

|  |  |                                       |
|--|--|---------------------------------------|
| <b>Committee(s):</b><br><b>Licensing</b>   | <b>Hearing Date(s):</b><br><b>24 August 2021</b> | <b>Item no.</b>                       |
| <b>Subject:</b><br><b>Licensing Act 2003 - Application for the review of a premises licence</b>            |  |                                       |
| <b>Name of Premises:</b> <b>Blank Gallery</b><br><b>Address of Premises:</b> <b>27b Throgmorton Street</b> |  |                                       |
| <b>Report of:</b><br><b>Director of Markets and Consumer Protection</b>                                    |  | <b>Public / <del>Non-Public</del></b> |
| <b>Ward (if appropriate):</b> <b>Broad Street</b>  |  |                                       |

## **1 Introduction**

- 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 Summary of Application**

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 Licensing History of Premises**

- 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 Representations from Responsible Authorities**

- 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 Representations From Other Persons**

5.1 There were no representations from other persons.

## **6 Policy Considerations**

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 Summary**

- 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 Recommendation**

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**

| <u>BACKGROUND PAPER</u>  | <u>DEPT</u> | <u>FILE</u>                        |
|--|-------------|------------------------------------|
| Corporation of London Statement of Licensing Policy (revised Jan 2017)                                 | MCP         | 3 <sup>rd</sup> Floor Guild Hall   |
| Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. April 2018 |             | <a href="#">Statutory Guidance</a> |