

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON TUESDAY 14 September 2021 AT 12.45 PM

APPLICANT: City of London Licensing Authority
PREMISES: Blank Gallery, 27B Throgmorton Street, London,
EC2N 2AN

Sub-Committee:

Marianne Fredericks (Chairman)
Michael Hudson
Shravan Joshi

Officers:

Town Clerk – Leanne Murphy
Comptroller and City Solicitor – Frank Marchione
Markets & Consumer Protection – Peter Davenport

Given Notice of Attendance:

Gerald Gouriet QC (FTB Chambers) - Counsel representing the Applicant and supported by Paul Chadha
Robert Sutherland (Keystone Law) – acting for Licence Holder
Andre Hewitt (Licensing Officer)
Pritam Raghoonath (Licensing Officer)
Nad Valaydon (Licensing Officer)
PC Daniel White (COL Police)
Ben Ellen (COL Police)

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 12.45pm in Committee Room 1, Guildhall, London, EC2, to consider the representations submitted in respect of an application by the City of London Licensing Authority for a licence review in respect of the premises Blank Gallery, 27B Throgmorton Street, London, EC2N 2AN.

The Sub-Committee had before them the following documents:-

Hearing Procedure

Appendix 1: Report of the Director of Markets & Consumer Protection

- i) Copy of Application
- ii) Diary of Events
- iii) Email from Robert Breese dated 18 August 2020

Appendix 2: Supporting evidence from City of London Licensing Authority

- i) Statement of Andre Hewitt
- ii) Exhibits relating to Andre Hewitt's statement

APH1 - Intention to suspend

APH2 – Suspension Notice

APH3 – Till Receipt
APH4 – Companies House Details
APH5 – Current Licence
iii) Statement of Pritam Ragoonath
iv) Exhibits relating to Pritam Ragoonath's statement
PR1 – Photo
PR2 – Photo
v) Statement of Nad Valaydon
vi) Exhibits relating to Nad Valaydon's statement
NV1 – Photo
Appendix 3: Representations from responsible authorities: City of London Police
i) Statement of Daniel White
ii) Statement of Benjamin Ellen
iii) Exhibits relating to Benjamin Ellen's statement
BE1 – Receipt showing daily sales 10 October 2020
BE2-BE8 – Receipts showing daily sales
BE9-BE15 – Z totals from a card payment machine

1. The Hearing commenced at 12.45 PM.
2. At the commencement of the Hearing, the Chairman explained that notice of a request for adjournment had been received by the Licence Holder's Solicitor the evening before the Hearing date. The Chairman invited Mr Robert Sutherland to make the request to the Sub-Committee and all parties present.
3. Mr Sutherland advised that the request was being made in the interests of justice. The Director of the Licence Holder was an Afghan national attempting since the latter part of August to arrange the necessary forms to enable their close family members to leave the country and travel to the UK. This had been a very arduous and time-consuming process as well as being emotionally draining. The time, effort and emotional energy over the past few weeks has meant that the Licence Holder was not in a position to set out the response to the review as fully and robustly as would be appropriate to assist the Sub-Committee determine the application.
4. Mr Sutherland confirmed the premises was currently closed and the Licence Holder would voluntarily undertake not to reopen the premises for licensable activity prior to the Review Hearing. It was acknowledged that any breach of that undertaking would be considered negatively in respect of the Licence Holder's ability to promote the licensing objectives.
5. The Sub Committee clarified that the licence fees at the premises were in arrears and there was currently no DPS in position. The premises could not legally open and the closure was therefore not voluntary.

6. Mr Sutherland confirmed this was correct but there was an issue concerning the fees. Whilst these were live issues, the Licence Holder could resolve them immediately and legally reopen.
7. The Sub Committee queried why the Mr Sutherland could not represent his client as his legal representative. Mr Sutherland confirmed he did not have instructions to represent his client on this occasion and felt it was important that the Licence Holder speak on his own behalf.
8. The Sub-Committee retired at 1.03pm to make a decision on the adjournment in private session.
9. The Sub Committee returned to deliver the outcome at 1.31pm.
10. The Chairman explained that the Sub-Committee had carefully considered the request and did feel that they wished to hear representations from the Licence Holder in person. Following legal advice and having consulted all relevant parties to the Hearing, the Sub-Committee felt that it was in the public interest to adjourn the Hearing to the new date which was agreed to be 15 October 2021 at 11.00am.
11. The Sub-Committee made clear that the Hearing would go ahead on the set date with or without the Licence Holder present and that Members would take it with a negative view if he did not attend. Mr Sutherland gave assurance that his client would attend.
12. The Chairman adjourned the Hearing, thanked all parties for their attendance and confirmed that written confirmation of the new Hearing date would follow.

The meeting closed at 2.05 PM

Chairman

Contact Officer: Leanne Murphy
Tel. no. 020 7332 3008
E-mail: leanne.murphy@cityoflondon.gov.uk