

6 January 2022 Licensing Sub-Committee B meeting

DECISION: Item 7 Application for Review: Interim Steps Pending Full Review: Lower Ground Floor, 4 Christopher Street, London EC2A 2BS

The Decision

The sub committee in considering this decision from the information presented to them within the report and at the hearing today has determined that having regard to the promotion of the licensing objectives concerning 'the prevention of crime and disorder' and 'public safety' in particular the prevention of serious crime or disorder, there was no alternative but to;

- suspend the premises licence with immediate effect, as an interim measure pending full review of the premises licence in 28 days, given the real possibility of serious crime

The Sub-Committee were not satisfied that the premises licence had been properly surrendered in accordance with the provisions set out in section 28 of the Licensing Act 2003 therefore they proceeded to hear the application made by the Metropolitan Police Service in relation to a very serious incident that occurred at an unlicensed event on 25th December 2021 which resulted in a fatality and a poisoning.

The Sub-Committee has been persuaded by the Metropolitan Police Service's contention that the suspension of the licence is necessary to prevent the real risk of serious crime taking place on the premises. In addition the Sub-Committee had serious concerns around the licence holder's failing to comply with conditions on the premises licence, and not having adequate processes and procedures in place to safeguard their customers.

The Sub-Committee took into account the following issues that were of particular concern and are unacceptable:

- i) There was no evidence that the licence holder or the Designated Premises Supervisor (DPS) was in control of the premises that held regular events, and in particular that they had no control of the event that led to the incident that was a serious risk to their customers and public safety.
- ii) The licence holder, the DPS and the persons in control of the event failed to report the incident to the Police.
- iii) The licence holder and the DPS had not demonstrated that they and those that managed the unlicensed event were responsible operators of the premises.
- iv) The Police found drug paraphernalia inside the premises.
- v) The Licence holder failed to comply with Annex 2, condition 10 of the licence that the CCTV should be readily available at all times and upon request to

the Police and other authorised officers.

vi) The Police were unable to access or download the CCTV when requested at the premises.

The Sub-Committee took into consideration that the suspension was necessary in view of residents being located in the area, and a school being near to the premises together with the fact that the offences alleged are very serious in their nature, and resulted in a fatality, and a poisoning that have come from this premises.

The Sub-Committee felt that had the licence holder and the DPS worked with the Police this incident and fatality would not have occurred or at the very least resulted in less serious outcomes.

The Sub-Committee in making their decision considered this a very serious situation which they hope will influence the Police should an application to transfer the premises licence be received within the next 28 days.

The Sub-Committee has also considered all the options available to them, detailed in paragraph 6 of the report, however, there were no other options that would adequately address the likelihood of a serious incident occurring and the licence holder's failures to comply with the licensing objectives.