

MINUTES OF THE LICENSING REVIEW (HEARING) SUB COMMITTEE

HELD ON MONDAY 4 JANUARY 2016

APPLICANT: CITY OF LONDON POLICE
PREMISES: CARAVAGGIO, 107-112 LEADENHALL STREET,
LONDON EC3A 4AF

PRESENT

Sub Committee:

Marianne Fredericks CC (Chairman)
Edward Lord
Peter Dunphy

Applicant:

Gary Grant, Counsel representing the Premises
Inspector Simon Douglas, City of London Police
Inspector Deborah Belcher, City of London Police
Mr John Hall, City of London Police Licensing Officer

Premises:

Mr Charles Streeten, Barrister representing the Applicant
Mr Enzo Quaradeghini, Designated Premises Supervisor (DPS), Caravaggio

Responsible Authorities and Other Persons:

Ms Rachel Sambells, City of London Environmental Health Officer
Ms Siobhan Marshall, City of London Environmental Health Officer
Mr Nigel Bedford, London Fire and Emergency Planning Authority
Mrs Stavrides, Resident

In Attendance:

Mr Paul Chadha, Comptroller and City Solicitor's Department
Mr Steve Blake, Department of Markets and Consumer Protection
Mr Peter Davenport, Department of Markets and Consumer Protection
Mrs Gemma Stokley, Town Clerk's Department

Licensing Act 2003 (Hearings) Regulations 2005

A Review Hearing was held at 4:00pm in Committee Room 1, Guildhall, London, EC2, to consider and determine, through review, measures regarding the premises licence for '107-112 Leadenhall Street, London EC3A 4AF.'

The Sub Committee had before them the following documents:-

Appendix 1 – Report of the Director of Markets and Consumer Protection:

Application for Summary Review
Additional information in support of review application

Appendix 2 – s.53A Certificate

Appendix 3 – Copy of Current Licence

Appendix 4 – Plan of Premises

Appendix 5 – Decision of Sub-Committee (Consideration of interim steps) 9 December 2015

Appendix 6 – Representations from Responsible Authorities:
Environmental Health
London Fire & Emergency Planning

Appendix 7 – Representations from Other Persons
Stavrides

Appendix 8 – Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales.

Together with late papers circulated subsequent to the Sub Committee agenda being published:

Police evidence

- Schedule of Incidents
- Witness Statements
- Intelligence Reports
- Letter from the City of London Police to the proprietor
- Email from the City of London Police to Environmental Pollution
- City of London Police Email exchange
- Body Cam Footage
- CCTV Schedule
- CADS
- Crime Reports
- CCTV Footage

The Hearing commenced at 4:00pm.

The Chairman introduced the Sub-Committee members and confirmed that all papers, including those circulated late, had been considered by the Sub-Committee in advance of the hearing. The Chairman asked all of those present to introduce themselves and state in what capacity they were attending the Sub-Committee.

The Chairman stated that this hearing was a follow up to the Interim Steps Hearing for this premises which had taken place on 9 December 2015 and was an opportunity for the Sub-Committee to now consider further evidence submitted by the Applicant and to consider what steps were appropriate going forward.

The Chairman invited Mr Grant to present on behalf of the City of London Police. Mr Grant briefly summarised the grounds for the review and outlined the evidence provided in support of this. He stated that the Applicant was proposing that the interim steps imposed by the Sub-Committee on 9 December now be imposed permanently. It was also suggested that the Sub-Committee may wish to take this opportunity to 'tidy up' some of the existing licence conditions by deleting all items listed at 'Annex 2 – Conditions consistent with the Operating Schedule' on the grounds that they were no longer necessary or appropriate and impose a new condition regarding the use of a comprehensive digital colour CCTV system.

Mr Grant reported that the Premises Licence Holder had agreed to all of these points prior to the hearing and that there were therefore no outstanding issues between the Applicant and the Premises Licence Holder.

The Chairman invited Mr Streeten to make a statement on behalf of the Premises Licence Holder. Mr Streeten confirmed that all of the conditions proposed by the Applicant were acceptable to his client and also expressed the Premises Licence Holder's regret at the tragedy that had recently occurred and which triggered this summary review application.

The Chairman invited those representing the responsible authorities to address the Sub-Committee. The Sub-Committee heard from Mr Bedford of the London Fire and Emergency Planning Authority. Mr Bedford stated that his concerns, expressed on behalf of the LFEPA were being addressed under the requirements of a statutory enforcement notice which had been served by the LFEPA. He stated that he was happy to work with the premises to continue to address these matters.

Ms Sambells of the Environmental Health Office stated that they were in agreement with and supportive of the proposals put forward by the City of London Police.

Mrs Stavrides acknowledged that there were no issues when the premises operated as a restaurant and that her concerns related exclusively to the promoted events that had taken place at the premises. She stated that the reduction in the permitted hours would satisfy the concerns relating to public nuisance and mass dispersal that she and her husband had raised in their written submission to the Sub-Committee.

The Chairman reported that if a temporary event notice was served by the premises and provided sufficient comfort to the City of London Police in terms of safety and full compliance, this would be considered on its merits.

Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk Department and the Comptroller and City Solicitor Department.

Having returned from the deliberation, the Sub-Committee acknowledged that the Applicant was satisfied that the premises functioned safely and was well managed when it ran as a restaurant but that the number and severity of incidents of crime and disorder which occurred at the premises during the early hours of the morning when it operated as a nightclub demonstrated that the management team were unable to responsibly stage and manage promoted events.

The Chairman reported that the Sub-Committee were satisfied that the mutually agreed steps put forward by the City of London Police as Applicant addressed their concerns and they therefore decided to take the following steps in respect of the premises licence:

- That the permitted hours of all licensable activities be reduced to 23.30hrs

The Sub-Committee also decided that it was necessary and appropriate to impose the following conditions on the premises licence:-

- All persons (save for staff) shall be off the premises and the premises closed to the public by midnight
- “There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.”
- 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.
- The Sub-Committee also agreed that the conditions contained at ‘Annex 2’ of the premises licence were no longer necessary or appropriate. It therefore decided that the conditions set out below should be removed from the he premises licence:

- 1) The following activities are permitted under the terms of this licence:
 - a) Consumption of alcohol on the premises or the taking or supply of alcohol to any person residing in the licensed premises
 - b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
 - c) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied.
- 2) The premises may be used for the provision of private entertainment as previously permitted under the Private Places of Entertainment (Licensing) Act 1967.
- 3) Permission is given for the premises to open for all licensed activities from the commencement of trade on New Year's Eve until the end of trade on New Year's Day... ..

The Chairman said that a full decision containing the Sub-Committee's reasons would be circulated in due course and thanked all parties for attending the Hearing. She referred to the event which had prompted this summary review application and had, ultimately, resulted in a tragic loss of life. The Chairman underlined the fact that the City of London took safety within their licensed premises very seriously and wanted to avoid any possible repeat of these events.

The Chairman went on to thank both parties for reaching what the Sub-Committee felt was a sensible agreement on a way forward. Finally, she highlighted to the Premises Licence Holder that the City of London had a Code of best Practice for all of its licensed premises and asked that they familiarise themselves with this document.

The meeting closed at 4.15pm

Chairman

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THE COMMON COUNCIL OF THE CITY OF LONDON

LICENSING SUB-COMMITTEE

Marianne Fredericks CC (Chairman)
Edward Lord CC
Peter Dunphy CC

Monday 4 January 2016 (4:00pm – 4:15pm)

IN RE:

CARAVAGGIO
107-112 LEADENHALL STREET, LONDON, EC3A 4AF
(WARD OF ALDGATE)

The Sub-Committee was addressed by Mr Gary Grant of Counsel for the Applicant and by Mr Charles Streeten of Counsel for the Premises. The Sub-Committee also heard from Ms Rachel Sambells, Environmental Health Officer and Mr Nigel Bedford of the London Fire and Emergency Planning Authority on behalf of the responsible authorities and Mrs Stavrides on behalf of Other Persons.

This was a substantive Review Hearing convened under the provisions of S.53C Licensing Act 2003, following an Interim Steps Hearing, for premises known as Caravaggio, 107-112 Leadenhall Street, London EC3A 4AF held on Wednesday 9 December 2015.

The Sub-Committee had before it an agenda pack including a Report of the Director of Markets and Consumer Protection, the application for summary review along with supporting evidence circulated by the Applicant subsequent to the publication of the agenda but prior to the commencement of the hearing, representations from responsible authorities and one representation from an interested party.

The Sub-Committee considered the documentary evidence provided on behalf of the Applicant. Counsel for the Applicant briefly summarised the grounds for the review and outlined the evidence provided in support of the grounds. He stated that the Applicant was proposing that the interim steps imposed by the Sub-Committee on 9 December now be imposed permanently. It was also suggested that the Sub-Committee may wish to take this opportunity to 'tidy up' some of the existing licence conditions by deleting all items listed at 'Annex 2 – Conditions consistent with the Operating Schedule' on the grounds that they were no longer necessary or appropriate and impose a new condition regarding the use of a comprehensive digital colour CCTV system.

The Applicant reported that the Premises Licence Holder had agreed to all of these points prior to the hearing and that there were therefore no outstanding

issues between the Applicant and the Premises Licence Holder. Counsel on behalf of the Premises Licence Holder confirmed that all of the conditions proposed by the Applicant were acceptable and also expressed the Premises Licence Holder's regret at the tragedy that had recently occurred and which triggered this summary review application.

The Sub-Committee also considered the evidence put forward in the representations from responsible authorities and the Interested Party. All were given the opportunity to speak and stated that they too would be keen to see the proposed conditions imposed. The Sub-Committee noted that the concerns expressed by Mr Bedford on behalf of the LFEPA were being addressed under the requirements of a statutory enforcement notice which had been served by the LFEPA and that the reduction in the permitted hours would satisfy the concerns relating to public nuisance raised by the City of London's Environmental Services Department and the Interested Party.

The Sub-Committee considered the available options found in S.53C(3) of the Licensing Act 2003, these being :

- Take no further action;
- The modification of the conditions of the premises licence;
- The exclusion of a licensable activity from the scope of the licence;
- The removal of the designated premises supervisor from the licence;
- The suspension of the licence for a period not exceeding three months;
- The revocation of the licence

The Sub-Committee was acutely aware of the gravity of events which resulted in the summary review application being brought by the City of London Police and was satisfied that measures had to be imposed to endeavour to prevent such an incident occurring in the future. Furthermore, the Sub-Committee was of the view that the crime and disorder and public nuisance could be directly attributed to the late night promoted events held at the premises.

The Sub-Committee acknowledged that the Applicant was satisfied that the premises functioned safely and was well managed when it ran as a restaurant but that the number and severity of incidents of crime and disorder which occurred at the premises during the early hours of the morning when it operated as a nightclub demonstrated that the management team were unable to responsibly stage and manage promoted events. The Sub-Committee went on to report that if a temporary event notice was served and provided sufficient comfort to the City of London Police in terms of safety and full compliance, this would be considered on its merits.

Based on the evidence put before it, the Sub-Committee decided to take the following steps in respect of the premises licence:

- That the permitted hours of all licensable activities be reduced to 23.30hrs

The Sub-Committee also decided that it was necessary and appropriate to impose the following conditions on the premises licence:-

- All persons (save for staff) shall be off the premises and the premises closed to the public by midnight
- “There shall be no promoted events on the premises. A promoted event is an event involving music and dancing where the musical entertainment is provided by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.”
- 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.
- The Sub-Committee also agreed that the conditions contained at ‘Annex 2’ of the premises licence were no longer necessary or appropriate. It therefore decided that the conditions set out below should be removed from the he premises licence:
 - 1) The following activities are permitted under the terms of this licence:
 - a) Consumption of alcohol on the premises or the taking or supply of alcohol to any person residing in the licensed premises
 - b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered.
 - c) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied.
 - 2) The premises may be used for the provision of private entertainment as previously permitted under the Private Places of Entertainment (Licensing) Act 1967.

- 3) Permission is given for the premises to open for all licensed activities from the commencement of trade on New Year's Eve until the end of trade on New Year's Day... ..

If any party is dissatisfied with the decision they are reminded of the right to appeal, within 21 days of the date of this decision being communicated to them, to a Magistrates' Court. Any party proposing to appeal is also reminded that under section 181 (2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make any order as to costs as it thinks fit. All parties are also reminded that in the event that there is an appeal against the Sub-Committee's decision the interim steps imposed on 9th December 2015 will remain in force until the determination of the appeal.

**M Fredericks
E Lord
P Dunphy**