery Ltd

Number of premises licence or club premises certificate (if known) LN/200507563

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)



(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓	yes			
Mr	Mrs	Miss	Ms	Other title (for example, Rev)
Surname			First name	es
				Please tick ✓ yes
I am 18 year	rs old or ov	er		
Current pos address if different fro premises address				
Post town			Post Code	
Daytime cor	ntact teleph	one number		
E-mail addr (optional)	ress			

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address City of London Licensing Authority Guildhall PO Box 270 London EC2P 2EJ

Telephone number (if any) 020 7332 3406

E-mail address (optional) licensing@cityoflondon.gov.uk This application to review relates to the following licensing objective(s)

Please tick one or more boxes \checkmark

- 1) the prevention of crime and disorder \checkmark
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

City of London Licensing Authority considers that Blank Gallery Ltd - the holder of the Premises Licence for 27b Throgmorton Street - is not a fit and proper company to hold that licence. For a period of nearly two years there have been a number of breaches of the Licensing Act 2003, Highways Act 1980 and further evidence of criminality. Some of the above has still not been corrected. The licence was suspended between 13th February 2020 and 18th June 2021 for non-payment of annual continuation fees. This was only corrected after recent advisory visits to the premises and contact with the licence holder's solicitor. A payment plan to pay by instalments was agreed with Chamberlains on this latter date above.

During this time the licence holder has repeatedly failed to engage with the licensing authority and furthermore has not followed direct advice from both the Corporation and the City of London Police. They have demonstrated a worrying lack of knowledge of the legislation and their conduct falls far below the standard expected of proprietors in this jurisdiction.

This has led to Crime and Disorder on the premises. Not only crimes relating to Licensing Offences but also a criminal investigation by the Police on a separate matter. Such disregard for the relevant laws leads this authority to believe that there is a serious risk that other public safety matters will be neglected. Some examples of this are described in the section below.

City of London does not believe that any defence of due diligence has been met under s139 Licensing Act 2003. There is no evidence to show that all reasonable precautions were taken to avoid committing the offences. Consideration has also been given to the City of London Enforcement Policy in determining what course of enforcement action is appropriate.

Further to this, City of London acknowledges that it should be doing all it can to work with and support businesses during the uncertain times created by the Covid-19 outbreak. However, it is noted that one of the offences (s33 LA2003, see below) and the failure to respond to this department predate the pandemic. Subsequent offences are too numerous and serious to be ignored. This section must still take account of its statutory responsibilities and a review of the licence is deemed to be proportionate and consistent with the enforcement policy.

It is the opinion of the Licensing Authority that the licence holder is not capable of carrying out their legislative duties. No additional restrictions on the licence will change this. The Licensing Sub-Committee should therefore consider the revocation of the licence.

Please provide as much information as possible to support the application (please read guidance note 3)

On 22 January 2019 Premises Licence LN/200507563 was granted to Blank Gallery Ltd. Mr Saeed Azimi, a director of the company, was appointed as Designated Premises Supervisor (DPS).

On 27 July 2019 Mr Saeed Azimi was removed as a director of Blank Gallery Ltd. Companies House states that his appointment was terminated on this date. Mr Azimi was not replaced as DPS until a variation was submitted on 4 August 2020.

On two separate occasions (November 2019 & September 2020) the registered office of Blank Gallery Ltd has been changed and the Licensing Authority has not been notified on either occasion. These are offences under s33 Licensing Act 2003.

On 13 February 2020 the licence was suspended for the non-payment of the annual continuation fee. The original invoice was posted to an out of date registered address. However, notwithstanding the duty under s33 Licensing Act described above, this does not provide due diligence for the licence holder to avoid payment.

s55 Licensing Act 2003 provides that it is the responsibility of the licence holder to ensure the fee is paid. There is no obligation on the licensing authority to send a bill, albeit the City of London does this, as a courtesy, to assist all applicants. Furthermore, a reminder letter was posted directly to the bar and a suspension notice served through the front door. At this time the premises were closed and on 20 March the government imposed a nationwide closure on licensed trade.

On 4 August 2020 – following the DPS Variation – the licence holders' solicitors were also advised that the licence remains suspended. This information will have certainly been passed on by the law firm, but no payment of the fee was forthcoming. This email is attached to the application as a supporting document.

The premises re-opened for licensable activity in the Autumn of 2020 following the easement of covid lockdown restrictions on the hospitality sector. The City of London Police conducted a criminal investigation at the bar on a separate matter and upon advice the premises closed. The evidence presented in this application demonstrates licensable activity took place on 10 October 2020. With the licence suspended this is an offence under s136 Licensing Act 2003.

As a result of the Police investigation the DPS at the time, Mr Theodoros Bintas, resigned. No further action has been taken against Mr Bintas following consultation between the Corporation and Police. He does not form part of this review application as he is considered a witness to the licensing issues and the separate criminal matter. This will be described in additional representations from City of London Police.

A second annual continuation fee became due in January 2021. No contact from the licence holder was made to the City of London at this time and the debt accumulated to a total of £3108.

The premises are then believed to have re-opened on May 18th 2021. The licence remained suspended and no DPS was in place. Licensable activity was witnessed by the Corporation on 9th, 11th & 14th June 2021. Further offences have thus been committed under s136 Licensing Act 2003.

Furniture was placed outside the bar without the benefit of a pavement licence. This gives rise to matters of Public Safety as a consultation was not carried out as to their suitability on this road. Public nuisance issues may arise when no regulatory times and conditions are imposed on the use of external tables and chairs. It is also an offence under s137 Highways Act 1980. An application for a pavement licence was submitted on 24 June 2021 but received a number of objections from statutory authorities and was subsequently rejected.

Witness statements from City of London Officers and the relevant supporting documents are presented in support of this application. A full timeline of events showing the chronology of offences is also attached.

Have you made an application for review relating to the premises before

If yes please state the	date of that	application
-------------------------	--------------	-------------

Day	7	Mo	nth	Yea	ar	

If you have made representations before relating to the premises please state what they were and when you made them

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
1 JULY 2021	
Capacity ASSISTANT DIRECTO	OR PUBLIC PROTECTION
Contact name (where not previously given) an associated with this application (please read gu	
Post town	Post Code
Telephone number (if any)	
Telephone number (if any)	
If you would prefer us to correspond with you (optional)	using an e-mail address your e-mail address
(upriorial)	

Notes for Guidance

- 1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
- 2. The ground(s) for review must be based on one of the licensing objectives.
- 3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 4. The application form must be signed.
- 5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 6. This is the address which we shall use to correspond with you about this application.

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Appendix 1ii)

DIARY OF EVENTS

22.01.19	- Premises Licence for 27b Throgmorton Street EC2N 2AN issued under
	the Licensing Act 2003 to Blank Gallery Ltd. The Designated Premises
	Supervisor (DPS) is Mr Saeed Azimi, a company director at the time.
	Registered office address is Seymour Place W1H 4AT.

- 27.07.19 Unknown to City of London at the time, Mr Azimi is dismissed as a director of the company. No application for variation of DPS is submitted.
- 28.11.19 Unknown to City of London at the time, Blank Gallery change registered office address to Trotwood, Chigwell IG7 5JW. No application for change of circumstances is submitted.
- 04.12.19 Invoice for £1554 is raised by Finance Team for the first annual statutory continuation fee. This was sent to Seymour Place. The invoice is a courtesy provided by the Corporation to assist applicants. <u>S55 Licensing Act 2003</u> provides that it is the licence holders responsibility to ensure the fee is paid and not the Licensing Authority to notify them of this.
- Finance Department report that annual fee has not been paid. A letter is sent to Blank Gallery Ltd, directly to the premises at 27b Throgmorton Street, advising that their licence will be suspended if the fee is not paid by 12 February 2020.
- Visit to premises by AP Hewitt who finds the bar closed. Suspension notice served through the letterbox.
- Follow up visit by AP Hewitt. Bar still closed but no post visible inside front door showing that previous correspondence has been collected.
- 20.03.20 All licensed premises in UK closed by national lockdown. Restrictions eased on 4 July 2020.
- 04.08.20 Application submitted to vary DPS to Mr Theodoros Binta by Keystone Law solicitors. Updated licence issued on 18 August 2020 and emailed to solicitors with an advisory that it remains suspended.
- Unknown to City of London at the time, registered office is changed again to 27b Throgmorton Street EC2N 2AN. No application for change of circumstances is submitted.
- 10.10.20 City of London Police establish that licensable activity is taking place on the premises. Receipt of alcohol sales provided to Licensing Authority. Further investigation into criminal activity takes place and the premises is closed.
- 22.03.21 Mr Binta resigns his role as DPS as a result of the above criminal investigation. Page 21

18.05.21	- According to a later account from Mr Ronnie Cohan the premises re- opens for licensable activity. The licence remains suspended with annual fees from 2020 and 2021 still outstanding. Furthermore, the suspended licence has no designated premises supervisor. No contact from the licence holder to the Licensing Authority is recorded to establish the validity of their licence.
09.06.21	- Application submitted to vary DPS to Paul Kelly by Keystone Law solicitors. Visit to premises by P Raghoonath finds licensable activity taking place including off-sales to furniture outside without a Pavement Licence. Mr Raghoonath advises them to remove furniture forthwith.
11.06.21	- Visit to premises by AP Hewitt and P.C White finds licensable activity (including off-sales) taking place again. Furniture still outside. Premises advised licence is still suspended and they take up the matter with Keystone Law.
14.06.21	- Visit to premises by N Valaydon and P.C. White. Furniture still outside. Licensable activity (including off-sales) taking place.

-

Appendix 1iii)

 From:
 Breese, Robert

 To:
 robert.sutherland@keystonelaw.co.uk

 Subject:
 VARY DPS - Blank Gallery, Throgmorton Street, City of London

 Date:
 18 August 2020 15:21:00

 Attachments:

Hi Robert,

See updated licence and summary attached following change of DPS.

Please note this licence is currently suspended.

Regards, Robert

Robert Breese Licensing Officer Markets & Consumer Protection Licensing 020 7332 3344 Robert.breese@cityoflondon.gov.uk www.cityoflondon.gov.uk This page is intentionally left blank



Licensing Act 2003 Section 24 Premises licence summary

Licensing, City of London PO Box 270 Guildhall, London EC2P 2EJ

Premises licence number

LN/200507563

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Blank Gallery, 27B Throgmorton Street

Post town London Post code EC2N 2AN

Telephone number

Where the licence is time limited - the dates

Licensable activities authorised by the licence

Alcohol Sales Late Night Refreshment

Alcohol Sales

Sunday	08:00 - 02:00	-	
Monday	08:00 - 02:00	-	
Tuesday	08:00 - 02:00	-	
Wednesday	08:00 - 02:00	-	
Thursday	08:00 - 02:00	-	
Friday	08:00 - 02:00	-	
Saturday	08:00 - 02:00	-	
Late Night Refreshment			

Sunday	23:00 - 02:00
Monday	23:00 - 02:00
Tuesday	23:00 - 02:00
Wednesday	23:00 - 02:00
Thursday	23:00 - 02:00
Friday	23:00 - 02:00
Saturday	23:00 - 02:00

The opening hours of the premises

Sunday	07:00 - 02:30
Monday	07:00 - 02:30
Tuesday	07:00 - 02:30
Wednesday	07:00 - 02:30
Thursday	07:00 - 02:30
Thursday	07:00 - 02:30
Friday	07:00 - 02:30
Saturday	07:00 - 02:30

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

On & Off the Premises

Name, (registered) address of holder of premises licence

Blank Gallery Limited

Seymour Place

London

W1H 4AT

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

09437753

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Theodoros Binta

State whether access to the premises by children is restricted or prohibited

Date granted 22nd January 2019



Latest amendment 14th August 2020

Director of Markets & Consumer Protection



Licensing Act 2003 Section 24 Premises licence

Licensing, City of London PO Box 270 Guildhall, London EC2P 2EJ

Premises licence number

LN/200507563

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Blank Gallery, 27B Throgmorton Street

Post town	Post code
London	EC2N 2AN

Telephone Number

Where the licence is time limited - the dates

Licensable activities authorised by the licence

Alcohol Sales Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol Sales

Sunday	08:00 - 02:00	-
Monday	08:00 - 02:00	-
Tuesday	08:00 - 02:00	-
Wednesday	08:00 - 02:00	-
Thursday	08:00 - 02:00	-
Friday	08:00 - 02:00	-
Saturday	08:00 - 02:00	-

Late Night Refreshment

Sunday	23:00 - 02:00
Monday	23:00 - 02:00
Tuesday	23:00 - 02:00
Wednesday	23:00 - 02:00
Thursday	23:00 - 02:00
Friday	23:00 - 02:00
Saturday	23:00 - 02:00
-	

The opening hours of the premises

Onen	inσ	He	mrs	

Opening mours		
Sunday	07:00 - 02:30	-
Monday	07:00 - 02:30	-
Tuesday	07:00 - 02:30	-
Wednesday	07:00 - 02:30	-
Thursday	07:00 - 02:30	-
Friday	07:00 - 02:30	-
Saturday	07:00 - 02:30	-

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

On & Off the Premises

Part 2

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

Blank Gallery Limited

Seymour Place London W1H 4AT

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

09437753

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

Theodoros Binta Chase Side Southgate, London N14 5PA

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

LN/201801013 - Enfield

Date granted 22nd January 2019



Latest amendment 4th August 2020

Director of Markets & Consumer Protection

Annex 1 – Mandatory conditions

Alcohol

- 1. No supply of alcohol may be made under the Premises Licence
 - a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- 2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
- 3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b)provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d)selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

- 6. The responsible person shall ensure that
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: $\frac{1}{2}$ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1 -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (a) "permitted price" is the price found by applying the formula –

 $\mathbf{P} = \mathbf{D} + (\mathbf{D}\mathbf{x}\mathbf{V})$

Where -

- i. P is the permitted price
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (b) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
 - i. The holder of the premises licence
 - ii. The designated premises supervisor (if any) in respect of such a licence, or
 - iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (d) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- 2. The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

- 1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
- 3. Where
 - a. The film classification body is not specified in the licence, or
- 4. The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
 - a. admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 5. In this section "children" means any person aged under 18; and
- "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision

except theatres, cinemas, bingo halls and casinos

- 1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
- 2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

3. For the purposes of this section:

Page 31

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the Operating Schedule

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, 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. Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public.

3. There shall be no sale of alcohol in unsealed containers for consumption off the premises save that sales for consumption at tables which benefit from a licence granted to the applicant by the highway authority under S.115E Highway Act 1980.

4. An additional hour may be added to all standard and non-standard times permitted by this licence on the day that British Summertime commences with the exception of sale of alcohol.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

Restaurant & Bar 27B Throgmorton Street

Date: December 2018

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Appendix 2i)

<u>STATEMENT OF WITNESS</u> (Criminal Procedure Rules 2015, r.16; CJ Act 1967, s.9; MC Act 1980, s. 5B,)

STATEMENT OF	MR ANDRÉ PETER HEWITT
Age of Witness (If over 18 enter "Over 18)	Over 18
Occupation of Witness	LICENSING OFFICER

This statement, consisting of 1 page signed by me, is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I am a Licensing Officer with City of London, PO Box 270, Guildhall, London EC2P 2EJ. I have held this position since September 2004. I have an LLB (Hons) degree in law, I am a member of the Institute of Licensing and I have over 22 years continuous service in the public sector.

On 31st January 2020 I wrote to Blank Gallery Ltd (trading as Canvas Bar) following a finance report that they had not paid their annual continuation fee, due 21st January 2020, for a Premises Licence issued under the Licensing Act 2003. The letter was sent directly to their premises at 27b Throgmorton Street EC2N 2AN. The letter advised that unless they paid their fee by 12th February 2020 their licence would be suspended by the City of London. This time frame observes the two working days' notice prescribed under s55A (4) Licensing Act 2003. It also accounts for the 21-day grace period after the due date prescribed under s55A (8) Licensing Act 2003. I introduce this letter as APH1.

On 13th February 2020 I visited the premises at 27b Throgmorton Street at approximately 18.30 to serve a suspension notice as the fee was still outstanding. I found the premises were closed and I therefore served the notice through the front door letterbox. I introduce this notice as APH2.

On 27th February 2020 at approximately 16.30 I visited the premises once more to establish if it was open for trading again. I found it to be closed but observed that there was no post visible inside the front door. I deduced from this that all previous correspondence must have been collected.

On 2^{nd} February 2021 I was given information from the City of London Police that the venue had provided licensable activity on 10^{th} October 2020 – namely alcohol sales – whilst the licence was suspended. I introduce the receipt seized on the day as APH3. This is an offence under s136 Licensing Act 2003. I was also advised that the Premises had been subsequently closed due to a separate criminal investigation. As a result of this investigation I was aware that the current Designated Premises Supervisor (DPS) Mr Theodoros Binta resigned his position on 22^{nd} March 2021.

On 9th June 2021 City of London received a complaint that the venue was open once more with furniture placed outside on Throgmorton Street. There is no pavement licence or tables and chairs licence attached to this bar and at the time of writing no application for such has been received. The complaint was verified by Mr P Raghoonath, an officer with the Corporation. On the same day the City of London received **Rage Ligat** ion to appoint a new DPS in the name of

Following this, on 11th June 2021, I did some further research into the company and discovered two changes of registered office and a dismissal of a director who was DPS at the time. I introduce this document from Companies House as APH4. City of London had never been informed of these changes which evidence further breaches of the Licensing Act 2003. Failure to notify the Licensing Authority of a change of registered address is an offence under s33 Licensing Act 2003. I also made further inquiries with my colleagues in the finance team who were able to confirm that no payment had been made in respect of either the 2020 or 2021 Annual Continuation Fee. This means the licence remains suspended.

On 11th June 2021 at approximately 16.00 I visited 27b Throgmorton Street with P.C White of City of London Police. Upon arrival I observed four customers consuming alcohol outside the venue whilst seated at external tables and chairs. I was aware that the licence holder had not made an application to site this furniture under either a Pavement or Tables & Chairs Licence. Thus constituting an offence under s137 Highways Act 1980. We introduced ourselves to a member of staff who was identified as Mr Ronnie Cohan and who stated he was the manager and a director of Blank Gallery. Appendix 4 does not show Mr Cohan as a director. Mr Cohan stated that the bar had been open since 18th May and that the director in charge of the operation was Mr Saeed Hosseini. I advised that I believed the licence was currently suspended and that they were not permitted to provide licensable activity. Mr Cohan then contacted his solicitor, Mr Robert Sutherland of Keystone Law, who I also spoke to and advised on the purpose of the visit.

Mr Sutherland proceeded to make contact with City of London Chamberlains and at first reported that no outstanding debts were attributable to Blank Gallery Ltd. However, this was later found to be because the old invoice had been credited. This is an internal procedure between Chamberlains and Licensing to assist reporting on aged debt. No attempt had been made to pay by the licence holder and if there had been a new invoice would be raised forthwith. I advised Mr Cohan that we would be in touch again in respect of the City of London's decision as to whether any further action was required in respect of the historical and present offences. I left the premises at 16.45 and returned to the office. After this time, I spoke to Mr Sutherland on the phone to confirm the situation about the invoice. At the time of writing this statement the annual continuation fees for 2020 and 2021 remain outstanding.

I introduce the current Premises Licence as APH5.

Dated the 15th day of June 2021

Signed.....A P Hewitt.....



Appendix 2ii)

Department of Markets and Consumer Protection Jon Averns Director of Consumer Protection & Market Operations

Canvas 27b Throgmorton Street London EC2N 2AN

Telephone 020 7332 3406 Email licensing @cityoflondon.gov.uk

Our ref LA2003/ PD /JL

Case Officer Andre Hewitt

Date 31 January 2020

Dear Sir/Madam

Licensing Act 2003 - Payment of Annual Fee Canvas, 27b Throgmorton Street, London EC2N 2AN

As of the date of this letter the City of London Corporation has not received the annual Premises Licence fee of £1554.00 payable in respect of the above-named premises.

Under the provisions of Section 55A of the Licensing Act 2003, the City <u>must</u> suspend a Premises Licence if the annual fee is not paid at the appropriate time.

Therefore, for the purposes of the provisions of the above-mentioned Section of the Act, this letter is to be regarded as giving notice of the City of London Corporation's intent to suspend your Premises Licence on 12 February 2020 unless the appropriate annual fee is paid before that date. (NB, if paying by cheque you must give sufficient time for it to clear before this date).

PLEASE TAKE NOTE THAT IF YOUR PREMISES LICENCE IS SUSPENDED ALL SALES OF ALCOHOLIC BEVERAGES, PROVISION OF REGULATED ENTERTAINMENT AND PROVISION OF LATE NIGHT REFRESHMENT MUST CEASE AT MIDNIGHT ON 12 FEBRUARY 2020 UNTIL FURTHER NOTICE. FAILURE TO COMPLY MAY INCUR A FINE OF UP TO £20,000 AND/OR IMPRISONMENT FOR A TERM NOT EXCEEDING SIX MONTHS



If for any reason you dispute the content of this letter please contact the City's Licensing Office as soon as possible and in no circumstances later than 12 February 2020.

Yours faithfully



Peter Davenport Licensing Manager Port Health & Public Protection

APH2

ort Health and Public Protection Department of Markets and Consume	er Protection
on Averns lirector of Consumer Protection & Market Operati	
Ity of London Corporation Icensing Office Valbrook Wharf 8-83 Upper Thames Street ondon EC4R 3TD	LONDON
	Telephone 0207 332 3406 Email licensing@cityoflondon.gov.t
S55A LICE	<u>ENSING ACT 2003 –</u>
SUSPENSION O	F PREMISES LICENCE
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(Trading Name)Canvas Bar	
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BLANK GALLERY LIMITED

Company number 09437753

Date	Туре	Description	View / Download
22 Apr 2021		Compulsory strike-off action has been suspended	(1 page)
05 Apr 2021	GAZ1	First Gezette notice for compulsory strike-off	(1 page)
27 Sep 2020	AD01	Registered office address changed from Trotwood Chigwell Essex Trotwood Chigwell IG7 5JW England to 27B Throgmorton Street Throgmorton Street London EC2N 2AN on 27 September 2020	(1 page)
27 Sep 2020	CS01	Confirmation statement made on 29 July 2020 with no updates	(3 pages)
03 Dec 2019	RP04SH01	Second filing of a statement of capital following an allotment of shares on 2 July 2019 • GBP 10	(7 pages)
03 Dec 2019	RP04CS01	Second filing of Confirmation Statement dated 29/07/2019	(7 pages)
28 Nov 2019	PSC01	Notification of Seeed Hashem Hosseini as a person with significant control on 29 July 2019	(2 pages)
28 Nov 2019	AP01	Appointment of Mr Saeed Yasin Hosseini as a director on 29 July 2019	(2 pages)
28 Nov 2019	AD01	Registered office address changed from Seymour Place London W1H 4AT England to Trotwood Chigwell Essex Trotwood Chigwell IG7 5JW on 28 November 2019	(1 page)
28 Nov 2019	TM01	Termination of appointment of Saeed Azam Hosselni as a director on 29 July 2019	(1 page)
28 Nov 2019	PSC07	Cessation of Saced Azam Hosseini as a person with significant control on 30 July 2019	(1 page)
29 Jul 2019	CS01	 29/07/19 Statement of Capital gbp 10 ANNOTATION Clarification a second filed CS01 (Statement of capital change, Shareholder Information change) was registered on 03/12/2019. 	(6 pages)
29 Jul 2019	PSC01	Notification of Saeed Azam Hosseini as a person with significant control on 29 July 2019	(2 pages)
29 Jul 2019	PSC07	Cessation of Saeed Azimi as a person with significant control on 29 July 2019 Page 43	(1 page)
27	AP01	Appointment of Mr Saeed Azam Hosseini as a director on 26 July 2019	(2 pages)

https://find-and-update.company-information.service.gov.uk/company/09437753/filing-history

11/06/2	021	BLANK GALLERY LIMITED - Filing history (free inform	nation from Companies House)
Jul 2019			
27 Jui 2019	TM01	Termination of appointment of Saeed Azimi as a director on 28 July 2019	(1 page)
26 Jul 2019	AA	Total exemption full accounts made up to 31 December 2018	(5 pages) <u>Download IXBRL</u> <u>(https://beta.companiashouse.gov.uk/company/09437753/filing- history/MzI0MDM3NDc5NmEkeXF6a2N4/document2</u> <u>format=xhtml&download=1)</u>
03 Jul 2019	SH01	Statement of capital following an allotment of shares on 2 July 2019 GBP 1	(4 pages)
		 ANNOTATION Clarification a second filed SH01 was registered on 03/12/2019. 	
12 Sep 2018	AA	Accounts for a dormant company made up to 31 December 2017	(2 psges) <u>Download IXBRL</u> (https://beta.companieshouse.gov.uk/company/09437753/filing- history/MzixNDMzNilw/MmFkaXF6s2N4/document? format=xhimi@download=1)
01 Aug 2018	CS01	Confirmation statement made on 1 August 2018 with updates	(3 pages)
20 Feb 2018	CS01	Confirmation statement made on 13 February 2018 with no updates	(3 pages)
29 Sep 2017	AA	Accounts for a dormant company made up to 31 December 2016	(2 pages) <u>Download IXBRI</u> (https://bets.companieshouse.gov.uk/company/09437753/filing= history/MzE4NIY0ODU40GFkaXF6s2N4/document3 formst=xhtml&download=1)
17 Jun 2017	DISS40	Compulsory strike-off action has been discontinued	(1 page)
14 Jun 2017	CS01	Confirmation statement made on 13 February 2017 with updates	(5 pages)
09 May 2017	GAZ1	First Gazette notice for compulsory strike-off	(1 page)

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Page 44

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Company Details

Name & Registered Office: BLANK GALLERY LIMITED 27B THROGMORTON STREET THROGMORTON STREET LONDON ENGLAND ENGLAND EC2N 2AN Company No. 09437753

Status: Active - Proposal to Strike off Date of Incorporation: 13/02/2015

Country of Origin: United Kingdom

Company Type: Private Limited Company Nature of Business (SIC): 68209 - Other letting and operating of own or leased real estate

Accounting Reference Date: 31/12 Last Accounts Made Up To: 31/12/2018 (TOTAL EXEMPTION FULL) Next Accounts Due: 31/12/2020 OVERDUE Last Confirmation Statement Date: 28/07/2020 Next Confirmation Statement Due: 12/06/2021

Mortgage: Number of charges: (0 outstanding / 0 satisfied / 0 part satisfied) Last Members List: 13/02/2018

Previous Names: No previous name information has been recorded over the last 20 years.

UK Establishment Detells There are no UK Establishments associated with this company.

Overses Company Info There are no Overses Details associated with this company.

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BLANK GALLERY LIMITED

Company number 09437753

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- Persons with significant control (https://beta.companieshouse.gov.uk/company/09437753/persons-with-significant-control)

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Current officers

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3 officers / 2 resignations

HOSSEINI, Saeed Hashem

Correspondence address Trotwood, Trotwood, Chigwell, England, IG7 5JW Role Active Director Date of birth May 1988 Appointed on 29 July 2019 Nationality British Country of residence England Occupation Buelnessman

AZIMI, Saeed

Correspondence address Seymour Place, London, England, W1H 4AT Role Resigned Director Date of birth April 1986 Appointed on 13 February 2015 Resigned on 26 July 2019 Nationality British Country of residence United Kingdom Occupation Company Director

HOSSEINI, Seeed Azam

Correspondence address	Abbots Manor, London, England, SW1V 4JF
Role Resigned Director	- 1
Date of birth October 1991	
Appointed on 26 July 2019	
Resigned on 29 July 2019	
Nationality British	
Country of residence England	Daga 16
Occupation Businessman	Page 46



Licensing Act 2003 Section 24 Premises licence

Licensing, City of London PO Box 270 Guildhall, London EC2P 2EJ

Premises licence number

LN/200507563

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Blank Gallery, 27B Throgmorton Street

Post town London Post code EC2N 2AN

Telephone Number

Where the licence is time limited - the dates

Licensable activities authorised by the licence

Alcohol Sales Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol Sales

Sunday	08:00 - 02:00	_
Monday	08:00 - 02:00	-
Tuesday	08:00 - 02:00	-
Wednesday	08:00 - 02:00	-
Thursday	08:00 - 02:00	-
Friday	08:00 - 02:00	-
Saturday	08:00 - 02:00	-

Late Night Refreshment

0	
Sunday	23:00 - 02:00
Monday	23:00 - 02:00
Tuesday	23:00 - 02:00
Wednesday	23:00 - 02:00
Thursday	23:00 - 02:00
Friday	23:00 - 02:00
Saturday	23:00 - 02:00

The opening hours of the premises

Opening Hours		
Sunday	07:00 - 02:30	-
Monday	07:00 - 02:30	-
Tuesday	07:00 - 02:30	-
Wednesday	07:00 - 02:30	-
Thursday	07:00 - 02:30	-
Friday	07:00 - 02:30	-
Saturday	07:00 - 02:30	-

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

On & Off the Premises

Part 2

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

Blank Gallery Limited Seymour Place London W1H 4AT

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

09437753

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

Theodoros Binta Chase Side Southgate, London N14 5PA

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

LN/201801013 - Enfield

Date granted 22nd January 2019



Latest amendment 4th August 2020

Director of Markets & Consumer Protection

Annex 1 – Mandatory conditions

Alcohol

- 1. No supply of alcohol may be made under the Premises Licence
 - a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- 2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
- 3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b)provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d)selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

- 6. The responsible person shall ensure that
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: $\frac{1}{2}$ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (a) "permitted price" is the price found by applying the formula –

 $\mathbf{P} = \mathbf{D} + (\mathbf{D}\mathbf{x}\mathbf{V})$

Where -

- i. P is the permitted price
- ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (b) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
 - i. The holder of the premises licence
 - ii. The designated premises supervisor (if any) in respect of such a licence, or
 - iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (d) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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- Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- 2. The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

- 1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
- 3. Where
 - a. The film classification body is not specified in the licence, or
- 4. The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
 - a. admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- 5. In this section "children" means any person aged under 18; and
- "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision

except theatres, cinemas, bingo halls and casinos

- 1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
- 2. But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

3. For the purposes of this section:

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- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, 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. Promoted events will not be held at the premises. A promoted event is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of whom are not employees of the licensee (premises licence holder) and the event is (independent of the licensee) promoted to the general public.

3. There shall be no sale of alcohol in unsealed containers for consumption off the premises save that sales for consumption at tables which benefit from a licence granted to the applicant by the highway authority under S.115E Highway Act 1980.

4. An additional hour may be added to all standard and non-standard times permitted by this licence on the day that British Summertime commences with the exception of sale of alcohol.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

Restaurant & Bar 27B Throgmorton Street

Date: December 2018

STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, Section 5B; Criminal Procedure Rules 2005, Rule 27.2)

STATEMENT OF	
	Pritam Raghoonath
Age of Witness	Over 18
(If over 18 enter "Over 18)	
Occupation of Witness	
	Licensing Officer – City of London Corporation

This statement, consisting of one (1) page signed by me, is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 17th day of June 2021

Signed...... Pritam Raghoonath

I work as a Licensing Officer for the City of London Corporation. On Wednesday 09th June 2021 around 18:15 hrs, I attended a complaint at 27 Throgmorton Street, London EC2N 2AQ about tables and chairs used on the pavement. I saw several tables and chairs were placed on the pavement outside The Throgmorton. I went inside the public house and asked to speak to the manager about whether they have a licence in place. Whilst waiting for the manager, I noticed that the tap was open and beers were being served to the patrons seated outside. I advised the manager that the chairs and tables should be removed from the pavement as soon as the patrons would finish their drinks as he could not show me the displayed table and chairs licence. Whilst there was no patrons inside the premises on the ground floor level during my visit, patrons were being served at the external tables by bar staff. Whilst I was on my way out, a male person approached me and introduced himself as David Kelly and informed me he is the new DPS and informed me that a licence was applied for through his solicitors. He was given the same advice that all chairs and tables should be removed from the highway as soon as practicable. I took two photographs which are exhibited as 'PR1' and "PR2" attached.

SignedP Raghoonath.... Pritam Raghoonath. Dated the 17th day of June 2021

Appendix 2iv)

Exhibit PR1

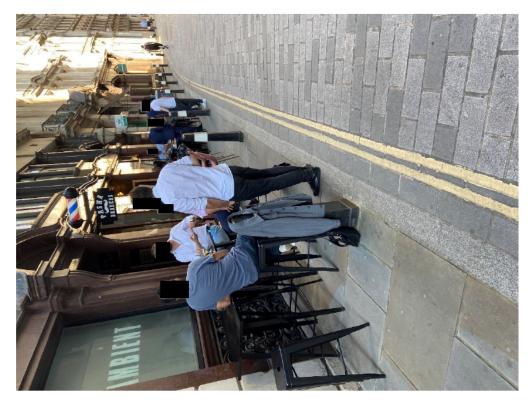


Exhibit PR2



STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, Section 5B; Criminal Procedure Rules 2005, Rule 27.2)

STATEMENT OF	
	Nad Valaydon
Age of Witness	Over 18
(If over 18 enter "Over 18)	
Occupation of Witness	
	Licensing Officer – City of London Corporation

This statement, consisting of three (2) pages signed by me, is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 18th day of June 2021

Signed...... Nad Valaydon

I have worked as a Licensing Officer for the City of London Corporation since July 2017. On Monday 14th June 2021 at roughly 15:15 hrs myself and Dan White (City of London Licensing Police Officer) visited The Throgmorton on Throgmoton Street in the City due to ongoing problems, mainly to check the furniture was not placed back on Throgmorton Street without a valid licence. As we approached, we could see 4 tables were back out, a picture was taken on my work phone and exhibit as NV1. We entered the premises which was empty however clearly open due to the doors being open, lights on and taps at the bar were on. We spoke to Jack Monroe who was the only staff member present who informed us he was the supervisor. Jack explained he was told by Ronnie (the manager) that furniture could be placed outside and alcohol could be served. Jack then said the ground floor is open from 12:00 hrs till the evening with alcohol on the menu however the lower levels are shut. I informed the premises has no Table and Chairs or Pavement licence therefore he removed the furniture and agreed not to place them back again without a licence. We then checked the lower levels which were closed to the public however there were a group filming in one of the areas. Jack explained that he has no idea who they are, Ronnie informed him that morning the filming would take place. Dan then asked to view the CCTV which Jack admitted he is unable to as he hasn't been shown how to use the CCTV. This would be in breach of Annex 2, Condition 1

of the Premises Licence and therefore an offence under s136 Licensing Act 2003. However, I had been informed that the licence was still suspended at this point anyway.

Later that afternoon I received a phone call from Saeed, who claimed to be the director of the company, when questioned which company, Saeed answered Blank Gallery. Saeed was clearly emotional, angry and very dismissive of the discrepancies which the premises has shown. He explained he shouldn't require a Table and Chairs or Pavement licence due to the minimal furniture the premises is placing outside, also he believes he doesn't have to abide by conditions set out on a premises licence. Saeed then said management know how to use the CCTV and given current technology with one phone call he can give staff access to the CCTV. He also claimed to have proof that payments are up to date concerning annual fees and he will email over once he is back from holiday, on the 17th June 2021. No such proof was provided and on 18th June 2021 Blank Gallery Ltd set up a payment plan with Chamberlains to pay the 2020 & 2021 annual fees by instalment.

Signed.....N. Valaydon.... Nad Valaydon Date: 18th Day of June 2021

Appendix 2vi)

Exhibit NV1



		-	
WITNESS STA	ATEMENT		
Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B			
	URN		
Statement of: Daniel White]	
Age if under 18: Over 18 (if over 18 insert 'over 18')	Occupation: Police Officer		
This statement (consisting of 3 page(s) each signed by and I make it knowing that, if it is tendered in evidence, I s in it anything which I know to be false, or do not believe to	shall be liable to prosecution if I have wilfully stated		
Signature: Daniel White PC 811CP	(witness) Date: 2/7/21		

Annondiv 3i)

The following statement is made in relation to Police representations with regards to the premises licence review of THROGMORTONS, 26B THROGMORTON STREET, LONDON EC2N 2AN.

I am the Licensing Officer for the City of London Police and part of my duties include the monitoring of crime and disorder associated with licensed premises.

uncovered in a licensed premise. However, the investigating officers asked for the licensing team to refrain from engagement with the premises licence holder at that stage as not to hamper any investigations efforts. The premises licence holder is Blank Gallery Limited of which the only listed director is a Mr Saeed HOSSEINI. Mr HOSSEINI, was arrested in connection with the cannabis factory and enquires are ongoing.

At around 16:00 hours on Friday 11th June 2021, I attended THROGMORTONS in the company of Andre Hewitt of the City of London's licensing team. HEWITT had informed me the premises licence was still suspended and the venue was still operating licensable activity. The purpose of my visit was to assist HEWITT to establish what was occurring at the venue. On arriving at the venue both HEWITT and I introduced ourselves to a male who identified himself as Ronnie COHAN. I could see that there were tables and chairs outside the venue despite the business not having a licence for them. The bar was fully stocked with alcoholic drinks on display for sale. COHAN stated that he was the manager and a director of the business. The main conversation took place with HEWITT and COHAN in which COHAN was informed the licence was still suspended due to the non-payment of annual fees and that any licensable activity was unlawful. Also present in the venue at the time of our visit were 3 males sat at table adjacent to the bar, these males were consumer pints of lager. I also had a conversation with COHAN regarding the matter and found him most uncooperative. He was belligerent, rude and argumentative throughout my entire conversation. I was aware that HEWITT was also speaking to MR COHAN's solicitor on the phone and after this we left the venue informing COHAN that as things stood his licence was suspended and he was not to undertake any licensable activity there.

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was fully stocked with alcoholic beverages on display for sale. We then spoke to male who would only identify himself as Jack who stated he was the manager. There were no customers present and he stated there was no one else present in the venue. Throughout my conversations with Jack, I found him to evasive and without any respect for myself or my colleague. I walked down to the basement levels in order to check if any licensable activity was taking place and on the first basement level, I saw scantily dressed females being photographed by a group of oriental males. I spoke to one of the males who told me that he had been given permission by Ronnie COHAN to use the venue for their event. I went back upstairs and enquired with Jack as to what was taking place. Jack told me he did not know they were there, had not spoken to them and did not know them. I went back down to speak to the male and as I did so Jack came down the stairs. The oriental male called Jack by his name and they started chatting like old chums, It was clear to me that the males definitely did know each other and Jack had lied to me about this fact. I then ventured down to the second basement which was where the cannabis factory had been housed. It still smelt strongly of cannabis even after all the time that had passed since its removal. After VALYDON had finished with Jack we left the venue.

I am aware that the licence holder is claiming no knowledge of the cannabis factory within their venue claiming their sub-letted the basement. However, given the lay out of the venue and the huge undertaking of the operation it is my opinion that there is no way the licence holder would have not been aware of the activity taking place. The smell, the noise and huge consumption of power not to mention the manpower required to resource the factory would have been obvious to anyone in the building as to what was going on.

Signature: Daniel White Signature witnessed by:



WITNESS STATEMENT Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B	
Statement of: Benjamin ELLEN	URN
Age if under 18: Over 18 (if over 18 insert 'over 18')	Occupation: Police Staff Licensing Officer
This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.	
Signature: Benjamin ELLEN	(witness) Date: 06/07/2021

I am a licensing officer for the City of London Police.

On 2nd February 2021 at 1329 hours, I provided Andre HEWITT with a photo of a receipt seized

by the City of London Police showing end of day report on sales of alcohol at 27b Throgmorton

Street on 10th October 2020. I exhibit this as BE01.

There were also sales of alcohol from 27b Throgmorton Street on the following dates:

07/10/2020, 02-06/10/2020, 08/10/2020, 09/10/2020, 13/10/2020 these are exhibited as BE02

– BE08, respectively.

Exhibits BE09 – BE15 relate to the z-totals from a card payment machine.

I have sent these to Andre HEWITT on 06/07/2021.

Signature: Signature witnessed by:

Appendix 3iii)





End of Day Report	2/10/2020 15 34 28 3/10/2020 22 00 59	N THE TILL TAKEN VARIANCE (1000	£0.00 £0.00 £0.00	200 £148.25 -5148.25 £0.00 £0.00 £0.00 £148.25	£0.00 £149.25 -£149.25		DISC AVG TOTAL £0.00 £37.31 £149.25		TAX TOTAL %TOTAL	23 89 £143.50 100.00%	23.89 £143.50 100.00%		DISC NET TAX TOTAL	£0.00 £75.86 £15.14 £81.00	£0.00 £30.00 £8.00 £36.00	£0.00 £10.00 £2.00 £12.00	£0.00 £3.75 £0.75 £4.50	£0.00 £5.75 £0.00 £5.75	£0.00 £125.36 £23.89 £149.25		TAX TOTAL %TOTAL	3.89 £149.26 100.00%	1.89 £140.25 100.00%
End of D	Till Name Till4 Opened by Cashler on 02/10/2020 15 34 28 Closed by Manager on 06/10/2020 22 00 59 Note	TENDER Opening Balance (Float) Withdrawn/Deposited Petry Caeh Caeh Tip Outs. Sub Total	Customer Credit Sub Total	Cath Card Sub Total	Total	Sales Breakdown	QTY Transactions 4	Wet/Dry	QTY DISC NET	23 £0.00 £119.61 £23.60 £143.50 Total:	23 £0.00 £119.61 £23.89 £143.50	Sales by Product	QTY Peroni Nastro			ad I arrer				Sales by Employee	QTY DISC NET	26 £0.00 £125.36 £23 89 £149.25	25 £0.00 £125.36 £23.89 £140.25





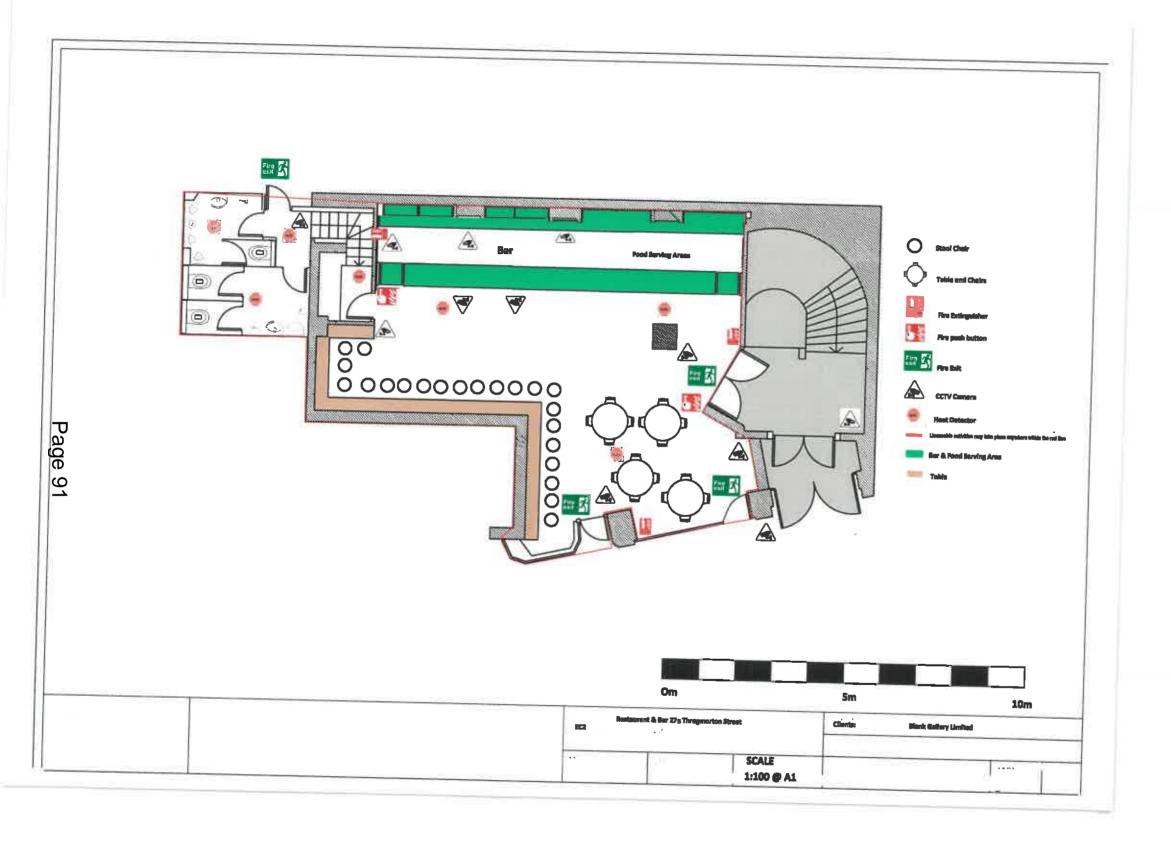














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