
**SICAN, 26-28 WHITFIELD STREET, LONDON
W1T 2RG
SUBMISSIONS ON BEHALF OF THE APPLICANT**

Introduction

1. These summary written submissions are being provided on behalf of the Applicant and will be expanded on as necessary at the hearing. Page references in the footnotes are to pages in the Agenda Reports Pack.

The Basis for the Application

2. The application for review of the Premises Licence of Sican, 26-28 Whitfield Street (“the **Premises**”) has been supported by 59 representations. 53 of these representations are from local residents with direct experience of what it is like living in close proximity to the Premises.¹ One of the representations is from a local business. The other five representations in support of the application are from the Licensing Authority, the Noise & Pollution Team, the Metropolitan Police, Home Office Immigration Enforcement and the Charlotte Street Residents’ Association.
3. The Sub-Committee is invited to read these representations in full in order to understand and appreciate the extent to which the Premises has undermined the licensing objectives. However, by way of brief summary (and to be expanded on further at the hearing), these representations are all consistent in identifying three main problems.
4. First, customers attending the Premises fail to disperse when they leave, with customers shouting, screaming and sometimes fighting in the street outside the Premises. This causes extreme disturbance to local residents living in the area.
5. Second, customers attending the Premises often leave in an extreme state of intoxication, urinating and vomiting in the streets surrounding the Premises.
6. Third, staff at the Premises are completely incapable of controlling the behaviour of customers. When local residents ask staff to intervene, they are either told that staff cannot do anything, or the staff behave in an aggressive and intimidating way towards local residents. The Premises has consistently failed to acknowledge or address the serious concerns raised by those affected by

¹ Page 51.

severe nuisance and anti-social behaviour.

7. The representations provided by local residents are supported by the Licensing Authority, the Noise & Pollution Team and the Metropolitan Police Service, all of whom support the application. The Noise & Pollution Team has recorded 31 noise complaints in 2024, primarily in relation to drunken patrons causing a disturbance outside the Premises.² A random proactive out of hours visit on 20 April 2024 found ‘Shouting in the street by 2 females walking down the street. No engagement from security.’³ The Licensing Authority on a random proactive visit in December 2023 likewise made the following observations⁴:
 - Antisocial behaviour from visitors (mainly women) who were going up and down Whitfield Street waiting for their taxis, gathering in small and or large groups to talk and shout at the top of their voices.
 - Music emanating from the premises, intermittently when the door was opened to let people out.
 - A lone female door supervisor who was clearly overwhelmed by the number of people leaving the premises and the fact that they were moving in different directions and was clearly being ignored.
8. Similarly, on 28 July 2024 licensing police officers witnessed the street being very noisy with customers remaining directly outside the venue and not dispersing.⁵ On 3 March 2024 police were also called to break up a fight outside the Premises, where there were roughly 100 people outside the Premises with 20-30 people involved in the fight.⁶
9. The observations and evidence provided by the Responsible Authorities are therefore consistent with the representations submitted by 53 local residents and one local business. The Premises has benefitted from a licence for a relatively long period of time, and complaints only began in 2023 once the current management of the Premises took over. There were no significant complaints before 2023 because there were no significant problems. This is not a case of ‘overly-sensitive’ residents but of a Premises that has acted with flagrant disregard for the licensing objectives.

² Page 105.

³ Page 106.

⁴ Page 93.

⁵ Page 100.

⁶ Page 101.

10. Against the substantial amount of evidence submitted in support of the review application, there have been 91 representations submitted in support of the Premises suggesting that there are no issues with the running of the Premises. These representations should be given no weight.
11. The majority of the representations have been provided via email and do not provide an address. The S182 Licensing Act Guidance at paragraphs 9.26-9.30 explains that in exceptional circumstances personal details such as addresses may not be provided if there is a genuine and well-founded fear of intimidation. In this case, there has been no explanation or justification for why representations have been submitted without an address. The Sub-Committee has no way of knowing who has submitted these representations or what their relationship with the Premises is. In one example where an address has been provided, the address in question is in postcode W7, approximately 45 minutes away from the Premises by public transport.⁷ This is despite the fact that the person submitting the representation has stated that they ‘live in the area’.
12. The Sub-Committee should therefore place no weight on the representations submitted in support of the Premises. Rather, the Sub-Committee should rely on the extensive and compelling evidence submitted by local residents who live in the area and who have direct first-hand experience of the operation of the Premises. These representations and the representations from the Responsible Authorities demonstrate that the operation of the Premises has been fundamentally undermining the licensing objectives for well over a year.

Factual Background of Engagement

13. The extensive issues with the Premises have meant that for over a year, local residents and the Responsible Authorities have engaged extensively with the Premises in an effort to secure improvements in the running of the Premises. No engagement so far has secured any improvement. The relevant chronology is set out below.
14. Following complaints from local residents, the Licensing Authority wrote to the Premises on 22 November 2023, inviting the Licence Holder for an engagement meeting on 13 December 2023.⁸ In a letter dated 13 December 2023, the Licensing Authority told the Licence Holder that they had witnessed public nuisance and anti-social behaviour during their visit to the Premises, which demonstrated that the complaints from local residents were justified.⁹ In response, the Licence Holder promised to consider taking steps to address the concerns raised, namely to

⁷ Page 301.

⁸ Page 92.

⁹ Page 93.

adopt a dispersal policy, increase the number of security staff and install a double door to reduce noise break out.¹⁰

15. Despite these promises, no improvements were made. The continuing failure of the Premises to uphold the licensing objectives led to a meeting on 21 March 2024, which was attended by the Council's Licensing and Noise Team Leaders, local residents and the Licence Holder. At this meeting, the Licence Holder's legal representative made the following promises¹¹:
1. That there is a noise limiter in the premises, but that this will be calibrated and set by council noise officers to an acceptable level, such that music from the premises, if maintained at the setting, shall not be a source of disturbance to residents in neighbouring premises.
 2. That henceforth, from 10pm, there shall be an on street visible presence of staff members which shall constitute of, at least, the duty manager and another member of the security staff, both to be in high visibility vests. Security staff / dispersal wardens numbers to be increased where deemed necessary, such as on special event nights.
 3. Body cameras shall be worn by the SIA security staff.
 4. They shall actively disperse people/customers away from residential areas and towards Tottenham Court Road. The Premises has conceded that their responsibility for peaceful dispersal of patrons extends from the premises to "line of sight" of patrons, either side of the venue.
 5. Acoustic lobby to be installed at both entrance of the premises to reduce noise from music breakout from the premises when customers leave or enter the venue.
 6. There shall be no more use of "Party Bus" by the premises.
 7. The provision of dancing in any form shall cease unless authorised by submission. For the premises to continue to provide dancing, the premises shall apply for a variation of the premises licence to include :- Performance of Dance.
16. The Licence Holder also pledged to take steps to address the mice infestation and uncleanliness witnessed inside the Premises by Council officers. The Licensing Authority warned the Licence Holder in a letter dated 22 March 2024 that should there be no improvement, then the Responsible Authorities would have to consider all options, including applying for a review of the Premises Licence.¹² A similar warning was given by the Metropolitan Police in July 2024.¹³

¹⁰ Page 94.

¹¹ Pages 96-97.

¹² Page 97.

¹³ Page 100.

17. Again, despite these promises being made and despite the involvement of the Responsible Authorities, there was no improvement in the operation of the Premises. On 7 May 2024 a further letter was sent to the Licence Holder following the receipt of further complaints, and further advice was given to the Licence Holder in a meeting on 14 May 2024.¹⁴

18. Finally, following a visit on 23 October 2024 by food safety officers, the Premises voluntarily closed due to the findings of the food safety officers that there was a mice infestation.¹⁵ This was despite the fact that the Premises had been warned about this on 21 March 2024.

The Solution

19. The complete failure of the Licence Holder to address residents' concerns in any meaningful way has made an application for review of the Premises Licence necessary. The poor management of the Premises is evident from the Licence Holder's failure to respond to either complaints from local residents or warnings from multiple different Responsible Authorities.

20. The poor management of the Premises is also apparent from the following:

- a) On 21 July 2024 immigration officers attended the Premises and identified that four individuals were working at the Premises illegally.¹⁶ When officers attempted to contact the manager of the Premises to arrange an interview in relation to this, he cancelled the call.¹⁷ The Home Office Immigration Enforcement team therefore supports the application for review.
- b) Despite being warned on 21 March 2024 about a pest infestation, the Premises had to be closed in October 2024 due to a mice infestation.
- c) The police representation in support of the application notes that there have been two reports of spiking.¹⁸ These could be females that were too intoxicated, but the two separate incidents demonstrate that there is no monitoring or safeguarding of vulnerable people, whether their drinks have been spiked or whether they are extremely intoxicated.¹⁹

¹⁴ Page 90.

¹⁵ Pages 90-91

¹⁶ Page 112.

¹⁷ Page 113.

¹⁸ Page 103.

¹⁹ Page 103.

21. The Sub-Committee when determining the application will consider all of the steps available under section 52(4) of the Licensing Act 2003, including revocation of the licence. Given the poor management of the Premises, together with the Premises' long-standing failure to improve despite extensive engagement, there is a strong case in favour of revocation of the licence. This is particularly true given that revocation of the licence has been recommended in the first instance by the Noise & Pollution Team²⁰ and as Home Office Immigration Enforcement has found people working illegally at the Premises. The S182 Guidance advises that the use of licensed premises for employing a person who is disqualified from that work by reason of their immigration status in the UK should be treated particularly seriously. Paragraph 11.28 states that where the crime prevention objection is being undermined through the premises being used to further crimes, it is expected that revocation of the licence- even in the first instance- should be seriously considered.
22. If the Sub-Committee is not minded to revoke the Premises Licence, at the very least in order to address the serious and long-standing failure of the Premises to promote the licensing objectives, the Sub-Committee must impose the hours and conditions as set out in the grounds for review.²¹ The proposed hours and conditions are designed primarily to address the levels of intoxication from customers attending the Premises, the failure of the Premises to disperse its customers and the disturbance caused by late night nuisance in the early hours of the morning. The Applicant will of course be prepared to answer any questions the Sub-Committee might have about the proposed conditions at the hearing.
23. If any conditions or restrictions short of those proposed in the grounds of review are imposed, then the Premises will continue to undermine the licensing objectives, to the detriment of the local community. Fundamental change in the operation of the Premises is required. Anything else will fail to secure meaningful change, and the residents of Camden will be left to continue suffering as they have been for over a year.

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15 January 2025

²⁰ Page 105.

²¹ Pages 54-57.