

MINUTES OF THE LICENSING (HEARING) SUB-COMMITTEE

HELD ON FRIDAY 15 JULY 2022 AT 12PM

APPLICANT: Art of Dough
PREMISES: 16 Eldon Street, London, EC2M 7LD

Sub-committee:

Deputy Peter Dunphy (Chairman)
Deputy John Fletcher
Brendan Barns

Officers:

Town Clerk – Polly Dunn
Comptroller and City Solicitor – Frank Marchione
Environment - Peter Davenport
Environment – Rachel Pye

Applicant:

Bhrijesh Patel (Applicant)
Sam Frimpong (Event Organiser)

Making representation:

Responsible Authorities

Mr Paul Holmes, City of London Police

Licensing Act 2003 (Hearings) Regulations 2005

A public Hearing was held at 12pm to consider the representations submitted in respect of a temporary event notice ('TEN') application for 16 Eldon Street, London, EC2M 7LD.

The Sub-Committee had before it the following documents:

- Hearing Procedure
- Report of the Executive Director Environment
- Appendix 1: Copy of Application
- Appendix 2: Conditions Consistent with the Operating Schedule
- Appendix 3: Representations from Other Responsible Authorities (i)
- Appendix 4: Plan of Premises

Appendix 5: Map of Subject Premises

The Hearing commenced at 12pm.

At the commencement of the Hearing, the Chairman introduced himself and the two panel members and asked the Applicant and other parties present to introduce themselves. The Chairman then outlined the purpose and procedure of the hearing.

On behalf of the City of London Police, Mr Holmes made a request to submit additional documentation for the Sub Committee's consideration, which he stated had been received since the initial representation was made. The Applicant confirmed he was content for the Sub Committee to have sight of this documentation and it was distributed to the Panel and all parties.

The Chairman invited Mr Holmes to set out the City of London Police's objections to the TEN.

Mr Holmes explained that the event at 16 Eldon Street was being organised by an external promoter. Mr Holmes was concerned that, as the proprietor of a pizza restaurant, the Applicant had limited experience of running such an event. Mr Holmes explained that he raised this concern with the Applicant, who informed Mr Holmes that he had held a similar event in the previous November. Mr Holmes informed the Sub Committee that the TEN received in November indicated that the premises wished to extend its alcohol trading hours to accommodate Christmas parties and, as this was a typical application during the run up to Christmas, no objections were raised. Mr Holmes stated that the Applicant claims that this was a promoted event which occurred without any issues.

Mr Holmes stated that the Applicant accepted his own inexperience in holding promoted events and that there were risks involved. However, he explained that the event organiser was an experienced promoter. Mr Holmes informed the Sub Committee that he warned the Applicant that the event organiser would not be liable if anything went wrong at the event, but that the most serious eventualities could jeopardise the premises' license. In Mr Holmes' view, the Applicant felt that holding the event was worth the risk. Mr Holmes stated that he informed the Applicant that he would raise a representation based upon the licensing objective to prevent crime and disorder as he was concerned that the event would not be appropriately managed.

Mr Holmes informed the Sub Committee that there were several errors on the completion of the TEN application form. First, the Applicant had not selected 'regulated entertainment, and consequently would not be permitted to have a DJ at the event, as intended. Secondly, it was incorrectly marked as a late TEN. Finally, it stated that late night refreshments were required, which Mr Holmes believed the Applicant thought referred to alcohol. To Mr Holmes this indicated the Applicant's lack of understanding about the TEN application form.

Mr Holmes stated that following this correspondence, the Applicant returned a completed risk assessment form. Mr Holmes explained that he had emphasised to the Applicant the importance of ensuring the information on the form was accurate.

The returned risk assessment form indicated that there would be one promoter, Mr Sam Frimpong, and one DJ at the event. However, Mr Holmes stated that an advert for the event listed six DJs, but did not refer to Mr Frimpong. Mr Holmes concluded that this meant that the form had been completed incorrectly and that this may have been deliberate.

Mr Holmes further stated that on 17 July 2022 a colleague checked the CCTV system in place at the premises. He explained that working CCTV would assist the police if an incident did occur at the event, and that a condition of the premises' licence was to have operating CCTV with the capacity to store footage for 14 days. Mr Holmes stated that during his colleague's visit, the manager of the premises was unable to operate the CCTV system as he was new. Mr Holmes stated that the Applicant attended the premises and was able to operate the CCTV system. In total the system consisted of eight screens with four operational. However, Mr Holmes explained that two of the cameras were situated in the staircase, leaving only two cameras to cover the restaurant space. As such, this coverage was limited.

The Chairman invited the Applicant to ask any questions of Mr Holmes or proceed to his representations.

The Applicant began by responding to Mr Holmes' representations. In relation to the CCTV, he stated that the premises has an eight-system DVR (Digital Video Recorders), but only six cameras were in place with two non-operational. He informed the Sub Committee that these non-operational cameras were now working.

Turning to the event, the Applicant stated that it was a private event organised by Mr Frimpong, who was a close friend. The Applicant stated that he cared about his premises licence and any personal reputational damage that could arise from the mismanagement of the event. He explained that he and Mr Frimpong wanted to create an event to celebrate the end of the Covid-19 pandemic. The Applicant informed the Sub Committee that they take all laws very seriously and that they were considered when developing the event. The Applicant explained that he had ensured that he had hired adequate security and that the bar staff employed for the event are sourced from external organisations where they had received appropriate training.

The Chairman invited Mr Frimpong to address the Sub Committee. Mr Frimpong informed the Sub Committee that he has over ten years' experience in the hospitality sector and that he has numerous clients, including bars, restaurants and nightclubs. He stated that he has built a reputation for marketing venues and that from 2018 until the Covid-19 pandemic in 2020 he held four successful events.

Mr Frimpong explained that he has a co-partner, who is a DJ and listed on the event advertisement. He informed the Sub Committee that his co-partner had completed the form and apologised for the inaccuracies. He also explained that the events he holds are targeted at attendees who are aged 55 and over. Mr Frimpong stated that he and the Applicant have a close relationship and he would ensure that any restrictions on the event were adhered to. He concluded that he was confident that they could hold a safe, organised event on the date proposed.

In response to a query of a Member of the Sub Committee, Mr Holmes confirmed that the TEN would not have allowed the Applicant to have a DJ as they did not mark the requirement for regulated entertainment. The Applicant informed the Sub Committee that he was not aware of this.

In response to a query of a Member of the Sub Committee, Mr Frimpong confirmed that the event would conclude at 5am and that there would be no tickets available on the door.

In response to a further query of a Member of the Sub Committee, the Applicant stated that he wanted the event to proceed with a DJ and requested guidance on the procedure to obtain permission for DJs. The Chairman explained that the Panel could only make a decision based on the information provided on the current application form.

Both parties declined the opportunity to make final summarising comments.

The Sub Committee retired to consider the TEN application. Parties were released and the decision was delivered by email on 15 July. The Panel determined to issue the Applicant with a counter notice. The decision was made on the basis that the licensing objectives could not be met, in particular the objective to prevent crime and disorder. The Applicant was advised to consult with the City Corporation's licensing team before making any further applications.

The meeting ended at 12.33pm

Chairman

Contact Officer: Chloe Ainsworth
E-mail: chloe.ainsworth@cityoflondon.gov.uk

Decision letter circulated on 15 July 2012:

Dear Mr Patel,

Following today's hearing, the Panel has made the decision to issue you with a counter notice. This decision was made on the basis that the licensing objectives could not be met. Please find a copy of the Counter Notice attached to this email.

If making an application in future, the Panel wished to encourage you to liaise with the Licensing Office licensing@cityoflondon.gov.uk ahead of submission.

Kind regards

Polly Dunn