

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

STATEMENT OF	MR ANDRÉ PETER HEWITT
<u>Age of Witness</u> (If over 18 enter "Over 18)	Over 18
<u>Occupation of Witness</u>	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 2nd February 2021 I was given information from the City of London Police that the venue had provided licensable activity on 10th 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 22nd 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 an application to appoint a new DPS in the name of

Paul Kelly.

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.....