



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 28th April, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Tim Mitchell (Chairman)
Louise Hyams
Shamim Talukder

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. THE WINDSOR CASTLE PUBLIC HOUSE, 98 PARK ROAD, NW1

(Pages 1 - 130)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Regent's Park Ward / not in cumulative impact area	The Windsor Castle Public House, 98 Park Road, NW1	Review	15/12075/LIRE VP

2. 7 SEAS GROCERY STORE (PREVIOUSLY TRADING AS ONE NATION), 332 KILBURN LANE, W9

(Pages 131 - 324)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Queen's Park Ward	7 Seas Grocery	Review	16/02038/LIRE VP

	/ not in cumulative impact area	Store (previously trading as One Nation), 332 Kilburn Lane, W9		
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3. CHARLIE BERKELEY, 15-16 BERKELEY STREET, W1

(Pages 325 - 400)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / not in cumulative impact area	Charlie Berkeley, 15-16 Berkeley Street, W1	Review	16/02361/LIRE VP

**Charlie Parker
Chief Executive
22 April 2016**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

15/12075/LIREVP

Date:

28th April 2016

Classification:

For General Release

Title of Report:

**The Windsor Castle Public House
98 Park Road
London
NW1 4SH**

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**Mr Darren O'Leary
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 1884
E-mail: doleary@westminster.gov.uk**

APPLICATION DETAILS

Application Type:	Review of a Premises Licence application under the Licensing Act 2003.		
Applicant:	Mr Neil Packer and Miss Richelle Wilder	Date Application Received:	23 rd December 2015
Premises Name and Address:	The Windsor Castle Public House 98 Park Road London NW1 4SH		
Ward Name:	Regents Park	Cumulative Impact Area:	None
Description of Premises:	The premises are operated as a public house.		
Please Note:	The application was previously scheduled for a hearing on 31 st March 2016 but was adjourned to 28 th April 2016 following an adjournment request that was made by the Licensee.		

1. SUMMARY OF APPLICATION

- 1.1 An application submitted by Mr Neil Packer and Miss Richelle Wilder for a review of the premises The Windsor Castle Public House, 98 Park Road, London, NW1 4SH, was received on 23rd December 2015 on the grounds of Prevention of Public Nuisance. Their concerns relate to noise emanating into residential accommodation including children's bedrooms from music within the premises, noise from customers smoking outside the premises and noise from customers dispersing late at night. Please see **Annex A**.
- 1.2 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.3 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.
- 1.4 The premises currently benefits from a premises licence 16/02355/LIPDPS, attached at **Annex B** that permits:

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 00:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol	
Monday to Saturday:	11:00 to 00:00
Sunday:	12:00 to 22:30
The opening hours of the premises	
Monday to Saturday;	11:00 to 00:30
Sunday	12:00 to 23:00

- 1.5 These review proceedings are brought under the licensing objectives on the grounds of the Prevention of Public Nuisance. The concerns raised refer to:
- Music noise emanating from inside the premises into residential accommodation on the opposite side of the street.
 - Noise nuisance from groups of customers smoking outside the premises.
 - Noise from groups of customers dispersing from the premises late at night.
- 1.6 The applicants have proposed the following remedial actions which they believe are appropriate and proportionate to promote the licensing objectives.
- Remove the effect of the deregulation provided for by s177A Licensing Act 2003 (as amended) with the intention that any existing conditions have effect and any additional conditions are imposed as if the music was licensable, and that a statement is included on the licence to the effect that s177A Licensing Act 2003 (as amended) does not apply.
 - No Customer shall be permitted to be outside the premises building with a drink or a glass container after 9pm.
 - The addition of conditions proposed by the applicant and any other conditions the Sub-Committee deemed appropriate and proportionate.

The conditions proposed by the applicant are set out within **Annex G**

2. REPRESENTATIONS:

- 2.1 The Environmental Health Service, as a responsible authority supports the review application in regards to the prevention of public nuisance licensing objective. **See Annex C**

2.2 The review has been supported by 2 local residents and Jonathan Davis from the CCG on the grounds of public nuisance. **See Annex D**

2.3 The premises has been supported by 27 local residents. **See Annex E**

3 APPLICANT FURTHER SUBMISSIONS:

3.1 The applicant has submitted photographs and video footage in support of the review application. **See Annex A1 & A2**

4 OPTIONS

4.1 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

4.2 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

4.3 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

5 CONDITIONS

5.1 The conditions attached to the current licence are set out at **Annex G**

<p>List of Appendices:</p>	<p>Annex A – Application for Review</p> <ul style="list-style-type: none"> • Annex A1 – Photographs of premises during trading hours • Annex A2 – Video footage <p>Annex B – Current Premises Licence (16/02355/LIPDPS)</p> <p>Annex C – The Environmental Health Service representation in support of the review and noise complaints</p> <p>Annex D – 2 Local residents and CCG representations in support of the review</p> <p>Annex E – 27 Local residents representations in support of the Premises</p> <p>Annex F – Licence and Appeal History</p> <p>Annex G – Conditions on the current licence and proposed conditions</p> <p>Annex H – Residential Map and list of premises in the vicinity</p>
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Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)



City of Westminster

APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service
Westminster City Council
Westminster City Hall
4th Floor
64 Victoria Street
London
SW1E 6QP

AND

You must give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service:

- 1. The Chief Officer of Police**
Westminster Police Liaison Team
4th Floor, Westminster City Hall
64 Victoria Street, London, SW1E 6QP
- 2. Fire Safety Regulation:**
South West Area 4
169 Union Street London SE1 0LL
- 3. Premises Management (Environmental Health; Health & Safety; Weights and Measures)**
Westminster City Council
Environmental Health Consultation Team
4th Floor, Westminster City Hall
64 Victoria Street, London, SW1E 6QP

Continued.....

4. Development Planning Services

Westminster City Council
64 Victoria Street
London
SW1E 6QP

5. Area Child Protection Committee

Head of Commissioning – Child Protection & Quality, Social and Community
Services – Children and Families
4 Frampton Street
NW8 8LF

6. Public Health

Estates Lead
NHS Central London Clinical Commissioning Group
15 Marylebone Road
London
NW1 5JD

For boats only:

The Navigation Authority (for vessels not permanently moored)

Tidal Thames

The Harbour Master

The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames

The Environment Agency Recreation and Navigation, Thames Region, Kings
Meadow House, Kin

.gs Meadow Road, Reading, RG1 8DQ

Canals

The Leisure Manager

British Waterways Board

1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General

The Maritime & Coastguard Agency, Orpington Marine Office, Central Court, 1 Knoll
Rise

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

We Richelle Wilder and Neil Packer

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Windsor Castle Public House 98 Park Road	
Post town London	Post code (if known) NW1 4SH

Name of premises licence holder or club holding club premises certificate (if known) FGM Entertainment Limited Suite 11 Hanover Gate Mansions Park Road London NW1 4SJ

Number of premises licence or club premises certificate (if known) 13/07357/LIPDPS Original reference: 05/06317/LIPCV
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Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) ✓
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss ✓ Other title
(for example, Rev)

Surname

Wilder

First names

Richelle

Please tick ✓ yes

I am 18 years old or over

✓

Current postal address if different from premises address

128 Rossmore Court

Post town

London

Post Code

NW1 6XZ

Daytime contact telephone number

0207 724 7996

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address:-

Neil Packer
124 Rossmore Court
London
NW1 6XZ

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance ✓
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The purpose of this review is to request that the licensing authority amends the premises licence to add conditions which promote the licensing objectives. The review is brought on the grounds of 'prevention of public nuisance'.

Prevention of public nuisance -

- Large numbers of customers gathering outside the premises from late afternoon, in the evening to drink and/or smoke.
- Large numbers of customers outside the premises spreading across the pavement in both directions.
- Customers drinking or smoking outside permitted to remain outside until late in the evening
- Noise of customers and music from inside the premises
- Noise from customers leaving the premises at the end of the night, especially between 11pm and through to 12.45am.
- Loud music emanating from the premises

This causes serious disturbance to us as it regularly prevents us from relaxing in our homes, or from sleeping and from opening windows in warm weather.

Please provide as much information as possible to support the application (please read guidance note 3)

Introduction and overview

We are two local residents who live in Rossmore Court, which is situated on Park Road immediately opposite the Windsor Castle Public House ("the pub"). In the last two years, and particularly during the warmer months, we have experienced an increase in noise nuisance caused principally by the numbers of customers who drink outside the premises in the evenings. Although Park Road is busy with traffic during weekdays, it is quieter in the evenings and at weekends. Therefore, the noise from large groups of customers outside, whether drinking, smoking or leaving the pub, causes us a significant amount of nuisance.

It seems to us that the nature of the operation of the pub has changed significantly since it was taken over by the current operators in 2013. Both of us have patronised the premises in the past, but it seems that the premises is now mainly frequented by students from a nearby Business School, including sporting and social groups. It has given the premises more of a 'party' atmosphere than a traditional pub. It sometimes seems more like a Student Union. Most recently, on 22 October 2015 I had to go across to the pub at 10.30pm on a Thursday night because of extremely loud music coming from upstairs, and when the entire pub was taken over for a large student party and live music was being played on the upper story.

The Windsor Castle is opposite Rossmore Court, with Park Road the only buffer between the two. Our flats are directly opposite so we get the full force of the noise directly from the large number of drinkers of the pub. Rossmore Court is constructed in a horse shoe shape which means that the noise becomes amplified as it is trapped. We attach at **Appendix 1** an aerial photograph illustrating this.

The London Business School has a large premises directly next door to the Windsor Castle. The pub is also the last pub between both Baker Street Station and Lords Cricket Ground and next door to Regents Park communal football and cricket playing fields.

We attach at **Appendix 1** a photo showing the location of the block of flats and the pub taken from Neil's flat.

For some while we both put up with the problems without doing anything about it, but when we realised that we would have to do something proactive, we contacted one of our local Councillors for assistance in February 2014, who wrote to the manager.

Council officers also contacted the pub. This was in early summer 2014. After this, the situation did improve a little. Richelle went to the pub and spoke to the (then) manager, Mr Collins. Previously, customers had been permitted to remain drinking outside until midnight, but they started to bring customers in at 11pm. However, the sheer numbers of people outside meant that the noise remained extremely intrusive in our flats until that time, and the practice was not always adhered to.

We subsequently contacted the Citizens Advice Bureau, who wrote on our behalf to the licence holder, setting out the problems we had been experiencing and requesting that a number of specific measures were put in place, including a 9pm curfew on drinking outside (see **Appendix 2**). We felt that this was a reasonable compromise. We enclosed with the letter a couple of photos taken by Richelle to show the numbers outside and how they spread across the street and in front of neighbouring buildings (see **Appendix 2**).

We subsequently met with the representative of the licence holder company, Vic Chhabria, and Daniel Ferrer of Westminster City Council, and had what we did think was a helpful meeting where the management made a commitment to a number of measures, including buying covers for the outside tables so that customers could not sit at the tables late at night and monitor the numbers of drinkers. They also promised to adhere to a 10pm curfew for outside drinking. Although we ideally wanted an earlier time, we decided to give the new measures a chance, having made the management aware of the extent of our concerns.

Unfortunately, the situation did not change for the better in the summer of 2014 nor throughout the colder months. The problems have been the same in the summer of 2015, which is disappointing. We simply do not think that the management have taken our concerns with sufficient seriousness following the meeting we had with them in summer 2014. The situation has remained unacceptable and the 10pm

curfew is, we believe, too late. We would like to make it clear that we appreciate fully that the pub is a commercial operation and needs to be able to make a profit. However, we do not feel that this should come at a disproportionate cost to our ability to enjoy peace and quiet in our homes in the evening, and for Neil's young child to be able to sleep. We strongly feel that the licensing objectives are not being promoted by the current operation, and that as previous measures we have discussed either do not go far enough or have not been fully adhered to, the only viable solution if we are not to endure another summer of noise disturbance is for appropriate conditions to be added to the premises licence to target the issues in a way which reasserts the balance between the right of the business to operate and our right to enjoy peace and quiet in the evenings in our homes. We have suggested some conditions for the consideration of the parties at the end of this document.

The review is supported by the following interested parties:

- Councillor Robert Rigby (local ward Councillor)
- Fabienne Fauritte (resident of Rossmore Court)
- John Jackson Okolo (resident of Rossmore Court)
- William Mackie (resident of Rossmore Court)
- Gousia Hyder (resident of Rossmore Court)
- Fionnula Keneally (resident of Rossmore Court)

Councillor Rigby has provided a supporting statement at **Appendix 3**.

Current Premises Licence

The current premises licence for the pub is attached at **Appendix 4**. It has no conditions on it which address the issues we experience or which would normally be found on a more 'modern' licence.

Prevention of public nuisance

The issues we experience fall under the licensing objective of prevention of public nuisance.

1. Outside drinking/smoking

Since the pub was taken over in 2013, there has been a marked change in the clientele and the continuous, daily use of the outside space. Up until this time there was little outside drinking, very little noise and never large groups of students or sports groups. As such there was no problem with disturbance to our lives.

After the change of ownership in 2013, the outside area of the pub has changed and the space has become a dedicated 'beer garden' – with umbrellas, plants and permanently fixed tables. We have regularly seen 50 to 100 people outside from around 5pm until 10pm at night on weekdays and some weekends during the day and evening. Due to the large number of people, the crowd spills out onto the public pavements.

The numbers of drinkers or the noise level is never monitored or controlled by dedicated outdoor security at these times.

In addition the pub specifically hosts regular weekly student events by the London Business School students or by sporting clubs (the relationship with the pub can be substantiated when the Noise Team found the manager of the pub on the bar in July 2015 handing out awards to students and whipping up noise). These weekly events encourage very large number of student drinkers, all connected by a common event or affiliation which has an impact on the type of communal noise.

At 10pm the pub does bring everyone in but allows smokers to continue to drink and smoke in groups without dedicated outside staff or a doorman, which causes noise issues until the close of the pub as groups leave and continue to make loud noise, sometimes through to 1am. We have produced a chronology at **Appendix 5** which details some of the incidents. Most recently, on Sunday 1st November 2015, at a special event outside organised outside Sunday pub drinking hours, there was loud noise from the pub up until customers dispersed at 2am. Neil took a photo, which is one of the many photos and videos at **Appendix 6**.

After bringing the issues to the attention of our local councillor and the Westminster Noise Team, we began to keep a record of numbers and dates of the noise. In addition we sometimes call out the Noise

Team. The main issue with for us who have our homes here is that we are consistently disturbed by outside activity of large groups either drinking or leaving the pub. The noise can be so bad that you can't sleep or you can't read. You have to counter the levels of noise with creating new levels of noise from TV or music. In addition if one needs to be in bed earlier - if unwell or for traveling the following day, it is impossible.

Appendix 6 is a link to a photobucket.com account which contains some videos and then some photographs taken over different months and times which amply demonstrate the scale of the problem and why residents are asking for conditions to be imposed on the licence. The videos and photos can be viewed at the following link: <http://s392.photobucket.com>. The videos and photos show vast number of people outside late at night. Although the noise is not always as bad as the videos shows, it is representative of the situation on busy evening in the summer and the problem of the noise we have to endure.

Even when the activity remains indoors, windows are left open and we can still hear the noise of music and drinkers shouting in our flats.

We have also had to call the City Council's Noise Team on numerous occasions. We presume that records of these calls exist and can be provided should the Environmental Health Team choose to make a representation in respect of this application. The Noise Team and Licensing Inspectors have visited the premises. On a recent occasion in July 2015, they found the manager of the pub on the bar encouraging the customers.

The photos were taken between summer 2014 and summer 2015. The photos are largely from Thursday, Friday and Saturday evenings, although the issues can in fact occur on any evening or indeed during the daytime at the weekends, due to the student sports clubs holding events. For instance, on 18 October 2015 (a Sunday) in which students gathered from 11.30 onwards and the swell of the noise increased to such loud levels that this incident led to us finally deciding that the only way to resolve the issues was to ask for formal conditions on the licence.

The attached pictures and videos show that we are disturbed by the noise at different days of the weeks and time of day. They are taken on random days, at random times and show that the noise issue is constant rather than on specific days only. We attach a chronology at **Appendix 5**.

2. Noise from inside the premises

The noise from inside the pub is less intrusive than noise from outside, but becomes bad when the pub is used for dedicated student or sports club events or parties. These kinds of events are extremely raucous – with loud shouting and jeering that can be heard in our flats. This is particularly bad on rugby sports events when the crowd is whipped up into a frenzy of screaming and singing. Sometimes the pub has music and the bass sounds pump out and into our flats. All of this noise gets much worse after 10pm when the noise from the outside dies down but only to move inside the pub.

The pub has no double glazing to protect against disturbance.

On one recent occasion (Thursday 22nd October 2015) the noise was from live music at 22.45 which was clearly audible in our flats.

On a review of a premises licence, section 177A(3) of the 2003 Act (as amended) permits a licensing authority to lift the suspension of conditions related to live and/or recorded music provided by the deregulation provisions of s177A, and to give renewed effect to an existing condition relating to the music. Similarly, under section 177A(4), a licensing authority may when determining a review add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music (amended s182 Guidance para 15.55).

We have therefore proposed that the licensing authority removes the effect of the deregulation provided by s177A (as amended) for the licensable activities of live music and recorded music.

We do not of course object to live or recorded music being provided to a reasonable time as long as there is no noise outbreak.

See the chronology at **Appendix 5** for further details.

3. Dispersal of customers late in the evening

Due to the increased student population frequenting the pub, groups of drinkers leave the premises late and often congregate outside the pub talking and shouting before they leave. This has got increasingly worse since September 2013 and the new management took over the lease. The pub stops serving at midnight but the drinkers can be leaving and making noise until up to 1am both weeknights and Saturday night. This can wake us up or prevent us from getting to sleep which has become an escalating problem as we will have to work the next day.

See the chronology at **Appendix 5** for further details.

4. Other issues – major match days at Lord's

The pub is situated within walking distance of Lord's cricket ground and is the nearest pub between the Baker Street Tube, Marylebone Tube and Marylebone Railway Station and Lords. On major matchdays, the pub is a major draw for fans before or after attending a match. This causes vast numbers to gather outside, and special provision should be made for these occasions.

The impact of the problems on our lives

Richelle-

'I have lived in my flat for 10 years and it is only in the past 2 year, since Autumn 2013 that there has been this issue of noise disturbance from the Windsor Castle Pub. The noise level from the pub has become such an issue that, for some days in the week, it is impossible to be relaxed in my own home. Its as if there is a student frat party happening at least 4 times a week, below my flat, sometimes from 5pm through 10pm. The type of noise is loud din interspersed with shouting and screaming. It is now impossible to be in my own home, to unwind from the working day, to read, relax, think or to prepare for the following day because the amplified sounds from the pub crowd creates a tension for most of the evening. I have to counter noise by creating more noise inside my flat to drown out the excessive noise outside from the pub. Even at 10pm when the mass of drinkers is brought inside, there is still intermittent shouting and screaming from smokers in groups or when people leave the pub. I have been woken up by this on many occasions.

I sometimes have to work from home and the noise affects my ability to do so. I have to wear ear plugs in my own home in order to concentrate

The noise from inside the pub is less intrusive but when there is loud live music or raucous sporting gatherings, the noise travels into my flat, especially the base of the loud music which throbs consistently and stops me sleeping.

When there is no noise disturbance from the pub, the difference in the quality of life in my own home is so extraordinary and unusual in that I am able to have a regular quality of life that most people expect and appreciate in their own homes.

I would ask the review board to create a stipulation about the numbers of outside drinkers, kept within restricted areas, until 9pm at the very latest. I would also like the board to consider limiting outside drinking at weekends. All of which to be monitored always by dedicated door security who can make sure the noise is at acceptable levels. Without changes to the premises licence I will be unable to go about my daily life in my own home in the evenings or weekends and I don't believe this status quo is acceptable for any resident either here in Westminster and elsewhere. We have no wish whatsoever to do anything other than amend the licence conditions. The Windsor Castle is in a residential area and needs to have appropriate safeguards on the licence to maintain the correct balance between the commercial and the residential.'

Neil –

'I have been a resident at Rossmore Court since the summer of 2006, and a resident within the Church Street ward since 1985. As such I have known the Windsor Castle Public House over the past 30 years. Until recently I have had no issues with it whatsoever and have indeed made use of its conveniently close location on many occasions.

In my opinion there has been a marked change in the use, and nature of the establishment over the past 3 or 4 years. I know that there has always been a strong connection between the pub and the LBS, but in recent times I would suggest that the "feel" of the pub has moved away from catering to a wider clientele and has become much more geared towards the student population. Even the decor has changed to accommodate such. I think it would not be unfair to suggest that it is now being run almost exclusively as a student bar, as other potential punters are likely to be put off by the "frat house" nature of the place.

The noise levels from evening sessions has become unacceptable, particularly during the summer months, and although there has been some improvement with regard to outside revelling after the curfew period, the noise from within the pub is still audible and continues most evenings up until closing time. The managers seem to make every effort to encourage drinkers with a succession of events revolving around the sporting and social calendar along with multiple private functions some of which, such as the most recent event on Sunday 1st November did not end until 2 am. I understand that it is the job of management to encourage and grow business, and that the student population is a crucial part of that, But their business has a very public exposure, and it is important for them to make sure that the impact of what they do, on their neighbours is kept to a minimum. I feel that they have lost sight of this particular responsibility in their clamour to extract from the students trust funds.

The problem for me is that along with an increase in noise levels, has come an increased sensitivity to the noise. I don't wish to resort to having to close the windows and turn the radio up in order to drown out the sound of drinkers. If it had always been a noisy pub we would have less cause for complaint, but as I have already suggested, the situation has deteriorated over the last 3 years. I understand that we live in a major City, and that the idea of complete quiet is never going to be an option, but I am more than able to filter out the sounds of traffic, aeroplanes, street cleaning vehicles, the occasional shooting and even the odd party. But it is the sheer regularity of events that have a negative psychological impact. The unusual shape of our building, its proximity to the pub, and certain quirks of acoustic science mean that the noise from the pub is often more pronounced in rooms facing away from the pub, making it impossible to escape from.

There is also something about raised human voices, even in "non threatening" mode that is unnerving and disturbing on a very primitive level.

I think that the pub could do more to curb some of the excesses that occur regularly, and had they adopted some of the measures they had previously suggested, then the situation may have improved. The "pavement culture" is clearly a problem, as is turning out time. If it could be possible to disgorge students via the back entrance, particularly after late sessions this would make some difference.

I am not campaigning on any sort of moral or temperance ticket, god knows there are precious few pubs left these days, and I have enjoyed a great many evenings in some myself over the years, I am only asking that they show a little more care and responsibility and take into account the needs and wishes of their (very) near neighbours.'

Efforts to resolve the problems

We have attempted to reach out to the pub, and to the London Business School both individually and through Cllr Rigby. We have corresponded with the pub individually, through one of our ward Councillors, and through the CAB. We have also enlisted the assistance of Daniel Ferrer, licensing inspector at the City Council. At our request, the CAB wrote to the licence holder (**Appendix 2** – letter dated 28 July 2014), setting out the issues we experienced and our proposals as to how the matters could be remedied. This led to a meeting attended by ourselves, Daniel Ferrer, the CAB, the licence holder, the manager and the DPS on 26 September 2014.

The licence holder appeared to be fairly receptive, although their proposals did not go as far as we wanted and had asked for in the CAB's letter. It was agreed that:

1. Outside drinking would finish at 10pm, and prior to this, numbers would be 'monitored'.
2. The manager would visit our flats to witness the noise.
3. The pub would purchase covers for the benches outside the pub to discourage customers and passers-by from sitting on them and causing noise after 10pm.
4. Staff would be more proactive in the outside area asking customers to keep noise down.
5. The manager would confirm these measures to the CAB in writing.

Unfortunately, there was a further incidence of nuisance that same evening. There was a student rugby event which meant that the noise outside the pub was completely out of control. Richelle went down to the pub to tell the DPS. She also emailed those whose contact details we had been given at the meeting. There was no response. This was followed by incidents on Monday 30 September 2014, when the manager admitted he had not been monitoring the outside area, and Thursday 2 October 2014 (for which we have footage to demonstrate the issues).

There was no written confirmation of the agreed measures, and no response to the CAB's follow up correspondence. This was not encouraging. The pub had agreed to bring customers inside at 10pm, rather than the 9pm we requested, and while this is adhered to, the lack of any effective measures prior to 10pm has meant that the nuisance has continued, although naturally it dropped off somewhat in frequency in winter but only when very cold or rainy. Before 10pm, we understood that they were to keep a watch on the numbers of people outside to see if it was problematic. We also said we were happy for the manager to visit our flats to witness the noise for himself; the offer has not been taken up. After the meeting, we saw no indication that staff are more active in reminding people to be quiet outside; if they are, it is ineffective. One agreement they made was to purchase covers for the outside tables and chairs, to stop them being used by passers-by. Even this has not been done.

We have contacted the manager, the licence holder by text or email whose responses were always terse and defensive. After a short while, we stopped doing so because nothing was done and we got a sense that the management of the pub did not want to be helpful or listen to us about the difficulties the noise continued to create.

Most recently, we have been informed that the new manager had no idea of the previous issues because the details had not been passed on.

Sometimes we have contacted the Noise Team but, given the issues with noise on a near daily basis, it is impossible to call the Noise Team all the time.

Westminster City Council's Statement of Licensing Policy ("the Policy")

The City Council's Policy regarding public nuisance (PN1) anticipates the potential for problems from outside drinking. The considerations (p.19) state that 'Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises licences in areas that have denser residential accommodation or have residential accommodation close to them.' There are 6 considerations a-g in respect of 'Eating, drinking or smoking outside premises' (p.20). Among them are 'Whether the premises are under or near to residential accommodation', 'The hours for the sale of alcohol in open containers or food for consumption outside the premises' and 'Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink...between certain hours or at all times.'

In addition, the Policy states as follows:

'2.2.10 - Westminster has a substantial residential population and the council as the Licensing Authority has a duty to protect it from nuisance. In certain areas, the increased concentration of entertainment uses and the longer hours of operation have adversely affected local residents. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their businesses. The role of the council as Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of residents and other users of the city including, businesses, workers, shoppers and visitors. It will need to satisfy itself that adequate measures to prevent public nuisance are in place and will be maintained. These principles apply also to events in open air sites.

2.2.11 - Playing of music can cause nuisance both through noise breakout transmission through the structure of the building and also by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. The later that music is played, the greater the potential for nuisance. Other major sources of noise nuisance are vehicles collecting customers; the slamming of car doors and the sounding of horns resulting from congestion and pressure for on-street parking space and the need for the servicing of premises. These noises can be particularly intrusive at night when ambient noise levels are lower. Other impacts include: noise from customers smoking, drinking, and eating in the open-air, the servicing of premises, and noise and smells from ducts and ventilation equipment. There are similar issues that apply to the operation of events at open air sites.

2.2.12 - Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits". It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

The Policy therefore recognises the potential for exactly the type of issues which we have described to arise.

Conclusion

Para 11.2 of the Guidance issued under s182 Licensing Act 2003 states that 'At any stage, following the grant of a premises licence or club premises certificate...any other person...may ask the licensing authority to review the premises licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives'. In fact, we have sought to engage with both Council officers and the pub directly, prior to submitting the application.

The current licence has no conditions on it which address these issues. This was not a problem when the pub operated in a way which did not harm the licensing objectives. However, since the pub changed ownership and has attracted a different type of clientele, the terms of the current licence are not sufficient to ensure that the licensing objectives are promoted. It is therefore appropriate to amend the licence accordingly.

Further, the new manager was not aware of the previous issues. Clearly, if the licence contained conditions on it to address the issues, any new manager would be expected to be familiar with the conditions, and so this communication issue would not arise.

Therefore, we respectfully ask that the Licensing Sub-Committee imposes such conditions as it considers to be appropriate and proportionate, to promote the licensing objectives. We suggest the following conditions as a basis for discussion:

- No customer shall be permitted to be outside the premises building with a drink or a glass container after 9pm.
- Outside tables and chairs shall be rendered unusable by 9pm each day
- Before 9pm, customers permitted to drink and/or smoke outside the premises building shall be limited to [] persons at any one time and shall remain within the premises forecourt
- After 9pm, patrons permitted to temporarily leave and then re-enter the premises building, e.g. to smoke, shall be limited to [] persons at any one time.
- The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway
- Notices shall be clearly and prominently displayed both outside and inside the premises informing customers that this is a residential area and requesting customers to leave the premises quietly and not to loiter outside the premises
- An SIA licensed door supervisor shall be on duty at the premises from []pm on Wednesday, Thursday, Friday and Saturday evenings, and at other times on a risk-assessed basis. The door supervisor's duties shall include monitoring the behaviour of customers drinking or smoking outside the premises and ensuring that the pavement remains clear for pedestrians.
- The premises licence holder shall designate named staff members whose duty it is to manage dispersal from the premises so as to ensure that no public nuisance is caused. At least one

staff member shall be on duty outside the premises after 10pm to manage dispersal.

- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open to the public. This telephone number is to be made available to residents in the vicinity of the premises.
- The licence holder shall produce and implement a dispersal policy with particular responsibility to a designated member of staff to manage the departure of patrons from premises effectively.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises so as to cause a nuisance.
- All windows and external doors shall be kept closed after 9pm, or at any time when regulated entertainment takes place, except for the immediate access and egress of customers.
- Reduce the hours permitted for recorded music and private entertainment to 10am to 11pm Mon-Sat, midday to 11pm Sun
- That the licensing authority removes the effect of the deregulation provided for by s177A Licensing Act 2003 (as amended) with the intention that any existing conditions have effect and any additional conditions are imposed as if the music was licensable, and that a statement is included on the licence to the effect that s177A Licensing Act 2003 (as amended) does not apply.

Any other such conditions as the Sub-Committee decides are appropriate and proportionate following consideration of this application, submissions from the licence holder, and any representations from responsible authorities and other persons.

All timings etc to be as the Sub-Committee decides are appropriate and proportionate following consideration of this application, submissions from the licence holder, and any representations from responsible authorities and other persons.

Have you made an application for review relating to the premises before

x

If yes please state the date of that application

Day		Month		Year		
↓	↓	↓	↓	↓	↓	↓

If you have made representations before relating to the premises please state what they were and when you made them

n/a

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other *duly* authorized agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

Richelle

Date

29th November 2015

Capacity *Applicant*

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)
See previous contact details given for Applicants

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

richelle100@gmail.com

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

The Windsor Castle, 98 Park Road, London NW1 4SH

Review application under s51 Licensing Act 2003

List of appendices

1. Location photographs
2. Relevant correspondence
3. Supporting statements
4. Current premises licence ref:13/07357/LIPDPS
5. Chronology
6. Photos and video footage – see link
<http://s392.photobucket.com>

APPENDIX 1

DUE TO THE HORSE SHOE
ROSSMORE COURT, SOUND ECHOES AROUND
INTERIOR COURTYARD OF THE BUILDING
WHICH APPEARS LOUDER TO FLATS FACING
INWARDS.

WINDSOR CAS
PUB

OUTSIDE
SEATING

ROSSMORE
COURT

BUS
STOP



APPENDIX 2

Westminster Citizens Advice Bureau

Licensing Advice Project

21a Conduit Place
London W2 1HS
Email: licensing@westminstercab.org.uk
Telephone: 020 7706 6029
Fax: 020 7706 6039



FGM Entertainment Limited
Suite 11 Hanover Gate Mansions
Park Road
London
NW1 4SJ

Our ref: RB
Your ref:

28 July 2014

Dear Sirs,

The Windsor Castle Public House, 98 Park Road, London NW1 4SH
Premises licence ref: 13/07357/LIPDPS

We write on behalf of two local residents who live opposite the Windsor Castle, to bring to your attention their concerns as to how the operation of the premises is causing a nuisance and affecting their lives.

Both residents are long-term residents, and have co-existed successfully with the pub in the past, and look forward to doing so again in the future. However, more recently, they have experienced what they consider to be a public nuisance arising from the use of the area outside the pub by drinkers, and consider that the conditions on the licence and current operational procedures are not proving to be sufficient to address the concerns.

The problems consist of:

1. Large numbers of customers gathering outside the premises in the evening to drink and/or smoke. As the evening goes on, these customers tend to become louder and the noise more intrusive to residents as it funnels upwards into their flats. We enclose a couple of photographs taken by a resident on successive Fridays in July which illustrate the numbers outside.
2. Large numbers of customers outside the premises who spread down the pavement in both directions. Permitting this obviously increases the number of people outside.
3. Outside drinkers remaining drinking outside until very late at night, up to 12.30am. One resident counted about 60 customers still outside at 10.40pm on 23 July, at which time management did make an attempt to move them inside. A similar number were still outside at 11pm the following night.
4. Noise from customers leaving the premises at the end of the night. Some customers have been noted to linger outside the premises for some time and do not seem to be moved on by staff. The existence of the tables outside the premises seems to encourage customers to linger longer than they otherwise would.
5. Major matches at Lords seem to increase the problems.

It could be, and indeed is the residents' view, that the issues are partly as a result of the pub becoming more successful and therefore busier. The problems have largely arisen since Summer 2013.

Westminster Citizens Advice Bureau

Licensing Advice Project

21a Conduit Place

London W2 1HS

Email: licensing@westminstercab.org.uk

Telephone: 020 7706 6029

Fax: 020 7706 6039



Residents are pleased that the pub is popular and are perfectly happy that there is a successful establishment in the vicinity. However, they strongly feel that formal measures should be put in place to counteract the effect that the number of customers using the premises is having on their lives, in order that the appropriate balance between the perfectly legitimate aim of running a successful establishment and the equally legitimate right of residents to enjoy their properties in peace in the evening is maintained. We understand that the manager, Mr Collins, had agreed to bring people in from the outside area at 11pm. However, the residents do not see that this is adhered to and in any event consider that 11pm is too late.

Accordingly, residents have thought about the matter and would like to propose through us a number of measures which they feel you could implement which should improve the issues:

1. Not permitting outside drinking after a certain time in the evening. Residents propose 9pm as an appropriate time, which would enable customers to drink outside in the early and mid-evening, but allow residents respite from the noise in the later evening when they wish to relax and go to sleep.
2. Restricting the number of drinkers permitted outside before 9pm, and keeping them within the forecourt of the premises, to ensure that noise levels are kept to a minimum.
3. Limit the number of smokers permitted outside after 9pm. Residents suggest 10 smokers as a maximum at any one time.
4. Rendering the tables unusable after 9pm, as the tables simply encourage people to stay outside longer.
5. Having a more proactive approach to managing the outside area, for example a designated member of staff to monitor the area and remind customers to keep noise down.
6. Having a more proactive approach to managing dispersal after, say, 10pm, for example a designated member of staff to monitor dispersal and remind customers to keep noise down as they leave.
7. Special measures during major match days at Lords, for example an SIA-registered doorman to control noise/numbers.

We look forward to hearing from you.

Yours faithfully,

**Licensing Advice Project
Westminster Citizens Advice**

Enc

Cc Cllr Rigby, by email only.





RE: Windsor Castle

The Windsor Castle <cheers@windsor-castle.co.uk>

Wed 20/08/2014 17:44

To:licensing licensing <licensing@westminstercab.org.uk>:

Cc:Vic Chhabria <vic@rescorp.co.uk>;

 4 attachments

Dear Mr Brown.docx; barriers.docx; scan0003.pdf; scan0002.pdf;

Dear Mr Brown

I tried to call several times today but your phone went straight to voicemail.

I'm on holiday from this evening onwards which is why I was quite anxious to get hold of you today.

However, please find attached our points and proposals in relation to your letter which, ideally, I would have liked to have discussed with you prior to sending.

In addition to the main letter, please see attached copy invoices from the SIA security company we used during the Test matches and a visual representation of the crowd control banners which we currently have on order.

I will be back in the business on the 1st of September but will be able to access mail whilst away and would be happy to speak to you in person with any queries. My number is 07403 487 972.

Kind Regards,

Ian Collins

The Windsor Castle Pub
98 Park Road London NW1 4SH
Tel: 0207 723 9262

-----Original Message-----

From: licensing licensing [<mailto:licensing@westminstercab.org.uk>]
Sent: 20 August 2014 11:05
To: The Windsor Castle
Subject: RE: Windsor Castle

Dear Mr Collins,

Thanks for your email - I will send over the two photos.

THE WINDSOR CASTLE

20/8/14

Dear Mr Brown

Many thanks for the letter from you dated 28/7/14 highlighting several concerns raised by two of our neighbours and many apologies for what seems a very late response. This was simply because the original was not received and we only heard via a third party that there had been communication from yourself to both ourselves and LBS.

The ownership of the pub changed on the 23rd September last year & so this has been the first full year of trading under new management.

At the start of the Summer, one of the residents of Rossmore Court came to see me with her concerns leading into the lighter evenings & highlighted the fact that there had been noise leading up to their building, which seems to be exacerbated by the shape of the court itself. At that meeting I gave the resident my private mobile number and asked to call me either day or night if she was having issues with our customer's sound levels. To this day, I have never received one call highlighting any issues.

We have had a couple of subsequent meetings, one of which coincided with the start of the World Cup, the first day of a Test Match at Lords and our traditional busy evening full of LBS students.

At that meeting I stated that this particular weekend would be a difficult one for us due to the sheer numbers we anticipated & that I'd start working on reducing sound levels at the start of the following week.

Indeed, the same lady also visited us as a customer during one of the very busy evenings to watch a game featuring Brazil in the World Cup & she didn't highlight any issues at all. During one of our later conversations, she also acknowledged that we HAD made improvements following our previous discussions.

In terms of your letter, I'd like to cover each point you make, including your list of suggestions alongside our own action points. I'll also attach copy invoices from the Security company we used during the Test Matches and a copy of an e-mail from one of our customers who assisted me with both crowd control and noise reduction on 23rd July:

1. We are very fortunate to have a very loyal customer base here which mainly consists of MBA Students, Executive Programme Students, Faculty and Staff from LBS. We also have customers coming in from our other neighbour (RCOG) and residents from both Rossmore Court and Hanover Gate Mansions. In terms of controlling numbers, there are several "pinch" days which are very hard to predict with LBS as on many occasions we will suddenly have 50+ students appearing from a course via our back entrance, many of whom would naturally gravitate outside in the warm weather. As you can imagine, our relationship would suffer greatly if we were to only serve to, say, 50% of this customer base or tell them that they have to split into two individual units.
2. Spreading Down the street. On the busy days when this has happened, we are very active in "pushing" the drinkers back towards the pub in order to try to keep them as close as we can. Indeed, on many of these days, we have had had people outside to ensure that this does not go too far down the street. The main reason why this happens is also because we are very

THE WINDSOR CASTLE

active in ensuring that the pavement directly to the front of the pub is kept clear at all times. Our regular customers are well aware of these rules & we have been outside every day for the cricket fans (who are generally one-off customers) in order to regulate this as best we can.

3. Following conversations with the resident, we have stuck as close to the agreed time as we possibly can & we would not have any drinkers outside at 12:30am. Indeed, on the very busy nights, we begin the process of getting people back into the pub at 10:30 in order to get the sound levels down.

On the night of the 23rd July we had a private booking from The Bank Softball League (arranged by BNP Paribas) who did bring a lot of people with them. Myself and a regular customer of the pub began the process of getting everyone back through the door before 10:30 and facilitated this very quickly. Indeed, this process also coincided with a visit from a Westminster Noise Abatement officer who should be able to corroborate what I have written above & he seemed very happy with what we had done. Indeed, on that evening I recall standing outside when this group departed reminding them of the need to keep quiet & respect our neighbours. At one stage, I made my way down towards the local bus stop in order to get people to move away more rapidly.

On the 24th, I will concede that we were very much taken by surprise by the numbers coming to us from the Middlesex/Surrey T20 game at Lords & this did become a problem for us on that particular evening. However, the DPS, who was on duty that night called last orders at 11pm simply in order to close the pub earlier & to get the cricket fans to disperse much earlier than they would have done if we had traded until Midnight.

4. We do not let people linger outside the pub on departure & we are always active on moving people away from the pub as soon as possible. I have been told of people sitting outside at, for instance, 1:30am but these are not people who have been in our venue as the staff are, in the main, out of the pub by 1am latest & never do we have our customers outside at that time.
5. We do have "spikes" in our trade when major matches are on at Lords, these being the first two days of any given Test Match and the One Day Internationals. In general, the T20 does not affect us too much apart from the lessons we have learned from "the local derby" as stated above. Whilst I'll cover the Lords actions later in the letter, both myself and registered SIA door staff spent all of the time on crowd control for every major game this season.

On behalf of the owners and staff, I'm very pleased that there are favourable comments with regards to the pub as we DO strive to foster good relations and dearly want to see the premises viewed as an asset to the area, rather than it being an irritating nuisance.

Indeed, when the new owners purchased the premises their original idea was to convert the premises into more of a "Sports Bar" but this plan changed quite quickly in order that we could grow our existing customer base through developing relationships with current customers and neighbours. Indeed, we have placed greater emphasis on the dining element of the pub & are hoping that this will be a major factor in growth over the coming years.

THE WINDSOR CASTLE

Obviously, we DO get a lot of customers in from LBS and they form the majority of our customer base. I believe that some communication has gone to LBS in order to assist the noise reduction element & we would like to say "thank you" for the direct communication.

In terms of your proposed measures, we would see them as follows:

1. We DO think that allowing drinks outside after 9pm is too restrictive a measure & would lead to a drastic loss of trade during the Summer Months but in order to assist the movement of people inside the pub we would like to propose a time of 10pm for this.
2. We have already ordered new barriers to assist in controlling numbers outside & these are being printed saying "no drinks past this point" and "please keep sound levels to a minimum" when outdoors. Given some of the numbers we get coming from LBS on certain evenings, the presence of these should also guarantee that the numbers outside become limited as a result of implementation.
3. I'm not sure how limiting the numbers to 10 outside will work on a practical level as any group of people outside will engage in conversation. We would really need to work together to see how best this could be achieved. Indeed, if there was a group of people standing at the bus stop down the road this would be outside our jurisdiction but would also create sound.
4. The tables outside have a concrete base and so would be impossible to stack on the evening. By the sheer bulk of the tables, they also allow of less people outside at any given time.
5. Whilst we have been proactive in managing the outside area as previously described, we will ensure that we will continue to enforce this every evening with more frequent checks outside on any given evening & will, as per your suggestion, ensure that this is the responsibility of one person per shift in order to ensure that this is adhered to.
6. Again, with dispersal we DO have customers leaving at different time during any given evening and so it would be impossible to monitor everyone going out of the door. We will ensure, however, that we will have someone at the door during the key leaving times (as we mainly do already) and will continue to remind customers of the need to keep noise levels down on departure.
7. We already employ SIA-badges staff for Test Match days & I have enclosed a copy of their invoices from this year accordingly. As soon as the full programme for next year becomes available, we will plan these days well in advance. Also, Just as a side note on this, we ALWAYS serve in plastic glasses during the Lords days.

Obviously, we would like to ensure that going forward we can all co-exist in harmony with the area and residents and so would welcome your comments on this letter as soon as possible. Also, if you thought it applicable both the management and owners of the pub would be very happy to meet with yourself, the local councillor and, if they wished, the residents to see how best we all move forward together.

With regards

Ian Collins

GM

Westminster Citizens Advice Bureau

Licensing Advice Project

21a Conduit Place
London W2 1HS
Email: licensing@westminstercab.org.uk
Telephone: 020 7706 6029
Fax: 020 7706 6039



FAO Mr Ian Collins
The Windsor Castle public House
98 Park Road
London NW1 4SH

Our ref: RB
Your ref:

21 August 2014

Dear Mr Collins,

The Windsor Castle Public House, 98 Park Road, London NW1 4SH
Premises licence ref: 13/07357/LIPDPS

Further to our recent correspondence, we enclose as requested the photographs referred to in my letter dated 28 July sent to the address of the licence holder.

Yours faithfully,

Licensing Advice Project
Westminster Citizens Advice

Enc

Re: Windsor Castle noise 9/10/14

Vic Chhabria <vic@rescorp.co.uk>

Thu 09/10/2014 22:08

To: richelle wilder <richelle100@gmail.com>;

Cc: Ferrer, Daniel <dferrer@westminster.gov.uk>; licensing licensing <licensing@westminstercab.org.uk>;
arvokimchi@yahoo.co.uk <arvokimchi@yahoo.co.uk>; Robert Rigby <robertrigby@hotmail.com>;

By 10:05 everyone is inside. I except 3 smokers.

Many thanks & warm regards,

Vic Chhabria

Director
Rescorp Residential
tel: 020 3348 8000 | mob: 07887 988 000
58 Acacia Road, St Johns Wood, London NW8 6AG

Sent from my iPhone 6

On 9 Oct 2014, at 9:53 pm, richelle wilder <richelle100@gmail.com> wrote:

To all

I have text both Ian Collins and Madan Daswaney about the noise levels outside the pub this Thursday evening and asked them to bring people inside. I haven't received any response to my text.

The same unacceptable noise occurred Monday 29th and Thursday 2nd. You are all aware of the Lions Club event of 27th September which was truly shocking and to which no one from the Windsor Castle has commented on.

It has been almost two weeks since we met and there has been no change to monitoring the noise, the number of people outside.

We need to consider where we go from here because this situation cannot be allowed to continue.

Sincerely

Richelle

richelle100@gmail.com
00 44 207 724 7996
00 44 7779 102917

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Windsor Castle Pub, Park Road

richelle100@gmail.com on behalf of richelle wilder <richelle@script-matters.com>

Wed 08/07/2015 17:16

To:kcumming@westminster.gov.uk <kcumming@westminster.gov.uk>;

Cc:Robert Rigby <robertrigby@hotmail.com>; Ferrer, Daniel <dferrer@westminster.gov.uk>; licensing licensing <licensing@westminstercab.org.uk>;

 1 attachment

windsor castle 24714 930pm.m4v;

Hi Kay

Further to your message about the noise from the Windsor Castle Pub on Park Road which, as I write to you at 5pm on 8th July is starting up again.

This pub has been causing noise at an unacceptable level to residents who live directly opposite the pub since new landlords took over the pub in September 2013. I attached an MP3 from last July that demonstrates what we have to constantly put up with.

Residents at Rossmore Court have been speaking with Daniel Ferrer (Westminster **Licensing Inspector**), Richard Brown at Westminster CAB and our local councillor, Robert Rigby about this matter since February 2014.

The noise on Monday 6th July was just another regular disruption from drinkers at Windsor Castle. This pub is on a very old magistrates license without formal restrictions from the Council and, as a matter of good faith, after a meeting last year, we agreed to monitor the noise with a 10pm optional curfew at the pub's discretion.

There are no restrictions to the numbers of outside drinkers which begin to get noisy from 4pm onwards both in the week and weekends. The pub disposes of all its bottles every night about midnight. There is no monitoring of drinkers leaving. Consequently we are subjected to loutish behaviour as the pub closes until up to 1am.

This pub because of its location to LBS, Regents College, Lords Cricket Ground and Regents Park is most frequented by students, rugby teams and cricket fans as we are very near Lords. It now requires Westminster Council to create formal restrictions that take into consideration the pub is in a residential area.

I would appreciate a call when you return to the office on Saturday on 020 7724 7996

All the best

Richelle Wilder

Richelle Wilder

www.script-matters.com

00 44 207 724 7996

00 44 7779 102917

RE: WINDSOR CASTLE PUB today at 6.15pm

Cummings, Kay <kcumings@westminster.gov.uk>

Sat 11/07/2015 18:26

To: richelle wilder <richelle@script-matters.com>;

Cc: licensing licensing <licensing@westminstercab.org.uk>;

📎 1 attachment

Resident's Monitoring Form updated 30.10.14.docx;

Good Afternoon Ms. Wilder,

Please find attached a 'Resident's Monitoring Form' as discussed on the phone. I will speak to the Manager about your recent complaint. I will also advise him that you consider that the undertakings made last year are not sufficient to address your concerns and that the situation is on-going.

I will update you on the result.

Kind regards

Kay

From: richelle100@gmail.com [mailto:richelle100@gmail.com] **On Behalf Of** richelle wilder

Sent: 09 July 2015 18:43

To: Cummings, Kay

Cc: Rigby, Robert

Subject: WINDSOR CASTLE PUB today at 6.15pm

Hi Kay

In light of the manager of the Windsor Castle explaining it was a 'one off noise', please see attached picture with drinkers spilling over into the street. The noise already is loud from the pub.

I look forward to speaking to you Saturday.

Best

Richelle Wilder

Richelle Wilder

www.script-matters.com

00 44 207 724 7996

00 44 7779 102917

RE: Windsor Castle Pub at 12.50 Sunday 18th October

Robert Rigby <robertrigby@hotmail.com>

Wed 21/10/2015 07:14

To: Downes, Ian <idownes@westminster.gov.uk>; richelle wilder <richelle100@gmail.com>;

Cc: Cummings, Kay <kcummings@westminster.gov.uk>; Keegan, Francis <fkeegan@westminster.gov.uk>; licensing licensing <licensing@westminstercab.org.uk>;

Dear Ian Downes

Thank you for your efforts here and it sounds as though your meeting was positive. One of the issues I have is why did the management not recognise there are concerns by local residents and pass these onto the new duty management? It is positive that the new duty manager is willing to take 'positive steps' going forward but unless their license is amended to reflect the concerns of the local residents I fear if there is another change of management in the future then we could be back to square one. I think it is time to ensure their license is amended now to reflect the concerns which have been highlighted over a number of years and then that would help with enforcement by WCC.

Kind regards

Cllr Robert Rigby

From: idownes@westminster.gov.uk

To: richelle100@gmail.com

CC: kcummings@westminster.gov.uk; fkeegan@westminster.gov.uk; rrigby@westminster.gov.uk

Date: Tue, 20 Oct 2015 21:01:08 +0100

Subject: RE: Windsor Castle Pub at 12.50 Sunday 18th October

Good Evening Richelle,

Thank you for your e-mail below which has provided me with good a background to your complaint.

I visited the venue yesterday afternoon and the first thing which was pointed out to me was the complete change of management. I had a long meeting with the new Duty Manager, an Alice Riquer, to whom I pointed out my concerns in respect to your complaint. In addition I brought to her attention details of a meeting I had with former manager last April about management of patrons not just at special events but also during the normal course of business. Ms Riquer has agreed to urgently review their management techniques for addressing outside drinkers/smokers and assured me she will call a meeting with her colleagues and senior management in order to discuss a positive way forward. She will discuss the implementation of your four suggestions below on a trial basis and

depending on the success of this, these may then become part of the licence by way of the venue seeking a minor variation to add them to their Premises Licence. This approach has the benefit of seeking to ensure that they address your concerns and if they do not then we can seek to alter them before they are 'set in stone' to ensure the best outcome. Should the new working practices be acceptable and the venue does not vary their Premises Licence to include these conditions then providing that they operate in accordance with them then further action will not necessarily be required. If however they fail to promote the licensing objectives consideration can be given as to what further action can be taken either by you as a local resident with the assistance of Mr Brown or, if necessary, by a Responsible Authority.

I expect the proposals to be with me by the end of this week and will keep you informed throughout.

Kind regards,

Jan E. Downes

Senior City Inspector

City Operations/City Co-Ordination
Public Protection & Licensing
City of Westminster
4th Floor Westminster City Hall
64 Victoria Street
London, SW1E 6QP

Office: +44(0)207 641 2109 | **Cell:** +44(0)7903 157 501 | **Fax:** +44(0)20 7641 7047
idownes@westminster.gov.uk | www.westminster.gov.uk

From: richelle wilder [mailto:richelle100@gmail.com]
Sent: 19 October 2015 13:52
To: Downes, Ian
Cc: Cummings, Kay; Keegan, Francis; Rigby, Robert (Cllr)
Subject: Re: Windsor Castle Pub at 12.50 Sunday 18th October

Hi Ian

The noise issue is a constant problem since the pub changed ownership in 2013. Since then the owners of the pub actively encourage LBS students to drink in large groups here with regular weekly events and so the Windsor Castle has become the college's defacto bar. Last Sunday was an example of this. In addition there are also regular rugby club events that cause excessive frat party noise from inside the pub.

You should be aware that the last time I personally was driven to complain, the noise team that night found the manager of the pub, on the bar and whipping up students to make noise - this should be in the notes of the noise team.

Many nights, throughout the week, there are large groups of mainly students outside the pub starting to gather around 5pm until 10pm when drinkers are moved inside. However there are also groups of smokers after 10pm who make a noise as well as those leaving in groups when the pub closes.

There is never a restriction on numbers of outside drinkers or dedicated door staff controlling it.

Rossmore Court is very close to the pub and the shape of the building amplifies the noise as it bounces off the horseshoe enclosure. That means the noise is amplified and rises up.

What we would really like the council to do is, finally after two years of complaints, take concrete action. The pub is on a very old magistrates licence and its time to review this. We, the residents, met with the pub owner and then manager in July 2014 with Danny Ferrer from your department and Richard Brown from CAB but the noise remains an issue because of the same factors - late outside drinking, too many large groups drinking and shouting and no dedicated door staff.

We would like the council to enforce the following:-

- a. Restrict numbers outside
- b. Restrict outside drinking to seated drinking only
- c. Restrict outside drinking to 9pm
- d. Dedicated daily door staff.

We are happy to have someone visit our flats to see what the problem is but this issue has been going on, reported on a regular basis since February 2014 reported both to our local councillor and to the council.

In my own case, I cannot read in my own home but have to counter the outside noise from the pub with TV noise.

Other local pubs including the Sir John Balcombe on Balcombe Street have strict outside drinking policies and dedicated door staff that protects the residents which is what needs to happen at the Windsor Castle.

Sincerely

Richelle Wilder

Richelle

richelle100@gmail.com

00 44 207 724 7996

00 44 7779 102917

On 19 October 2015 at 13:07, Downes, Ian <idownes@westminster.gov.uk> wrote:

Good Afternoon Ms Wilder,

The issue you have highlighted below has been brought to my attention by Ms Cummings.

A visit was undertaken on Sunday following your complaint at which time there were fewer people outside. The new duty manager was made aware of the complaint and she was unaware of the previous undertakings. I will be visiting the premises to discuss the situation

more fully with them and to see what additional management techniques they intend to implement to prevent a reoccurrence.

Further monitoring will be undertaken. It would however, be useful to monitor the situation from your premises as previous visits at ground level have found that the ambient street noise has covered some of the noise from the outside customers when previous monitoring was undertaken.

Kind regards,

Jan E. Downes

Senior City Inspector

City Operations/City Co-Ordination

Public Protection & Licensing

City of Westminster

4th Floor Westminster City Hall

64 Victoria Street

London, SW1E 6QP

Office: +44(0)207 641 2109 | **Cell:** +44(0)7903 157 501 | **Fax:** +44(0)20 7641 7047

jdownes@westminster.gov.uk | www.westminster.gov.uk

From: [richelle wilder](#)

Sent: 18/10/2015 13:19

To: [Cummings, Kay](#)

Cc: licensing@westminstercab.org.uk; [Rigby, Robert](#)

Subject: Windsor Castle Pub at 12.50 Sunday 18th October

Hi Kay

There is, yet again, unacceptable noise coming from the Windsor Castle. It is now Sunday lunchtime and a large group of students have gathered outside, shouting and spilling over into the public areas making very loud noise. They are all similar dressed for some student activity during the day.

page 42

And, yet again, despite assurances from the management of this pub to yourself and to us, the residents of Rossmore Court, there is no barrier set up or door staff to oversee activity or numbers.

This is unacceptable especially given the assurances made that the pub would make sure outside drinking was monitored and controlled. And disturbing noise continues to be a problem because there isn't sufficient management of numbers or ANY dedicated door staff.

I am copying Robert Rigby, our local ward councillor and Richard Brown of Westminster CAB who are both fully aware of the ongoing noise issues since the takeover of the pub in 2013 and its proactive relationship with LBS students to become a dedicated drinking and meeting student venue.

I look forward to hearing your proposal to manage this ongoing issue with the Windsor Castle.

Sincerely

Richelle Wilder

richelle100@gmail.com

00 44 207 724 7996

00 44 7779 102917

Look out for your electoral registration form in the post. It's important you respond to ensure you remain on the electoral register even if you're already registered.

www.westminster.gov.uk/annual-canvass-2015.

Report fly-tipping at westminster.gov.uk/report-it or let us know on twitter using #FightTheFlytippers.

Did you know, your two-year-old could qualify for up to 15 hours of free childcare a week. Apply now at westminster.gov.uk/childcare.

THE WINDSOR CASTLE

25/3/14

Dear Councillor Rigby

Many thanks for your letter dated 18th March in relation to possible noise pollution concerns related to outside drinking in the forthcoming warmer Months ahead.

Naturally, it is our intention to strive to be a good neighbour to Rossmore Court and sit firmly within the remit of our licence at the same time.

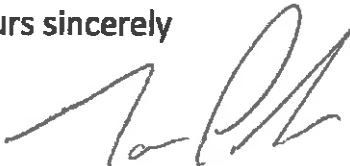
Therefore, over the course of the next week, we shall be putting up reminder notices to our customers that they are within a residential area and ask for due consideration to sound levels when both outside and leaving the venue.

As a matter of course with more people drinking outside during the warmer weather, our presence there will be more evident with glass collections etc. and we will endeavour to ensure that reminders are given each evening & every member of staff will be briefed on this accordingly.

We very much appreciate your early letter on this and are glad that you are pleased to have a pub in the ward you represent & we'll strive to keep this in harmony.

Should you have any concerns going forward, I would be more than happy to speak to you in person at any stage.

Yours sincerely



Ian Collins

General Manager

APPENDIX 3

8th November 2015

Licensing Service
Westminster City Council

To whom it may concern

**Re - Application for the review of a premises licence for The Windsor Castle
Pub, 98 Park Road**

I am writing in support of the application to review the premise licence for The Windsor Castle Pub, which is located in Regent's Park ward.

Issues of noise and public nuisance concerning this pub were first brought to my attention by residents living in Rossmore Court, which is located directly opposite, in February 2014. Since that time and despite numerous attempts to engage with not only the pub owners as well as the LBS whose students frequent this pub, the problems persist and are therefore affecting the resident's amenity.

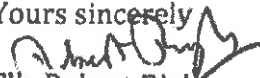
The key issues include customers drinking outside the pub until late into the evening (vertical drinking), the number of customers who converge on the pub both inside and outside therefore in breach of health and safety and the music played and the resulting noise pollution. The Westminster noise team have been called on numerous occasions and I have been in constant communication with the residents since this issue was brought to my attention.

I would ask the Licensing Sub-Committee to look at introducing conditions which will help to mitigate these issues and protect the amenity of the residents who live close to this public house.

I therefore support the proposal to impose a 9pm curfew for the outside of the pub which includes banning the use of tables and chairs after this time. Limit the number of customers who converge on the forecourt including those who smoke after the proposed 9pm curfew. The forecourt to be properly supervised by staff, currently it is a bit of a free for all with little or no control which causes obstruction onto the public walkway. The introduction of proper signage within and outside the pub informing customers of the need to be quiet when leaving as well as a dispersal policy with proper supervision by the staff. Restrict the use of music and ensure windows and doors are not left open after 9pm.

I hope very much members of the Committee will look favourably on this request and impose the necessary restrictions needed to ensure the amenity of residents is not continually compromise.

Yours sincerely



Clr Robert Rigby

Regent's Park ward

APPENDIX 4



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Regent's Park
UPRN: 010033540477

Premises licence

Regulation 33, 34

Premises licence number:

13/07357/LIPDPS

Original Reference:

05/06317/LIPCV

Part 1 – Premises details

Postal address of premises:

The Windsor Castle Public House
98 Park Road
London
NW1 4SH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 00:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol
Monday to Saturday: 11:00 to 00:00
Sunday: 12:00 to 22:30

For times authorised for New Year see conditions at Annex 1 and 2

The opening hours of the premises:

Monday to Saturday: 11:00 to 00:30
Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

FGM Entertainment Limited
Suite 11 Hanover Gate Mansions
Park Road
London
NW1 4SJ
Electronic Mail : vik@rescorp.co.uk

Registered number of holder, for example company number, charity number (where applicable)

08612952

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Madan Daswaney

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: PERS-LIC710
Licensing Authority: London Borough Of Camden

Date: 30 October 2013

Signed: pp

Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who hold a personal licence.
4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

8. The responsible person shall ensure that;

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premises licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

9. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

10. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

11. Alcohol may be sold or supplied:
- (a) On weekdays, 11:00 to 00:00
 - (b) On Sundays, 12:00 to 22:30
 - (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) 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;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

12. To join and take an active role in Pub Watch Schemes and Westminster /Police initiatives.
13. The outside areas is to be cleared on a daily basis.
14. Children must be accompanied by a person over the age of 18 and are only permitted in the dining room and outside areas of the premises,

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Regent's Park
UPRN: 010033540477

Premises licence
summary

Regulation 33, 34

Premises licence number:

13/07357/LIPDPS

Part 1 – Premises details

Postal address of premises:

The Windsor Castle Public House
98 Park Road
London
NW1 4SH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 00:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol
Monday to Saturday: 11:00 to 00:00
Sunday: 12:00 to 22:30

For times authorised for New Year see conditions at Annex 1 and 2

The opening hours of the premises:

Monday to Saturday: 11:00 to 00:30
Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

FGM Entertainment Limited
Suite 11 Hanover Gate Mansions
Park Road
London
NW1 4SJ

Registered number of holder, for example company number, charity number (where applicable)

08612952

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Madan Daswaney

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 30 October 2013

Signed: pp

Operational Director - Premises Management

APPENDIX 5

Windsor Castle P.H., 98 Park Road, London NW1 4SH

Review application under s51 Licensing Act 2003

Chronology

Date and time	Details	Action taken eg call to Noise Team	Outcome
Mon 2/11/15	Noise from partygoers after late night private party at pub on Sun night up to 2am. TEN in force but WCC records show it was only in force until midnight	Photographs taken of customers leaving premises	
Thurs 22/10/15	Live music pounding out of first floor of pub up to 10.30pm. Private student party.	Richelle went over to the pub to complain.	The manager was very pleasant and immediately stopped the music. However, it was apparent that she was unaware of previous concerns.
Sun 18/10/15	Unacceptable noise from the pub at Sunday lunchtime. Large group of students have gathered outside, shouting and spilling over into	Photo graphs taken. Email to Kay Cummings, WCC.	Email correspondence from Ian Downes, WCC. The new manager was unaware of previous undertakings given by the

	the public areas making very loud noise.		licence holder.
Thurs 9/7/15	Customers drinking outside spilling over onto the pavement and blocking it.	Photo taken and sent to Kay Cummings, WCC.	Kay Cummings to advise manager that the we considered the undertakings agreed to in 2014 to be insufficient and that the situation is ongoing.
Weds 8/7/15	Noise from outside drinkers 5pm onwards.	Email sent to Kay Cummings, WCC.	
Mon 6/7/15	Unacceptable noise from outside pub at 10.30pm.	Noise Team called at 10.30pm.	Kay Cummings telephoned Richelle to pass on apology from manager for noise.
27/6/15	Noise complaint to WCC from unknown resident		
20/11/14	Noise from inside the pub persisted until 12.30am		
?/10/14	Loud noise from outside drinkers up to 10pm.		Richelle could not sleep for an early flight the next morning.
Thurs 9/10/14	Unacceptable noise levels outside pub at 9.30pm	Text from Richelle to Ian Collins (manager) and Madan Deswaney (DPS) asking them to bring	No response to text. No change in monitoring of outside area or numbers outside since meeting on 26/9/14.

		people inside. Email 9.53pm to Vic Chhabria, licence holder.	Response from Mr Chhabria 10.08pm confirming that all drinkers were now inside.
Fri 3/10/14		Email from Westminster CAB to the manager, on behalf of Neil and Richelle, asking for written confirmation of the measures suggested at the meeting on 26/9/14.	No response.
Thurs 2/10/14	Unacceptable noise from customers outside the pub, 6pm to 10pm. About 150 people outside from 6pm onwards.	Stills and audio taken.	Crowd brought in just after 10pm
Mon 30/9/14	Unacceptable noise from customers outside pub 7pm to 10pm.	Richelle went over to the pub at 9.45pm to speak to the manager.	Manager admitted he had not been monitoring the outside area. He was no apologetic or concerned.
Fri 26/9/14 until	Lions Rugby Annual Event. Noise inside the pub was out of control.	Richelle went in to the pub to tell the DPS the following day.	No response from pub.

	Screaming, shouting and jeering until midnight. More like a frat house than a pub.	Also emailed various members of the management.	
Fri 26/9/14		Meeting between residents and the management at the pub.	<p>Measures we noted at the meeting:</p> <ol style="list-style-type: none"> 1. The pub would not agree to take people in at 9pm, but confirmed that they would bring in drinkers at 10pm. Before 10pm, they would monitor the numbers outside to see if it was problematic. We suggested that your input would be important and that we should contact the pub when there is an issue. 2. Mr Collins is to visit our properties at an appropriate time, to witness the noise. 3. Mr Collins is to purchase covers for the outside tables/benches,

			to discourage them from being used after hours. 4. Staff will be more active in the outside area eg. reminding people to be quiet.'
Fri 22/8/14	Noise from people drinking outside the pub.	Photos taken by Richelle.	Visit by Daniel Ferrer, WCC.
Weds 20/8/14	Email from manager of pub to CAB, attaching response to CAB letter dated 28/7/14. See appendix 2.		
Fri 15/8/14	Very loud noise from 80-100 people gathered outside pub from 7pm onwards. Seemed to be London Business School Students.		
Weds 6/8/14	Loud noise from people gathered outside the pub. Seemed to be London Business School students.	Photos taken.	
Mon 28/7/14	Letter sent by CAB to licence holder. See		

	appendix 2.		
Sun 27/7/14	A group of approximately 6 people sat outside from 11.15am to 7pm playing loud drinking games.		
Weds 23/7/14	Loud noise from people drinking outside the pub until 10.40pm. It was noted that about 60 people were outside at 10.40pm, and that the inside of the pub seemed to be virtually empty.	Noise Team contacted. Video taken.	
Thurs 22/5/14	Very large and loud number of people outside the pub up until 11pm. Noise died down at 12.45am.	Video taken.	
25/3/14	Letter from manager of pub to Cllr Rigby. See appendix 2.		

APPENDIX 6

See <http://s392.photobucket.com>

5th July 2014 – 19:18



11th July 2015 – 17:44



11th July 2014 – 17:49



17th July 2014 – 20:41



18th July 2014 19:57



18th July 2014 19:58



19th July 2014 – 18:59



6th August 2014 – 20:44



18th September 2014 – 21:34



17th April 2015 – 17:23



18th April 2015 – 15:29



6th July 2015 - 22:30



19th July 2015 – 17:14



19th July 2015 – 18:14



18th October 2015 12:51



18th October 2015 – 12:55





Schedule 12
Part A

WARD: Regent's Park
UPRN: 010033540477

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

16/02355/LIPDPS

Original Reference:

05/06317/LIPCV

Part 1 – Premises details

Postal address of premises:

The Windsor Castle Public House
98 Park Road
London
NW1 4SH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 00:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol
Monday to Saturday: 11:00 to 00:00
Sunday: 12:00 to 22:30

For times authorised for New Year see conditions at Annex 1 and 2

The opening hours of the premises:

Monday to Saturday: 11:00 to 00:30
Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

FGM Entertainment Limited
Suite 11 Hanover Gate Mansions
Park Road
London
NW1 4SJ
Electronic Mail : vik@rescorp.co.uk

Registered number of holder, for example company number, charity number (where applicable)

08612952

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Reinaldo Araujo Bispo

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: LN/200800323
Licensing Authority: London Borough Of Enfield

Date: 22nd March 2016

This licence has been authorised by Mr Darren O'Leary on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who hold a personal licence.
4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that;
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premises licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

9. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

10. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

11. Alcohol may be sold or supplied:
- (a) On weekdays, 11:00 to 00:00
 - (b) On Sundays, 12:00 to 22:30
 - (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) 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;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

12. To join and take an active role in Pub Watch Schemes and Westminster /Police initiatives.
13. The outside areas is to be cleared on a daily basis.
14. Children must be accompanied by a person over the age of 18 and are only permitted in the dining room and outside areas of the premises,

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

Attached



Schedule 12
Part B

WARD: Regent's Park
UPRN: 010033540477

City of Westminster
64 Victoria Street, London, SW1E 6QP

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

16/02355/LIPDPS

Part 1 – Premises details

Postal address of premises:

The Windsor Castle Public House
98 Park Road
London
NW1 4SH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 00:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol
Monday to Saturday: 11:00 to 00:00
Sunday: 12:00 to 22:30

For times authorised for New Year see conditions at Annex 1 and 2

The opening hours of the premises:

Monday to Saturday: 11:00 to 00:30
Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

FGM Entertainment Limited
Suite 11 Hanover Gate Mansions
Park Road
London
NW1 4SJ

Registered number of holder, for example company number, charity number (where applicable)

08612952

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Reinaldo Araujo Bispo

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 22nd March 2016

This licence has been authorised by Mr Darren O'Leary on behalf of the Director - Public Protection and Licensing.

Consultee Comments for Licensing Application 15/12075/LIREVP

Application Summary

Application Number: 15/12075/LIREVP

Address: Windsor Castle 98 Park Road London NW1 4SH

Proposal: Review of a Premises Licence

Case Officer: Mr Darren O'Leary

Consultee Details

Name: Mr Dave Nevitt

Address: Westminster City Hall 64 Victoria Street, London, City of Westminster SW1E 6QP

Email: dnevitt@westminster.gov.uk

On Behalf Of: Environmental Health Administration

Comments

I support this application for a Review of a premises Licence on the grounds of Prevention of Public Nuisance. I wish to attend the Hearing of the Licensing Sub Committee.

98 Park Road

NOISE/COMPLAINT HISTORY:

(Informant/complainant details redacted)

**15/28323/ELREAC Public complaint regarding outside drinkers
18.10.2015:**

19/10/15 at 13:35 by lphilli

reacting to complaint received I passed the premises within 30 mins of receiving complaint found 4 people sitting outside causing no noise nuisance at all. upon checking photographs provided by complainant several people in the photographs were not holding drinks and may have been waiting for the bus for the bus stop within yards from the pub.

20/10/15 at 13:03 by spackir

18.10.15 15:45hrs SK & MT further to the public complaint regarding noise and staff not controlling the customer outside. We met with duty manager Ms Farah Abdi. Informed her there has been a complaint and she assured me that staff regularly go to the outside area and keep everything in control, asking customers to be considerate. She did tell us that there had been a student event. When we arrived the noise was very minimal and the noise from the traffic was much greater. There were approximately 10-15 customers outside of which 5-6 were leaving. Advised the manager to keep a log of any interactions with the customers outside regarding noise or any other issue.

19/10/15 at 12:41 by kcummings

18.10.15 KCU - email from complainant received whilst 'off duty'. Full details in IDOX Email sent to Late Turn City Inspectors requesting a visit be undertaken to see the situation. Email also sent to Mr. Downes to discuss as he is due to inspect premises shortly.

And, yet again, despite assurances from the management of this pub to yourself and to us, the residents of Rossmore Court, there is no barrier set up or door staff to oversee activity or numbers.

This is unacceptable especially given the assurances made that the pub would make sure outside drinking was monitored and controlled. And disturbing noise continues to be a problem because there isn't sufficient management of numbers or ANY dedicated door staff.

I am copying Robert Rigby, our local ward councillor and Richard Brown of Westminster CAB who are both fully aware of the ongoing noise issues

since the takeover of the pub in 2013 and its proactive relationship with LBS students to become a dedicated drinking and meeting student venue.

I look forward to hearing your proposal to manage this ongoing issue with the Windsor Castle.

Sincerely

XXXXXX



**15/17801/ELREAC Public complaint regarding operation of venue
08.07.2015**

24/08/15 at 05:19 by kcummings

22.08.15 KCU - visit undertaken see 15/22437/ELSELF

24.08.15 KCU - the premises have not been subject to further complaint and monitoring has not highlighted potential public nuisance at this time. As a result this complaint can be closed.

29/07/15 at 16:40 by kcummings

08.07.15 KCU - made aware of recent noise complaint so contacted the complainant. Message left on her phone to contact me if there were ongoing issues and an email was received - see notepad.

11.07.15 KCU - spoke to the complainant at length on the phone. She states that she has suffered noise nuisance from the venue for a number of years since they changed hands. She is in contact with Richard Brown and other residents who are also suffering nuisance.

11.07.15 KCU - email sent to Mr. Collins (DPS - Manager) about the recent concerns. He sent initial response stating that they didn't have any event on the 27/6 and tend to be very quiet on a Saturday evening so this particular complaint comes as a big surprise. He will review the CCTV for this date and time & will send the images. With regard to the past two days, both were LBS's graduation days & he mentions that he did say at our meeting that these would be pressure points for us. He states he was out on the road as much as possible on both days to keep any spillover in place which was very effective. On both evenings we had a lot of people coming up from the school to say goodbye to their study colleagues but not drinking at the pub. It's the first time we have had any comments about putting bags into the bins & we are acting on that from this eve onwards as we can keep any post-10pm disposal out of the back of the pub until the following morning.

12.07.15 KCU - further email sent to Mr. Collins stating that there were two separate complainants and that one is in contact with Mr. Richard Brown of the CAB. Awaiting further response.

13.07.15 KCU - email from Knight Training (Ms. Claire Danson) stating their dealings with FGM Entertainment were limited to facilitating a premises licence transfer application and a DPS variation back in September 2013. As such, they have had no further contact with them since this time. The only contact information they have is the email address I had unsuccessfully already tried and a mobile number for Vic Chhabria with whom they were dealing - Subsequent to this email telephoned Mr. Chhabria and advised him of recent concerns then forwarded him a copy of the remedial email sent to Mr. Collins. He will liaise with Mr. Collins and a response will be forthcoming but he would also like to meet when he is back in England and will contact me when he is in the Country.

13.07.15 KCU - phone message left from Mr. Collins wishing to speak to me. Phoned him on NNNNNN During the conversation he stated that the CCTV for the 27.06.15 was not available but he was speaking

to the Engineer to see if it could be recovered. He stated photo from complainant was misleading and he had CCTV that would confirm this so advised to retain it. He considers that there are only two complainants and that they want the outside area closed. He has had no direct complaints to the public house even though his details were provided to them at a resident's meeting last year. We discussed our meeting in May and I said that despite him stating that some events would be very busy I had made it clear that venue still had to ensure that the licensing objectives are promoted. He does not accept venue is causing as much nuisance as suggested and he will respond in writing when he has spoken to the owner. In the interim advised him with the 'Ashes' this week to ensure robust management of outside of venue. He did at one point seek to suggest that some of the noise issues related to Hyde Park Concerts but I advised him that the complainants say it was his venue.

18.07.15 20:25 hrs KCU and SK - observations undertaken to monitor outside drinkers. 4 x SIA on duty with 3 outside and 1 inside venue. All customers in delineated area with the majority seated but some stood up talking. Approx 31 persons outside. Overall the observations did not highlight any real nuisance on this occasion. Most conversational noise not audible over ambient traffic noise however when traffic subsided then a murmur of conversation and occasional raised voice or laughter could be heard across the street which became less when standing outside Hanover Gate Mansions

23.07.15 KCU received email from Ian Collins stating he had arranged door staff between 8pm and midnight this evening for the Middlesex/Surrey game as we were very busy for it last year & the lords staff I know tell me it is a sell out.

29.07.15 10:30 hrs KCU and AKI - attended meeting with Ian Collins and Mr. Vic Chhabria (Director) 07887 988 000 vic@rescorp.co.uk Discussed the ongoing complaints which the venue believe originate from one resident only who Mr. Collins has seen looking out of her window for long periods even when no one is outside the public house. They are not aware of any other complaints but they believe that the majority of residents support the venue and have no concerns. They have SIA Door Supervisors; They get everyone inside the venue by at 21:00 hrs and they intervene if there is noise from an individual or group. They believe that the photos recently provided do not give an accurate picture and they showed CCTV footage but part of the footpath shown in the photo was obstructed by an umbrella where the allegeded blockage was although it was clear that neither the DPS or the Owner fully appreciated that this was the case. They showed joggers going past and thought that evidenced that there was not a blockage but it was not possible to tell from the footage if they had had to wait to get past; stop or slow down or even go into the road so it really was not of great evidential value. After a long discussion they will implement additional signage; record all public nuisance issues whether related to venue or otherwise and continue to monitor the outside area. They will also check noise from the opposite side of the road which they state they already do but try to view it objectively and deal with any issues highlighted.

Venue to be subject to further monitoring but the reality is the main Cricket Events and the College Events have ended for a few months so they should be much quieter but nonetheless they would like to find a final solution as they wish to be seen as a 'resident/local' pub that works with the community. They are even willing to listen to noise from resident's flats to try and identify steps they can take to resolve concerns. They also provided details of a resident who they think will support them plus additional CCTV footage.

16:26 hrs KCU phoned Ms. Xxxxx She lives opposite the pub and generally does not hear a lot of noise in her flat When they do notice some noise it appears to rise quickly and then also stop quite quickly. She is aware that they have security so when it is planned the pub seems to be aware of the issues. Her flat is in horseshoe shape so their kitchen is to the front as is their bedroom. Their living room is to the rear and she did admit that if the sitting room was to the front then she would notice the noise and have to close her windows. She is however aware she lives in London and is accepting of noise from the street; buses; police sirens and some noise from the public house when drinkers sit outside. She is also a customer of the venue. She did state she has lived next to other pubs which were much more problematic and she thinks that the managers are trying their best to be considerate and deal with problems quickly. She also stated that she has heard music from Hyde Park when the British Summer Time Festival takes place but that is dependent on wind direction.

15/17230/ENC45 Loud Music/Screaming/Shouting by patrons of a Pub known as the Windsor Castle on Park 06.07.2015 22:25

07/07/15 at 13:02 by kcummings

07/07/15 at 12:59 by kcummings

07.07.15 12.56 hrs KCU - spoke to the DPS, Ian Collins on the phone. The college were holding an end of term party at the public house which had originally been arranged for another day but was moved to yesterday. The public house was extremely busy with a lot of people at the rear of the premises which is the agreed leaving point. When Mr. Collins was seen on the bar he was issuing 'Windsor Awards' to some of the students who had attended his venue over the last two years and he was not trying to 'whip up the crowd' but he now understands how his actions could be perceived. The venue has one more college event and then the Ashes which he has SIA in place for to prevent concerns. He apologised for last night and wishes this passed on to the complainant.

07.07.15 13:01 hrs KCU - message left on the answering service for the complainant advising the resident of the above and indicating that her details are NOT known to the venue.

Actions currently complete

O'Leary, Darren

From: richelle wilder <richelle100@gmail.com>
Sent: 19 January 2016 15:12
To: O'Leary, Darren
Cc: arvokimchi@yahoo.co.uk
Subject: Fwd: Windsor Castle Noise Complaint

Hi Darren

RE:- Windsor Castle Noise/License Review

Please find below an email from Prashanthy Shankar who is a resident of Rossmore Court and is severely affected by the noise of the Windsor Castle pub.

All the best

Richelle

richelle100@gmail.com
00 44 207 724 7996
00 44 7779 102917

----- Forwarded message -----

From: Prashanthy Shankar <prashanthy.shankar@gmail.com>
Date: 19 January 2016 at 15:08
Subject: Windsor Castle Noise Complaint
To: richelle100@gmail.com

Dear Richelle,

I believe that you are corresponding with Westminster Council about the noise levels of the Windsor Castle pub and would like to let you know that we have been suffering terribly from the increasing noise levels of the pub.

There has been a noticeable increase in the noise levels since the new owners of the pub took over. The pub clientele has been standing and drinking on the pavement and there is constant noise from about 5pm - 1am in the morning. I have a young child aged 18 months and am soon expecting a newborn baby and it is so disruptive hearing all the noise of people standing outside drinking. It prevents us from having a good night's rest and when you have young kids, getting a good night's sleep is the only way you can survive!

I have been outside in my dressing gown on several occasions and had to ask the pub to ask their customers to keep the noise down. Despite last orders being at 11pm, the noise still continues until 1am or later as people are clearly getting several drinks which last them until this time.

The noise is especially bad in the summer months but last year this continued into December.

I am very surprised that Westminster Council have not done anything about this ongoing noise as it is clearly a nuisance to all the residents of the buildings surrounding the pub.

Please do not hesitate to contact me if you need any further information.

Kind regards,
Prashanthy
07957 154 660

O'Leary, Darren

From: richelle wilder <richelle100@gmail.com>
Sent: 18 January 2016 13:59
To: O'Leary, Darren
Cc: arvokimchi@yahoo.co.uk; Rigby, Robert; licensing@westminstercab.org.uk
Subject: Fwd:

Hi Darren

Please find below a letter from Fabienne Fauritte, a resident of Rossmore Court with respect to the noise disturbance of the Windsor Castle pub and in support of the changes to the licence for the premises.

All the best

Richelle

richelle100@gmail.com
00 44 207 724 7996
00 44 7779 102917

----- Forwarded message -----

From: **fabienne fauritte** <guarneria@hotmail.com>
Date: 18 January 2016 at 09:57
Subject:
To: richelle wilder <richelle100@gmail.com>

To whom it may concern

RE WINDSOR CASTLE NOISE

My name is Fabienne Fauritte and I am a resident of Rossmore Court.

I am writing to you as I am heavily affected by noise made by drinkers at the Windsor Castle pub and it is making my home life very uncomfortable.

This noise is mainly from outside drinkers who congregate in large numbers, usually from the London Business School. It is almost everyday, particularly bad in the summer and this winter due to the mild weather.

It is usual to start around 5pm/early evening during the week. However, last year, noise from large crowds has began on Saturday and Sunday late mornings and is really problematic.

The noise comes from the very large numbers of outside drinkers drinking and socialise. Given the proximity of the pub next door to a large college, it is mainly students from the London Business School and that creates a younger crowd who has a commonality.

In the summer, there are large numbers of cricket fans attending Lords as well as other large groups from Regents Park sports grounds.

The problems of noise began in 2013 and since this time has got increasing worse. The drinkers actions or numbers are not monitored by dedicated security personnel. Consequently there is very loud shouting and sometimes screaming.

The noise is so bad that I cannot open my windows in summer. It affects how I am able to relax in my flat, to read, to think. Many times I am unable to get to sleep.

Even when the drinkers are brought in at around 10pm, those leaving the pub from this time until closing often congregate outside, shouting to each other. This can go on until up to 1am in the morning.

Please could you take my experience into consideration. This situation has become intolerable.

Yours faithfully

Fabienne Fauritte.

O'Leary, Darren

From: richelle wilder <richelle100@gmail.com>
Sent: 05 January 2016 11:49
To: O'Leary, Darren
Cc: licensing@westminstercab.org.uk; Rigby, Robert
Subject: Fwd: Application to review premises licence ref 13/07357/LIPDPS

Hi Darren

Please find below email from Jonathan Davis in support of our application.

I did send hard copies via recorded delivery yesterday including a USB of photo evidence. It should be with you today.

All the best

Richelle

richelle100@gmail.com
00 44 207 724 7996
00 44 7779 102917

----- Forwarded message -----

From: **Davies Jonathan (NHS CENTRAL LONDON (WESTMINSTER) CCG)**
<jonathan.davies11@nhs.net>
Date: 5 January 2016 at 11:44
Subject: RE: Application to review premises licence ref 13/07357/LIPDPS
To: richelle wilder <richelle100@gmail.com>

Dear Richelle, I can confirm that I have read the review application for the premises licence although unfortunately I couldn't seem to make the 'Photobucket' login work correctly.

On balance, whilst it does seem that the licensees have made promises of change, that these changes appear not to have been delivered on and that from a health perspective it is well known that repeated exposure to externally generated noise over a long period of time can lead to detrimental health effects both mentally and physically. On this basis the CCG is happy to support the review application and you are welcome to share this with the licensing officer dealing with the review.

In the meantime if you have any queries please don't hesitate to get in touch, thanks and regards, Jonathan

Jonathan Davies

Programme Manager, Primary Care Transformation

NHS Central London Clinical Commissioning Group

15 Marylebone Road

London NW1 5JD

Direct: 020 3350 4663

Mobile phone: 07971 952 016

Switchboard: 020 3350 4000

Email: jonathan.davies11@nhs.net

Website: www.centrallondonccg.nhs.uk



From: richelle wilder [mailto:richelle100@gmail.com]

Sent: 23 December 2015 08:44

To: licensing@westminster.gov.uk; MetPoliceLicensingTeam@westminster.gov.uk; ehconsultationteam@westminster.gov.uk; firesafetyregulationsw@london-fire.gov.uk; planninginformation@westminster.gov.uk; Davies Jonathan (NHS CENTRAL LONDON (WESTMINSTER) CCG); childprotectionlicensing@westminster.gov.uk

Cc: licensing@westminstercab.org.uk; Robert Rigby; arvokimchi@yahoo.co.uk

Subject: Application to review premises licence ref 13/07357/LIPDPS

Dear Sir/Madam,

The Windsor Castle Public House, 98 Park Road, London NW1 4SH
Application to review premises licence ref: 13/07357/LIPDPS under s51 Licensing Act 2003

We are two local residents who live in Rossmore Court NW1, opposite the Windsor Castle Public House.

O'Leary, Darren

From: Luis Figueira <lfigueira.mba2016@london.edu>
Sent: 19 January 2016 18:47
To: PremisesLicensing
Subject: The Windsor castle - pledge to keep premise licence

Dear,

My name is Luis Figueira, I am a MBA student at London Business School. I am writing to corroborate the importance of the Windsor Castle as a paramount location for our community life and socialization.

I believe I am not the first one to write that our favorite pub (commonly recognized by its first name, "The Windsor") is the top of mind location for LBS students to meet and socialize. Indeed, I can cite several events that took place in that pub that were important to my experience in the school or in London itself. There we hold some "flat hunting" meetings, where new students can come and meet other potential flat seekers and find a match for their flat mates necessity. We also meet after tests, to discuss results and relax after a stressful period.

The Windsor is also the top choice when it comes to official LBS events. Several Clubs hold meetings there, such as the board gaming club or the Marketing club. The sports clubs, with the manager's permission, use the pub premises to gather and watch the most wide varieties of sport, from rugby and football to American football. Indeed, there is where I had the unfortunate experience (as a first-time supporter of the England rugby team, being a Brazilian national and therefore almost nationless in terms of rugby) being eliminated from last year's world cup. There is where I will hope and support for a better luck at the 6 nations.

In addition to the pub current importance, it is safe to say that there is no other alternative of the same caliber in the neighborhood. Indeed, we students consider the Windsor a place to relax and organize gatherings, where there are few restrictions of size or the type of event. Other pubs are close to school (to cite a few: the Globe, the Volunteer or the Sir John Balcombe), but none of them offers the conviviality, proximity and intimacy that the Windsor does. And as several students live around the school, the pub is a natural center of gravity for us.

Summarizing, we LBS students recognize the Windsor as an extension of the school, and would really consider loosing of the license as a turning point in the school's socialization.

My sincere regards,

--

Luis Figueira | MBA 2016 Candidate
London Business School | Regent's Park | London NW1 4SA | United Kingdom
Mobile: +44 7476 363536 (UK)
Email: lfigueira.mba2016@london.edu

O'Leary, Darren

From: Julio Florian <julio.florian.alva@gmail.com>
Sent: 19 January 2016 18:43
To: PremisesLicensing
Subject: Reference No: 15/12075/LIREVP - Windsor Castle Pub

Dear Council members,

I am writing to you as a member of the London Business School community. I am currently studying at this school and will do so for approximately 18 more months.

I have heard of the Windsor for many years before even applying to LBS. Many alumni speak of it so fondly that it is hard to not have immediate love for the place.

As a result, I have been going to the Windsor ever since I arrived in London. I know of fewer landmarks with which I can identify as much as with the Windsor. For me it represents so much more than a bar, its a gathering of friends, a chance to bond with the community and my opportunity to add my grain of sand to the many stories and amazing history that the Windsor is creating on a daily basis.

I must emphasise the Windsor's extremely respectful atmosphere and its amazing ability to congregate the entire community, not only from the school, but also from around the premises.

Thank you very much and take care,

Julio Florian

O'Leary, Darren

From: Natashaa Bhalla <natashaa.bhalla@gmail.com>
Sent: 19 January 2016 16:03
To: PremisesLicensing
Subject: Windsor Castle : Ref Is 15/12075/LIREVP

To whomsoever it may concern,

Please find this email with regard to Ref 15/12075/LIREVP.

I, Natashaa Bhalla, a resident of 90, Rossmore Court, Park Road, London NW1 6XZ, do not agree with the licence review of Windsor Castle. The pub is part of the community and is not a public nuisance whatsoever.

Regards,
Natashaa Bhalla

O'Leary, Darren

From: David Strugnell <d.strugnell@exacta.co.uk>
Sent: 19 January 2016 14:57
To: PremisesLicensing
Cc: ronaldo@windsor-castle.co.uk
Subject: Reference No: 15/12075/LIREVP - Windsor Castle Pub

Importance: High

To Whom It May Concern,

It has been brought to my attention that the license for the Windsor Castle is currently being reviewed.

I have been involved in two sporting clubs for underprivileged teens / adults local to the Windsor Castle for the past five years.

Both these clubs give back significantly to the local community and we hire out a dedicated pitch at Regents park every Sunday.

The Winsor has been a important contributor to these clubs allowing us store equipment, providing shelter & food (when there is not much else open on a Sunday).

On the many occasions I have been there I have never seen any reasons for this fine & independently run establishment to be reviewed.

It would be extremely detrimental to both our clubs & the wider public as a whole if the Windsor was to lose any of its current licenses.

I do hope it continues to serve the local community for many years to come.

I thank you for your kind consideration & taking the time to read this.

Best Regards

David Strugnell MCMI
Group Sales Director
0203 056 6895

Exacta Plc
125 Old Broad Street
London
EC2N 1AR

<http://www.exacta.co.uk>

<http://www.linkedin.com/pub/david-strugnell/16/537/2b6>

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O'Leary, Darren

From: AFL London Chairman <chairman@afllondon.com>
Sent: 19 January 2016 10:25
To: PremisesLicensing
Subject: Reference No: 15/12075/LIREVP - Windsor Castle Pub

To whom it may concern,

RE. Windsor Castle Licence review

I recently became aware of the pending licence review regarding the Windsor Castle Pub, and am writing to share my support for this establishment.

For the past 5 years I have been a semi-regular attendee of the pub, and always impressed by the atmosphere and environment provided by the management team. In my role as a small business owner I have chosen to work from the Windsor at points during the business day as it provides a quiet and calm location. In my role as Chairman of the sporting competition AFL London, I've held both formal meetings and events at the Windsor. I've also visited the pub with my family and children for meals and social activities, again due to the friendly and safe environment provided.

In my experience, the Windsor Castle does an exceptional job of catering to a broad range of patrons. Including Park users, social sporting groups, students from the business school, professionals, families, and on rare occasions also patrons attending Lords for cricket events. The team always provide appropriate staff levels and security to ensure a great experience, and the atmosphere is one of the most positive and friendly I've experienced.

In the 10 years I have been based in London and frequenting this particular area, I've been shocked at the number of pubs that have closed. The area really needs places like the Windsor Castle, that foster a sense of community and shared experiences.

I fully support the Windsor Castle in this licence review, and I sincerely hope the team are allowed to continue providing such a great experience to all those in the community that value it so highly.

Best regards

Chris Rea
AFL London - Chairman
Rare Bird Partners - Founder & Owner
07963488527

Licensing

From: Matt Stevens <matthewtstevens@yahoo.com>
Sent: 19 January 2016 00:06
To: Licensing
Subject: Representation re: Application for Review of Premises License (Windsor Castle)

Ref: 15/12075/LIREVP

Dear sir / madam,

I write to submit a representation in reference to the Application for Review of Premises License for the Windsor Castle pub, 98 Park Road.

I am a Westminster resident and taxpayer from 2003-2007 (Maida Vale) and 2009-present (St John's Wood). I have been a patron of the Windsor Castle on many occasions, especially in the past 12 months, and am surprised and perturbed that its license may be reviewed – and for all reasons, "Prevention of Public Nuisance".

The Windsor Castle is a small-capacity pub, with a friendly atmosphere and a mixed clientele. I go there with my wife, often to read, or work on a laptop, which we can do without being disturbed. I'm 43 years old and would guess I'm about in the midpoint of the typical age range.

I have never experienced anything other than a positive, friendly environment; never encountered excessive noise; never seen anything other than full compliance with licensing laws concerning hours, drinking-up time, and closing time. The pub is kept clean inside and out. In short, I have never observed anything remotely definable as "a public nuisance".

In my experience, the pub is relatively quiet. It has a recognisable set of regulars who appear to be local residents, and otherwise is typically populated by groups of mature students from the London Business School, and a reasonable number of tourists. A handful of days a year – Test matches and other major events at Lords – there will be a large number of cricket spectators who use the pub too (this is the only instance where you find significant numbers of customers outside the pub). In my experience, the atmosphere and behaviour remains positive at all these times.

I live right next to The Star on St John's Wood Terrace, which closed last year suddenly and against the wishes of its many locals. Good pubs are increasingly rare in this area, and to hear that yet another good community pub is under threat bothers me greatly. Westminster becomes a less attractive place to live with each closure.

I strongly support the Windsor Castle's continuing operation and service to the local community.

Yours sincerely,

Matt Stevens
Flat 1
60 Charles Lane
London
NW8 7SB

O'Leary, Darren

From: Kate Crosbie <katecrosbie87@gmail.com>
Sent: 18 January 2016 21:34
To: PremisesLicensing
Subject: Windsor castle

Reference No: 15/12075/LIREVP - Windsor Castle Pub

The Windsor Castle is more than just a pub to enjoy a pint or two and a burger it's part of the local community. The atmosphere has always been respectable, comfortable and friendly making it essential to the people living, studying and working in the area. In the years I have been going there I have never witnessed antisocial behavior or behavior that could be seen as public nuisance. As I small women I also feel safe and respected unlike many other pubs where drunks constantly try hit on me and cause trouble with others. I am very upset by the news the license is under review.

I only hope you make the right decision to let such a valued local establishment continue to provide a respectable service.

Kind Regards

Kate Crosbie

O'Leary, Darren

From: Quentin Keeble <quentink@essentialliving.uk.com>
Sent: 18 January 2016 17:22
To: PremisesLicensing
Cc: 'ronaldo@windsor-castle.co.uk'
Subject: The Windsor Castle Pub - Reference No: 15/12075/LIREVP

I write in support of the Windsor Castle pub near Baker Street.

I am a resident of Camden, from the other side of Regents park, so I have used the pub over the course of the past ten years. I'm also a member of the North London Lions Australian Football club who are sponsored by the pub and owe our ongoing success and growth to the support of the pub and the interaction it provides with our community. Over the ten years that I have been using the pub I have found the owners and management to be a massive asset to the local community. There is always a warm and welcoming atmosphere in the pub which cultivated through responsible alcohol service. The pub provides its clientele with a great place to meet and make connections, not just for local residents, but also students and other sports people who use Regents Park.

I would strongly urge Westminster council to retain the pub's current license conditions. I urge you not to be swayed by NIMBY's, this is a highly urban location which has benefited from the Windsor Castle for many, many, years. London has many less urban locations and residents offended by the noise and social activation of a pub would be better suited to such places, not the other way around.

Regards

Quentin Keeble
122a Camden St
Camden
London

This message has been scanned for malware by Websense. www.websense.com

O'Leary, Darren

From: Michelle Loneragan <michelle_loneragan@hotmail.com>
Sent: 18 January 2016 16:05
To: PremisesLicensing
Cc: ronaldo@windsor-castle.co.uk
Subject: Reference No: 15/12075/LIREVP - Windsor Castle Pub

To whom it may concern

I write to you regarding the review of the Windsor Castle pub's license following noise complaints from surrounding neighbours.

The Windsor Castle Pub is a beautiful, cosy venue that is used by locals and tourists alike as it is close by to Regents Park and Lord's Cricket ground. The pub has been in operation since the 1800s, much longer than the complaining residents have been in the area. The staff are lovely, the food delicious and the atmosphere is very relaxed and respectable. Never in my time there have I witnessed loud music or obnoxious behavior.

I visit the Windsor Castle once a week following football training, have a pint, a meal and enjoy the evening with friends. The pub is a sponsor of my football club, and it has been a vital component to reigniting the social spirit of the club and helping the club grow. With the pubs financial and social support it has helped us start the clubs first female team which is about to play its second ever season in 2016.

The club and the time I spent in the Windsor have help me to settle in as a new resident in the UK and was a wonderful environment to make friends and have a good time. The pub is financially supporting a club that encourages improving physical health, building positive relationships, teamwork, confidence and higher self esteem. Without the pubs existence our club wouldn't have a supportive atmosphere to plan, fundraise and build social relationships.

It would be a huge loss to myself personally and to the club if the Windsor Castle's pub license was revoked. I believe it is also very much loved by the students who attend the london business school next door as well.

Please consider my email when reviewing the license for this great establishment

Kind regards

Michelle Loneragan

O'Leary, Darren

From: Gordon Beggy <gordonbeggy@hotmail.com>
Sent: 18 January 2016 12:06
To: PremisesLicensing
Cc: ronaldo@windsor-castle.co.uk
Subject: Reference No: 15/12075/LIREVP - Windsor Castle Pub

To whom it may concern,

I recently became aware that the Windsor Castle licence is currently under review which is most disappointing to hear. I would like to strongly state my support for this fantastic establishment that I have been frequenting since I moved to the area in 2011. I also joined a local football team that trains in Regents Park and we would often enjoy a pub meal and a beer after a game most weeks. Without the Windsor Castle we would not have an equivalent venue so close to the park that can provide the same level of service and friendly and warm atmosphere. As far as I am aware the pub has been operating for over 100 years and should remain for 100 more.

I hope the council sees that this pub serves the local community and without it the area will be lesser for it.

Regards,

Gordon Beggy
07769242709

O'Leary, Darren

From: Anish Patel <anishpatel18@gmail.com>
Sent: 18 January 2016 11:07
To: PremisesLicensing
Subject: Reference No: 15/12075/LIREVP - Windsor Castle Pub

Re: Reference No: 15/12075/LIREVP - Windsor Castle Pub

To whom it may concern,

News has reached me that the Windsor Castle's premises license is under review, and I felt it appropriate to share my experiences of the establishment.

I have been visiting for a number of years, and would say that I have as good a grasp of the nature of this place as anyone. In my experience, the Windsor Castle exudes a soft buzz of energy which captures everything that is to be valued in a pub situated in the heart of a great metropolis.

People from all walks of life - tourists, locals, professionals, young, old, sports teams, individuals - are frequently found interacting with each other and sharing a moment which is so rare to come by these days.

The Windsor Castle gives the area a real sense of identity, and a true injection of the best kind of culture - community.

As the body charged with protecting the best interests of the City of Westminster, it is your duty to recognise the contribution which such establishments make and see to it that this is encouraged, not threatened.

In accordance with this, I ask that you renew the Windsor Castle's Premises license.

Many thanks,

Anish Patel

O'Leary, Darren

From: Matt Wood <matt.wood@jamieoliver.com>
Sent: 18 January 2016 10:09
To: PremisesLicensing
Cc: ronaldo@windsor-castle.co.uk
Subject: 15/12075/LIREVP - Windsor Castle Pub

Hello,

I am writing to you after hearing that The Windsor Castles license is under threat. I have been going to the pub for almost 5 years now and thoroughly enjoy it and its location.

My friends and I live all over London and meet once a week to exercise at Regents Park, afterwards we head the The Windsor Castle for a meal and a drink and to catch up with each other. We know there are other pubs in the area but none are as inviting and friendly as The Windsor Castle.

More and more it is harder to find a pub with a friendly environment and where you don't have to worry about idiots ruining your time cause they think a good time involves getting ridiculously drunk and starting fights.

I think losing a pub that has such great British charm in an area that sees so many tourists would be a real blow.

Thank you

--

Matt Wood


Facilities Coordinator | Jamie Oliver Group

T: +44 (0) 20 3375 5602

A: 19/21 Nile Street, London, N1 7LL

W: www.jamieoliver.com



 Please don't print this e-mail unless you really need to

O'Leary, Darren

From: Jake McIntosh <mcintosh.jake@gmail.com>
Sent: 17 January 2016 19:45
To: PremisesLicensing
Cc: Ronaldo@windsor-castle.co.uk
Subject: Windsor Castle License - 15/12075/LIREVP

To whom it may concern,

I'm writing with regard to the review of the license for The Windsor Castle Pub, reference number 15/12075/LIREVP.

As a local resident of the area I believe it is an essential part of the local community. It is a family orientated pub where I'm happy to meet friends, family and to bring children along. They serve fantastic food, have a great atmosphere and offer everything a quintessential English pub should.

Furthermore it's quite an iconic place where people can gather after watching a cricket game at Lords, or in my case after exercising at nearby Regents Park on the weekend.

I recently had my parents here from Australia and they often recall the nice lunch we had there where we could sit and chat in a relaxed atmosphere, without some of the louder type behaviour you get at other establishments.

I wholeheartedly hope that the license is renewed and The Windsor Castle can continue to be a thriving part of the local community.

I would be happy to be contacted on any of the particulars below should that be necessary.

Email: McIntosh.jake@gmail.com

Phone: 07542996290

Kind regards,

Jake McIntosh

--

Jake McIntosh

mcintosh.jake@gmail.com

O'Leary, Darren

From: Info/Queries <info@giddyupcoffee.co.uk>
Sent: 17 January 2016 10:32
To: PremisesLicensing
Cc: ronaldo@windsor-castle.co.uk
Subject: Reference No: 15/12075/LIREVP - Windsor Castle Pub

To the licensing department,

It has come to my attention that the Premises Licensing team are reviewing the premises license for the Windsor Castle.

I'd like to take this opportunity to support the premises and acknowledge the Windsor Castles unique community contributions, management and welcoming atmosphere.

As part of a club we have visited the Windsor Castle many times and I've always been surprised by the varied groups of people we meet there but by the staff who have a real knack of being kind and attentive to the needs of all their patrons.

Owned by the royal family since the 1840's the Windsor Castle was redeveloped by John Nash and has been a social hub for over 160 years. The pressure on London to accommodate over 200,000 extra people a year is being felt in departments such as yours and I understand the challenge.

However the Windsor Castles contribution to the area would be sadly missed if the conditions placed upon the venue restricted the owner and reduced his services.

From the basement to the attic this Georgian building is a culturally significant part of London and we want it to be here for many more years.

Thank you for your time,

Lee Harte

Dir.
Giddy Up Coffee
giddyupcoffee.co.uk

O'Leary, Darren

From: Carolyn Nielsen <carolyn_nielsen@hotmail.co.uk>
Sent: 16 January 2016 14:53
To: PremisesLicensing
Cc: ronaldo@windsor-castle.co.uk
Subject: 15/12075/LIREVP - Windsor Castle Pub

Dear Sir or Madam,

I'm writing in support of the Windsor Castle as I understand their license is under review for some reason.

I am a member of a sports team that trains in Regent's Park and the Windsor has been an essential part of the club for many years, allowing us to eat together and socialise after our training sessions. I can tell the pub is very important for the students at the adjacent London Business School as well.

My teammates and I would have no reason to spend time in the Park Road area if it weren't for the Windsor, and as such I am sure we support the local community through eating and shopping at other businesses on the way to Baker St station. There really are no other pub options as convenient for Regent's Park, and it would be a real shame for the Windsor to have its opening hours restricted or otherwise closed down. From a personal level, it would be essentially disastrous for our team too as I don't know where we would be able to go and if training would have to be moved elsewhere.

The Windsor has always done an excellent job of managing patrons in terms of controlling the level of noise, and I am very surprised any complaints have been made at all, especially given the location on an A road in central London.

I hope you'll seriously consider the important role the Windsor plays in the local community during your review.

Best wishes,

Carolyn Nielsen

O'Leary, Darren

From: North London Lions <info@aussierules.co.uk>
Sent: 16 January 2016 12:26
To: PremisesLicensing
Subject: Ref. No. 15/12075/LIREVP - Windsor Castle Pub

To whom it may concern,

I'm sending this email in response to the licensing review currently underway for the Windsor Castle pub at 98 Park Road, NW1 4SH.

The Windsor Castle pub is an iconic venue in the Baker Street area which offers a wonderful opportunity for the many visitors to Westminster to experience a respectable, tasteful and traditional pub experience. More importantly, the Windsor Castle allows both local residents and those who work in the area to meet and socialise but also hold meetings and small conferences which is one of the key reasons behind us joining up. If the pub was too noisy we wouldn't be able to carry out the basic functions of the club in holding meetings and team selections. Another of the biggest determining factors in helping us decide to chase sponsorship with this respectable venue is its child friendly nature. At our club we have a number of members who have young families and would otherwise not be a part of the club if it wasn't for the ability for their children to socialise and play safely in the Windsor Castle while we conduct our business.

In the time of our partnership with this venue, we have never found it or any of its patrons to be a nuisance as the clientele it attracts are professionals who seem to enjoy the relaxed and sensible atmosphere the Windsor Castle offers. Further to this, any patrons who do appear to be out of order are swiftly refused service and asked to leave the premises quickly and quietly in respect of the Windsor Castle's neighbours. With such a stance on the responsible service of alcohol and what is deemed to be appropriate behaviour whilst on the premises, I can only assume that any issues arising from the pub are a result of the actions of these individuals rather than the conduct of the pub itself.

As an amateur, grass-roots sports club whose unofficial base is in Westminster, we genuinely appreciate what the Windsor Castle offers in it being more than just a place where alcohol is sold. Our 200 plus members who have and still do patronise the Windsor Castle sincerely hope that your council will see it fit to allow it to continue trading and holding its vital place in the make-up of the local area. Without it, you would be refusing many respectable citizens from the local community the opportunity to not only relax and unwind but also to conduct the business that allows them to be a part of Westminster.

Thank you for your time and consideration.

Yours sincerely,

Jay Treloar - Club President

North London Lions
aussierules.co.uk



O'Leary, Darren

From: Giorgos Christakis <gixristakis@gmail.com>
Sent: 16 January 2016 01:22
To: PremisesLicensing
Subject: Reference No: 15/12075/LIREVP - Windsor Castle Pub

Dear Sir/Madam,

I have hopelessly been informed that the licence of Windsor Castle Pub will be reviewed. I want to mention my experience. I came in London last August from Greece to study at London Business School. Windsor was the place that I met my first classmates and a place that stands out in the commercialized neighborhood. There is no other pub between Regents Park and St John's Wood.

Apart from that the owner and the people truly respect the customers and offer quality service. The music is quite low all day long and they provide us with a crucial standpoint to forget about studies, while breathing true London. I usually study in classrooms next to Windsor (E Wing of London Business School) and it never was a nuisance.

Moreover it attracts people and this is beneficial and crucial for other shops in the area too. Believe me that the LBS people are attracted by Windsor only and if it's closed the area will lose these customers.

Thank you for your consideration and patience,

Kind regards,

Georgios Christakis

O'Leary, Darren

From: E.A Stok <stok.eric@gmail.com>
Sent: 12 January 2016 17:39
To: PremisesLicensing
Subject: Reference No: 15/12075/LIREVP - Windsor Castle Pub

Dear Premises Licensing Committee,

I have received the news that the Windsor Castle Pub has been placed under review and I would like extend my support to this pub and hope you will decide to continue its current license.

The Windsor Castle serves as a gathering spot for a wide array of people and social classes. From London Business School (LBS) Students to young professionals and from tourists to senior citizens. As an LBS alumnus the Windsor has been our meeting spot for intellectually challenging discussions regarding school affairs, UK politics and world affairs. Additionally, the pub serves as a melting pot of cultures from all over the world to gather and respectfully enjoy the social company of each other.

The Windsor Castle is the heart and soul of the community that is London Business School, as well as an inviting place for outsiders regardless of their background. It is a place that embodies the spirit of London, "Diversity makes London the best place in the world". Finally, it is a gathering spot to celebrate the ups and downs of life. Whether it is the LBS France club coming together to moan about the attacks in Paris, or the German club coming together to celebrate the world cup victory.

The Windsor Castle is an asset to the great city that is London, and I hope you decide to cherish a place that brings people together by not taking away their premises license.

Kind Regards,
Eric Stok

O'Leary, Darren

From: Bart van der Velde <bcvandervelde@gmail.com>
Sent: 12 January 2016 17:21
To: PremisesLicensing
Subject: Reference No: 15/12075/LIREVP - Windsor Castle Pub

Dear Sir/Madam,

Hereby I would like to express my support towards the Windsor Castle Pub. This pub is one of the landmarks of the neighbourhood, and besides being a vibrant student pub a most welcome meeting place for everyone living in this neighbourhood. There could indeed come some little noise from the pub, but definitely not more than any other bar around the area. This pub is vital for our neighbourhood since it ensures the livelihood of the area.

Kind regards,

Bart van der Velde

Bart van der Velde
Flat 3, 22A Melcombe Street
NW1 6AH London
United Kingdom

O'Leary, Darren

From: Finuala Kennelly <finualakennelly@gmail.com>
Sent: 12 January 2016 16:12
To: PremisesLicensing
Subject: Windsor Castle Pub

Dear Sir/Madam

Ref. Is 15/12075/LIREVP.

I am writing to say that I do not agree with the complainant that the Windsor Castle Pub's licence should be reviewed and I do not consider the Windsor Castle pub a public nuisance. In fact I have friends who come over to London annually from India and they say it is a very pleasant pub. I agree with that.

I live at flat 87 Rossmore Court and I spoke to my friends - Mr and Mrs Matar who live in flat 92, yesterday. They are with their family currently in Dubai but they wish to register the fact that they do not consider the WindsorCastle pub to be a public nuisance - in fact they commented it has a wonderful ambiance.

Finuala Kennelly

O'Leary, Darren

From: carine kesserwani <carine_ck1@hotmail.com>
Sent: 12 January 2016 13:30
To: PremisesLicensing
Subject: 15/12075/LIREVP

Ref: 15/12075/LIREVP

Dear Sirs

I have been a resident at Hanover Gate Mansions since 2011 and would like to show my support for the Windsor Castle Public House. I feel that the Windsor attracts professional people and do not know of issues taking place at that pub. It is a good focal point in our neighbourhood and holds great value for its community.

Kind Regards
Carine Kesserwani

Sent from my iPhone

O'Leary, Darren

From: Kailash assomull <getkailash@gmail.com>
Sent: 12 January 2016 11:22
To: PremisesLicensing
Subject: 15/12075/LIREVP . WINDSOR Castle.

Dear Sir/Madam,

I refer the above mentioned review and can categorically state that the pub Windsor Castle, opposite my flat is not a public nuisance .

I have no objection what so ever, to you renewing their license.

Yours sincerely,

Kailash Assomull.
Flat 88 Rossmore Ct.
Park Road.
London NW1 6XZ.

O'Leary, Darren

From: Richard Abraham <richard_a_abraham@hotmail.com>
Sent: 12 January 2016 09:44
To: PremisesLicensing
Subject: REF 15/12075/LREVP Windsor Castle.

This submission relates to the license review being carried out under the above reference.

The undersigned has been a regular patron of the Windsor Castle for more than 40 years and dating from the time when I was a student at LBS which adjoins the premises.

I strongly object to the notion that this is a noisy or unruly pub whose current and long standing license should be called into question:

1)The pub has a student patronage but is not by any means a normal student pub ; LBS students are mainly from overseas and pay heavily for their attendance and work long hours and are restrained in their pub usage.

2)The pub is alongside a wide and permanently busy road and could never cause noise inconvenience to local residents in the same way as a pub situated in a quiet street or residential mews.

3)Because of its roadside location the exterior area is little used except during Lords events and at those times the passing pedestrian flow is vastly more significant than the few people who would stand outside the pub to drink.

4) There is a lack of nearby pubs in the area especially to the North, and at least one has closed in recent years while another has converted to primarily a gastro offering.The pub has been an important community asset for many years and should remain so.

5)The pub is under competent relatively new management who are keenly aware of their responsibilities to maintain public order.

A R Abraham.

O'Leary, Darren

From: James Tsolakis <jtsolakis@hotmail.co.uk>
Sent: 11 January 2016 22:12
To: PremisesLicensing
Subject: License review - The Windsor Castle - Ref Is 15/12075/LIREVP

Dear Sir/Madam

I refer to the above License Review.

I live across the road from the pub at Hanover Gate Mansions, and have been there for eleven years.

I reject entirely the need for any license review. I regularly attend the pub and am one of many constituents or stakeholders in the local community with an interest in the long term success and prosperity of the pub, noting that it has stood for very many years and served the local community well.

If Westminster Council has an interest in retaining good order, quiet and reasonable social norm, in the City of Westminster, may I suggest directing your attention to Lord's Cricket Ground during the summer. Anything which can be done to curb the noise, bad behaviour, offensive language and anti social conduct of drunks leaving Lord's and pouring out of the MCC and polluting our streets with noise, indecencies and other offensive behaviour is overdue and welcome.

Please do not disrupt a good local small business which provides an important service to the local community.

Thanks and regards
James Tsolakis

O'Leary, Darren

From: Michael Sultan <Michael@endocare.co.uk>
Sent: 11 January 2016 16:28
To: PremisesLicensing
Subject: Windsor Castle Ref 15/12075/LIREVP

Dear Sir/ Madam

I live directly across the road from the Windsor Castle and would like to support the application for the renewal of the licence. Ref 15/12075/LIREVP

It is a beautiful, well managed pub which is an asset to the area.

I have more problems with traffic noise than I do with the noise of the pub and as such causes me no nuisance at all.

There are of course busy times for example during cricket matches at nearby Lords but the crowds walking to the cricket ground are noisier than anything that emanates from the Pub.

I was in London over the Christmas period and was not disturbed in anyway.

I do think that this is pub is an asset to the local community and fully support renewal of the licence

Yours sincerely

Michael Sultan
16 Hanover Gate Mansions
London NW1 4SJ



Michael Sultan BDS MSc DFOD FICD
Clinical Director EndoCare
99 Harley Street
London
W1G 6AQ
www.endocare.co.uk

O'Leary, Darren

From: Paul Matthews <paulranimatthews@gmail.com>
Sent: 11 January 2016 15:05
To: PremisesLicensing
Subject: Is15/12075LIREVC: WINDSOR CASTLE, PARK ROAD NW1

I have learnt that a licensing review has been called for concerning the Windsor Castle on Park Street, NW1. I am writing to give you my reasons for opposing such a review, which I consider totally unnecessary. I live at 41B Hanover Gate Mansions (HGM) virtually opposite.

Far from being a nuisance, I consider the Windsor Castle to be a valuable amenity for the people who live, work and study near its location. Not only does it serve as a local pub, it also offers a venue upstairs for functions such as birthday parties and meetings. We recently held an "open house" upstairs to celebrate our daughter's 40th birthday. As a former Board member of HGM Limited, I recall that we have hosted two "drinks evenings" for residents in the main downstairs bar. In recent years, we have lost two local pubs, the Gloucester Arms (now part of the Francis Holland School) and The Feathers on Linhope Street. It would be a grave loss to this part of town to withdraw the license from the Windsor Castle, especially as it appears to attract a generally well behaved and appreciative clientele, and I would assume, is doing good business.

I am told that the objection to the Windsor Castle originates in Rossmore Court and have no idea if it is from one individual or from all owners. I am confident that you will find no objections from HGM; quite the contrary, I believe that the majority of its residents would echo my views above.

I trust that you will take account of my position and reject the demand for a licensing review, thereby saving both time and money and maintaining for the majority of residents in its catchment area the welcoming amenity that is the Windsor Castle.

Sincerely,

Paul Matthews.

Sent from my iPad

O'Leary, Darren

From: Hetul Patel <contacthetul@gmail.com>
Sent: 11 January 2016 13:10
To: PremisesLicensing
Subject: Ref is. Is 15/12075/LIREVP

Dear Sir/Madam,

I understand that there is a premises license review in respect of the pub, the Windsor Castle on the basis that the pub is a public nuisance. I am a local resident and live opposite the above pub. I do not agree to a review of the premises licence as the pub is not a public nuisance.

The pub is a vital part of the local community and there is no noise, other anti social behaviour or other public nuisance generated by its presence. It is a respectable place with respectable patrons and which offers good food in a tranquil atmosphere.

Regards

H Patel
51b Hanover Gate Mansions, Park Road, London NW1 4SN

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Covert and Vary 05/06317/LIPCV	To convert and vary the premises licence	02.09.2005	Granted under delegated authority
Transfer 13/07356/LIPT	To transfer the premises licence holder	30.10.2013	Granted under delegated authority
Vary DPS 13/07357/LIPDPS	To vary the designated premises supervisor	30.10.2013	Granted under delegated authority
TEN 14/00416/LITENP	Notification of a temporary event notice (02.02.2014 – 03.02.2014)	22.01.2014	Event allowed to proceed
TEN 14/01319/LITENP	Notification of a temporary event notice (02.03.2014)	17.02.2014	Event allowed to proceed
TEN 14/01413/LITENP	Notification of a temporary event notice (23.02.2014)	20.02.2014	Event allowed to proceed
TEN 14/04545/LITENP	Notification of a temporary event notice (18.06.2014)	10.06.2014	Event allowed to proceed
TEN 15/00387/LITENP	Notification of a temporary event notice (01.02.2015 – 02.02.2015)	21.01.2015	Event allowed to proceed
TEN 15/09009/LITENP	Notification of a temporary event notice (01.11.2015 - -02.11.2016)	20.10.2015	Event allowed to proceed
TEN 15/10108/LITENP	Notification of a temporary event notice (27.11.2015 – 28.11.2015)	20.11.2015	Event allowed to proceed
Vary DPS 16/02355/LIPDPS	To vary the designated premises supervisor	22.03.2016	Granted under delegated authority
TEN 16/03572/LITENP	Notification of a temporary event notice (23.04.2016 – 24.04.2016)	14.04.2016	Event allowed to proceed

There is no appeal history for this premise.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a review of a premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions (if any) which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed.

Current conditions on the existing licence: 16/02355/LIPDPS

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who hold a personal licence.
4. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
 8. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures;
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated

premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

9. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

10. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

11. Alcohol may be sold or supplied:
- (a) On weekdays, 11:00 to 00:00
 - (b) On Sundays, 12:00 to 22:30
 - (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;

- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) 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;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 12. To join and take an active role in Pub Watch Schemes and Westminster /Police initiatives.
- 13. The outside areas is to be cleared on a daily basis.
- 14. Children must be accompanied by a person over the age of 18 and are only permitted in the dining room and outside areas of the premises,

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Conditions sought by the applicant to be attached to the licence by way of review application:

- 15. No customer shall be permitted to be outside the premises building with a drink or a glass container after 21:00.
- 16. Outside tables and chairs shall be rendered unusable by 21:00 each day.

17. Before 09:00, customers permitted to drink and/or smoke outside the premises building shall be limited to [] persons at any one time and shall remain within the premises forecourt.
18. After 21:00, patrons permitted to temporarily leave and then re-enter the premises building, eg to smoke, shall be limited to [] persons at any one time.
19. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
20. Notice shall be clearly and prominently displayed both outside and inside the premises informing customers that this is a residential area and requesting customers to leave the premises quietly and not to loiter outside the premises.
21. An SIA licenced door supervisor shall be on duty at the premises from [] on Wednesday to Saturday evenings, and at other times on a risk-assessed basis. The door supervisor's duties shall include monitoring the behaviour of customers drinking or smoking outside the premises and ensuring that the pavement remains clear for pedestrians.
22. The premises licence holder shall designate named staff members whose duty it is to manage dispersal from the premises so as to ensure that no public nuisance is caused. At least one staff member shall be on duty outside the premises after 22:00 to manage dispersal.
23. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open to the public. This telephone number is to be made available to residents in the vicinity of the premises.
24. The licence holder shall produce and implement a dispersal policy with particular responsibility to a designated member of staff to manage the departure of patrons from premises effectively.
25. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises so as to cause a nuisance.
26. All windows and external door shall be kept closed after 21:00, or at any time when regulated entertainment takes place, except for the immediate access and egress of customers.

Reduce the hours permitted for recorded music and private entertainment to 10:00 to 23:00 Monday – Saturday, midday to 23:00 Sunday.

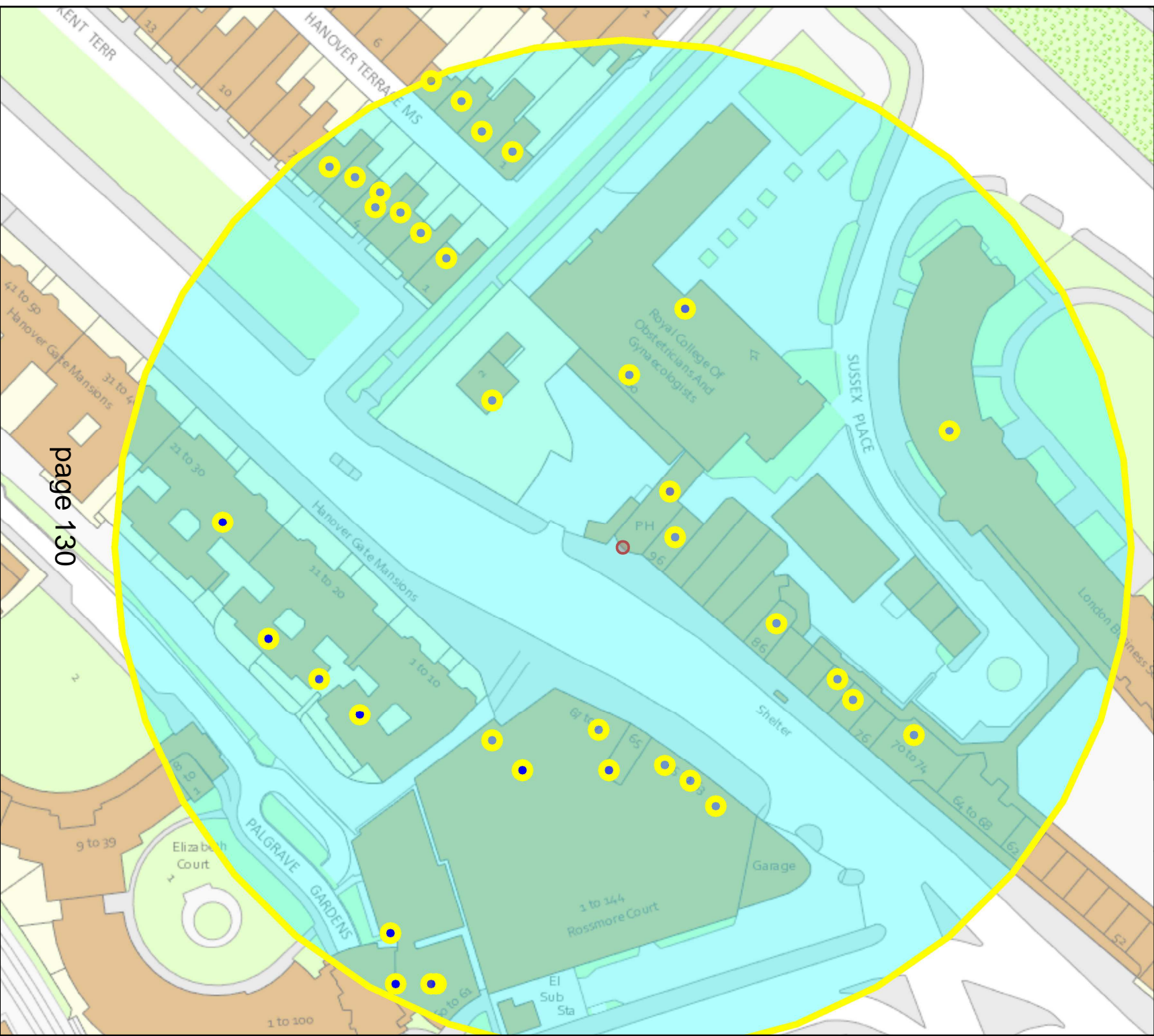
That the licence authority remove the effect of the deregulation provided for by s177A Licensing Act 2003 (as amended) with the intention that any existing conditions have effect and any additional conditions are imposed as if the music was licensable, and that a statement is included on the licence to the effect that s177A Licensing Act 2003 (as amended) does not apply.

Any other such conditions as the Sub-Committee decides are appropriate and proportionate following consideration of the application, submissions from the licence holder, and any representations from responsible authorities and other persons.

All timings etc to be as the Sub-Committee decides are appropriate and proportionate following consideration of the application, submissions from the licence holder, and any representations from responsible authorities and other persons.

Residential Properties

Annex H

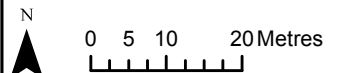


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100 metres buffer



City of Westminster



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Date: 22/04/2016



City of Westminster

Licensing Sub-Committee Report

Item No:

[Empty box]

Licensing Ref No:

16/02038/LIREVP

Date:

28.04.2016

Classification:

For General Release

Title of Report:

**7 Seas Grocery Store (Previously trading as One Nation)
332 Kilburn Lane
London
W9 3EF**

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**David Sycamore
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 8556
E-mail: dsycamore@westminster.gov.uk**

APPLICATION DETAILS

Application Type:	A review of premises licence application under the Licensing Act 2003.		
Applicant:	The Licensing Authority	Date Application Received:	23 February 2016
Premises Name and Address:	7 Seas Grocery Store (also known as One Nation.) 332 Kilburn Lane London W9 3EF		
Ward Name:	Queen's Park	Cumulative Impact Area:	No
Description of Premises:	Newsagents combined with off-licence on a busy shopping High Street.		

2. SUMMARY OF APPLICATION

- 2.1 This application has been submitted by the licensing authority due to continued breaches of current licensed conditions and continued selling of alcohol after the terminal hour.
- 2.2 The Licensing Authority have submitted evidence that shows there has been numerous breaches of current licences conditions as well as the sale of alcohol after the terminal hour. This and all supporting documents from the Licensing Authority can be found at Appendix 1.
- 2.3 The review has been supported by two responsible authorities and 1 local resident. Their statements in support are attached at appendix 2-4.
- 2.4 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 2.5 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.
- 2.6 The premises currently benefits from a premises licence that permits off sales only from 08:00 to 22:00 Sunday. The licence was originally granted on 29th May 2006. This premises was previously reviewed in 2007. Documents relating to this are contained in the Licensing Authorities evidence at appendix 1.

3. REPRESENTATIONS:

- 3.1 The Metropolitan Police Service supports this Review. (Appendix 2)
- 3.2 A local resident supports this review. (Appendix 3)

4. OPTIONS:

- 4.1 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:
- (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.
- 4.2 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 4.3 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

List of Appendices:	<ol style="list-style-type: none">1. Application for Review and evidence.2. Police support review statement3. Resident support Review4. Additional Statement from Licensing Authority5. Current Licence Conditions
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Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (6th January 2016)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
07/08009/LIREVP	Police review	18.10.2007	Conditions added
06/02691/LIPN	New Application	29.05.2006	GDA
06/04707/WCCMAP	Current Licence	18.10.2007	

There is no appeal history for this premises.



City of Westminster

APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service
REVIEWS
Westminster City Council
Westminster City Hall
4th Floor
64 Victoria Street
London
SW1E 6QP

Fax: 020 7641 7815

AND

Please give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service;

The Chief Officer of Police
Westminster Police Liaison Team
4th Floor, Westminster City Hall
64 Victoria Street, London, SW1E 6QP

London Fire & Emergency Planning Authority
156 Harrow Road
London
W2 6NI

Premises Management (Environmental Health; Health & Safety; Weights and Measures)

Westminster City Council
Environmental Health Consultation Team
4th Floor West, Westminster City Hall
64 Victoria Street, London, SW1E 6QP

Development Planning Services
Westminster City Council
64 Victoria Street
London
SW1E 6QP

Area Child Protection Committee
Head of Commissioning – Child Protection & Quality, Social and Community
Services – Children and Families
4 Frampton Street
NW8 8LF

For boats only

The Navigation Authority (for vessels not permanently moored)

Tidal Thames
The Harbour Master
The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames
The Environment Agency Recreation and Navigation, Thames Region, Kings
Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Canals
The Leisure Manager
British Waterways Board
1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General
The Maritime & Coastguard Agency, Orpington Marine Office, Central Court, 1 Knoll
Rise

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I THE LICENSING AUTHORITY

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
ONE NATION FOOD AND WINE ALSO KNOWN AS 7 SEAS GROCERIE 332 KILBURN LANE	
Post town	Post code (if known)
LONDON	W9 3EF

Name of premises licence holder or club holding club premises certificate (if known)
MR SAYAAD MIAH AND MR JAWAD HUSSAIN

Number of premises licence or club premises certificate (if known)
06/04707/WCCMAP

Part 2 - Applicant details

I am

Please tick yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address THE LICENSING AUTHORITY WESTMINSTER CITY COUNCIL 64 VICTORIA STREET LONDON SW1E 6QP
Telephone number (if any) 02076411499
E-mail address (optional) ladedeji@westminster.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The establishment operates as an off-licence/convenience store for the sale by retail of alcohol. The sale of alcohol is permitted from Monday to Saturday – 08:00hrs to 23:00hrs and Sunday from 10:00hrs to 22:00hrs.

The licence is held by Mr Sayaad Miah and Mr Jawad Hussain and the Designated Premises Supervisor is Mr Shabir Hussain Gillani.

A copy of the Premises Licence is attached as Appendix A

The licence was Reviewed on 7 December 2007 by the Metropolitan Police. The Review was submitted on the grounds of Prevention of Crime and Disorder and Protection of Children from Harm. The main issues surrounded the sale of alcohol to a person under 18 years of age as part of a test purchase, sales after hours and alcohol exposed for sale after the permitted hours. The decision after the hearing was the additional conditions attached to the premises licence. These are conditions 11 to 14 in annex 3 of the premises licence.

The Review Papers and Decision are attached as Appendix B

Despite the Police Review, the premises continued to trade unlawfully. Following the above review in 2007, on three separate dates, the premise was prosecuted. The holder of the premises licence and the Designated Premises Supervisor were formally cautioned for the offence of Providing licensable activities otherwise than in accordance with a Premises Licence on 6th December 2008, 2nd May 2009 and 4th July 2009.

The prosecution papers are attached as Appendix C

Despite the history of non-compliance, efforts have been made with the operator to ensure he is aware of his responsibilities. Under Caution, Mr Gillani advised that he was the owner of the premises and the DPS. Mr Gillani blamed the non-compliance on 22 May 2015, 25 May 2015 and 10 June 2015 on his staff. He said that the problem would be resolved and alcohol would be behind screens at 23:00hrs. However, this has not happened. Mr Gillani advised that he was aware of the Police Review and admitted that he has been lax and had not been keeping a close eye on the premises. Despite this, further non-compliance has been identified.

This review is hereby submitted on the ground of the Prevention of Crime and Disorder.

Main issues surround the sale and display of alcohol after the permitted hours as stipulated in their licence.

On the following dates and times, during a Patrol of the area:

- Friday 22nd May 2015 at 00:35hrs: Display and sales of alcohol witnessed by City Inspectors.
- Monday 25th May 2015 at 00:35hrs: Display of alcohol witnessed by City Inspectors.
- Wednesday 10th June 2015 at 00:48hrs: Display of alcohol witnessed by City Inspectors.
- Saturday 4th July 2015 at 03:03hrs: Display of alcohol witnessed by City Inspectors.
- Sunday 2nd August 2015: Observation between 00:03hrs and 00:30hrs, Display and sales of alcohol witnessed by City Inspectors.
- Saturday 23rd January 2016 at 00:08hrs: Display of alcohol witnessed by City Inspectors.

In addition, the following conditions of the licence were breached:

4. That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
5. No beer or cider to be sold above 5.5% alcohol by volume.
7. Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.
10. The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence.
11. A personal licence holder will supervise all sales of alcohol at all times.

All the above breaches undermines the Licensing Objective of;

- **The Prevention of Crime and Disorder.**

These are offences under Section 136 and 137 of the Licensing Act 2003, which state:

SECTION 136 - Unauthorised licensable activities

- (1) A person commits an offence if—
- (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be so carried on.

Section 137 - Exposing alcohol for unauthorised sale

- (1) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.
- (2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

Please provide as much information as possible to support the application (please read guidance note 3)

On Friday 22nd May 2015 at 00:35hrs, Alcohol exposed for sale after the permitted hours contrary to Section 137 of the Licensing Act 2003.

At 00:40hrs, sale of alcohol after the permitted hours contrary to Section 136 of the Licensing Act 2003.

Copy of statement attached as Appendix D

Photographs taken and are attached as Appendix E, F and G.

On Monday 25th May 2015 at 00:35hrs, Alcohol exposed for sale after the permitted hours contrary to Section 137 of the Licensing Act 2003.

See Statement attached, Appendix D

On Wednesday 27th May 2015, letter to the DPS – Mr Shabir Hussain Gillani requesting a meeting.

Copy of letter as Appendix H.

On Wednesday 10th June 2015 at 00:48hrs, Alcohol exposed for sale after the permitted hours contrary to Section 137 of the Licensing Act 2003. City Inspector asked the Shop attendant behind the counter for the CCTV footage but it was not made available, this is in breach of licence condition No.4.

Copy of statement attached as Appendix I

On Sunday 21st June 2015, Letter to Mr Shabir Hussain Gillani inviting him for an interview under caution.

Copy of letter attached as Appendix J

On Tuesday 16th June 2015 at 14:00hrs, in response to the letter sent 27th May 2015, an interview was held with the DPS – Mr Shabir Hussain Gillani informing him of the need to comply with the licensing conditions.

See Statement attached, Appendix D

On Saturday 4th July 2015 at 03:03hrs, Alcohol exposed for sale after the permitted hours contrary to Section 137 of the Licensing Act 2003.

See Statement attached, Appendix D

Photograph taken and is attached as Appendix K

On Wednesday 15th July 2015, Letter to Mr Shabir Hussain Gillani requesting for a Written Interview Under Caution after Mr SH Gillani failed to attend the interview scheduled for 7th July 2015.

On Saturday 1st August 2015, Interview questions presented in writing and responded to accordingly.

Details of the interview attached as Appendix L

On Sunday 2nd August 2015, City Inspectors entered the premises at 00:30hrs after observing the premises from 00:03hrs. City Inspectors saw a number of people enter the premises and then left with small plastic carrier bags that appeared weighted down with heavy items that resembled the shape of cans. Alcohol was exposed for sale outside the permitted hours contrary to Section 137 of the Licensing Act 2003.

City Inspector asked the Shop attendant behind the counter for the CCTV footage from 23:30hrs to 00:30hrs but he said he did not know how to operate it. Arrangement was made to collect a disc but it was not made available, this is in breach of licence condition No.4.

**See Statement attached, Appendix D
Photograph taken and is attached as Appendix M**

On Saturday 29th August 2015, Letter to Mr SH Gillani requesting for a signed copy of the incorporated questions and answers from the Written Interview Under Caution received from Mr SH Gillani onto one document.

Copy of the letter attached as Appendix N

On Saturday 23rd January 2016 at 00:08hrs, City Inspectors entered the premises and noted that all beer and ciders in the chill cabinet was closed but not locked and plain black bags tucked to the side of the chill cabinet contrary to licence conditions 7 and 10. Also noted were various brands of beer and ciders over 5.5% Alcohol by Volume (ABV). This is in breach of licence condition No.5.

Copy of statement attached as Appendix O.

Please tick <input type="checkbox"/> yes	
Have you made an application for review relating to the premises before	<input type="checkbox"/>
If yes please state the date of that application	Da <input type="checkbox"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix A.



Schedule 12
Part A

WARD: Queen's Park
UPRN: 999000065152

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

06/04707/WCCMAP

Part 1 – Premises details

Postal address of premises:

One Nation Food And Wine
332 Kilburn Lane
London
W9 3EF

Telephone Number: 020 8960 0134

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00
Sale by Retail of Alcohol: Sunday - 10:00 to 22:00

The opening hours of the premises:

Opening Hours: Monday to Sunday - 08:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Off

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Sayaad Miah & Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF
Telephone Number: 020 8960 0134

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Shabir Hussain Gillani

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 06/07989/LIPERS
Licensing Authority: City of Westminster

Date: 7th December 2007

Signed: Director of Community Protection

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

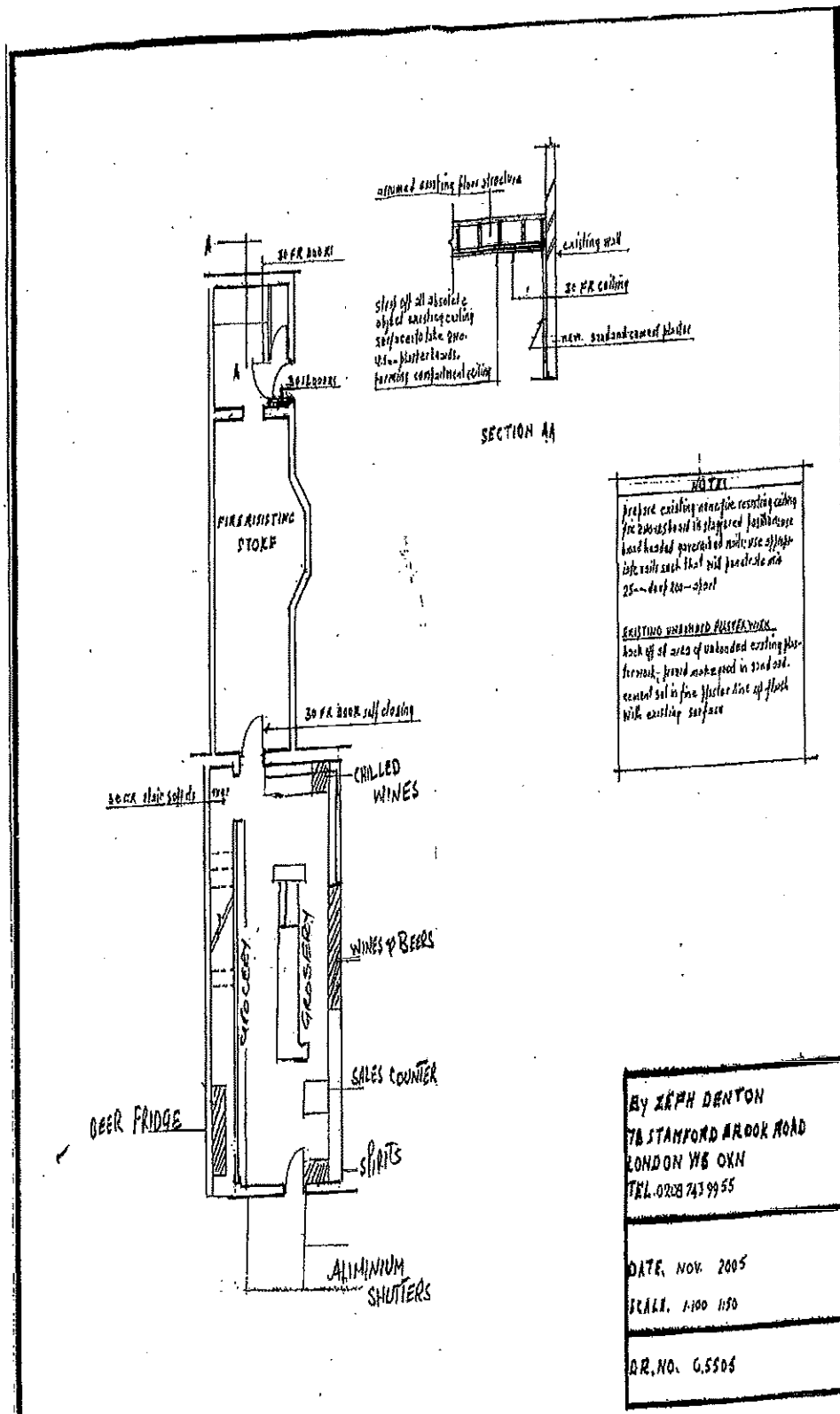
Annex 2 – Conditions consistent with the operating Schedule

4. That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
5. No beer or cider to be sold above 5.5% alcohol by volume
6. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.
8. No self service of spirits
9. In the judgement of the Designated Premises Supervisor, to maintain at all times levels of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request of the Licensing Authority and the Police.
10. The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence

Annex 3 – Conditions attached after a hearing by the licensing authority

11. A personal licence holder will supervise all sales of alcohol at all times.
12. A refusals book must be maintained and kept up to date at all times and be available for inspection at the request of a responsible authority.
13. The Portman Group/Challenge 21 or equivalent scheme will be employed.
14. A Challenge 21, Portman Group or equivalent scheme poster must be displayed at the premises.

Annex 4 – Plans





City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Queen's Park
UPRN: 999000065152

Premises licence
summary

Regulation 33, 34

Premises licence number:

06/04707/WCCMAP

Part 1 – Premises details

Postal address of premises:

One Nation Food And Wine
332 Kilburn Lane
London
W9 3EF

Telephone Number: 020 8960 0134

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00
Sale by Retail of Alcohol: Sunday - 10:00 to 22:00

The opening hours of the premises:

Opening Hours: Monday to Sunday - 08:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Off

Name and (registered) address of holder of premises licence:

Mr Sayaad Miah & Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Shabir Hussain Gillani

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 7th December 2007

Signed: Director of Community Protection

Appendix B.

LICENSING SUB-COMMITTEE No. 5

18th October 2007

Membership: Councillors Antony Mothersdale (Chairman), Margaret Doyle and Lindsey Hall

Legal Advisor: Gitanjali Gopeesingh

Policy Advisor: Bill Hodgson

Committee Officer: Ellie Clay

Relevant Representations: Environmental Health Service, Metropolitan Police

Present: Mr Mark Browning (Representing One Nation Food and Wine), Mr Shabir Hussain Gillani (Designated Premises Supervisor at One Nation Food and Wine), Mr Jim Colbourne (EHO) and Sgt Russell Powell (Police)

One Nation Food and Wine, 332 Kilburn Lane, W9 07/08009/LIREVP	
1.	Review of Premises Licence
	<p>The Police are seeking the following outcome to the Premises Licence:</p> <ul style="list-style-type: none">• The removal of Mr Shabir Hussain Gillani as the Designated Premises Supervisor of the premises.• Revoke the Premises Licence
	<p>Amendments to application:</p> <p>Sergeant Russell Powell explained that as a recent change of DPS had been made and that Mr Shabir Hussain Gillani was not the DPS at the time of the incidents, he was happy for him to remain as the DPS.</p> <p>Sergeant Powell stated that the Police were no longer seeking the revocation of the Premises licence as the measures already carried out at the premises, along with the conditions offered by the Licensee were sufficient. The addition of the further conditions as listed below would satisfy the Police concerns.</p>
	<p>Decision (including reasons):</p> <p>That the following additional conditions be attached to the premises licence:</p> <ol style="list-style-type: none">1. A personal licence holder will supervise all sales of alcohol at all times.2. A refusals book must be maintained and kept up to date at all times and be available for inspection at the request of a responsible authority.



City of Westminster

APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service
REVIEWS
Westminster City Council
Westminster City Hall
14th Floor
64 Victoria Street
London
SW1E 6QP

Fax: 020 7641 3238

AND

Please give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service;

The Chief Officer of Police
Westminster Police Licensing Team
4th Floor City Hall

Victoria Street
SW1E 6QP

London Fire & Emergency Planning Authority
156 Harrow Road
London
W2 6NI

Community Protection (Environmental Health; Health & Safety; Weights and Measures)
Westminster City Council
Environmental Health Consultation Team
Room 18

Council House
Marylebone Road
NW1 5PT

Development Planning Services
Westminster City Council
64 Victoria Street
London
SW1E 6QP

Area Child Protection Committee
Head of Commissioning – Child Protection & Quality, Social and Community
Services – Children and Families
4 Frampton Street
NW8 8LF

For boats only

The Navigation Authority (for vessels not permanently moored)

Tidal Thames
The Harbour Master
The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames
The Environment Agency Recreation and Navigation, Thames Region, Kings
Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Canals
The Leisure Manager
British Waterways Board
1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General
The Maritime & Coastguard Agency, Orplington Marine Office, Central Court, 1
Knoll Rise

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Michael Bateman Pc 145CW Bateman
(Insert name of applicant)
apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 47~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description One Nation Food and Wine, 332 Kilburn Lane W9	
Post town London	Post code (if known)W93EF

Name of premises licence holder or club holding club premises certificate (if known) Mr Sayaad MIAH
--

Number of premises licence or club premises certificate (if known) 06/04707/WCCMAP

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick
 Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname	First names

I am 18 years old or over Please tick yes

Current postal address if different from premises address	
--	--

Post town		Post Code	
------------------	--	------------------	--

Daytime contact telephone number	
---	--

E-mail address (optional)	
----------------------------------	--

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Michael Bateman Pc145CW Westminster Police Licensing Team Westminster City Hall 4 th Floor 64 Victoria Street London SW1E 6QP
Telephone number (if any) 020 7641 3179
E-mail address (optional) mbateman@westminster.gov.uk

This application to review relates to the following **licensing objective(s)**
Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Protection of Children from harm.

On Tuesday 15th May 2007 at approximately 18:15 a juvenile purchased two bottles of Barcardi Breezer from these premises, without any questions being asked or identification being sought.

Again on 4th June 2007 at approx 18:15 another juvenile purchased one bottle of Barcardi Breezer, without any questions being asked or identification sought.

Prevention of Crime and Disorder.

On Saturday 2nd December 2006 and 23:45 and again at 23:55 alcohol was purchased by two different customers outside your permitted hours.

On Saturday 2nd December 2006 these premises breached their licence by failing to secure alcohol behind locked grills/shutters or locked cabinet doors, outside permitted hours.

On Saturday 2nd December 2006 you carried on a licensable activity otherwise that in accordance with an authorisation, namely no beer or cider to be sold above 5.5% ABV.

Please provide as much information as possible to support the application
(please read guidance note 2)

On the 15th May 2007 and 4th June 2007 during an operation conducted between the Police and Westminster Trading Standards, a 15 year old juvenile purchased Alcohol from these premises without any questions being asked of that child or any identification being sought to verify the age of the purchaser. On both occasions staff were confronted by Police and Trading Standards officers and an £80 Penalty Notice was served on these premises.

On 2nd December 2006 two sales of Alcohol were witnessed by WCC Licensing Officers outside of the permitted hours of your licence namely at 23:45 and again at 23:55. Staff were confronted about these sales and told they would be reported.

On 2nd December 2006 during a visit by Licensing Inspectors, they noticed that Alcohol was not stored behind locked doors/shutters or secured behind locked cabinet doors outside permitted hours contrary to condition 7 of the Premises Licence.

Also on the 2nd December 2006 Beer or Cider was being offered for sale with an ABV above 5.5%. Contrary to condition 5 of the Premises Licence.

On the 20th June 2007 after admitting the 5 above offences Mr Shabir Hussain GILLANI was issued with a formal Caution by Westminster City Council.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature *M. Bateman PC 145 c.w.*

Date 23RD AUGUST 2007

Capacity POLICE OFFICER WESTMINSTER POLICE LICENSING

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

APPENDIX A2

Index of Statements

1. Statement of Nigel Stewart.
2. Statement of James Hayes.
3. Statement of Bryan Lewis Pc161Cw.
4. Statement of Tony Littlemore.
5. Statement of Robert Langridge.
6. Statement of Caroline Burrows.
7. Statement of Bethan Featherby.

Index of Exhibits

8. Record of Formal Caution
9. Copies of Fixed Penalty Notices.

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005,
r27.1(1))

Statement of: Nigel James Stewart

Age of Witness (if over 18 enter "over 18"): Over 18.

Occupation of Witness: Senior Licensing Inspector

This statement (consisting of 3 page(s) each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 7th day of December 2006

Signed:

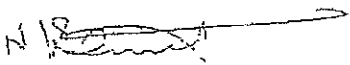


I am a Licensing Inspector employed by Westminster City Council. On Saturday 2nd December 2006 I was on duty accompanied by Licensing Inspector James Hayes were in a vehicle in Kilburn Lane, London, W9 when at 11.30 pm we commenced observation upon the premises trading as "One Nation Food and Wine" situated at 332 Kilburn Lane where it was suspected that alcohol was being sold outside the authorised hours of the Premises Licence.

One Nation Food and Wine is a general store with a Premises Licence authorising the sale of alcohol for consumption off the premises, between the hours of Monday Saturday 08:00 – 23:00 and Sunday 10:00 – 22:00. The cash register and point of sale is located inside to the right of the entrance door where the cashier is in view through the large front window. There was one member of staff on the evening of 2nd December operating as cashier. He was tall and black.

The store was quite busy with persons coming and going purchasing

Signed:



11

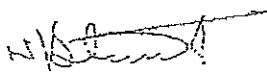
different goods. I observed that two colours of plastic bags were being used, one a light green colour and the other a blue colour. I saw both coloured bags being used. From the outline of some of the contents I suspected that the blue bags were used for alcohol sales and the green bags for general goods and foodstuffs.

At approximately 11.43pm on Saturday 2nd December (2006) a vehicle stopped directly outside One Nation Food and Wine and the driver (sole occupant of vehicle) got out and went into the shop premises. He disappeared down the right hand side of the store and after a short period re-appeared at the cash register. I could clearly see him. He placed a number of what appeared to be tins of Stella lager by the cash register and I saw him pay the cashier for them. The tins, around 8 in number, were placed in a blue plastic bag by the cashier and handed to the customer who then left the premises. I noted the time to be 11.45pm. I could quite clearly see the outline of the tins of Stella lager in the blue plastic bag as he got into his vehicle. The customer then drove off.

Inspector Hayes and I continued with our observation of the premises. At 11.53 pm I saw another male enter the premises of "One Nation Food and Wine" and then appear at the cash register with several bottles (3-4) of what appeared to be Kronenbourg lager. These he appeared to pay for and the bottles were placed into a blue plastic bag by the cashier before being handed over to the customer who then left. I noted the time to be 11.55pm.

At 12.25am (Sunday 3rd December 2006) Inspector Hayes and I entered the premises of One Nation Food and Wine where we asked for the shop manager. A Mr. Shabir Hussain identified himself as the manager and owner of the premises. We identified ourselves to him and I informed him that we had seen his member of staff sell alcohol on two occasions to members of the public outside the time authorised by his Premises Licence which was 11pm. I established that Mr. Hussain understood English and what was being alleged. I then cautioned Mr. Hussain as follows; "You do

Signed:



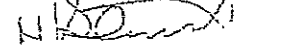
15

not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence." "Do you understand?" Mr. Hussain replied, "He shouldn't have sold it. I have told him many times not to sell alcohol after 11 o'clock." Mr. Hussain then accompanied Inspector Hayes and I in an inspection of the premises during which I noted the following breaches of the Premises Licence conditions;

1. Beer and Cider above 5.5% alcohol by volume was on display for sale - contrary to Premises Licence Annex 2 condition 5.
2. The alcohol on display was not locked behind grills / screens or secured behind locked cabinet doors - contrary to Premises Licence Annex 2 condition 7.

I brought these two breaches to Mr. Hussain's attention and he said that the walls could not stand the weight of grills or cabinets being fixed to them.

At 12.45am I reminded Mr. Hussain that he was still under caution and informed him that he would be reported for the offence of knowingly allowing or carrying on the unauthorised sale of alcohol - Contrary to Section 136 (1) of the Licensing Act 2003 and for the two breaches of the Premises Licence conditions. Mr. Hussain replied, "Thank you. I'm sorry." Inspector Hayes and I then left the premises at 12.47am.

Signed: 

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STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005,
r27.1(1))

Statement of: James Hayes

Age of Witness (if over 18 enter "over 18"): Over 18.

Occupation of Witness: Licensing Inspector

This statement (consisting of Three(3) page(s) each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 22nd day of January 2007

Signed:



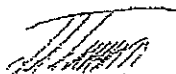
I am a Licensing Inspector employed by Westminster City Council. On Saturday 2nd December 2006 I was on duty accompanied by Senior Licensing Inspector Nigel Stewart in a vehicle in Kilburn Lane, London, W9 when at 11:30 pm we commenced observation upon the premises trading as "One Nation Food and Wine" situated at 332 Kilburn Lane where it was suspected that alcohol was being sold outside the authorised hours of the Premises Licence.

One Nation Food and Wine is a general store with a Premises Licence authorising the sale of alcohol for consumption off the premises, between the hours of Monday Saturday 08:00 – 23:00 and Sunday 10:00 – 22:00. The cash register and point of sale is located inside to the right of the entrance door where the cashier is in view through the large front window. There was one member of staff on the evening of 2nd December operating as cashier. He was tall and black.

The store was quite busy with persons coming and going purchasing

17

Signed:

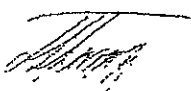


different goods. I observed that two colours of plastic bags were being used, one a light green colour and the other a blue colour. I saw both coloured bags being used. From the outline of some of the contents it was suspected that the blue bags were used for alcohol sales and the green bags for general goods and foodstuffs.

At approximately 11.43pm on Saturday 2nd December (2006) a vehicle stopped directly outside One Nation Food and Wine and the driver (sole occupant of vehicle) got out and went into the shop premises. He disappeared down the right hand side of the store and after a short period re-appeared at the cash register. I could clearly see him. He placed a number of what appeared to be tins of Stella lager by the cash register and I saw him pay the cashier for them. The tins, around 8 in number, were placed in a blue plastic bag by the cashier and handed to the customer who then left the premises. I noted the time to be 11.45pm. I could quite clearly see the outline of the tins of Stella lager in the blue plastic bag as he got into his vehicle. The customer then drove off.

Inspector Stewart and I continued with our observation of the premises. At 11.53 pm I saw another male enter the premises of "One Nation Food and Wine" and then appear at the cash register with several bottles (3-4) of what appeared to be Kronenbourg lager. These he appeared to pay for and the bottles were placed into a blue plastic bag by the cashier before being handed over to the customer who then left. I noted the time to be 11.55pm.

At 12.25am (Sunday 3rd December 2006) Inspector Stewart and I entered the premises of One Nation Food and Wine where we asked for the shop manager. A Mr. Shabir Hussain identified himself as the manager and owner of the premises. We identified ourselves to him and Inspector Stewart informed him that we had seen his member of staff sell alcohol on two occasions to members of the public outside the time authorised by his Premises Licence which was 11pm. It was established that Mr. Hussain understood English and what was being alleged. Mr. Hussain was then

Signed: 

cautioned by Inspector Stewart as follows; "You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence." "Do you understand?" Mr. Hussain replied, "He shouldn't have sold it. I have told him many times not to sell alcohol after 11o'clock." Mr. Hussain then accompanied us and in an inspection of the premises during which the following breaches of the Premises Licence conditions were noted;

1. Beer and Cider above 5.5% alcohol by volume was on display for sale -- contrary to Premises Licence Annex 2 condition 5.
2. The alcohol on display was not locked behind grills / screens or secured behind locked cabinet doors - contrary to Premises Licence Annex 2 condition 7.

These two breaches were brought to Mr. Hussain's attention and he said that the walls could not stand the weight of grills or cabinets being fixed to them.

At 12.45am Inspector Stewart reminded Mr. Hussain that he was still under caution and informed him that he would be reported for the offence of knowingly allowing or carrying on the unauthorised sale of alcohol - Contrary to Section 136 (1) of the Licensing Act 2003 and for the two breaches of the Premises Licence conditions. Mr. Hussain replied, "Thank you. I'm sorry." Inspector Stewart and I then left the premises at 12.47am.

Signed:



19

RESTRICTED (when completed)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Bryan Lewis PC161CW**..... URN:

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Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: **Police Officer 200892**

This statement (consisting of 1 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Bryan Lewis PC161CW Date: 2 August 2007

Tick if witness evidence is visually recorded (supply witness details on rear)

On Tuesday 15th May 2007 I was on duty in full uniform. I am currently serving with the Crime Disorder Reduction Team, which is a Police/ Westminster Borough Council partnership team. On this day I was deployed on a Police/Trading Standards Team operation using Police Cadets to attempt purchase of alcohol from grocers shops that sell alcohol. At about 6.15pm I requested a fifteen year old Police cadet enter One Nation shop, 332 Kilburn Lane London and purchase two bottles of Bacardi Breezer alcoholic drink. He purchased the alcohol and brought them to our vehicle. I then attended the shop with a Trading Standards Officer who identified the male shop assistant who made the sale, who was later known to me as Mr Sayaad MIAH. He made a full admission to selling the alcohol to our cadet, claiming he believed him to be old enough to make the purchase. He did not question him or request to see any proof of identification which might assist in determining his true age. He stated he had received adequate training and was experienced in the sale of alcohol. I then issued him with an £80 PND penalty notice for the offence of selling alcohol to a juvenile.

On the 4th of June 2007 we revisited One Nation about 6.15pm and again I requested an underage Police cadet to enter and attempt to purchase alcohol. She returned with a bottle of Bacardi Breezer and I then went to the shop and spoke to the shop assistant. This time it was a female who I now know to be Ms Syeda Ferzana GILANI who had sold the alcohol to our juvenile cadet. She again admitted to selling the alcohol, stating she had believed the female cadet to be 18 years old. She had made no attempt to confirm the cadet's age by asking for ID. She stated she had received no training in selling alcohol. I again issued a £80 PND penalty notice to the Ms GILANI.

Signature: Bryan Lewis PC161CW Signature witnessed by: 20

1.

Unsigned

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Tony David Littlemore

Age of Witness (if over 18 enter "over 18"): Over 18.

Occupation of Witness: Assistant Operations Manager (Trading Standards)

This statement (consisting of 6 pages each signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 25th day of July 2007

Signed:

I am employed by the City of Westminster as an Assistant Operations Manager in the Trading Standards Service. I am authorised under the Licensing Act 2003 and I am appointed as an Inspector of Weights and Measures.

I am currently leading the Underage Sales project work for the Westminster Trading Standards Service.

Since April 2007 onwards I have been working with PC Mark Williams, an Intelligence Officer for the Metropolitan Police, in a joint operation in relation to educating businesses and seeking their compliance with the provisions of the Licensing Act 2003 that relate to preventing the sale of alcohol to persons under 18 years of age.

Signed:

21

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Tony David Littlemore

The joint operation supports the Home Office initiative "TUSAC" (Tackling Underage Sales of Alcohol to Children) whereby intelligence is used to identify premises to be targeted for this operation.

I have liaised closely with Sergeant David Bannister of the Metropolitan Police in recruiting volunteer Police cadets to undertake test purchases of age controlled goods. The volunteer's welfare is managed with regard to the LACORS guidance "A Practical Guide to Test Purchasing" dated April 2006. During November 2006 and April 2007 I was in contact with the parents of a child volunteer called Jack. During this contact I explained the details of the operation and received consent for their son's assistance as a volunteer test purchaser. I also confirmed with Jack's father Michael, his son's date of birth and age. On the 15th May 2007, Jack's father Michael again confirmed to me that his son was 15 years old.

During April 2007 I was in contact with the parents of a child volunteer called Sarah. During this contact I explained the details of the operation and received consent for their daughter's assistance as a volunteer test purchaser. On the 24th May 2007, Sarah's mother Jill confirmed to me her daughter's date of birth and that her daughter was 15 years old.

As part of this operation, advisory visits were made to the premises targeted in this operation. The advisory visits were made to inform traders of their responsibilities when selling alcohol, to inform them of the changes to the Licensing Act 2003 and warn them that covert test purchases would be made

Signed:

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STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Tony David Littlemore

using persons under 18 to attempt to purchase alcohol.

On the 17th April 2007, at 11.55am, I entered the premises of the shop named One Nation at 332 Kilburn Lane, London W9 3EF. PC Mark Williams introduced himself and showed his warrant card. I identified myself and showed my written authorisation. We spoke to an Asian man, in his early 30s, who said his name was Mr Ali Khan and that his position was that of Shop Assistant.

During the visit I made notes on a form entitled 'Visit Sheet Underage Sales Campaign – April'07'.

Having explained the reason for my visit I handed Mr Khan an official letter marked 'For the attention of the owner and licensees' and headed 'Important information for persons selling alcohol in Westminster'. I produce a true copy of the aforementioned letter as Exhibit TL/Advice letter/1.

During my visit I explained to Mr Khan that the law had recently changed with regard to section 147A of the Licensing Act 2003, which created a new offence in relation to persistently selling alcohol to children. I also informed him that test purchases using children to attempt to buy alcohol at selected premises would be conducted.

On 15th May 2007 at 16.45, I positioned a height chart in an office at Westminster Council House, Marylebone Road NW1 5PT. I checked its accuracy using a working standard linear measure, reference "LM3".

Signed:

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STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Tony David Littlemore

At about 17.10, I held a briefing with the Police and officers from the Trading Standards Team. The officers included PC Lewis PC161CW and Robert Langridge a Trading Standards Officer. At 17.30, I spoke to two child volunteers and briefed them on the operation. I told Jack that he must tell the truth if asked any questions by the seller. I confirmed with Jack his date of birth and that he was 15 years old. I then took two photographs of Jack standing against the height chart, mentioned earlier in this statement. The photographs were taken using a camera that produces 'instant' pictures that develop within a few minutes. One picture was a full height shot and the other a closer face shot. I labelled these and handed them to PC Lewis PC161CW. The photographs give a true impression of him.

Later that day I was present when PC Lewis asked Jack to attempt to purchase alcohol from One Nation in Kilburn Lane.

At about 18.15, I spoke to Jack and confirmed he was clear about the procedure to follow. I checked he had no money or alcohol on him. I handed him £5 in £1 coins and requested he purchase 2 bottles of Bacardi Breezer from One Nation at 332 Kilburn Lane.

I then accompanied Jack and we followed Robert Langridge and walked towards the premises of One Nation, 332 Kilburn Lane W9. I stopped a short distance from the premises and observed Bob Langridge enter the shop.

Signed:

TDL

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Tony David Littlemore

About 5 seconds later, at 18.18, I observed Jack enter the shop. At 18.22, I observed Jack leave the shop and return to me. He was holding a blue plastic bag which contained 2 Bacardi Breezer bottles. I accompanied Jack back to PC Lewis and watched him hand the bag and bottles to PC Lewis. Jack then handed me the change, £2 in £1 coins and a 2 pence piece.

On the 29th May 2007, another operation was conducted using a 16 year old child volunteer to attempt to purchase alcohol from One Nation. No sale took place.

On 4th June 2007 at 17.10, I positioned a height chart in an office at Westminster Council House, Marylebone Road NW1 5PT. I checked its accuracy using a working standard linear measure, reference "LM3".

A short time later, I held a briefing with the Police and officers from the Trading Standards Team. The officers included PC Lewis PC161CW, Caroline Burrows, a Trading Standards Officer, and Bethan Featherby, a Senior Trading Standards Officer. At 17.30, I spoke to three child volunteers and briefed them on the operation. One of these was Sarah, whom I refer to earlier in this statement. I told Sarah that she must tell the truth if asked any questions by the seller. I confirmed with Sarah her date of birth and that she was 15 years old. I then took two photographs of Sarah standing against the height chart, mentioned earlier in this statement. The photographs were

Signed:

25

page 177

TS 45 Witness Statement Form

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Tony David Littlemore

taken using a camera that produces 'instant' pictures that develop within a few minutes. One picture was a full height shot and the other a closer face shot. I labelled these and handed them to PC Lewis PC161CW. The photographs give a true impression of her.

Later that day I was present when PC Lewis asked Sarah to attempt to purchase alcohol from One Nation in Kilburn Lane W9.

On the 21st June 2007, another operation was conducted using a 15 year old child volunteer, accompanied by a 14 year old child volunteer, to attempt to purchase alcohol from One Nation. No sale took place.

On the 4th July 2007, another operation was conducted using a 16 year old child volunteer to attempt to purchase alcohol from One Nation. No sale took place.

Signed:

26

3

JHY

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Robert William Edward Langridge

Age of Witness (if over 18 enter "over 18"): Over 18.

Occupation of Witness: Trading Standards Officer.

This statement (consisting of 2 pages each signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 18th day of July 2007

Signed: *R.W. Langridge*

I am employed by the Westminster City Council as a Trading Standards Officer. During the early evening of Tuesday 15 May 2007 I took part in the Underage Sales campaign organised by Westminster Trading Standards Service and the Metropolitan Police. My role was to enter premises where a purchase was to be made, a few seconds before Jack, the 15 year old child volunteer purchaser to witness any purchase.

At approximately 18:22 hrs I entered the premises of 'One Nation' a mini supermarket at 332 Kilburn Lane, W9. I stood in a position where I could see the front door, the fridge and the shop serving counter. Shortly after this Jack entered the shop and selected two bottles of Bacardi Breezer from the fridge/drinks chiller on the left side of the shop, near the front door. I was standing approximately 4.5m from him. He then took the drinks to the

Signed: *[Signature]*

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Robert William Edward Langridge

Asian man, with dark hair aged between 20/30, wearing a white long sleeved sweatshirt and blue jeans, serving at the till. He asked for £2:98. Jack offered some coins and the man asked if he wanted a bag. The drinks were placed into blue plastic bag. Jack received his change and left the shop. I followed shortly behind him back to my colleagues and the police officers waiting a short distance away.

At 18:28 hrs I returned to the shop with PC CW161 Bryan Lewis and I identified the seller to him. PC Lewis explained the reason for our visit, that there had been a sale of alcohol to a 15 year old boy. The man who had served Jack said he remembered the boy who purchased the drinks and thought he looked old enough. PC CW161 Lewis asked the seller 'Do you admit selling the drinks?' The seller replied 'Yes'. He gave his details as Mr Sayaad Miah of 37b Wallerton Road, London. W9 3PE and his date of birth as 25/01/1973.

PC CW161 Lewis cautioned him at 18:42 for selling alcohol to this child the seller made no reply. PC CW161 Lewis then showed Mr Miah a Polaroid photograph of the purchaser and asked him if he recognised the boy? Mr Miah replied that he did. He was then asked if he had asked for any ID? Mr Miah replied that he did not ask. Mr Miah said that he had received training in the sale of alcohol and that he was not to sell to under aged children or Police officers in uniform. He said that he had worked there for 10 years. We then left the premises at 18:50 hrs. *RRL*

Signed: *RRL*



STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

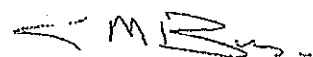
Statement of: Caroline Miriam Burrows

Age of Witness (if over 18 enter "over 18"): Over 18.

Occupation of Witness: Trading Standards Officer.

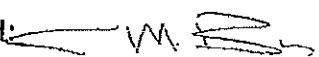
This statement (consisting of 2 pages each signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 18th day of July 2007

Signed: 

I am employed by the City of Westminster Trading Standards Service as a Trading Standards Officer. I am authorised to investigate matters under the Licensing Act 2003. On the 4th June 2007 I took part in a test purchasing exercise to test whether minors were able to purchase alcohol from various retailers. Also taking part in this exercise were my colleagues Bethan Featherby a Senior Trading Standards Officer, Tony Littlemore an Assistant Operations Manager, Police Constable Lewis 161CW and Police Officer CW 7726. We were accompanied by Sarah a 15 year old school child volunteer.

At approximately 18:25 I entered the premises at One Nation 332 Kilburn Lane London W9. Shortly afterwards Sarah entered the shop. I stood near the till where I could clearly see and hear everything that happened if any sale was to take place. A young Asian woman was standing by the till.

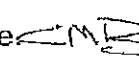
Signed: 

29

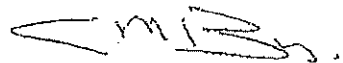
STATEMENT OF WITNESS

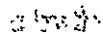
(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Caroline Miriam Burrows

I observed Sarah select a bottle of Bacardi Breezer which she took to the till. The assistant said "One pound" and looked at Sarah but said nothing more. Sarah handed the assistant some cash and received the bottle which the assistant placed in a bag. No receipt was given. Sarah exited the premises and I then left the premises and we both returned to our waiting colleagues. At approximately 18:40 Police Constable Lewis 161CW, Police Officer CW7726 and I immediately returned to the shop in order to talk to the seller of the alcohol. I identified the female seller of the alcohol to PC Lewis and witnessed him interview her. He showed her the bottle of alcohol and a photograph of the child which is Exhibit SE/2. The seller agreed that she had sold the bottle of Bacardi Breezer to the child in the photograph shown to her. The seller gave her details as Mrs Syeda Ferzana Gilani date of birth 15/8/1978 home address 239 Portnall Road London W9 3BL. She then apologised for having sold the alcohol. I witnessed the seller sign the penalty notice that PC Lewis had written out. PC Lewis cautioned the seller at 18:48 and again showed the photograph of the child which is Exhibit SE/2 to the seller. The seller stated that she thought the child was under 18 and she didn't ask for any identification. When asked if she had been trained she said no. Her husband owned the shop he advised her not to sell alcohol and she only worked there infrequently. We left the premises at 18:55 with the evidence of the bottle of Bacardi Breezer and returned to the vehicle 

Signed:





30

TS 45 Witness Statement Form

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Bethan Ann Featherby

Age of Witness (if over 18 enter "over 18"): over 18

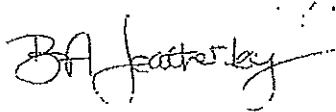
Occupation of Witness: Senior Trading Standards Officer

This statement (consisting of 2 pages each signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 30th day of July 2007

Signed: 

I am employed as a Senior Trading Standards Officer for the City of Westminster Council and am authorised in respect of the Licensing Act 2003. On the 4th June 2007 at Council House, Marylebone Road, London NW1 5PT, I attended a briefing with the police and officers from Westminster Trading Standards regarding an operation to see if underage children would be sold alcohol. I observed Tony Littlemore, Assistant Operations Manager take Polaroid photographs of Sarah, a 15 year old girl against a height chart. These photos were developed immediately afterwards and labelled by him. At approximately 6.25pm I visited the area of Kilburn Lane accompanied by Sarah, Tony Littlemore, Police Constable Bryan Lewis and Caroline Burrows a Trading Standards Officer. I checked that Sarah did not have any alcohol or money on her person. I handed her £5 and heard PC Lewis instruct her to

Signed: 

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TC 45 Witness Statement Form

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Bethan Ann Featherby

attempt to buy alcohol. I observed Caroline enter the shop One Nation at 332 Kilburn Lane and Sarah follow her shortly afterwards. Sarah then returned to where I was standing a short distance away from the shop with a bottle which she showed me which was Blueberry flavoured Bacardi Breezer. She handed the bottle to P.C. Lewis and gave me the change of £4. Caroline then came out of the shop a short while later and then re-entered the premises with P.C. Lewis. I escorted Sarah away from the premises to our vehicle parked nearby. *BAF*

Signed: *BAF Featherby*

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TS 15 Witness Statement Form

WESTMINSTER CITY COUNCIL

RECORD OF FORMAL CAUTION

DEFENDANT

SURNAME GILLANI
FORENAME: Shabir Hussain
ADDRESS: 239 Pordnall Road, London, W9 3BL.
COMPANY (If licence not held in name of individual)
POSITION HELD: Designated Premises Supervisor

DETAILS OF OFFENCE(S)

On the 2nd December 2007 at One Nation Food and Wine, 332 Kilburn Lane, W9, you sold a bottle of Smirnoff Ice otherwise than in accordance with an authorisation.
Contrary to Section 136 (1) Licensing Act 2003.

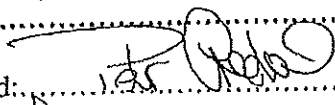
On the 7th January 2007 at One Nation Food and Wine, 332, Kilburn Lane, W9, you carried on a licensable activity otherwise than in accordance with an authorisation, namely outside of permitted hours, all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors. (Condition 7 of the Premises Licence)
Contrary to Section 136 (1) Licensing Act 2007

On the 7th January 2007 at One Nation Food and Wine, 332, Kilburn Lane, W9. you carried on a licensable activity otherwise than in accordance with an authorisation, namely no beer or cider to be sold above 5.5% alcohol by volume. (Condition 5 of the Premises Licence)
Contrary To Section 136 (1) Licensing Act 2007

DETAILS OF CAUTIONING PROCESS

I am satisfied that for each above offence there is sufficient evidence to prosecute and that the offender has admitted it.

Admissions (show reference e.g. statements, interview).....

Signed: 

Date: 20th June 2007

Name: P. ARABICK

Designation: Assistant Operations Manager

INFORMATION TO OFFENDER (TO BE READ OUT/EXPLAINED BY OFFICER ADMINISTERING CAUTION).

"After considering all the circumstances and because you have admitted the offence(s) recorded overleaf, I now propose to formally caution you for these offence(s). This does not involve court proceedings and it is not a criminal conviction. You must however understand that the City Council will keep a record of the caution and this may be taken into consideration when deciding whether to prosecute you/the company if you/the company re-offend in the future. A caution is not a criminal record but a court may be told about it if within three years you/the company are convicted of a further offence. You should clearly understand that you cannot be cautioned unless you give your agreement knowing what a caution means. If you are unsure, please say so." (explain further if person unsure).

ACKNOWLEDGEMENT OF CAUTION

I agree to be cautioned for the offence(s) I the Company have admitted and I accept an official caution knowing that it may be taken into consideration if I company re-offend and that it may be mentioned in court if within three years I am convicted of a further offence.

Signature of person cautioned: S. Hussain Date: 20/07
Position held (e.g. Manager, Director, licensee)

Signature witnessed by: etc (Redacted) Date: 20/07

CAUTION ADMINISTERED

On (date) 20/07 at (time) 2a at (location) 11th Floor City Hall

Signed (Officer administering the caution) [Signature]

Authorised by (if different) Name: _____

METROPOLITAN POLICE SERVICE
 PENALTY NOTICE
 PENALTY AMOUNT £80

9.

PART 4 CTO COPY PN No. 01/A67157319

TITLE MRS SURNAME GILLANI

FORENAMES SYEDA FERZANA

DATE OF BIRTH (ddmmyyy) 15 08 1978 ADDRESS 239 FOKIN ALL ROAD

POST CODE W9 3EL

OFFENCE TIME 1830 HRS. OFFENCE DATE 24 06 2007

AT (LOCATION) ONE HAFIUN 322
 KILBURN LANC W9 3EF

OFFENCE CODE DFI8

YOU (offence particulars) *400ml bottle of beer*
 275ml bottle of beer, 200

CONTRARY TO (Act containing offence)
 SALE OF ALCOHOL ACT 2006

PLACE OF ISSUE: Street Custody

I acknowledge receipt of this Penalty Notice
 Signature *S. SYEDA*

ISSUED BY: Surname *LOUIS* Signature *[Signature]*

Warrant/Pay No. 260892 Division *[Division]*

Rank PC DATE OF ISSUE 24 06 2007

MUST BE COMPLETED
 ADDITIONAL DETAILS OF RECIPIENT

Gender: M F IC Code 4 SD Code

Occupation *Cashier*

3rd Party Witness Statement: Particulars Obtained?
 Y N

CRIS No.

Local Authority Code Quality Check

A/S No.

Custody (Pic) No.

METRO

PENALTY AMOUNT
DETAILS OF RECIPIENT

PART 6A

PN No. 01/AG7

IMPORTANT INFORMATION

ANY STATEMENT OFFERED BY THE SUSPECT OR A THIRD PARTY
WITNESS SHOULD BE RECORDED IN YOUR POCKET NOTEBOOK

HEIGHT:

BUILD Large

COMPLEXION

DESCRIPTION and/or VISIBLE DISTINCTIVE MARKS AND FEATURES

Black hair wearing orange

REPLY TO CAUTION

No reply

AT (time) 1:54 ON (date) 04062007

VD CHECKS MADE (e.g. documents seen)

Drivers' Licence Passport Bank/Credit Card National Insurance

Travel/Photo Card IND Card PNC Radio Other (specify)

Specify Other

Details (e.g. driver card/passport no.)

Fingerprints taken Photograph taken DNA taken

ADDITIONAL NOTES (continue on separate sheet if necessary and affix firmly to PND)

1) Did you sell alcohol to the juvenile shown in this photo

1) Yes

2) Do you accept the bottle of Bacardi breezer if the bottle you sold to the juvenile

2) Yes I accept

3) Do you recognize the female in this photo exhibit SF/2 as the person you recently sold to

3) yes

4) why did you sell to her

4) Because I thought she was 18 years

5) Did you ask the girl for cash

5) No

6) Have you had training to sell alcohol

01/467157315
M.C. Rules 1981, r. 70

METHUEN PENALTY AMOUNT 280
PENALTY AMOUNT 280

STATEMENT OF WITNESS

(C.J. Act 1967, S. 9; M.C. Act 1980, ss.5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

IMPORTANT INFORMATION:
REMOVE PARTS 1-5 BEFORE WRITING ON THIS PAGE

STATEMENT OF [name] Bryan Lewis Felton

Age 25 Occupation Police Constable

This statement, signed by me, is true to the best of my knowledge and belief. I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

On Monday 4th June 2007, I was on duty in full uniform deployed on a test purchase of alcohol operation 'TRUST' joint run by MPS and London Borough Westminster Trading Standards. I am currently posted on the Crime Disorder Reduction Team a Police Westminster Partnership Team. At 1300 I requested Police Constable [redacted] to go on patrol who is below the legal age to purchase alcohol to attempt to purchase alcohol from "ONE NAME" alcohol shop at 822 Kingsway Lane W9 3GF. Constable [redacted] entered the shop and was sold a bottle of BACARDI BLOSSOM HONEY SWEET RTD which I requested exhibit 1241. I returned the shop with receipt and [redacted] returned to the team. I identified the Constable who made the sale and who I now know.

(Continue on MG11A if necessary and affix firmly to PND)

SIGNED Bryan Lewis Felton RANK/GRADE/No. PC [redacted]

DIVISION/UNIT CDRT DATE 06/06/2007

DETAILS OF OFFICER CORROBORATING EVIDENCE

NAME _____

OFFICER NO. [redacted]

SIGNED (s/g) _____

CRIS No. [redacted]

(For S5 Public Order Act 1986)

DATE [redacted]

Checked by Supervising Officer

Signed _____

Rank/Grade PS No. 506 Div'n/Unit CDRT

ST-7
C.J. Act 1967, S. 9
PART 6B
PENALTY AMOUNT \$30

PART 6B Continued

PN No. 01/867157319

STATEMENT OF WITNESS

(C.J. Act 1967, S. 9; M.C. Act 1980, ss.5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

NOTES CONTINUED

to be Ms SYEDA FERZANA GILANI.
On 15/11/78, I informed her that I intended
to issue her a FAN for sale of alcohol to a juvenile
in 1540 I cautioned her to which she made no reply
said "did you sell alcohol to the juvenile then in the
photo?" and showed her a photo of search exhibit
etc. She replied "Yes". I said "do you agree
to bottle of Duconard. Greater is the one you sold
to the juvenile?" and showed her the bottle I had
issue for search my exhibit BCL/1. She replied
"Yes I accept". I said "Do you recognise the
brand on the photo set on the pan you
recently told alcohol to". She replied "Yes".
I said "why did you sell to her?". She
replied "because I thought she was 18 years old".
I said "Did you ask the girl for any ID".
She replied "No". I said "have you had
training to sell alcohol?". She said "No".
I signed my notes to confirm the use a correct
recourse of what she had said. I then
fully explained her requirement to pay
\$80 and that she had twenty one days to
send the money, details shown on the ticket.
She said "I understand in Van Sany".
Bayer has a rule

**METROPOLITAN POLICE SERVICE
PENALTY NOTICE
PENALTY AMOUNT £80**

PART 4 CTO COPY PN No. **01/A67157360**

TITLE **MR** SURNAME **MIRAH**

FORENAMES **SAYAD**

DATE OF BIRTH (ddmm/yyyy) **25/01/1973** ADDRESS **37B WALTER**

RTON ROAD

LONDON

POST CODE **W9 3PC**

OFFENCE TIME **1622** HRS. OFFENCE DATE **10/05/2007**

AT (LOCATION) **ONE NATION 332 KIL-
BURN LANE LONDON**

OFFENCE CODE **DA18**

YOU (offence particulars) **SOLD TWO (2)
BOTTLES OF BACARDI BREWER
to a FIFTEEN year old JUVENILE**

CONTRARY TO (Act containing offence)
S16(1); LICENSING ACT 2003

PLACE OF ISSUE: Street Custody

I acknowledge receipt of this Penalty Notice
Signature **S. Mirah**

ISSUED BY: **S. Mirah** **Bryan Lewis** **PC**

Warrant/Pay No. **250742** Division **01:EW**

Rank **PC** DATE OF ISSUE **10/05/2007**

**MUST BE COMPLETED
ADDITIONAL DETAILS OF RECIPIENT**

Gender: M F IC Code **4** SD Code

Occupation **CASHIER**

3rd Party Witness Statement: Particulars Obtained?
Y N

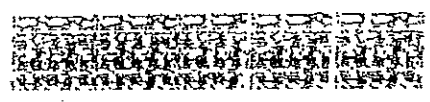
CRIS No.

Local Authority Code Quality Check

ADN

Custody (Pic) No.

39



PART 6B

STATEMENT OF WITNESS

(C.J. Act 1967, S. 9; M.C. Act 1980, ss.5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

IMPORTANT INFORMATION:
REMOVE PARTS 1-5 BEFORE WRITING ON THIS PAGE

STATEMENT OF [name] BRYAN LEWIS FUGICK

Age: 0 18 Occupation: POLICE CONSTABLE

This statement, signed by me, is true to the best of my knowledge and belief: I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

On Tuesday 15th March 2007 I was on duty in full uniform. I am currently a member of the Crime Disorder Reduction Team a Police Westminster Borough Council partnership based in Westminster. On this day I was deployed on a Police operation to conduct test purchasing of alcohol from various shop outlets by a juvenile subject, our under age purchaser was carried out by a fifteen year old cadet whose first name was Jack at about 6pm I requested the Police cadet attempt to purchase alcohol from the off licence ONE NATION 332 KILBURN LANE London. The cadet went to the shop with a WESTMINSTER COUNCIL TRADING STANDARD officer to act as cover and witness to the purchase. They returned to our vehicle. Jack was now in possession of two (2) bottles of BACARDI BREWERY alcoholic drink. I took the bottles for signing them later exhibiting them. I then went to the shop with PC 7124 WOOD

(Continue on MG11A if necessary and affix firmly to PND)

SIGNED Bryan Lewis FUGICK RANK/GRADE/No.

P	C		
---	---	--	--

DIVISION/UNIT COURT DATE

1	5	0	5	2	0	0	7
---	---	---	---	---	---	---	---

DETAILS OF OFFICER CORROBORATING EVIDENCE

NAME _____

OFFICER NO.

--	--	--	--	--	--

SIGNED (sig) _____

CRIS No.

--	--	--	--	--	--	--	--

(For S5 Public Order Act 1986)

DATE

--	--	--	--	--	--	--	--

Checked by Supervising Officer _____

Signed [Signature]

Rank/Grade PS No. 6124 Div'n/Unit COURT

STATEMENT OF WITNESS

(C.J. Act 1967, S. 9; M.C. Act 1980, ss.5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

NOTES CONTINUED

on entering the shop I spoke to a person male who was the cashier. I now know the male to be MR MIAT SAURAO DOB 25/1/73. I said to him "did you recently sell these bottles of BACARDI BREZZER to a white male youth?". He replied "yes". At 6:42pm I said "I am issuing you with a fixed Penalty notice for having sold alcohol to a person under 18 contrary to s149 (3) of the Licensing Act 2003. I then fully cautioned him to which he made no reply. I then said "why did you serve alcohol to a fifteen year old juvenile". He replied "I thought he was old enough". I then showed MR SAURAO a picture taken earlier of Jack. I said "Do you recognise the picture of the juvenile". He replied "yes I recognise him". I said "Did you ask him for any ID?". He replied "no I should have asked him". I said "have you received training in how to serve alcohol?". He replied "yes I've been training I've done it for ten years". He then signed my notes to confirm this was a correct record of what he had said. I placed the two (2) bottles of BACARDI BREZZER in a Police exhibit bag which I sealed as usual. I sealed the bag in the presence of MR SAURAO. I later handed the exhibit to P/SAO CW RICHMOND for him to take into PADDINGTON Police station properly store. Having issued MR SAURAO with the top copy of the FPN I fully explained his requirement to make payment of the fine with twenty one days as stated on his copy of the ticket. I also explained that he had the option of defending himself at court should he wish to contest the fine. BYRON LEWIS P/1616

Custody (Pic) No.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

DETAILS OF RECIPIENT

PART 6A

PN No. 01/ A67157360

IMPORTANT INFORMATION:

ANY STATEMENT OFFERED BY THE SUSPECT OR A 3RD PARTY WITNESS SHOULD BE RECORDED IN YOUR POCKET NOTEBOOK

HEIGHT: 5 00 BUILD MEDIUM

COMPLEXION DARK

DESCRIPTION and/or VISIBLE DISTINCTIVE MARKS AND FEATURES
BLACK HAIR Combed back

REPLY TO CAUTION

No reply

AT [time] 1 8 4 2 ON [date] 1 5 0 5 2 0 0 7

VD CHECKS MADE [e.g. documents seen]

Drivers' Licence Passport Bank/Credit Card National Insurance

Travel/Photo Card IND Card PNC Radio Other (specify)

Specify Other

Details (e.g. driver/card/passport no.)

Fingerprints taken Photograph taken DNA taken

ADDITIONAL NOTES (continue on separate sheet if necessary and affix firmly to PND)

Q Why did you serve alcohol to a fifteen year old juvenile?

A I thought he was old enough

Q Do you recognize the picture of the juvenile?

A Yes I recognize him

Q Did you ask for any id?

A No I should have asked him

Q Have you received training in how to serve alcohol?

A Yes I have been trained I've done it for ten years

This is a correct record of what I said.

S. McNeil

MEMORANDUM

CITY OF WESTMINSTER
PLANNING AND CITY DEVELOPMENT

TO: Licensing Team

Your ref: 07/08009/LIREVP.

Contact: Chris Hempstead (Planning Enforcement Team)
12th floor, City Hall

Extension: 2651

Date: 03/08/07

Re: One Nation Food & Wine', 332 Kilburn Lane, W9 3EF

In response to your request for information from the Planning Enforcement Team regarding *One Nation Food & Wine', 332 Kilburn Lane, W9 3EF*, I can confirm to you that the Planning Enforcement Team presently has a case open regarding the following:

- *(Our ref: 03/26960/F) the erection of an internally illuminated high level projecting sign located at first floor level.*

This reply should not be construed to indicate that there are no other breaches of planning control that may be unreported or otherwise unknown to us. Whether or not this is the case could only be determined by a full investigation which would normally only be initiated if there was a report or other evidence to suggest a further breach of planning control.

Thank you

Christopher Hempstead

CITY OF WESTMINSTER

MEMORANDUM

TO	Senior Licensing Officer Licensing, 14 th Floor City Hall
REFERENCE	07/ 07/08009/LIREVP
FROM	Consultation Team, Community Protection Department, 4 th Floor City Hall
REFERENCE BEING DEALT WITH BY TELEPHONE DATE	EH/CT/JDC/07/70245/ECLAR Jim Colbourne, 3493 13 th September 2007

Licensing Act 2003

Re: 'One Nation Food and Wine' 332 Kilburn Lane, London, W9 3EF.

I refer to the application for review of this premises Licence. I support this application to remove the Designated Premises Supervisor and the revocation of this Premises Licence on the grounds of **Protection of Children from Harm**.

The premises operate as a General Store and the licence permits licensable activities to be carried out between 08:00hrs to 23:00hrs Monday to Saturday and 10:00 until 22:00 on Sundays. The licence authorises supplies of alcohol for off sales only.

On Tuesday 15th May 2007 at approximately 18:15hrs a juvenile purchased two bottles of Bacardi Breezer from these premises without question or identification being sought.

On the 4th of June 2007 at approximately 18:15 another juvenile purchased on bottle of Bacardi Breezer, without questions being asked or identification sought.

Should you wish to discuss the matter further please do not hesitate to contact me.

Jim Colbourne
Environmental Health Enforcement Officer

APPENDIX C



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Queen's Park
UPRN: 999000065152

Premises licence

Regulation 33, 34

Premises licence number:

06/04707/WCCMAP

Part 1 – Premises details

Postal address of premises:

One Nation Food And Wine
332 Kilburn Lane
London
W9 3EF

Telephone Number: 020 8960 0134

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol: Monday to Saturday 08:00 to 23:00
Sale by Retail of Alcohol: Sunday 10:00 to 22:00

The opening hours of the premises:

Monday to Sunday 08:00 – 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Off

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF
Telephone Number: 020 8960 0134

Mr Sayaad Miah
332 Kilburn Lane
London
W9 3EF
Telephone Number: 020 8960 0134

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Shabir Hussain Gillani
Address: 239 Portnall Road
London
W9 3BL
Phone: Not Supplied

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 06/07989/LIPERS
Licensing Authority: City of Westminster

Date:

09 July 2007

Signed:


Director of Legal & Administrative Services

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

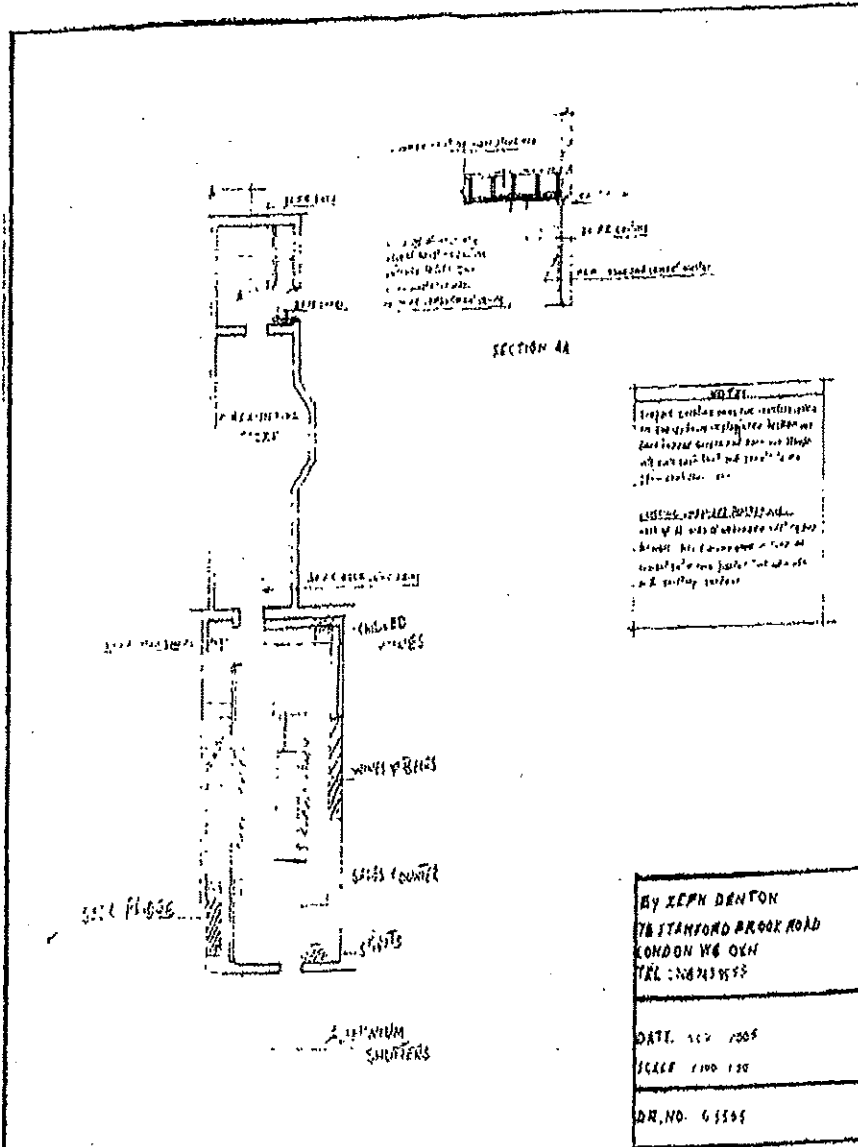
Annex 2 – Conditions consistent with the operating Schedule

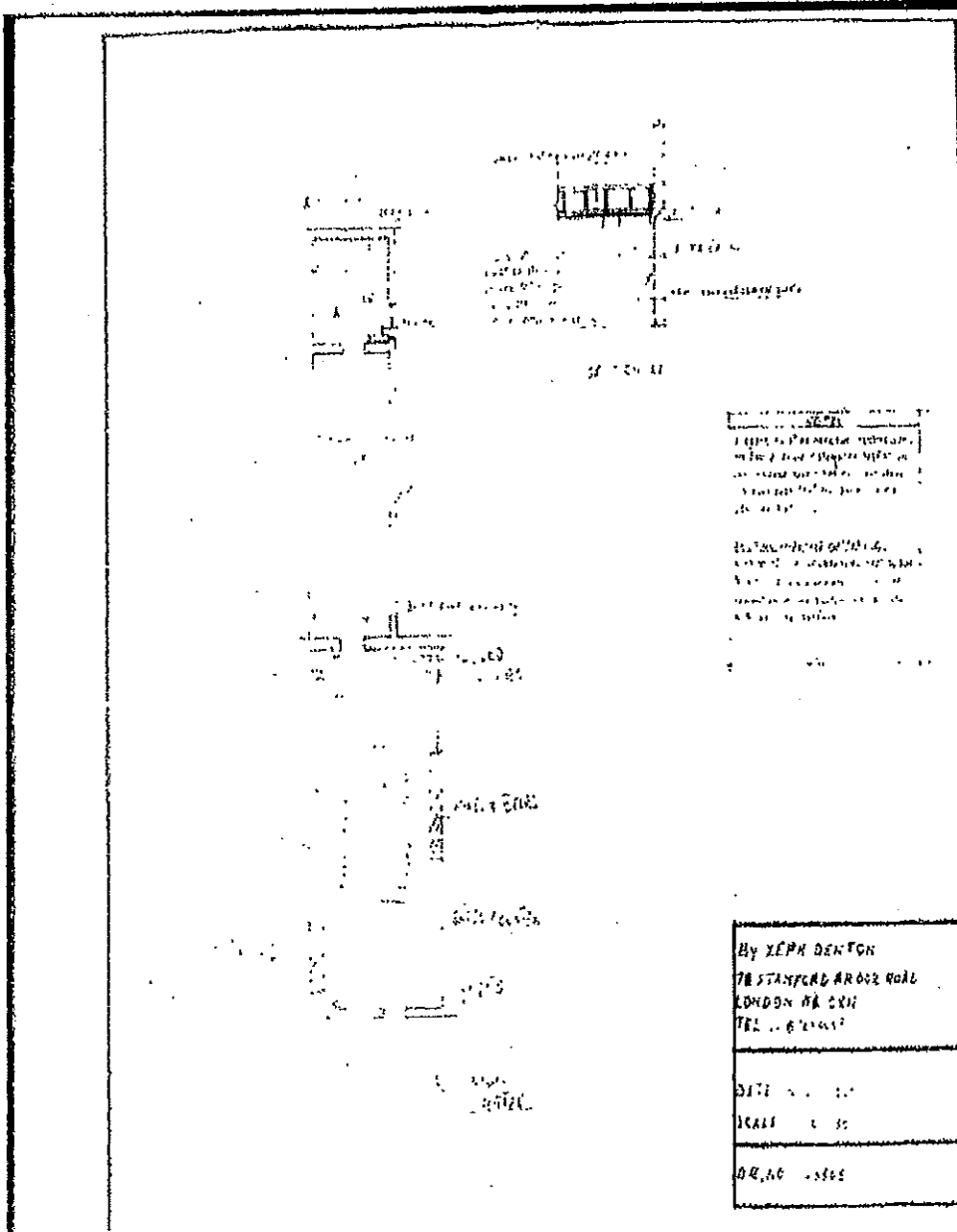
4. That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.
(ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
5. No beer or cider to be sold above 5.5% alcohol by volume.
6. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.
8. No self service of spirits.
9. In the judgement of the Designated Premises Supervisor, to maintain at all times levels of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request of the Licensing Authority and the Police.
10. The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 - Plans





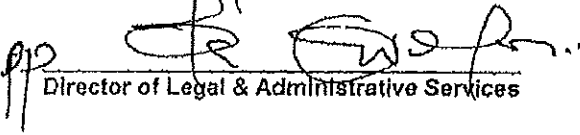
Name and (registered) address of holder of premises licence:
Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF
Mr Sayaad Miah
332 Kilburn Lane
London
W9 3EF

Registered number of holder, for example company number, charity number (where applicable)
N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:
Name: Mr Shabir Hussain Gillani

State whether access to the premises by children is restricted or prohibited:
Restricted

Date: 09 July 2007

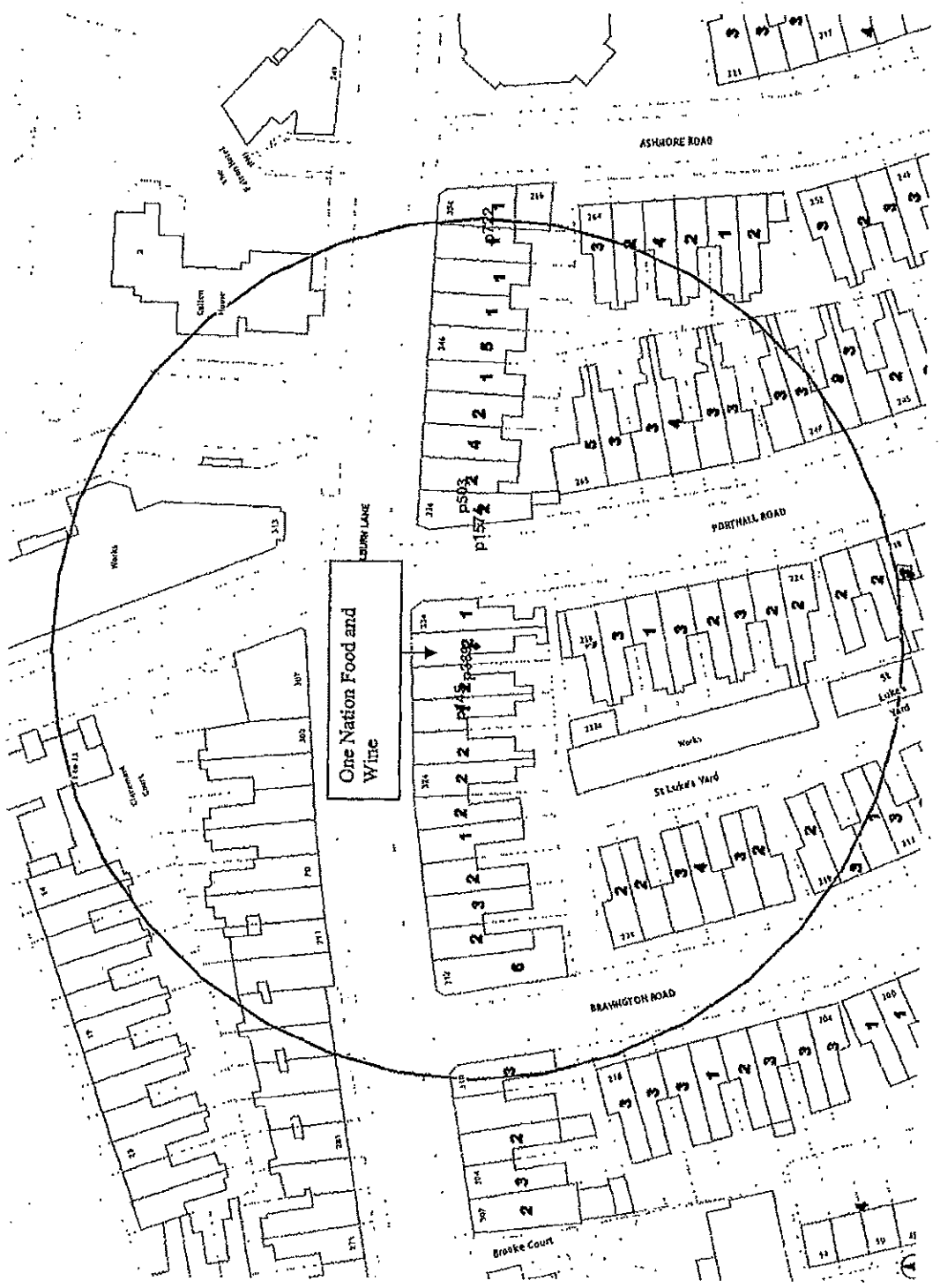
Signed: 
Director of Legal & Administrative Services

Licence History and Appeal Information

Application	Details of Application	Date Determined	Decision
DPS	Vary the Designated Premises Supervisor	10/07/07	Granted under delegated authority
New	New application To permit the Sale of Alcohol Monday to Sunday from 08:00 to 23:00	29/05/06	Granted under delegated authority following amendment of hours to those within Core Hours and agreement to conditions.
New	New application To permit the Sale of Alcohol Monday to Sunday from 08:00 to 01:00	24/03/06	Withdrawn by applicants

One Nation Review

One Nation Food and Wine, 332 Kilburn Lane, London W9 3EF



Residential	121
Proposed Residential	0
Under Construction	0
Other Uses	77
Proportion Residential of all Uses	61%

Number of licensed Premises	4
Number of licensed Club Certificate	0

Key	
H n123	licensed Club Certificate
v p123	licensed Premises
1	Residential
2	Landuse
○	Residential Unit Under Construction
□	Proposed Residential

APPENDIX E

Scale: Approx.  75m Rat
1:1000

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Data Source: Uniform Database -- Date Created: 18/0

Appendix C.

CASE PAPER

Offence	Providing Licensable activities otherwise than in accordance with a Premises Licence	LBU Case Reference	09/005-007
Date & Time	1. 06.12.08 2. 02.05.09 3. 04.07.09	Expiry Date	1. 05.12.09 2. 01.05.10 3. 03.07.10

Premises	One Nation Food & Wine 332 Kilburn Lane London W9 3EF	Accused (Names and Addresses)	1. Jawad Hussain, 332 Kilburn Lane, London, W9 3EF 2. Mr. Sayaad Miah, 332 Kilburn Lane, London, W9 3EF 3. Mr. Shabir Hussain Gillani, 239 Portnall Road, London, W9 3BL
Type of Licence(s) held:	Premises Licence		
Inspectors Recommendation:	1 - 3. Formal Caution on all counts.		

Contents.

- 1. Brief Facts
- 2. Original Written Statements (x No 3)
- 3. HISTORY OF PREMISES
- 4. Contemporaneous Notes of Interview
- 5. List of Exhibits
- 6. Additional Correspondence

Costs:

Officer	Hrs	Cost	Remarks
Gareth Cleary	4		
Kay Cummings	15		
Expenses			
Total			

Date Submitted:	26 October 2009	Officer in Case:	Kay Cummings
------------------------	-----------------	-------------------------	--------------

DECISION BY DESIGNATED OFFICER

- 1. No Further Action
- 2. A Written Letter of Warning
- 3. Formal Caution
- 4. Prosecution
- And/Or
- 5. Referral to the Licensing Sub-Committee

Additional Comments &/or Special Instructions:	
---	--

Signed:..... Designation: Assistant Service Manager

Date:-

BRIEF FACTS

One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

The above premises benefits from a Premises Licence issued under the Licensing Act 2003. This licence authorises the following activities:-

Sale by Retail of Alcohol: Monday to Saturday 08.00 to 23.00

Sale by Retail of Alcohol: Sunday 10.00 to 22.00

This licence is subject to a number of conditions that have arisen from the original operating schedule that was submitted when a new application for a Premises Licence was made in 2006 and to additional conditions that were imposed following a Review Hearing before the Licensing Sub-Committee in 2007.

On Saturday the 6 December 2008 at 21.30 hrs a test purchase of Stongbow Cider was made by a Licensing Inspector, Mr. Gareth Cleary. The sale was not made in the presence of a Personal Licence Holder, as required by Condition 11 of the Premises Licence.

The joint holders of the Premises Licence and the Designated Premises Supervisor were all invited to attend interviews under caution but following a number of requests finally responded in writing to the allegations.

The response claimed that Mr. Hussain, one of the joint licence holders, will be obtaining his Personal Licence to ensure that the premises can comply with condition 11. The refusals book is now available and in use as required by condition 12. All beers and ciders above 5.5% have been removed from the venue and all spirits are now stored behind the counter and not accessible via self-service. The licence holders and Designated Premises Supervisor will endeavour to ensure that no further breaches of the Licensing Act occur.

On Saturday the 2 May 2009 at 21.50 hrs Kay Cummings and Gareth Cleary, who are Licensing Inspectors, attended the premises. A test purchase of Budweiser Beer was made and the sale was made by Mr. Sayaad Miah (one of the joint Licence Holders) in breach of condition 11 of the Premises Licence which states that "A personal licence holder will supervise all sales of alcohol at all times". Mr. Miah is not the holder of a Personal Licence and Mr. Gillani, the Designated Premises Supervisor for the premises, who does hold such a licence was not on the premises at the time of the sale. There was not other Personal Licence Holder present.

Mr. Miah and Mr. Gillani were invited to attend interviews under caution but failed to respond to the two requests made in writing.

Mr. Miah holds the Premises Licence jointly with a Mr. Hussain, but as Mr. Hussain was not present at the time of this offence, he has not been contacted in relation to the incident on the 2 May 2009.

On Saturday the 4 July 2009 at 23.46 hrs Kay Cummings attended the premises as part of a Ward Sweep intended to check on unlicensed activity. A male was observed removing a bottle which appeared to be a beer, possibly Budweiser brand from a behind a shuttered fridge where alcohol is stored. Upon entry the bottle was no longer visible and the member of staff on duty denied selling alcohol. At the time the C.C.T.V. screen was not operating as the screen was blank with no visible pictures. There was power going to the screen as a 'red light' on the monitor was lit. The Designated Premises Supervisor, Mr. Gillani attended the venue and he claimed that the C.C.T.V. should be recording and a request to view the recordings was made to resolve the question as to whether or not alcohol had just been sold. However Mr. Gillani could not retrieve the pictures immediately as he did not know how to use the system. In addition Mr. Gillani claimed that the system was damaged by a power outage so he was unsure if the system was operating correctly.

Despite further requests to view the C.C.T.V. for the 4 July 2009 the premises have been unable to produce any recordings for the day in question in breach of condition 4 of their Premises Licence.

The premises have been closed for a period of time due to Food Safety issues and it was not apparent whether the venue was again open for the sale of alcohol. The premises are however again trading under their Premises Licence and the C.C.T.V. system is now operational.

WITNESS STATEMENT

(page 1 of 3)

(C.J. Act,1967 s.9 MC Act 1980, ss.5A(3) and 5B; Criminal Procedure rules 2005, r27.1(1))

Statement of Gareth CLBARY
Age of Witness Over 18 years
Occupation of Witness Licensing Inspector
Address and Telephone Number Westminster City Council
Community Protection Department
Licensing Inspectorate
4th Floor, Westminster City
Victoria Street, London, SW1E 6QP
0207-641-3385

This statement (consisting of 3 pages, signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Date: 7th December 2008

Signed



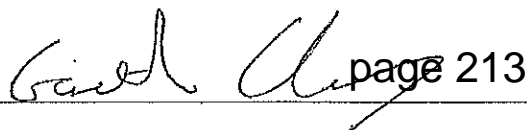
I am employed by Westminster City Council as a Licensing Inspector. I am authorised to enter and inspect premises, make enquiries and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003. On 06/12/08 I was on duty in Kilburn Lane, W9, with Ms Kay CUMMINGS, also a licensing Inspector, with the purpose of conducting a test purchase of alcohol at a premises called 'One Nation Food And Wine, 332 Kilburn Lane, W9 3EF.

At about 21.25pm I entered the shop. There were no other customers in the shop.

Behind the counter was an asian male, with dark short hair. I now know this man to be Jawad Hussain. Standing to the side of the counter there was another asian male in a black leather jacket, who appeared to be a member of staff.

I walked over to a drinks cabinet at the left hand side of the premises that contained various alcoholic drinks in cans and bottles such as beer and cider. I could see that the alcohol content in the drinks cabinet was below 5.5%.

Signed



page 213

Date

7/12/08

I then went to the right hand side of the premises and examined further cans of alcohol beer and cider on a shelf. Once again, the alcohol content was below 5.5%.

At this point, I approached the counter and said "Do you have any strong beer or cider?"

Jawad Hussain said "No, just what we got on the shelves"

I said "OK".

I then returned to the drinks cabinet and got a can of strongbow cider. I walked over to the counter and placed the can of Strongbow cider down in front of Mr Hussain.

Mr Hussain placed the can of Strongbow in a brown paper bag and said "£1.20".

I handed Mr Hussain £10, and he gave me £8.80 in change.

At the time of sale, Mr Hussain was the only member of staff present at the counter, I did not see where the other male went between the time of my walking to the display and returning to the cash-desk.

Once outside the premises, I showed Ms CUMMINGS what I purchased and then at 21.30p.m. I returned to "One Nation Food And Wine at 332 Kilburn Lane W9, with Ms. CUMMINGS. Ms. CUMMINGS identified herself as did I, by showing my Westminster City Council Identification card. I identified Mr Hussain as the person who sold me the alcohol.

Mr Hussain was standing behind the counter.

I pointed directly at him and said, "That's him he sold me the alcohol."

My colleague Ms. Cummings asked Mr Hussain if she could examine his personal licence.

Mr Hussain stated that he did not have a personal licence.

Ms Cummings then asked the second member of staff that was present if he held a Personal Licence and he stated he did not. I recognized this second male as the one who had originally been present when I entered the shop at 21.29 hrs.

Signed Gareth Cleary page 214

Date 7/12/08

Ms Cummings then requested Mr. Hussain to produce the Premises Licence but instead he made a telephone call. After a short period of time a third male attended the premises who appeared to know Ms. Cummings. She asked this man, who I now know to be the other holder of the Premises Licence if he could produce his Personal Licence and he stated that he did not have it with him as it was at his fathers house.

After about five minutes or so another male attended the premises and was identified as the Designated Premises Supervisor, Mr. Gillani. He was able to produce his Personal Licence and Ms. Cummings took details.

Ms. Cummings then had a long discussion with Mr. Gillani, in general terms, about issues that had been found at the premises during both this visit and during a previous inspection that she had undertaken. During this discussion Ms. Cummings expressed her concerns relating to the management of the premises and the continued breaches of licence conditions.

A formal interview did not take place of any members of staff and it was agreed that Mr. Gillani would phone Ms. Cummings in January 2009 to arrange for a formal interview to take place in respect of breaches of the Premises Licence conditions that had been detected. Ms. Cummings completed a Self-Generated Licensing Inspection form which Mr. Gillani then signed on behalf of all persons present. A copy of this self-carbonated form where then handed to Mr. Gillani and then Ms Cummings and I left the premises.

Upon our return to City Hall, Ms. Cummings prepared evidence bag MB088481 in which was placed the can of Strongbow Cider and the brown paper bag. I signed this bag and then Ms. Cummings arranged for it to be put in secure storage.

Signed

Gareth Cummings page 215

Date 7/12/08

WITNESS STATEMENT (page 1 of 2)

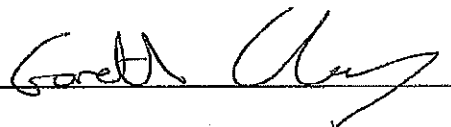
(C.J. Act,1967 s.9 MC Act 1980, ss.5A(3) and 5B; Criminal Procedure rules 2005, r27.1(1))

Statement of Gareth CLEARY
Age of Witness Over 18 years
Occupation of Witness Licensing Inspector
Address and Telephone Number Westminster City Council
Community Protection Department
Licensing Inspectorate
4th Floor, Westminster City
Victoria Street, London, SW1E 6QP
0207-641-3385

This statement (consisting of two pages, signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Date: 13th October 2009

Signed



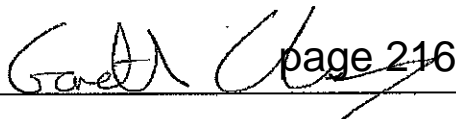
I am employed by Westminster City Council as a Licensing Inspector. I am authorised to enter and inspect premises, make enquiries and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003. On 02/5/09 I was on duty in Kilburn Lane, W9, with Ms Kay CUMMINGS, also a licensing Inspector, with the purpose of conducting a test purchase of alcohol at a premises called 'One Nation Food And Wine, 332 Kilburn Lane, W9 3EF.

I am aware that the premises has a condition on their Premises Licence requiring that a personal licence holder supervise all sales of alcohol at all times. During my previous visits with Ms. Cummings I have established that there is only one Personal Licence Holder at the premises and that is Mr. Gillani who is the Designated Premises Supervisor.

At about 21.54pm I entered the shop. There were no other customers in the shop.

Behind the counter was an asian male, with dark short hair. I now know this man to be Sayaad Miah. Mr. Gillani was not present in the shop.

Signed



Page 216

Date 13/10/09

I walked over to a drinks cabinet on the left-hand side of the premises and got a can of Budweiser Beer. I walked over to the counter and placed the can of Budweiser Beer down in front of Mr Miah.

Mr. Miah asked if I wanted a bag, I said "No".

Mr. Miah then said "£1.20"

I handed Mr. Miah £10, and he gave me £8.80 in change. I then left the premises.

Once outside the premises, I showed Ms CUMMINGS what I purchased and then at 22.00p.m. I returned to "One Nation Food And Wine at 332 Kilburn Lane W9, with Ms. CUMMINGS. Ms. CUMMINGS identified herself as did I, by showing my Westminster City Council Identification card. I identified Mr. Miah as the person who sold me the alcohol. Mr. Miah was standing behind the counter.

I pointed directly at him and said, "That's him he sold me the alcohol."

My colleague Ms. Cummings asked Mr. Miah if he held personal licence.

Mr. Miah stated that he did not have a personal licence.

Ms. Cummings then asked Mr. Miah if Mr. Gillani was present. Mr. Miah stated that Mr. Gillani was not present. Ms. Cummings then commenced completing an Unsatisfactory Licensing Inspection Form and whilst Ms. Cummings was doing was completing it Mr. Gillani entered the venue. Mr. Gallani informed Ms. Cummings that he had just gone out for a tea however he did not appear to be in possession of a hot drink.

Ms. Cummings informed Mr. Gillani of what had taken place but he did not offer any further comment. Ms. Cummings then completed the Unsatisfactory Licensing Inspection Form which Mr. Miah read, signed and dated. Ms. Cummings gave him a carbonated copy of this form and retained the original. Subsequent to handing Mr. Miah a copy of the Inspection form, Mr. Cleary and left the premises.

Signed

Gareth Cleary page 217

Date 13/10/09

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Statement of: Kay Cummings
Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation Licensing InspectorAddress and Telephone Number: Westminster City Council
Community Protection Department
Licensing Inspectorate
City Hall,
Fourth Floor
64 Victoria Street
LONDON
SW1E 6QP

Tel: 0207 641 3385/8511

This statement (consisting of 5 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 26 October 2009Signature: K. Cummings

I am employed by Westminster City Council as a Licensing Inspector. I have held this position since 24 October 2005. I am authorised to enter and inspect premises, make enquiries and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003. My authorisation is in the form of a letter of authority signed by the Director of the Community Protection Department, Dean Ingledew.

The above premises benefits from a Premises Licence issued under the Licensing Act 2003. This licence authorises the following activities:-

Sale by Retail of Alcohol: Monday to Saturday 08.00 to 23.00

Sale by Retail of Alcohol: Sunday 10.00 to 22.00

This licence is subject to a number of conditions that have arisen from the original operating schedule that was submitted when a new application for a Premises Licence was made in 2006 and to additional conditions that were imposed following a Review Hearing before the Licensing Sub-Committee in 2007. I can produce a copy of the Premises Licence as exhibit KTC/1.

On Saturday the 6 December 2008 I was on duty with my colleague Mr. Gareth Cleary who is a Licensing Inspector. We were carrying out a Ward Sweep checking for unlicensed activity. About 21.30 hrs we attended 'One Nation Food and Wine, 332 Kilburn Lane, London, W9. At my request, Mr. Cleary went into the shop to carry out a test purchase of alcohol. As I was known to the venue I remained in our vehicle in Kilburn Lane.

Signature

K. Cummings

page 2 of 8

Signature witnessed by: _____

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Kay Theresa Cummings

After a few minutes Mr. Cleary returned to the vehicle with a can of Strongbow Cider which was in a brown paper bag. I returned to the shop with Mr. Cleary where we both identified ourselves to the members of staff on duty. At this time there were two persons in the shop.

Mr. Cleary then identified Mr. Jawad Hussain as being the person responsible for the sale of the Strongbow to him. I asked Mr. Hussain if he could produce his Personal Licence and he stated that he did not hold a Personal Licence.

I then asked the other member of staff if he held a Personal Licence and he stated that he did not.

I requested Mr. Hussain to produce the Premises Licence but instead he made a phone call and after a short time Mr. Miah attended the venue.

Neither Mr. Hussain nor Mr. Miah could produce a Personal Licence and it later became apparent that neither of them was actually the holder of a Personal Licence although they had undertaken the qualifying course.

Whilst Mr. Cleary and I were at the premises, another male attended the shop who identified himself as Mr. Gillani, the Designated Premises Supervisor. I asked him for his Personal Licence which he was able to produce and I obtained full details of his licence.

Mr. Cleary and I then had a long conversation with Mr. Gillani about the issues that had been found at the premises both during this visit and during my previous visit. I expressed my concerns over the management of the venue and about the breaches of the licence conditions which had been detected.

I advised Mr. Gillani and the two joint holders of the Premises Licence that I would be writing to them further, inviting them to attend a formal interview under caution. I then completed an unsatisfactory Licensing Inspection Form which Mr. Gillani signed. I can produce a copy of this form as an exhibit reference KTC/2.

On the 16 December 2008 I sent Legal Letters to Mr. Jawad Hussain, Mr. Sayaad Miah and Mr. S. H. Gillani. In these letters I outlined details of my visit on the 6 December and I invited all three persons to attend formal interviews under caution. I can produce copies of these letters as exhibits reference KTC/3 to KTC/5 inclusive.

Following my letter of the 16 December 2008 an appointment was made for the formal interviews. However during my telephone conversation with Mr. Gillani making this appointment he indicated that he was going away on holiday. As a result of this I sent a further letter to Mr. Hussain and Mr. Miah advising them that unless one or other of them had obtained a Personal Licence or there was a Personal Licence Holder on premises all sales of alcohol would have to cease until Mr. Gillani returned from holiday. I can produce a copy of this letter as an exhibit reference KTC/6.

On the 16 March 2009 I received a letter signed by the Joint Licence Holders and the Designated Premises Supervisor responding to issues raised during my two visits. This letter was sent as an alternative to attending a formal legal interview. I can produce a copy of it as an exhibit reference KTC/7.

About 21.50 hrs on Saturday the 2 May 2009 I was on duty with my colleague, Mr. Gareth Cleary, who is also a Licensing Inspector. We were carrying out visits to licensed premises checking for any unlicensed activity.

Signature

K Cummings

page 219

witnessed by: _____

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Kay Theresa Cummings

Upon arrival in Kilburn Lane I noted that a premises called "One Nation Food & Wine" which is situated at 332 Kilburn Lane, London, W9 was open and trading. These premises benefit from a Premises Licence issued under the Licensing Act 2003. I have visited these premises on a number of previous occasions. I have carried out inspections under the Licensing Act 2003, and also carried out test purchases of alcohol.

I am aware that the premises has a condition on their Premises Licence requiring that a personal licence holder supervise all sales of alcohol at all times. During my previous visits I have established that there is only one Personal Licence Holder at the premises and that is Mr. Gillani who is the Designated Premises Supervisor. I am also aware from previous visits that Mr. Gillani is not always at the premises. Whilst I have advised the holders of the Premises Licence to obtain Personal Licences as they work at the venue, I was unsure whether or not they had actually followed my advice. As a result of my concerns I requested my colleague, Mr. Cleary, to attempt a test purchase of alcohol.

Whilst Mr. Cleary went to the premises I remained outside, at a distance from the premises as I was concerned that they would recognise me. After a few minutes Mr. Cleary re-joined me and showed me a can of Budweiser Beer which he had purchased from the premises at a cost of £1.20p.

As a result of this successful test purchase of alcohol, I returned to the premises with Mr. Cleary where we found one member of staff behind the counter. This person was Mr. Sayaad Miah who is one of the joint holders of the Premises Licence. In Mr. Miah's presence, Mr. Cleary identified him as the person who had sold him the beer.

I asked Mr. Miah if he held a Personal Licence and he informed me that he did not. I asked if Mr. Gillani was in the premises and I was informed that he was not present. I then commenced completing an Unsatisfactory Licensing Inspection Form and whilst I was completing it Mr. Gillani entered the venue. He informed me that he had just gone out for a tea however he did not appear to be in possession of a hot drink.

I informed Mr. Gillani of what had taken place but he did not offer any further comment. I then completed the Unsatisfactory Licensing Inspection Form which Mr. Miah read, signed and dated. I gave him a carbonated copy of this form and retained the original which I can produce as an exhibit reference KTC/8.

Subsequent to handing Mr. Miah a copy of the Inspection Form, Mr. Cleary and I left the premises.

On the 7 May 2009 I sent legal letters to Mr. Sayaad Miah and to Mr. Shabir Hussain Gillani inviting them to attend a formal interview in respect of the test purchase of alcohol made by Mr. Cleary. I can produce copies of these letters as exhibits reference KTC/9 and KTC/10.

On the 25 June 2009 I sent further letters to Mr. Miah and to Mr. Gillani giving them a further opportunity to attend a formal interview. I can produce copies of these letters as exhibits KTC/11 and KTC/12.

I have not received any response to my correspondence from either Mr. Miah or Mr. Gillani.

On Saturday the 4 July 2009 I was on duty taking part in a 'Ward Sweep' to check for any unlicensed activity. About 23.46 hrs I was outside One Nation Food and Wine which is situated at 332 Kilburn Lane, London, W9.

Signature

K Cummings

page 220

Signature witnessed by: _____

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Kay Theresa Cummings

I had parked my vehicle outside the venue which was open and trading. The street lights were switched on and so were all of the shop lights. I could see into the premises as the front door was fully open.

I have attended One Nation Food and Wine in the past and I am aware that directly inside the premises on the left-hand side there is a refrigerator where alcohol is displayed. From my position outside the venue I was able to see part of the refrigerator that is furthest from the door. The fridge had a blind covering the front. As I looked into the premises I saw a male at the refrigerator. He removed a bottle from behind the blind and looked at it before replacing it in the fridge. He then selected another bottle and walked with it towards the counter where the till is situated to the right-hand side of the main entrance. I noted that the bottle that had been selected was brown in colour and looked to me like a bottle of Budweiser beer.

After witnessing the bottle being removed and taken towards the till, I got out of my vehicle and entered the premises. When I entered the shop the male, who I had seen remove the bottle from the fridge, was at the counter. There was one person behind the counter who was ringing up the sale on the till. I identified myself to the male behind the counter who I knew to be one of the holders of the Premises Licence but whose name I could not immediately recall. I advised him what I had seen and said I suspected he had just sold a bottle of Budweiser beer but he denied it immediately saying he had not sold Budweiser beer and that the sales of alcohol end at 11 p.m. At this time there were other persons in the premises. I stated to the Manager that I might be in error as to the brand but I still suspected that he had sold alcohol but he again denied selling Budweiser beer. He was speaking quite loudly in front of other customers and during this period the male left the venue. I suggested that the matter could be easily resolved if he showed me the till receipt for the sale that had just been made but he then denied making a sale and that there had even been a male in the premises.

The Manager then made a brief phone call and after a few minutes Mr. Gillani, who is the Designated Premises Supervisor, arrived at the premises. As soon as he entered the premises the Manager said something to him but as he did not speak in English I do not know what was said.

I identified myself to Mr. Gillani but he recognised me from my previous visits. I explained what I had seen and again the Manager denied selling Budweiser beer. As I knew that the premises were required to have C.C.T.V. I suggested to Mr. Gillani that we could view the recordings and this would immediately resolve the debate. I then looked at the C.C.T.V. screen in the shop and noted that it was not displaying pictures. There was a 'red' light on which indicated that power was going to the screen. Mr. Gillani told me that he could not retrieve the recordings immediately as he did not know how to check the system. He also claimed that there had been a 'power outage' due to flooding in the next premises and that this had affected the system.

As we were not able to resolve this issue immediately I completed a Licensing Inspection Form recording the visit but not showing whether the visit was 'Satisfactory' or 'Unsatisfactory' due to the ongoing denials of the Manager. Mr. Gillani signed the form in his role as Designated Premises Supervisor and I gave him a copy. I can produce this as an exhibit reference KTC/13. Prior to leaving the premises, Mr. Gillani stated that he would be calling in an engineer to repair the system and that he would retain any recordings from the 4 July 2009.

Subsequent to my visit to the premises I contacted Mr. Gillani on a number of occasions but he was unable to provide the C.C.T.V. recordings for the 4 July 2009 and so the issue surrounding the suspected sale of alcohol was not resolved.

Signature

K Cummings

page 221

Signature witnessed by: _____

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Kay Theresa Cummings

On the 6 August 2009 I wrote to Mr. Sayaad Miah & Mr. Jawad Hussain who are the joint-holders of the Premises Licence for One Nation Food and Wine concerning the incident on the 4 July 2009. I refer to the fact that I had not been able to view the C.C.T.V. and therefore to allay my concerns about the sale of alcohol. I did however state that, as the premises were closed due to other issues I would not be pursuing the matter further. I did however remind them of three conditions of their Premises Licence relating to the maintenance and use of the C.C.T.V. Further I reminded them about securing alcohol behind lockable blinds or shutters outside the hours for the Retail Sale of Alcohol plus the need for all sales of alcohol to be supervised at all times by a Personal Licence Holder, as I was aware that the Manager on the 4 July was not the holder of a Personal Licence. I can produce a copy of this letter as an exhibit reference KTC/14.

Signature

K. Cummings

page 222

Signature witnessed by:

HISTORY OF PREMISES

One Nation Food & Wine

- 23.02.06 Premises visited. No alcohol on display and no evidence of unauthorised sales taking place.
- 13.04.06 Covert visit by Licensing Inspector resulted in a refusal to sell alcohol. And none found to be on display.
- 03.12.06 Observation kept upon these premises on Friday night / Sat morning 1st/2nd Dec and Sat night / Sun morning 2nd / 3rd Dec. A number of sales of alcohol witnessed after 2300 hours. Premises Licence permits sale up to 2300. Venue entered and Duty Manger seen. It was also noted that Premises Licence not displayed, 7 different types of beer and cider on sale over 5.5% abv (max 5.5% permitted). Alcohol not secured behind grills or shutters, or locked cabinet after 11pm.
- 09.02.07 Licensing Inspector attended premises trading in order to check if licence holder in compliance with condition pertaining to not selling alcohol in excess of 5.5% abv. A number of cans of lager and cider at 7% and 9% on display in cooler unit and on shelves for sale.
- 31.08.07 23:45 Inspected alcohol for sale. None in excess of 5.5% abv Blinds drawn down covering alcohol on shelves. Satisfactory on this occasion

07.09.07	Council has received a request to Review the above Premises Licence, under the Licensing Act 2003. Last Date of Objection: 16/09/07
22.09.07 22:05	Beer, cider and lager checked to see if in excess of 5.5% alcohol per volume - not permitted Premises Licence condition. None found in excess of 5.5%. Satisfactory visit so no further action needed.
19.12.07	Visit to premise after recent 'Trading Standards Underage Operation.' Two volunteers were refused sale. Since the 'Review' of the Premises Licence, all refusals need to be recorded. Further advice given on completing 'refusals book' on a regular basis
20.06.08 23:16	Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles.
03.08.08 00:10	A number of bottles of alcoholic strength in excess of 5.5% located on display for sale, contrary to Licence condition. Also alcohol was on display behind unlocked grill, contrary to Licence condition. Warning/advice letter sent to venue
24.08.08 00:05	No alcohol above 5.5% abv on display however metal grill securing same was not locked. Suspected that unlicensed trading is taking place after 11pm.
12.09.08 23:40	Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles.

- | | | |
|----------|-------|--|
| 03.10.08 | 23:35 | Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles. |
| 24.10.08 | 23:10 | Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles. |
| 13.11.08 | 15.54 | Visit by Licensing Inspector to carry out an inspection under the Licensing Act 2003. The following issues were detected:- <ul style="list-style-type: none">a. Purchased White Ace cider 7.5% abv in breach of licence condition.b. Other brands of beer and cider above 5.5% abv found including K Cider, Strongbow Super, Dragon Stout, Guinness Foreign Extra, Special Brew (9%) and Skol Super (9%)c. Sale not supervised by a personal licence holder in contravention of licence conditiond. Mixer spirit drinks found available by self-service despite condition that there is to be no self-service of spirits.e. Duty Manager, Mr. Miah apparently not aware that he was the joint-holder of the Premises Licence.f. Breach of condition 12 as venue unable to produce a 'Refusals Book' |

The issues of the 13 November were originally to be dealt with by way of prosecution and legal letters were sent to the premises. However due to legal time limits they are not being pursued in this prosecution.

16.01.09	23:03	Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles.
06.02.09	23:15	Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles.
04.07.09	23.05	Visit made to premises during a 'Ward Sweep' to check on unlicensed activity. At the time of this visit shutters were covering the alcohol but they were not secured shut. The manager placed a padlock on the cabinet when requested.

LIST OF EXHIBITS

One Nation Food & Wine

- GTC/1 One can of Strongbow Cider
- KTC/1 Premises Licence Ref: 06/04707/WCCMAP
- KTC/2 Unsatisfactory Licensing Inspection Form dated 6.12.08
- KTC/3 Legal letter to Mr. Hussain
- KTC/4 Legal letter to Mr. Miah
- KTC/5 Legal letter to Mr. Gillani
- KTC/6 Letter to Mr. Hussain and Mr. Miah concerning sales of alcohol during Mr. Gillani's holiday
- KTC/7 Letter from Mr. Hussain, Mr. Miah and Mr. Gillani responding to issues raised during inspections/visits
- KTC/8 Unsatisfactory Licensing Inspection Form dated 2.05.09
- KTC/9 Legal letter to Mr. Miah
- KTC/10 Legal letter to Mr. Gillani
- KTC/11 Further legal letter to Mr. Miah
- KTC/12 Further legal letter to Mr. Gillani
- KTC/13 Licensing Inspection Form dated 4.07.09
- KTC/14 Letter to Mr. Miah and Mr. Hussain dated 6.08.09



City of Westminster

City of Westminster
Community Protection Department
C391141
64 Victoria Street,
London SW1E 6QP

Description of Exhibit :Premises Licence 06/04707/WCCMAP

This is Exhibit: KTC/1 Referred to in
the Statement of Kay Cummings
Signed: [Signature] Date: 17.03.09.

Court Use Only:

**Schedule 12
Part A**

**WARD: Queen's Park
UPRN: 999000065152**

City of Westminster
64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

06/04707/WCCMAP

Part 1 – Premises details

Postal address of premises:

One Nation Food And Wine
332 Kilburn Lane
London
W9 3EF

Telephone Number: 020 8960 0134

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00
Sale by Retail of Alcohol: Sunday - 10:00 to 22:00

The opening hours of the premises:

Opening Hours: Monday to Sunday - 08:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Off

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Sayaad Miah & Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF
Telephone Number: 020 8960 0134

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

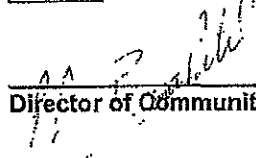
Name: Mr Shabir Hussain Gillani

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 06/07989/LIPERS
Licensing Authority: City of Westminster

Date: 7th December 2007

Signed: 
Director of Community Protection

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

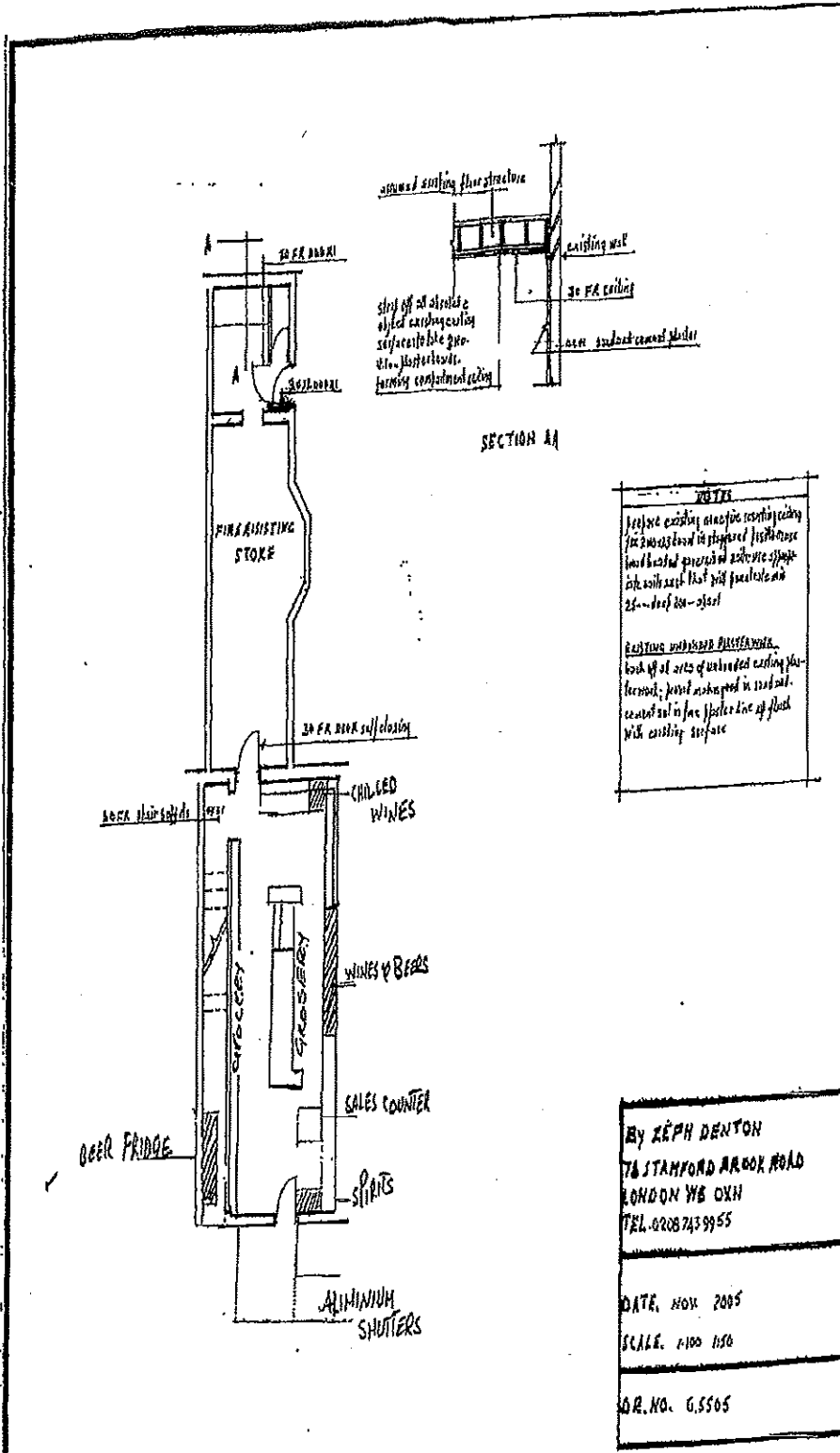
Annex 2 – Conditions consistent with the operating Schedule

4. That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
5. No beer or cider to be sold above 5.5% alcohol by volume
6. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.
8. No self service of spirits
9. In the judgement of the Designated Premises Supervisor, to maintain at all times levels of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request of the Licensing Authority and the Police.
10. The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence

Annex 3 – Conditions attached after a hearing by the licensing authority

11. A personal licence holder will supervise all sales of alcohol at all times.
12. A refusals book must be maintained and kept up to date at all times and be available for inspection at the request of a responsible authority.
13. The Portman Group/Challenge 21 or equivalent scheme will be employed.
14. A Challenge 21, Portman Group or equivalent scheme poster must be displayed at the premises.

Annex 4 - Plans





City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Queen's Park
UPRN: 99900065152

Premises licence
summary

Regulation 33, 34

Premises licence number:

06/04707/WCCMAP

Part 1 – Premises details

Postal address of premises:

One Nation Food And Wine
332 Kilburn Lane
London
W9 3EF

Telephone Number: 020 8960 0134

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00
Sale by Retail of Alcohol: Sunday - 10:00 to 22:00

The opening hours of the premises:

Opening Hours: Monday to Sunday - 08:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Off

Name and (registered) address of holder of premises licence:

Mr Sayaad Miah & Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF

Registered number of holder, for example company number, charity number (where applicable)

N/A

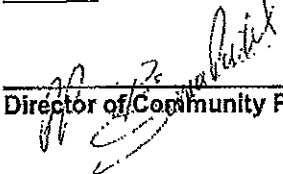
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Shabir Hussain Gillani

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 7th December 2007

Signed: 
Director of Community Protection

ONE NATION FOOD AND WINE

13 NOVEMBER 2008

69P



City of Westminster

City of Westminster
Community Protection Department
City Hall
64 Victoria Street,
London, SW1E 6QP

Description of Exhibit One Till Receipt for 69p

This is Exhibit: KTC/3..... Referred to in
the Statement of Kay Cummings
Signed: *M. J. [Signature]*..... Date: 17.03.09.

Count Use Only:



City of Westminster

Licensing Act 2003

Programmed Inspection

Uniform Ref: 00638/0332/0/000

Register No: 23

Date/ time of Inspection: 13/11/08 1554

Premises Licence No: _____

Premises: ONE NATION FOOD AND WINE **Cat:** H/M/L

Address: 332 KILBURN LANE W9 3EP

Duty Manager/DPS: _____ E-Mail: _____

I refer to the Licensing Inspection carried out in the presence of: _____

During the course of the inspection the following irregularities were noted: -

- The summary version of the Premises Licence (Part B) was not correctly displayed
- The full version of the Premises Licence (Part A) could not be produced for inspection
- No notice was displayed stating the holder (s)/keeper(s) of the full Premises Licence
- Premises Licence (other)

City of Westminster
 City of Westminster
 Community Protection Department
 City Hall
 64 Victoria Street,
 London, SW1E 6QP

Description of Exhibit: Programmed Inspection Form 13.11.08
 This is Exhibit: KTC/A Referred to in
 the Statement of: Kay Cummings
 Signed: K. Cummings Date 17.03.09
 Court Use Only: _____

(Note: These issues are breaches of Section 57(4) Licensing Act 2003 and are brought to your attention)

The Licensing Act 2003 requires Licensing Authorities to carry out all their functions with a view to promoting the four Licensing Objectives, (please see overleaf). In relation to these objectives, the following findings were made:-

- No first aid equipment was available at the premises
- No pre-opening check list was available
- No staff training records could be produced upon request
- No incident log could be produced REFUSALS BOOK COULD NOT BE FOUND
- Means of escape obstructed
- Evidence of Smoking ('No smoking signs' correctly displayed YES/NO)
- Other matters

RED LABEL APERITIF 13.7% WINE IN CHILLER FRIDGE 11-09

FIRE EXTINGUISHER 2001 NOTICE STATES NEEDS CORRECTION

(Note: These matters are brought to your attention to enable you to implement any remedial action you consider necessary to support the appropriate licensing objectives).

In respect of the conditions attached to the Premises Licence, the following breaches were detected :-

MR SAHAAD MIAH SOLD ONE CAN OF CIDER WHITE ACE CIDER 7.5% VOL 69p ON SHELVES W CIDER 8.4% STRAW SIGN OFF ICE, WIND, BACARDI BREEZERS, VIT VODKA ALL BY SELF SERVICE

BREACH COND 11 SALE NOT SUPERVISED BY PERSONAL LICENCE HOLDER

(Note: These breaches may be subject to further correspondence)

I CERTIFY THAT ALL THE ABOVE IRREGULARITIES WILL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGNATED PREMISES SUPERVISOR/ HAVE BEEN BROUGHT TO MY ATTENTION. I UNDERTAKE TO TAKE ANY APPROPRIATE ACTION TO COMPLY WITH THE REQUIREMENTS OF THE LICENSING ACT 2003, THE LICENSING OBJECTIVES AND CONDITIONS OF THE PREMISES LICENCE. I HAVE BEEN ADVISED THAT A RE-INSPECTION MAY BE CONDUCTED SO AS TO ENSURE COMPLIANCE WITH THE ABOVE MATTERS.

Signed K. Cummings
(Licensing Inspector)

Signed S. MIAH
page 237 Premises Licence Holder



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. Jawad Hussain
332 Kilburn Lane
London
W9 3EF

26 November 2008

Dear Mr. Hussain,


Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my meeting with you and Mr. Sayaad Miah and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

During the course of the inspection the following issues were identified:-

1. Part B (the Summary of the Licence) was displayed but not in a prominent position where it could easily be read by your customers
2. There was not a letter issued by you, as the holders of the Premises Licence, nominating who in your absence could produce the full licence.
3. There was a breach of condition 12 in that Mr. Miah could not locate the refusals book required by this condition. Whilst I was advised that such a book did exist I was somewhat surprised that one of the licence holders was unable to locate it.
4. There was a breach of condition 5 in that I was sold a can of White Ace Cider which has an abv of 7.5%. Under this condition you are not permitted to sell beers and ciders above 5.5% abv. In relation to the sale of the White Ace Cider, Mr. Miah initially tried to tell me that this was an error by a member of staff putting this on display however I also discovered 11 cans of K Cider with an abv of 8.4%. I was then told that this was old stock that you no longer sell.
5. There was a breach of condition 8 in that there were various mixer spirits available via self service. Under this condition you are not permitted to have self-service of spirits which would include drinks such as Gin and Tonic; Vodka and Tonic and Whisky and Ginger
6. There was a breach of condition 11 in that the sale of alcohol was not supervised by Personal Licence Holder

Community Protection
4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP
Main Switchboard 020 7641 6000 www.westminster.gov.uk

 **City of Westminster**
City of Westminster
Community Protection Department
City Hall
64 Victoria Street
London, SW1E 6QP

Description of Exhibit Legal Letter to Mr. Hussain 26.11.08
This is Exhibit: KTC/S..... Referred to in
the Statement of: Kay Cummings
Signed: *A. Cummings*..... Date: 17.03.09.
Court Use Only:

7. There was a breach of section 138 of the Licensing Act 2003 in that you had the following items of alcohol in your possession for sale in circumstances where its sale would be an unauthorised licensable activity:-

- White Star 7.5%
- White Ace 7.5%
- Strongbow Super 7.5%
- Stout 7.5%
- Guinness Foreign Extra 7.5%
- Special Brew 9%
- Skol Super 9%

Subsequent to my visit to your premises I have checked our records and see that on the 3 August 2008 you were visited by Mr. Nigel Stewart, a Senior Licensing Inspector, who advised you above conditions 5 and 10 on your Premises Licence and then sent you a letter on the 6 August. On the 24 August Mr. Stewart again visited your premises and again found a breach of condition 10.

In view of your continued breach of licence conditions and the serious nature of these matters, consideration is now being given to undertaking a formal prosecution. However, before the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

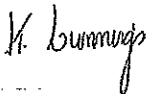
If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 14 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

As an alternative, you may prefer to let me have your response to these issues in writing. This is acceptable, so long as you understand that **you do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence.**

Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, within 14 days of the above date, marked for my attention.

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely



Kay Cummings

Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. Sayaad Miah
332 Kilburn Lane
London
W9 3EF

26 November 2008


Dear Mr. Miah,

Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my meeting with you and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

During the course of the inspection the following issues were identified:-

1. Part B (the Summary of the Licence) was displayed but not in a prominent position where it could easily be read by your customers
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3. There was a breach of condition 12 in that Mr. Miah could not locate the refusals book required by this condition. Whilst I was advised that such a book did exist I was somewhat surprised that one of the licence holders was unable to locate it.
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5. There was a breach of condition 8 in that there were various mixer spirits available via self service. Under this condition you are not permitted to have self-service of spirits which would include drinks such as Gin and Tonic; Vodka and Tonic and Whisky and Ginger
6. There was a breach of condition 11 in that the sale of alcohol was not supervised by Personal Licence Holder

 **City of Westminster**
 City of Westminster
 Community Protection Department
 City Hall
 64 Victoria Street,
 London, SW1E 6QP

Description of Exhibit Legal Letter to Mr. Miah 26.11.08

This is Exhibit: KTC/6..... Referred to in
the Statement of: Kay Cummings
Signed: *K. Cummings* Date: 17.03.09.

Court Use Only:

Community Protection
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Main Switchboard 020 7641 6000 www.westminster.gov.uk

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- White Star 7.5%
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In view of your continued breach of licence conditions and the serious nature of these matters, consideration is now being given to undertaking a formal prosecution. However, before the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

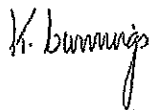
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Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, within 14 days of the above date, marked for my attention.

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely



Kay Cummings

Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. S. H. Gillani
239 Portnall Road
London
W9 3BI

26 November 2008

Dear Mr. Gillani,


Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my meeting with Mr. Miah and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

During the course of the inspection the following issues were identified:-

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 **City of Westminster**
City of Westminster
Community Protection Department
City Hall
64 Victoria Street
London, SW1E 6QP

Description of Exhibit Legal Letter to Mr. Gillani 26.11.08
This is Exhibit: KTC7 Referred to in
the Statement of: Kay Cummings
Signed: K. Cummings Date: 17.03.09.
Court Use Only:

7. There was a breach of section 138 of the Licensing Act 2003 in that you had the following items of alcohol in your possession for sale in circumstances where its sale would be an unauthorised licensable activity:-

- White Star 7.5%
- White Ace 7.5%
- Strongbow Super 7.5%
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- Special Brew 9%
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In view of your continued breach of licence conditions and the serious nature of these matters, consideration is now being given to undertaking a formal prosecution. However, before the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

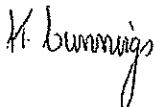
If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 14 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

As an alternative, you may prefer to let me have your response to these issues in writing. This is acceptable, so long as you understand that **you do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence.**

Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, within 14 days of the above date, marked for my attention.

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely



Kay Cummings

Licensing Inspector
Community Protection



City of Westminster

Licensing Act 2003

(Self generated/ tasking/Complaint/Referral)

08/148188/S COMP.

Uniform Ref: 08/77748/ELSELF

Register No: *6 47

Date/ time of inspection: 6/12/08 21 30

Premises licence No: 06/04707/WCCMA^P

Premises: ONE NATION FOOD AND WINE Cat: H/M/L

Address: 332 KILBURN LANE. W9 3EF Tel No: _____

Duty Manager/DPS: Mrs GILLANI E-Mail: _____

Personal Licence No(s): 06/07989/LIPERS WCC 17-8-2016 (Produced/Not produced)

- Yes/No - Evidence of Smoking.
- Yes/No - 'No smoking signs' displayed.
- Yes/No - The summary version of the Premises Licence (Part B) correctly displayed.
- Yes/No - The full version of the Premises Licence (Part A) produced for inspection.
- Yes/No - Notice displayed stating the holder (s)/keeper (s) of the full Premises Licence.
- Yes/No - Premises Licence (other).

City of Westminster
 City of Westminster
 Community Protection Department
 City Hall
 64 Victoria Street,
 London, SW1E 6QP

Description of Exhibit Unsatisfactory Licensing Inspection Form
 Dated 06.12.08. Referred to in
 the Statement of Kay Cummings
 Signed: K. Cummings Date: 17.03.09.
 Court Use Only:

OTHER MATTERS

TEST PURCHASE OF ALCOHOL MADE. ONLY 2 MEMBERS PRESENT NEITHER OF WHOM HOLD A PERSONAL LICENCE SALE WAS MADE BY JAWAD HUSSAIN.

MR HUSSAIN WILL CONSIDER APPLYING TO BE REMOVED FROM LICENCE 0207 641 8549 OR WWW.WESTMINSTER.GOV.UK. FOR APPLICATION FORM TO VARY LICENCE.

MR GILLANI WILL PHONE ME IN JANUARY 2009 TO ARRANGE I/V.

Referrals: _____

I CERTIFY THAT ALL THE ABOVE ISSUES/IRREGULARITIES WILL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGNATED PREMISES SUPERVISOR AND PREMISES LICENCE HOLDER / HAVE BEEN BROUGHT TO MY ATTENTION. I UNDERTAKE TO TAKE ANY APPROPRIATE ACTION TO COMPLY WITH REQUIREMENTS OF THE LICENSING ACT 2003, THE LICENSING OBJECTIVES AND CONDITIONS OF THE PREMISES LICENCE. I HAVE BEEN ADVISED THAT A RE-INSPECTION MAY BE CONDUCTED SO AS TO ENSURE COMPLIANCE WITH THE ABOVE MATTERS.

Signed K. Cummings
 (Licensing Inspector)
 Print name KAY CUMMINGS
 Tel. No 0207 641 8511

Signed S. H. Gillani
 (Manager/ D.P.S./Premises Licence Holder)



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. Jawad Hussain
332 Kilburn Lane
London
W9 3EF

16 December 2008

Dear Mr. Hussain,

Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

Further to my letter dated the 26 November 2008 concerning my meeting with Mr. Miah and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

As you are aware I re-attended the premises on the 6 December 2008 at 21.30 hrs in company with my colleague Mr. Gareth Cleary who carried out a test purchase of alcohol. Whilst this sale was made by one of the holders of the Premises Licence, the sale was not supervised by a Personal Licence holder as required by condition 11 of your licence.

At the time of my visit to the premises I advised you that in view of the continued breach of licence conditions and the serious nature of these matters, consideration is being given to undertaking a formal prosecution.

I would remind you that at the time of my visit you agreed to contact me in January 2009 to arrange for a formal interview to take place. I would therefore request that you telephone me during the week commencing 5 January on the above telephone number so that a convenient time may be arranged for this interview to take place.

Alternatively you may prefer to let me have your response to these issues in writing. This is acceptable, as long as you understand that:-

"You do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence."

Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, by the 20 January 2009, marked for my attention.

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely

Kay Cummings

Licensing Inspector
Community Protection

Community Protection
4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP
Main Switchboard 020 7641 6000 www.westminster.gov.uk



City of Westminster

City of Westminster
Community Protection Department
CIV/PSM
64 Victoria Street,
London, SW1E 6QP

Description of Exhibit Legal Letter to Mr. Hussain 16.12.08

This is Exhibit: KTC/S..... Referred to in
the Statement of: Kay Cummings

Signed: *K. Cummings*..... Date: 17.03.09.

Court Use Only:



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. Sayaad Miah
332 Kilburn Lane
London
W9 3EF

16 December 2008

Dear Mr. Miah,

Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

Further to my letter dated the 26 November 2008 concerning my meeting with Mr. Miah and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

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At the time of my visit to the premises I advised you that in view of the continued breach of licence conditions and the serious nature of these matters, consideration is being given to undertaking a formal prosecution.

I would remind you that at the time of my visit you agreed to contact me in January 2009 to arrange for a formal interview to take place. I would therefore request that you telephone me during the week commencing 5 January on the above telephone number so that a convenient time may be arranged for this interview to take place.

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Yours sincerely

Kay Cummings

Licensing Inspector
Community Protection

Community Protection
4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP
Main Switchboard 020 7641 6000 www.westminster.gov.uk



City of Westminster

City of Westminster
Community Protection Department
City Hall
64 Victoria Street,
London, SW1E 6QP

Description of Exhibit Legal Letter to Mr. Miah 16.12.08

This is Exhibit: KTC/10..... Referred to in
the Statement of: Kay Cummings

Signed: *K. Cummings*..... Date: 17.03.09.

Court Use Only:



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. S. H. Gillani
239 Portnall Road
London
W9 3BI

16 December 2008

Dear Mr. Gillani,

Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

Further to my letter dated the 26 November 2008 concerning my meeting with Mr. Miah and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

As you are aware I re-attended the premises on the 6 December 2008 at 21.30 hrs in company with my colleague Mr. Gareth Cleary who carried out a test purchase of alcohol. Whilst this sale was made by one of the holders of the Premises Licence, the sale was not supervised by a Personal Licence holder as required by condition 11 of your licence.

During my visit to the premises you did attend and I advised you that in view of the continued breach of licence conditions and the serious nature of these matters, consideration is being given to undertaking a formal prosecution.

I would remind you that at the time of my visit you agreed to contact me in January 2009 to arrange for a formal interview to take place. I would therefore request that you telephone me during the week commencing 5 January on the above telephone number so that a convenient time may be arranged for this interview to take place.

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Yours sincerely

Kay Cummings

Licensing Inspector
Community Protection

Community Protection
4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP
Main Switchboard 020 7641 6000 www.westminster.gov.uk



City of Westminster

City of Westminster
Community Protection Department
City Hall
64 Victoria Street,
London, SW1E 6QP

Description of Exhibit Legal letter to Mr. Gillani 16.12.08

This is Exhibit: KTC/ 11..... Referred to in

the Statement of Kay Cummings
Signed: *K. Cummings*..... Date: 17.03.09.

Court Use Only:

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. Jawad Hussain & Mr. Sayaad Miah
332 Kilburn Lane
London
W9 3EF

5 January 2009

Dear Mr. Hussain,

Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

Further to my letters of the 26 November and 16 December 2008 relating to alleged offences under the Licensing Act 2003.

I have been advised by Mr. Gillani, the Designated Premises Supervisor, that he is due to go on holiday for approximately 6 weeks.

In view of the fact that only Mr. Gillani holds a Personal Licence I would remind you of condition 11 of your Premises Licence which requires that all sales of alcohol be supervised by a Personal Licence Holder.


Unless it is your intention to temporarily employ Personal Licence Holders during Mr. Gillani's absence or you have now obtained a Personal Licence and not just the licensing qualification, then you will need to cease all sales of alcohol until Mr. Gillani returns.

I must advise you that visits will be made to your premises in the interim and if you are found to be breaching this or any other condition of your licence, further prosecution action will be undertaken.

Yours sincerely

Kay Cummings

Licensing Inspector
Community Protection

 **City of Westminster**
City of Westminster
Community Protection Department
City Hall
64 Victoria Street,
London, SW1E 6QP

Description of Exhibit Letter to Mr. Hussain and Mr. Miah
05.01.09.....
This is Exhibit: KIC/12..... Referred to in
the Statement of: Kay Cummings
Signed: *K. Cummings*..... Date: 17.03.09..

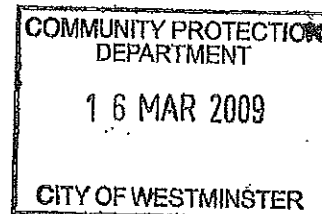
Court Use Only:

Mr S. H. Gillani, Mr Jawad Hussain and Mr Sayaad Miah
332 Kilburn Lane
London W9 3EF.

Our Ref: Huss/324/Kil
Your Ref:00638/0332/0/000/08/77948/elsef

12th March 2009

Kay Cummings
Licensing Inspector
Community Protection
4th Floor Westminster City Hall
64 Victoria Street London SW1E 6QP



Dear Kay Cummings



**Re: ONE NATION FOOD & WINE -332 KILBURN LANE
LONDON W9 3EF**

We refer to your letter dated 26th November 2008 and we shall respond in the order as set out therein:

1. The Summary of the Licence is now displayed on top of the till and easily seen on entry into the premises.
2. Mr Jawad Hussain will be the nominated person in the absence of Mr S.H Gillani. Mr Jawad Hussain has already passed the examination and he is now on holidays. On his return a formal application for personal licence will be immediately made to the appropriate authority and prior to Mr Hussain's application Mr S.H Gillani will make himself available as required by the licence.
3. The refusals book was misplaced on the given date because there was a relocation of the book. All the three of us have now agreed on its permanent location known to us all.
4. All the old stocks with alcohol level above 5.5% have been taken off the shop premises following the visit and we apologise for the ones found in the shop at the time of the visit.
5. All spirits are now behind the counter and there are no longer any spirit self service facilities.
6. See paragraph 2 above. This situation will not repeat itself again.

Mr S. H. Gillani, Mr Jawad Hussain and Mr Sayaad Miah
332 Kilburn Lane
London W9 3EF

7. See paragraph 4 above. We have had a meeting since the said visit and it's been agreed that we must endeavour to comply with the provisions of the Licensing Act 2003.

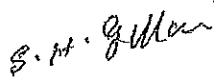
We jointly and severally wish to express our profound apologies for the breaches and undertake to do our possible best to avoid future breaches. We acknowledge the fact that you have the ability to prosecute but we plead that you grant us another chance and hope that we will find mercy from you.

We appreciate your assistance and express our thanks in advance for your favourable consideration of this letter and request to be given another chance.

We look forward to hearing from you. Kindly acknowledge the receipt of this letter.

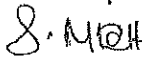
Yours sincerely

S.H Gillani



Jawad Hussain

Sayaad Miah



City of Westminster

City of Westminster
Community Protection Department
City Hall
64 Victoria Street
London, SW1E 6QP

Description of Exhibit Letter from Mr. Hussain, Mr. Miah and
Mr. Gillani dated 12.01.09.....
This is Exhibit: KYC/13..... Referred to in
the Statement of Kay Cummings
Signed: K. Cummings..... Date: 17.03.09



09/30519/ELSELF

Ref

19

City of Westminster

Date 2/5/09 Time 21.54

LICENSING INSPECTION

Premises: ONE NATION FOOD AND WINE

Address: 332 KILBURN LANE W9 3EF

Person in charge: SAYAD MIAH Insp. name: KAY CUMMINGS

Inspection type

Mandatory

Self Generated

UNLIC

LIC

Re-Visit

Date of original visit

Premises type

MD1

MD2

ST1

ST2

NCL

OTHER (SPECIFY)

(1 Visit)

(2 Visits)

(2 Visits)

(1 Visit)

(1 Visit)

Area of inspection:

Irregularities found:

Licence			
Licence displayed?	(A) (Q)	<input type="checkbox"/>	CAN OF BEER COSTING £1-20
Special Licence conditions?	(B)	<input type="checkbox"/>	BUDWEISER PURCHASED FROM
Overcrowding	(C)	<input type="checkbox"/>	PREMISES. SALE NOT MADE
Letter of delegated authority	(D)	<input type="checkbox"/>	BY PERSONAL LICENCE
Responsibilities of person in charge			HOLDER AND NO PERSONAL
Holds NELO/knowledge of rules/standard conditions	(E)	<input type="checkbox"/>	LICENCE HOLDER PRESENT
Knowledge of R of N standard condition		<input type="checkbox"/>	AS REQUIRED BY
Tariff displayed	(F)	<input type="checkbox"/>	CONDITION 11 OF PREMISES
Door supervisor registered	(G)	<input type="checkbox"/>	LICENCE. DPS MR SILLANI
Therapist registered	(H)	<input type="checkbox"/>	ATTENDED. PREMISES AND STATED
Badges correct/worn	(I)	<input type="checkbox"/>	
Escape Routes			
Escape route(s) clear	(J)	<input type="checkbox"/>	
Fire doors operate	(K)	<input type="checkbox"/>	
Lighting adequate	(L)	<input type="checkbox"/>	
Fire extinguishers			
Annual check completed	(M)	<input type="checkbox"/>	
In approved position	(N)	<input type="checkbox"/>	
Labels intact	(O)	<input type="checkbox"/>	
Other (Please Specify)	(R)	<input type="checkbox"/>	

Result of inspection:

HE HAD JUST GONE OUT FOR

~~SAISFACTORY~~ / UNSATISFACTORY A TEA.

Signed *K. Cummings*
Licensing Inspector

Signed
Manager/Person in charge

I certify that the issue(s) identified above, under 'Irregularities', have been brought to my attention and I undertake to rectify the breaches. I have been advised that a re-inspection may be conducted so as to ensure that the breaches have been rectified.

Signed *[Signature]*
Licensee/Delegated Authority Holder

Date 02/05/09

Copies:

Top/LBU

Second/Manager

Thrd/Inspector

Fourth/Spare



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref: 06/04707/WCCMAP
My ref: 09/30519/ELSELF

Mr Sayaad Miah
One Nation Food and Wine
332 Kilburn Lane
London
W9 3EF

7 May 2009

Dear Sir,

Re: One Nation Food and Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my visit to the above premises on 2 May 2009 at 21.54 hrs.

As you are aware your premises benefits from a Premises Licence issued under the Licensing Act 2003.

On the 2 May 2009 my colleague, Mr. Gareth Cleary, purchased a can of Budweiser beer from you. This sale was made by you, but not in the presence of or under the supervision of a Personal Licence Holder. In addition as you are not the holder of a Personal Licence this sale was in breach of condition 11 of your Premises Licence.

This is a serious matter for which you may be prosecuted. However, before the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 14 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

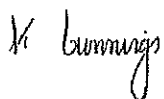
As an alternative, you may prefer to let me have your response to these issues in writing. This is acceptable, s long as you understand that:-

“You do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence.”

Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, within 14 days of the above date, marked for my attention.

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely



Kay Cummings

Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref: 06/04707/WCCMAP
My ref: 09/30519/ELSELF

Mr. Shabir Hussain Gillani
37 B WALTERTON ROAD
LONDON
W9 3PE

7 May 2009

Dear Sir,

Re: One Nation Food and Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my visit to the above premises on 2 May 2009 at 21.54 hrs.

As you are aware your premises benefits from a Premises Licence issued under the Licensing Act 2003.

On the 2 May 2009 my colleague, Mr. Gareth Cleary, purchased a can of Budweiser beer from Mr. Sayaad Miah. This sale was made by him, but not in the presence of or under the supervision of a Personal Licence Holder. In addition as he is not a holder of a Personal Licence this sale was in breach of condition 11 of your Premises Licence.

This is a serious matter for which you may be prosecuted. However, before the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

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Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely

Kay Cummings
Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref: 06/04707/WCCMAP
My ref: 09/30519/ELSELF

Mr Sayaad Miah
One Nation Food and Wine
332 Kilburn Lane
London
W9 3EF

25 June 2009

Dear Sir,

Re: One Nation Food and Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my visit to the above premises on 2 May 2009 at 21.54 hrs and to my letter of the 7 May 2009 (a copy of which is enclosed) and to which I have not received a response.

As you are aware your premises benefits from a Premises Licence issued under the Licensing Act 2003.

As this is a serious matter for which you may be prosecuted I would like to give you a final opportunity to provide a response at an interview under caution.

If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 7 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

As an alternative, you may prefer to let me have your response to these issues in writing. This is acceptable, so long as you understand that:-

"You do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence."

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Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely

Kay Cummings

Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref: 06/04707/WCCMAP
My ref: 09/30519/ELSELF

Mr. Shabir Hussain Gillani
37 B WALTERTON ROAD
LONDON
W9 3PE

25 June 2009

Dear Sir,

Re: One Nation Food and Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my visit to the above premises on 2 May 2009 at 21.54 hrs and to my letter of the 7 May 2009 (a copy is enclosed) to which I have not received a response.

As this is a serious matter for which you may be prosecuted I would like to give you a final opportunity to provide a response at an interview under caution.

If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 7 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

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Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely

Kay Cummings
Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:06/04707/WCCMAP
My ref: 09/49621/ELSELF

Mr Sayaad Miah & Mr. Jawad Hussain
One Nation Food and Wine
332 Kilburn Lane
London
W9 2EF

6 August 2009

Dear Mr. Miah and Mr. Hussain

Re: One Nation Food and Wine

I refer to my meeting with Mr. Gillani at the above premises on the 4 July 2009 at 23.46 hrs.

As you are aware I had concerns that alcohol, in the form of beer, had been sold beyond the permitted hours authorised by your Premises Licence.

At the time of my visit, the Duty Manager who is also one of the Joint Holders of the Premises Licence assured me that I was mistaken in my belief and that no such sale had occurred.

Whilst at the premises I did ask to view the C.C.T.V. footage but was advised that the monitor at the premises was broken due to a power cut that had affected the premises earlier in the week. You did however assure me that the system itself was still recording and that you would be able to show me the footage at a later date.

Subsequent to my visit I have phoned the premises on two occasions to arrange to see the C.C.T.V. footage but have been advised that the system is still undergoing repairs and so it has not been possible to completely allay my concerns.

I now understand that as a result of other enforcement action, your premises are now completely closed for an unspecified period of time whilst some works are being undertaken to resolve the issues found during an unrelated inspection of your premises.

In view of this temporary closure it would appear that the opportunity to view the C.C.T.V. footage has now passed and rather than pursue the issue further I have decided to take no further action in relation to my visit on the 4 July 2009.

During this period of closure however, I would advise you of the need to undertake any and all remedial action that is necessary to ensure that when you re-open your premises, you are fully compliant with the Licensing Act 2003. To this end I would remind you of the following specific conditions of your Premises Licence that we will be seeking to ensure are not being breached:-

- Condition 4 – regarding C.C.T.V. This conditions requires that it be operated and maintained and that recordings shall be available for the preceding two days immediately upon request or outside this period available on 24 hours notice
- Condition 10 – The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol.

This includes the unit by the front door which gave rise to concerns during my visit on the 4 July as customers can quite easily access it from the sides of the blinds that were in use at the time of my visit.

- Condition 11 – A personal licence holder will supervise all sales of alcohol at all time

If the joint licence holders have not yet obtained their personal licences please can you ensure that they do so, as this is a matter that we will be seeking to ensure is fully complied with upon re-opening.

The Licensing Act 2003 requires licensing authorities to carry out all their functions with a view to promoting the four licensing objectives, which are:

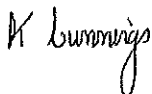
The prevention of crime and disorder;
Public safety;
The prevention of public nuisance; and
The protection of children from harm.

These matters are being brought to your attention as they have been highlighted during previous visits to your premises and as it is incumbent on you to comply with all of the conditions on your Premises Licence.

Finally I would remind you failure to comply with the Licensing Act may result in criminal offences being detected for which a person may receive a fine of £20,000 and/or 6 months imprisonment.

Our inspections are programmed on a risk-rated basis. Premises that are found to be actively promoting the licensing objectives and not breaching their premises licence or the provisions of the Licensing Act 2003 will be subject to less frequent inspections.

Yours sincerely



Kay Cummings
Licensing Inspector

Community Protection

c.c. Mr. Gillani - Designated Premises Supervisor

NON-POLICE AGENCIES
(Notification of Proceedings to Police)

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *K Cummings*

For Police Use Only A/S Reference Number		PNC Court Case Reference Number	
PNC ID Number		CRO Number	
Entered on PNC by		Date	

Name Charged/Summonsed

Surname: Hussain Forename(s): Jawad

Alias: Nickname:

Date of Birth: Sex: M X F Colour: White Non White Height (Imperial) or Metric: ft m

Place of Birth: Nationality: Driver Number:

Process Stage: Reported Arrested Charged Date: Time:

Photograph: Taken Not Taken Fingerprints: Not Taken Taken

DNA Sample: Taken Not Taken Mouth Hair ID Number:

Prosecuting Agents: Westminster City Council

Offence (in plain language, include Act & Section of Offence.)

- Providing licensable activities otherwise than in accordance with an authorisation
- Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity

Offence Start Date/Time: 1 3 1 1 2 0 0 8 15.54 Offence End Date/Time: 0 6 1 2 2 0 0 8 21.25

Address/Location of Offence: One Nation Food and Wine, 332 Kilburn Lane

County: London Postcode: W 9 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the joint holder of a Premises Licence. Two sales of cider were made for brands with an abv of 7.5% abv Condition restricting such sales to an abv of 5.5%. In addition alcohol was found within the venue, available for sale, that was also in Excess of the 5.5% condition for beers and ciders. The sale was made without a Personal Licence Holder being present, also in Breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a Further sale was made of Strongbow Cider again without a Personal Licence Holder present.

***** FOR ADDITIONAL OFFENCE(S) USE A SEPARATE FORM NPA 02 *****
Continuation form(s) NPA 02 attached Yes No

Charged/Summonsed on date: Court Date: Time:

Court Name:

Cautioned on date: Cautioning Officer: Rank:

Name Cautioned: Surname: Forename(s):

Ethnic Appearance	White European	Dark European	Afro Caribbean	Asian	x	Oriental	Arab	Unknown
-------------------	----------------	---------------	----------------	-------	---	----------	------	---------

Build	Fat	Heavy	Stocky	Broad	Thin	Slim	Small
	Medium	Proportionate					

Shoe Size	British		or	Metric	
-----------	---------	--	----	--------	--

Eye Colour(s)	Blue	Brown	Green	Grey	Hazel	Pink	Unknown
---------------	------	-------	-------	------	-------	------	---------

Glasses	Glasses	Contact Lenses	Neither	Handed	Right Handed	Left Handed	Ambi-dextrous
---------	---------	----------------	---------	--------	--------------	-------------	---------------

Hair	Type	Colour (1)		Dyed/Graying	Colour (2)		Features	
	Bald	(BA)	Black (BK)	(BK)	Dyed (D)	Black (BK)	(BK)	Afro (AF)
Collar Length	(CL)	White (WH)	(WH)	Graying (G)	White (WH)	(WH)	Platted (PL)	
Cropped	(CR)	Light Brown (LB)	(LB)		Light Brown (LB)	(LB)	Mohican (MO)	
Receding	(RE)	Dark Brown (DB)	(DB)		Dark Brown (DB)	(DB)	Beehive (BH)	
Short	(SH)	Fair (FA)	(FA)		Fair (FA)	(FA)	Ponytail (PT)	
Shoulder L'th	(SL)	Blonde (BD)	(BD)		Blonde (BD)	(BD)	Punk (PK)	
Very Long	(VL)	Ginger (GI)	(GI)		Ginger (GI)	(GI)	Rasta (RA)	
		Auburn (AU)	(AU)		Auburn (AU)	(AU)	Shaven (SV)	
		Grey (GY)	(GY)		Grey (GY)	(GY)	Skinhead (SK)	
		Brown (BR)	(BR)		Brown (BR)	(BR)	Teddy (TE)	
		Red (RD)	(RD)		Red (RD)	(RD)	Permed (PM)	
		Sandy (SA)	(SA)		Sandy (SA)	(SA)	Curly (CU)	
		Mousey (MO)	(MO)		Mousey (MO)	(MO)	Wavy (WA)	
					Blue (BL)	(BL)	Dirty (DI)	
					Green (GN)	(GN)	Greasy (GR)	
					Orange (OR)	(OR)	Streaked (SD)	
					Purple (PU)	(PU)	Thinning (TH)	
					Yellow (YE)	(YE)	Wig (WI)	
					Pink (PI)	(PI)	Straight (ST)	
					Multi (MU)	(MU)	Untidy (UT)	

Moustache	(M)
Beard	(B)
Long	
Sideburns	(L)
Clean Shaven	(C)

Facial Hair	Type	Colour (1)		Dyed/Graying	Colour (2)		Features	

Accent	English	Scottish	Irish	Welsh	Northern	North East
	North West	Yorkshire	Midland	East Anglia	West Country	Southern
	Liverpool	Birmingham	London	Glasgow		
	American	Australian	French	German	Italian	Spanish
	West Indian	Asian	Oriental	Foreign Other	Cultured	

Marks/Scars/Abnormalities	TATT MARK	Tattoo	R	Right	SCAL(Scalp)	LEGS	GENI(Genitals)	CHIN
	LACK	Lacking	L	Left	EYES	GAIT	HAND	ABDO(Abdomen)
	SCAR	Scarred	C	Centre	LIPS	BROW	FEET	BUTT (Buttocks)
	PRCD	Pierced	U	Upper	NECK	EARS	SPEE(Speech)	FING (Finger)
	PECU	Peculiar	W	Lower	BACK	TEET(Teeth)	FACE	TOES
					ARMS	CHES(Chest)	NOSE	TONG (Tongue)

Description (describe tattoo or other details)	

Home Address(es)		Postcode	
Other Address(es)	332 Kilburn Lane, London	Postcode	W 9 3 E F

Identity Numbers (DSS/National Insurance etc.)	Type	Number

Occupation	Date

Habitual Dress	
Jewellery Worn	Bracelet Brooch Earring Neck Pin Ring
	Watch Pendant Other

State if worn permanently and body position

Habits/Mannerisms

Special skills

**NON-POLICE AGENCIES
(Notification of Proceedings to Police)**

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *K. Cummings*

Name Charged/Summoned	
Surname Hussain	Forename(s) Jawad
PNC ID Number	CRO Number

Offence (In plain language, include Act & Section of Offence.)

1. Providing licensable activities otherwise than in accordance with an authorisation – Contrary to s. 136 of the Licensing Act 2003

Offence Start
Date/Time

1 | 3 | 1 | 1 | 2 | 0 | 0 | 8

15.54

Offence End
Date/Time

0 | 6 | 1 | 2 | 2 | 0 | 0 | 8

21.25

Address/Location of Offence One Nation Food and Wine, 332 Kilburn Lane

County London

Postcode

W | 9 | | | 3 | E | F

Method used in Offence

(Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the joint holder of a Premises Licence. Two sales of cider were made for brands with an abv of 7.5% abv

Condition restricting such sales to an abv of 5.5%. The sales was made without a Personal Licence Holder being present, also in

Breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a

Further sale was made of Strongbow Cider again without a Personal Licence Holder present.

Offence (In plain language, include Act & Section of Offence.)

2. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity – Contrary to s. 138 of the Licensing Act 2003

Offence Start
Date/Time

1 | 3 | 1 | 1 | 2 | 0 | 0 | 8

15.54

Offence End
Date/Time

0 | 6 | 1 | 2 | 2 | 0 | 0 | 8

21.25

Address/Location of Offence One Nation Food and Wine, 332 Kilburn Lane

County London

Postcode

W | 9 | | | 3 | E | F

Method used in Offence

(Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

Alcohol was found within the venue, available for sale that was also in excess of the 5.5% condition for beers and ciders.

NON-POLICE AGENCIES
(Notification of Proceedings to Police)

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *K Cummings*

For Police Use Only / A/S Reference Number		PNC Court Case Reference Number	
PNC ID Number		CRO Number	
Entered on PNC by		Date	

Name Charged/Summoned

Surname: Miah Forename(s): Sayaad

Alias: Nickname:

Date of Birth: Sex: M X F Colour: White Non White X Height (Imperial): ft or Metric: m

Place of Birth: Nationality: Driver Number:

Process Stage: Reported Arrested Charged Date: Time:

Photograph: Taken Not Taken X Fingerprints: Not Taken X Taken

DNA Sample: Taken Not Taken X Mouth: Hair: ID Number:

Prosecuting Agents: Westminster City Council

Offence (in plain language, include Act & Section of Offence.)

1. Providing licensable activities otherwise than in accordance with an authorisation
2. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity

Offence Start Date/Time: 1 3 1 1 2 0 0 8 15.54 Offence End Date/Time: 0 6 1 2 2 0 0 8 21.25

Address/Location of Offence: One Nation Food and Wine, 332 Kilburn Lane

County: London Postcode: W 9 3 E F

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***** FOR ADDITIONAL OFFENCE(S) USE A SEPARATE FORM NPA 02 *****

Continuation form(s) NPA 02 attached Yes No

Charged/Summoned on date: Court Date: Time:

Court Name:

Cautioned on date: Cautioning Officer: Rank:

Name Cautioned: Surname: Forename(s):

Ethnic Appearance	White European	Dark European	Afro Caribbean	Asian	X	Oriental	Arab	Unknown
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Build	Fat	Heavy	Stocky	Broad	Thin	Slim	Small
	Medium	Proportionate					

Shoe Size British or Metric

Eye Colour(s)	Blue	Brown	Green	Grey	Hazel	Pink	Unknown
---------------	------	-------	-------	------	-------	------	---------

Glasses	Glasses	Contact Lenses	Neither	Handed	Right Handed	Left Handed	Ami-dextrous
---------	---------	----------------	---------	--------	--------------	-------------	--------------

Hair	Type	Colour (1)		Dyed/Greying	Colour (2)		Features
	Bald Collar Length Cropped Receding Short Shoulder L'gh Very Long	(BA) (CL) (CR) (RE) (SH) (SL) (VL)	Black (BK) White (WH) Light Brown (LB) Dark Brown (DB) Fair (FA) Blonde (BD) Ginger (GI) Auburn (AU) Grey (GY) Brown (BR) Red (RD) Sandy (SA) Mousey (MO)	(BK) (WH) (LB) (DB) (FA) (BD) (GI) (AU) (GY) (BR) (RD) (SA) (MO)	Dyed (D) Greying (G)	Black (BK) White (WH) Light Brown (LB) Dark Brown (DB) Fair (FA) Blonde (BD) Ginger (GI) Auburn (AU) Grey (GY) Brown (BR) Red (RD) Sandy (SA) Mousey (MO) Blue (BL) Green (GN) Orange (OR) Purple (PU) Yellow (YE) Pink (PI) Multi (MU)	(BK) (WH) (LB) (DB) (FA) (BD) (GI) (AU) (GY) (BR) (RD) (SA) (MO) (BL) (GN) (OR) (PU) (YE) (PI) (MU)

Moustache (M)	Beard (B)	Long (L)	Sideburns (L)	Clean Shaven (C)
---------------	-----------	----------	---------------	------------------

Facial Hair	Type	Colour (1)	Dyed/Greying	Colour (2)	Features

English	Scottish	Irish	Welsh	Northern	North East
North West	Yorkshire	Midland	East Anglia	West Country	Southern
Liverpool	Birmingham	London	Glasgow		
American	Australian	French	German	Italian	Spanish
West Indian	Asian	Oriental	Foreign Other	Cultured	

Marks/Scars/Abnormalities	TATT	Tattoo	R	Right	SCAL(Scalp)	LEGS	GENI(Genitals)	CHIN
	MARK	Lacking	L	Left	EYES	GAIT	HAND	ABDO(Abdomen)
	LACK	Scarred	C	Centre	LIPS	BROW	FEET	BUTT (Buttocks)
	SCAR	Pierced	U	Upper	NECK	EARS	SPEE(Speech)	FING (Finger)
	PRCD	Peculiar	W	Lower	BACK	TEET(Teeth)	FACE	TOES
	PECU				ARMS	CHES(Chest)	NOSE	TONG (Tongue)

Description (describe tattoo or other details)

Home Address(es)	<input type="text"/>	Postcode	<input type="text"/>
Other Address(es)	332 Kilburn Lane, London	Postcode	W 9 3 E F

Identity Numbers	Type	Number
	<input type="text"/>	<input type="text"/>

Occupation Date

Habitual Dress

Bracelet	Brooch	Earring	Neck	Pin	Ring
Watch	Pendant	Other			

State if worn permanently and body position

Habits/Mannerisms

Special skills

NON-POLICE AGENCIES
(Notification of Proceedings to Police)

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *K Cummings*

Name Charged/Summoned	
Surname: Miah	Forename(s): Sayaad
PNC ID Number	CRO Number

Offence (in plain language, include Act & Section of Offence.)	Providing licensable activities otherwise than in accordance with an authorisation – Contrary to s.136 of the Licensing Act 2003		
Offence Start Date/Time	1 3 1 1 2 0 0 8 15.54	Offence End Date/Time	0 6 1 2 2 0 0 8 21.25

Address/Location of Offence	One Nation Food and Wine, 332 Kilburn Lane		
County	London	Postcode	W 9 1 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the joint holder of a Premises Licence. Two sales of cider were made for brands with an abv of 7.5% abv Condition restricting such sales to an abv of 5.5%. The sales was made without a Personal Licence Holder being present, also in Breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a Further sale was made of Strongbow Cider again without a Personal Licence Holder present.

Offence (in plain language, include Act & Section of Offence.)	1. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity – Contrary to s. 138 of the Licensing Act 2003		
Offence Start Date/Time	1 3 1 1 2 0 0 8 15.54	Offence End Date/Time	0 6 1 2 2 0 0 8 21.25

Address/Location of Offence	One Nation Food and Wine, 332 Kilburn Lane		
County	London	Postcode	W 9 1 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

Alcohol was found within the venue, available for sale that was also in excess of the 5.5% condition for beers and ciders.

**NON-POLICE AGENCIES
(Notification of Proceedings to Police)**

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *K Cummings*

For Police Use Only A/S Reference Number		PNC Court Case Reference Number	
PNC ID Number		CRO Number	
Entered on PNC by		Date	

Name Charged/Summoned

Surname: Gillani Forename(s): Shabir Hussain

Alias: _____ Nickname: _____

Date of Birth: _____ Sex: M X F Colour: White Non White X Height (Imperial): _____ ft or Metric: _____ m

Place of Birth: _____ Nationality: _____ Driver Number: _____

Process Stage: Reported Arrested Charged Date: _____ Time: _____

Photograph: Taken Not Taken X Fingerprints: Not Taken X Taken

DNA Sample: Taken Not Taken X Mouth: _____ Hair: _____ ID Number: _____

Prosecuting Agents: Westminster City Council

Offence (in plain language, include Act & Section of Offence.)

1. Providing licensable activities otherwise than in accordance with an authorisation
2. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity

Offence Start Date/Time: 1 3 1 1 2 0 0 8 15.54 Offence End Date/Time: 0 6 1 2 2 0 0 8 21.25

Address/Location of Offence: One Nation Food and Wine, 332 Kilburn Lane

County: London Postcode: W 9 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the Designated Premises Supervisor for the premises which benefits from a Premises Licence. Two sales of cider with an abv over 5.5% were made in breach of condition restricting beers and ciders to 5.5% abv. In addition alcohol was found within the venue, available for sale, that was also in excess of the 5.5% condition for beers and ciders. The sales were made made without a Personal Licence Holder being present, also in breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a further sale was made of Strongbow Cider again without a Personal Licence Holder present. Mr. Gillani is responsible for authorising all sales of alcohol at the venue

***** FOR ADDITIONAL OFFENCE(S) USE A SEPARATE FORM NPA 02 *****
Continuation form(s) NPA 02 attached Yes No

Charged/Summoned on date: _____ Court Date: _____ Time: _____

Court Name: _____

Cautioned on date: _____ Cautioning Officer: _____ Rank: _____

Name Cautioned: Surname: _____ Forename(s): _____

Ethnic Appearance	White European	Dark European	Afro Caribbean	Asian	X	Oriental	Arab	Unknown
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Build	Fat	Heavy	Stocky	Broad	Thin	Slim	Small
	Medium	Proportionate					

Shoe Size British or Metric

Eye Colour(s)	Blue	Brown	Green	Grey	Hazel	Pink	Unknown
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Glasses	Glasses	Contact Lenses	Neither	Handed	Right Handed	Left Handed	Ambi-dextrous
---------	---------	----------------	---------	--------	--------------	-------------	---------------

Hair	Type	Colour (1)		Dyed/Greying	Colour (2)		Features	
	Bald	(BA)	Black (BK)	(BK)	Dyed (D)	Black (BK)	(BK)	Afro (AF)
Collar Length	(CL)	White (WH)	(WH)	Greying (G)	White (WH)	(WH)	Platted (PL)	(PL)
Cropped	(CR)	Light Brown (LB)	(LB)		Light Brown (LB)	(LB)	Mohican (MO)	(MO)
Receding	(RE)	Dark Brown (DB)	(DB)		Dark Brown (DB)	(DB)	Beehive (BH)	(BH)
Short	(SH)	Fair (FA)	(FA)		Fair (FA)	(FA)	Ponytail (PT)	(PT)
Shoulder L'th	(SL)	Blonde (BD)	(BD)		Blonde (BD)	(BD)	Punk (PK)	(PK)
Very Long	(VL)	Ginger (GI)	(GI)		Ginger (GI)	(GI)	Rasta (RA)	(RA)
		Auburn (AU)	(AU)		Auburn (AU)	(AU)	Shaven (SV)	(SV)
		Grey (GY)	(GY)		Grey (GY)	(GY)	Skinhead (SK)	(SK)
		Brown (BR)	(BR)		Brown (BR)	(BR)	Teddy (TE)	(TE)
		Red (RD)	(RD)		Red (RD)	(RD)	Permed (PM)	(PM)
		Sandy (SA)	(SA)		Sandy (SA)	(SA)	Curly (CU)	(CU)
		Mousey (MO)	(MO)		Mousey (MO)	(MO)	Wavy (WA)	(WA)
					Blue (BL)	(BL)	Dirty (DI)	(DI)
					Green (GN)	(GN)	Greasy (GR)	(GR)
					Orange (OR)	(OR)	Streaked (SD)	(SD)
					Purple (PU)	(PU)	Thinning (TH)	(TH)
					Yellow (YE)	(YE)	Wig (WI)	(WI)
					Pink (PI)	(PI)	Straight (ST)	(ST)
					Multi (MU)	(MU)	Untidy (UT)	(UT)

Moustache	(M)
Beard	(B)
Long	
Sideburns	(L)
Clean Shaven	(C)

Facial Hair	Type	Colour (1)		Dyed/Greying	Colour (2)		Features	

English	Scottish	Irish	Welsh	Northern	North East
North West	Yorkshire	Midland	East Anglia	West Country	Southern
Liverpool	Birmingham	London	Glasgow		
American	Australian	French	German	Italian	Spanish
West Indian	Asian	Oriental	Foreign Other	Cultured	

Marks/Scars/Abnormalities	TATT	Tattoo	R	Right	SCAL(Scalp)	LEGS	GENI(Genitals)	CHIN
	MARK		L	Left	EYES	GAIT	HAND	ABDO(Abdomen)
	LACK	Lacking	C	Centre	LIPS	BROW	FEET	BUTT (Buttocks)
	SCAR	Scarred	U	Upper	NECK	EARS	SPEE(Speech)	FING (Finger)
	PRCD	Pierced	W	Lower	BACK	TEET(Teeth)	FACE	TOES
	PECU	Peculiar			ARMS	CHES(Chest)	NOSE	TONG (Tongue)

Description (describe tattoo or other details)

Home Address(es)	239 Portnall Road, London	Postcode	W 9 3 B L
Other Address(es)	332 Kilburn Lane, London	Postcode	W 9 3 E F

Identity Numbers	Type	Number

Occupation Date

Habitual Dress

Jewellery Worn	Bracelet	Brooch	Earring	Neck	Pin	Ring
	Watch	Pendant	Other			

State if worn permanently and body position

Habits/Mannerisms

Special skills

NON-POLICE AGENCIES
(Notification of Proceedings to Police)

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *Kay Cummings*

Name Charged/Summoned		Forename(s)	
Surname	Gillani	Forename(s)	Shabir Hussain
PNC ID Number		CRO Number	

Offence (in plain language, include Act & Section of Offence.)

1. Providing licensable activities otherwise than in accordance with an authorisation – Contrary to s. 136 of the Licensing Act 2003

Offence Start Date/Time	1 3 1 1 2 0 0 8	15.54	Offence End Date/Time	0 6 1 2 2 0 0 8	21.25
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Address/Location of Offence One Nation Food and Wine, 332 Kilburn Lane

County	London	Postcode	W 9 3 E F
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Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the Designated Premises Supervisor for the premises and responsible for authorising sales of alcohol.

Two sales of cider were made for brands with an abv of 7.5% abv in breach of a licence condition restricting such sales to an abv of 5.5%. The sales was made without a Personal Licence Holder being present, also in

Breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a

Further sale was made of Strongbow Cider again without a Personal Licence Holder present.

Offence (in plain language, include Act & Section of Offence.)

2. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity – Contrary to s. 138 of the Licensing Act 2003

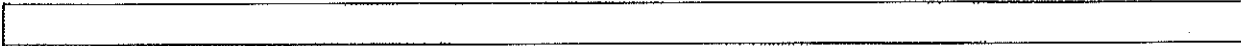
Offence Start Date/Time	1 3 1 1 2 0 0 8	15.54	Offence End Date/Time	0 6 1 2 2 0 0 8	21.25
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Address/Location of Offence One Nation Food and Wine, 332 Kilburn Lane

County	London	Postcode	W 9 3 E F
--------	--------	----------	-----------------------

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

Alcohol was found within the venue, available for sale that was also in excess of the 5.5% condition for beers and ciders.



Appendix D.

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Paul Green
Age of witness: Over 21
Occupation of Witness: Senior City Inspector
Public Protection and Licensing
Address: Westminster City Council, City Hall
64 Victoria Street
LONDON SW1V 6QP
Telephone Number: 0207 641 4614

This statement, consisting of three page's each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signed: 

Dated: 22 February 2016

I am employed by Westminster City Council as a Senior City Inspector for City Operations, Public Protection and Licensing. I have held this position since 1 April 2015. Prior to this date, I have held enforcement roles within the City Council since 1994. I am authorised to enter and inspect premises, make enquiries within these premises and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

On Friday 22 May 2015 at 00:35hrs, I entered an off licence and grocery store called 7 Seas Grocerie, 332 Kilburn Lane, London W9 3EF which was open and trading for business. I was accompanied by a colleague Mr Leroy Adedeji, who is also a City Inspector. On directly entering the premises, I noticed an upright cold chill display cabinet against the left hand side wall in which cans and bottles of beer and cider were openly displayed and exposed for sale. I took a photograph of the chill cabinet that I Exhibit as PKG1. Against the length of the right hand

Signed: 

Dated: 22 February 2016

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules
2005, r27.1(1))

Continuation Statement of Paul Green

side wall of the premises was a shelving unit in which bottles of wine were openly displayed and exposed for sale. I took a photograph of the shelving unit that I Exhibit as PKG2. Behind a counter at the front of the shop was an open display containing bottles of spirits. I took a photograph of the display that I exhibit as PKG3. I identified myself to a person working behind the counter and then waited for him to serve two queuing customers. The second customer was a male who paid for a single can of Strongbow cider. The person behind the counter then gave his name as Mr Amir Raja and said that he was helping out and that a manager was not available. The Premises Licence was attached to a wall above the counter and Mr Raja handed the licence to Mr Adedeji. The license showed that the premises were permitted to sell alcohol up to 23:00hrs and that the DPS was called Mr Shabir Hussain Gillani. On leaving the premises another member of staff pulled down a plastic roller shutter over the cans and bottles of beer and cider. On Monday 25 May 2015 at 00:35hrs, I entered the premises with Mr Adedeji and noticed the same open displays of alcohol, exposed for sale. A different member of staff gave his name as Mr Wajeed Shah and said that he only works on Sundays and did not know the owner of the premises. He also refused a sale of two cans of alcohol to a customer when he saw me. On Tuesday 16 June 2015, at 14:00hrs at Westminster City Hall, I and Ms Maria Johnson – Senior City Inspector interviewed the DPS, Mr Shabir Hussain Gillani and informed him of the need to comply with the licensing conditions for 7 Seas Grocerie. On Saturday 4 July 2015 at 03:10hrs, I revisited the premises with Mr Adedeji and noted that the display of wine was not covered and that the bottles and cans of beer and cider in the chill cabinet were partially covered by a roller blind however some of the cans of beer on the bottom shelf of the cold chill display cabinet were covered with a black bin bag. I took a photograph of the

Signed:



Dated: 22 February 2016

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules
2005, r27.1(1))

Continuation Statement of Paul Green

cold chill display cabinet after I had removed the bin bag from the cans of beer that I Exhibit at PKG4. On Sunday 2 August 2015, I visited 7 Seas Grocerie with Mr Marco Ditano, who is also a City Inspector. Prior to entering the premises, I stood outside in the street and observed the premises from 00:03hrs until 00:30hrs. I saw customers leaving the premises with small plastic carrier bags that appeared to be weighted down with heavy items that resembled the shape of cans. I observed a male leave the premises and after walking past me, he took a can of beer out of a carrier bag. At 00:30hrs, I entered the premises and saw that a silver coloured roller blind was covering the cold chill display cabinet but cans of beer and cider could be reached from an open side. The wine display was partially covered by metal shutters but the shutters were not fully closed, leaving gap of sufficient size for customers to reach inside for bottles of wine from the bottom shelf. I took a photograph of the partially covered wine display that I Exhibit as PKG5. I introduced myself to Mr Amir Raja and asked to speak with a manager and he put me on a phone to a person who gave his name as Mr Fiaz. I asked Mr Fiaz to provide CCTV footage from 23:30hrs until 00:30hrs. I asked him, "Do you know how to work the CCTV" and he replied, "I don't know". I informed him that I would return to collect CCTV footage on the 2 August 2015. I met Mr Fiaz at 7 Seas Grocerie on 2 August 2015 at 22:30hrs but he was unable to provide any DVD or CD. On the 29 August 2015, I wrote to Mr Shabir Hussain Gillani, the Designated Premises Supervisor, a written interview under caution that I delivered to 7 Seas Grocerie. Ms Maria Johnson collected document on 22 September 2015, which had been signed by Mr Gillani on the 19 September 2015. I Exhibit the Written Interview Under Caution as Exhibit PKG6. In the written interview under caution, Mr Gillani was asked for his role in the business and he replied, 'I am the owner of the premises, DPS and Licence Holder'.

Signed:



Dated: 22 February 2016

Appendix E.



SIERRA

РУСКИ
ТАШИ
МАШИ

GLENFIDDICH

SATURN

STOUT

AMERICAN
WHISKY

ROYAL
CLUB
WHISKY

ROYAL
CLUB
WHISKY

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2005/20 10:00:28

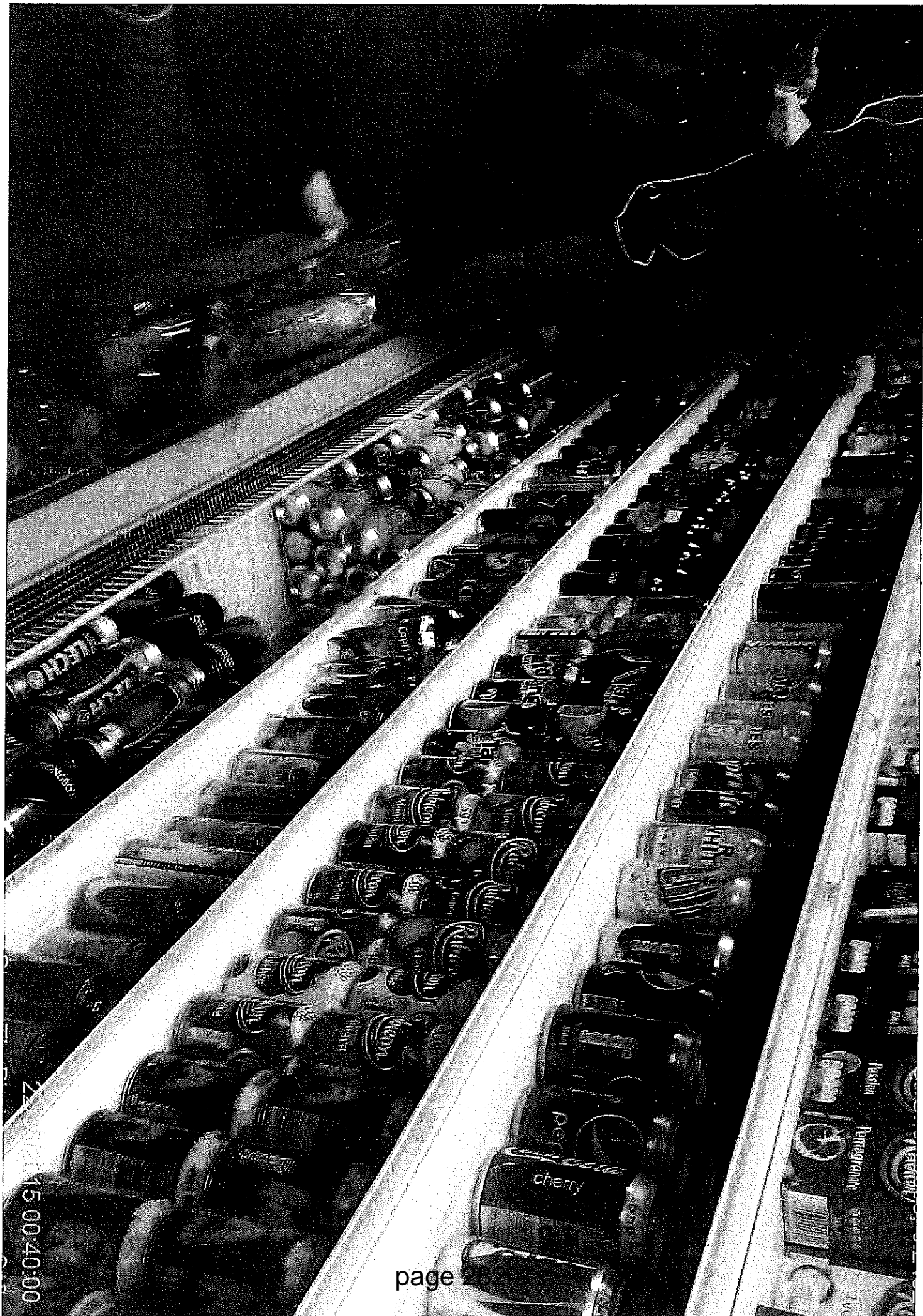
Appendix F.



22105/2 540

280

Appendix G.



Appendix H.



City of Westminster

Mr PK Green
City Operations - Public Protection and Licensing

Tel: 020 7641 4614
pgreen1@westminster.gov.uk
27 May 2015

Ref: 15/12464/ELSELF

Mr Shabir Hussain Gillani
239 Portnall Road
LONDON
W9 3BL

Dear Sir

LICENSING ACT 2003 – SALE BY RETAIL OF ALCOHOL
RE: 7 SEAS GROCERIE STORE, 332 KILBURN LANE, LONDON W9 3EF

Further to Mrs Johnson's recent email to you and as the designated premises supervisor for the above mentioned premises, I should be pleased if you would contact me to arrange to meeting, in order to discuss the sale by retail of alcohol.

Yours respectively

Mr PK Green
Senior City Inspector

cc. Mr Shabir Hussain Gillani, 7 Seas Grocerie Store, 332 Kilburn Lane, London W9
Mrs M Johnson, Senior City Inspector, City of Westminster



Appendix I.

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Statement of: Maria Johnson
 Age if under 18 Over 18 (if over 18 insert Occupation Senior City Inspector
 'over 18')

Address and Telephone Number: Westminster City Council
City Operations
Public Protection
City Hall,
Fourth Floor
64 Victoria Street
LONDON
SW1E 6QP

Tel: 0207 641 1855

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 10 June 2015Signature: 

I am employed by Westminster City Council as a Senior City Inspector for City Operations, Public protection and Licensing. I have held this position since 1 April 2015. Prior to this I held the position of Licensing Inspector since 2006. I am authorised to enter and inspect premises, make enquiries within these premises, then to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

On 10 June 2015 I entered the premises known as One Nation Food and Wine which is located at 332 Kilburn Lane, London, W9 3EF. I was in the company of my colleagues Marco Ditano, City Inspector and Kevin Mulvaney, City Inspector.

I visited the premises as I had been informed that a visit undertaken by a colleague had identified breaches of the licence.

Signature Signature witnessed
page 286

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Maria Johnson

I entered the premises at 00:48 hours I immediately noticed that the shutter of a cabinet, positioned on the right hand side of the shop, containing alcohol, was not closed, resulting in alcohol being exposed for sale. I also noticed that the cabinet on the left hand side of the shop contained alcohol, mostly cans of beer and cider, was not in a lockable cabinet. There was a silver material covering which was accessible from the sides. To the right of the silver material covering there were cans of alcohol which were not covered at all.

I identified myself and my colleagues to the person working behind the counter. I asked him what his name was and he said it was Ahmed Raj. I asked him if he was the manager and he said he was not. I asked him for a copy of the licence and he handed Part A and Part B of the Premises licence.

I looked at the licence and identified condition 4 which requires that CCTV images of the preceding two days should be made available to authorised officers on request. I asked to view CCTV images and was advised by Mr Ahmed Raj that he was unable to comply with this as only the manager was able to operate the CCTV system.

My colleague asked Mr Ahmed Raj if he was a personal licence holder and he said he was not. I noticed that condition 11 on the licence stated that "A personal licence holder will supervise all sales of alcohol at all times". Mr Ahmed Raj made a phone call and handed the phone to me. The person identified himself as Mr Fiad Shah. He said he worked in the shop in the afternoon and until 23:00. He said he had a personal licence which was issued by Westminster Council. I explained that I was concerned that the alcohol was exposed for sale. Mr Fiad Shah said that the shutters were open because of a delivery. I said that I did not accept this as a credible reason as the only member of staff at the premises was serving behind the counter and not replacing stock. In addition, some of the alcohol was placed in cabinets with no cover and no lock. I advised Mr Shah that I was very concerned about the operation of the premises and needed the Designated Premises Supervisor or licence holder to call me the following day. He agreed to arrange this.

When I got off the phone I asked Mr Ahmed Raj why the cabinet was open. He said it was because it was broken and that someone was due to come to fix it the follow day. This differed from the explanation given by Mr Fiad Shah.

Signature



page 287

Signature witnessed by: _____

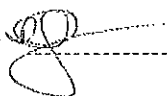
WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Maria Johnson

I advised Mr Ahmed Raj that as he was unable to comply with the licensing conditions he should close the shop to the public. There were approximately 4 people in the shop and I waited for them to be served and leave the premises.

Signature



page 288

Signature witnessed by: _____

Appendix J.



City of Westminster

Mr PK Green
City Operations - Public Protection and Licensing

Tel: 020 7641 4614
pgreen1@westminster.gov.uk
21 June 2015

Ref: 15/12464/ELSELF

Mr Shabir Hussain Gillani
Flat E, 239 Portnall Road
LONDON
W9 3BL

Dear Sir

LICENSING ACT 2003

RE: 7 SEAS GROCERIE STORE, 332 KILBURN LANE, LONDON W9 3EF

I am investigating the matter of unauthorised sale of alcohol by retail at the above mentioned premises and I am of the opinion that an offence may have occurred on the 22nd May and 10th June 2015. I therefore invite you to be interviewed under caution about the offence, on **7th July 2015 at 10am** at Westminster City Hall, 64 Victoria Street, London SW1E 6QP.

The interview will be conducted in accordance with the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice. Your legal representative may accompany you during the interview, if you wish. The interview will be recorded and a copy of the CD can be prepared for you following the interview, if requested.

I also require that you bring to the interview your personal licence and a copy of CCTV footage for the periods; 21 May 22:30hrs to 22 May 01:00hrs
09 Jun 22:30hrs to 10 Jun 01:00hrs.

I should be pleased if you would confirm your attendance by email or should you wish to make an alternative date and time as soon as possible and therefore I look forward to hearing from you.

Yours faithfully

Mr PK Green
Senior City Inspector

cc. Mr Shabir Hussain Gillani, 7 Seas Grocerie Store, 332 Kilburn Lane, London W9



Appendix K.

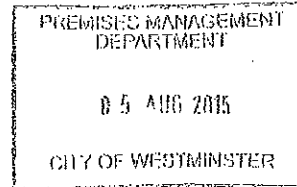


04/07/2015 09:10:29

Appendix L .

7 Seas Groceries Store
332 Kilburn Lane
London W9 3EF

Mr P K Green
City Operations
Public Protection and Licensing
Westminster City Council
Westminster City Hall
4th Floor, 64 Victoria Street
London
SW1E 6QP



31st July 2015

Dear Mr Green

Re: 7 Seas Groceries Store, 332 Kilburn Lane London W9

Further to your letter dated 15th July I apologise for not attending the interview with you on 7th July. I did ring your office three times but was unable to speak to anyone to advise them that I was unable to attend as my Solicitor was away on holiday, but I did leave a message on the answerphone. I did not receive a telephone call back to rearrange the meeting.

My response to the questions in your letter are as follows:

1. Shabir Hussain Gillani
2. 4.3.58
3. Flat E, 239 Portnall Road London W9 3BL. Tel: 07882 260228, email sbr.gillani@yahoo.com.
4. Yes.
5. I am the owner of the premises, DPS and licence holder.
6. Approximately 10 years.
7. The other premises licence holders are Mr Jawad Hussain and Mr Sayaad Miah. I am the only one of the three now involved in the operation and ownership of the business and will be removing the names of the others shortly in a transfer application.
8. I do not have the current addresses of the other licence holders as we have lost contact since they stopped working at the shop and being involved with it.
9. Neither of them have an active role in the premises.
10. Yes.
11. 7am – 1am daily.
12. 8am-11pm daily.
13. Mr Amir Khan was working that evening. I had told him that alcohol must not be sold after 11pm and that after that time the alcohol must not be exposed for sale but should be covered up. Mr Khan admitted afterwards that he had forgotten to do this.
14. Again, Mr Khan was working that evening and forgot to cover up the alcohol at 11pm.



Appendix M.



08/20/15 00:34:00

Appendix *N*.



City of Westminster

Mr PK Green
City Operations - Public Protection and Licensing

Tel: 020 7641 4614
pgreen1@westminster.gov.uk
29 August 2015

Ref: 15/12464/ELSELF

Mr Shabir Hussain Gillani
c/o 7 Seas Grocerie Store
332 Kilburn Lane
LONDON
W9 3EF

Dear Sir

LICENSING ACT 2003

PREMISES: 7 SEAS GROCERIE STORE, 332 KILBURN LANE, LONDON W9 3EF
RE: WRITTEN INTERVIEW UNDER CAUTION

Further to your letter of 31 July where you responded to my earlier questions in writing, I have now incorporated your answers into my questions and onto one document. I should therefore be pleased if you would check your answers against the questions and sign and date them at the bottom of the page.

I must however remind you that you are under caution and,

You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.

Please have this document ready by the **18 September 2015**, when I shall collect it from the above premises.

Yours faithfully

Mr PK Green
Senior City Inspector





City of Westminster

29 August 2015

Ref: 15/12464/ELSELF

LICENSING ACT 2003

**PREMISES: 7 SEAS GROCERIE STORE, 332 KILBURN LANE, LONDON W9 3EF
RE: WRITTEN INTERVIEW UNDER CAUTION**

INTERVIEW QUESTIONS UNDER CAUTION FOR SHABIR HUSSAIN GILLANI

1. What is your full name?

Answer; Shabir Hussain Gillani.

2. What is your date of birth?

Answer; 4th March 1958

3. What is your home address, telephone number and email?

Answer; Flat E, 239 Portnall Road, London W9 3BL. Tel 07882 260228. Email sbr.gillani@yahoo.com

4. Are you able to write on behalf of 7 Seas Grocerie Store, 332 Kilburn Lane, London W9 3EF in relation the investigation into the unauthorised sale of alcohol by retail outside the hours permitted for the premises license in place at 7 Seas Grocerie Store, 332 Kilburn Lane, London W9 3EF premises on the 22nd and 25th May and 10th June 2015, which is an offence under Section 136 and 137 of the Licensing Act 2003?

Answer; Yes.

5. What is your role at 7 Seas Grocerie Store, 332 Kilburn Lane and are you the DPS?

Answer; I am the owner of the premises, DPS and licence holder.

6. How long have you worked at 7 Seas Grocerie Store and when it was called One Nation Food and Wine?

Answer; Approximately ten years.

7. Who else is concerned in the operation and or ownership of the business?
(Who are the holders of the Premises Licence?)





City of Westminster

Answer; The other premises licence holders are Mr Jawad Hussain and Mr Sayaad Miah. I am the only one of the three now involved with the operation and ownership of the business and will be removing the names of the others shortly in a transfer application.

8. What are their addresses and contact details?

Answer; I do not have the current addresses of the other licence holders as we have lost contact since they stopped working at the shop and being involved with it.

9. What is their role in the business and is it an active role?

Answer; Neither of them have an active role in the premises.

10. Do you hold a personal licence?

Answer; Yes.

11. What hours are the premises open to the public?

Answer; 7am – 1am daily.

12. What hours is the sale of alcohol permitted?

Answer; 8am – 11pm daily.

13. On Friday 22 May 2015 at 00:35hrs, I entered 7 Seas Grocerie Store, which was open and saw alcohol openly exposed for sale. Cans and bottles of beer and cider were exposed in a chill cabinet and a shelving unit openly displayed bottles of wine. Behind the shop counter was an open display exposing bottles of spirits for sale. I also witnessed the sale of one can of cider to a customer. Please write why alcohol was exposed for sale and how the sale of alcohol was permitted?

Answer; Mr Amir Khan was working that evening. I had told him that alcohol must not be sold after 11pm and that after that time the alcohol must not be exposed for sale but should be covered up. Mr Khan admitted afterwards that he had forgotten to do this.

14. On Monday 25th May 2015 at 00:35, I entered the premises again and noticed the same displays of alcohol that were still exposed for sale. Please write why the alcohol was still exposed for sale despite my earlier visit?

Answer; Again, Mr Khan was working that evening and forgot to cover up the alcohol at 11pm.





City of Westminster

15. On Wednesday 10th June 2015 at 00:48hrs, Ms M Johnson, Senior City Inspector, entered 7 Seas Grocerie Store and noticed displays of alcohol that were exposed for sale in that cans of beer were exposed in a chill cabinet. Please write why the alcohol was still exposed for sale despite my previous visits of the 22nd and 25th May?

Answer; Mr Khan was working at the shop again on the 10th June and despite having been repeatedly reminded he had forgotten again to cover up the alcohol area at 11pm. Mr Kahn has now been warned that if he sells alcohol again after 11pm or forgets to cover the alcohol area up he will be sacked.

16. What steps have you taken to ensure alcohol is not exposed for sale and sold after the permitted hours?

Answer; The premises are now closed at 11pm and all service to customers is now made via a window service from 11pm onwards until the shop closes for business.

17. On Saturday 4th July 2015 at 03:10hrs, I entered 7 Seas Grocerie Store that were open and occupied with customers and observed that the wine and spirits had been concealed behind wire grills but the beer was only partially covered by a roller blind and a loose black plastic bin bag. Regarding the cans of beer concealed by the bin bag in the chill cabinet, why were the cans not secured behind lockable grills/shutters/screens or doors or removed?

Answer; The staff member who had stocked the shelves didn't realise that when the shutter was down some of the beers were still visible. This has now been rectified and all alcohol is now hidden behind blinds or shutters after 11pm.

18. On 7 Seas Grocerie Store then known as One Nation Food and Wine was subject to a Review by the City of Westminster. Why did Westminster City Council ask for a Review?

Answer; The Council asked for a review of the premises because a Police Licensing Officers saw alcohol being sold at the shop after licensable hours, beers was not locked away after hours beer over 5.5% ABV on sale.

19. What conditions did the Review ask for and what did you do?

Answer; 1) A personal licence holder will supervise all sales of alcohol at all times, 2) A refusals book must be put into place and kept up to date at all times and be available for inspection at the request of a responsible authority, 3) The Portman Group/Challenge 21 or equivalent scheme will be employed, 4) A Challenge 21, Portman Group or equivalent scheme poster must be displayed at the premises. All measures were put in place as required.





City of Westminster

20. How do you account for why the business did not comply with the conditions of the Review?

Answer; The correct measures were put in place but I admit that I have been lax in that I have not been keeping a close enough eye on my staff to ensure that when I am not at the shop they are still complying with these conditions. I have sat down all members of staff who work at the shop and reminded them of all the conditions in place during the hours that they are working at the shop will result in them being dismissed.

21. Do you wish to clarify or add anything further?

Answer; I apologise for all the problems that the Police have encountered in their visits to the premises and will do everything can now to take more control and supervise my staff to ensure that all alcohol is locked away at 11pm every night and that customers do not have access to the alcohol after the hours for licensable activity.

Signed:

Mr Shabir Hussain Gillani

Dated:

September 2015



Appendix .

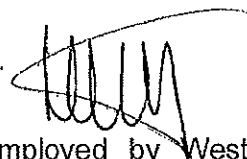
STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Adam Webb
Age of witness: Over 21
Occupation of Witness: City Inspector
Public Protection and Licensing
Address: Westminster City Council, City Hall
64 Victoria Street
London, SW1V 6QP
Telephone Number: 0207 641 1718

This statement, consisting of four page's each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signed:



Dated: 29th January 2016

I am employed by Westminster City Council as a City Inspector for City Operations, Public Protection and Licensing. I have held this position since 1 December 2015. Prior to this date, I have held various enforcement roles within Local Authority Community Safety teams since 1996. I am authorised to enter and inspect premises, make enquiries within these premises and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

On Saturday 23rd January 2016 at 00:08hrs, I entered an off licence and grocery store called 7 Seas Grocery, 332 Kilburn Lane, London W9 3EF, that was open and was trading.

Continued...

Signed:



Dated: 29th January 2016

STATEMENT OF WITNESS
**(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure
Rules 2005, r27.1(1))**

Continuation Statement of Adam Webb...

I would describe the establishment as busy with approximately 10 to 15 customers being served. I observed a sale of cigarettes to a mid-thirties female, a can of butane lighter gas to a male and another customer asked for single razor blades.

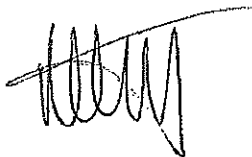
I was accompanied by my colleague Mr ALEX WOODMAN, who is a Public Protection and Licensing Manager. On entering the premises, I and Mr WOODMAN identified ourselves as council officers and asked to see the shop so we could then discuss licence conditions.

The shop had a beer chiller on the right hand side wall of the premises which was closed but not locked. My attention was drawn to a number of plain black plastic bags tucked to the right side of the fridge which are regularly used in the sale of alcohol products. Various high alcohol spirits and cigarettes were accessible from behind the counter.

The person behind the counter then gave his name as SHAHID MUHAMMAD of 8a ALBERT ROAD, ILFORD, ESSEX, ID1 1HN, Telephone 07863 036369 and said that he was 'a partner' in the business.

Continued...

Signed:



Dated: 29th January 2016

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation...

Also working in the store by monitoring the door and providing goods to customers was another male of approximately 50 years of age of Central Asian or Middle Eastern appearance who identified himself as Mr ALI MOHD of 23 Kilburn High Road, London. Neither man had any ID available to view on request.

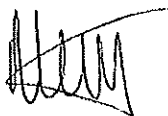
I entered a rear room through an open door from the main shop area and into a room that appeared to be further shop space and/or storage which had a CCTV camera in it. This area contained various cases and uncased alcohol and retail items which were easily accessible from the main shop to members of the public.

To the rear of that area in another open door area was various beers and a locked spirit cupboard. Mr SHAHID MUHAMMAD showed us the cupboards contents which were various 1 litre spirits in single bottles and cases neatly arranged and secured at the time of my visit.

My understanding is that no alcoholic beer over 5.5% Alcohol by Volume (ABV) should be available for sale in the premises however; within the rear room with open access to the front of the shop I made a note of the following high alcohol beers and ciders in full and split cases: 32 cans of KCIDER at 8.4% ABV, 16 cans of KESTRAL SUPER at 9% ABV, 4 cans of SUPERSKOL at 9% ABV and 4 cans of SPECIAL BREW at 9% ABV.

Continued...

Signed:



Dated: 29th January 2016

STATEMENT OF WITNESS

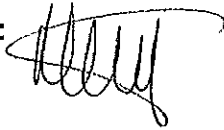
(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation...

After inspecting the rear of the shop, I and Mr WOODMAN returned to the sales desk at the front. The aforementioned black bags located adjacent to the beer chiller had been removed whilst I was in the rear of the premises. Mr WOODMAN asked Mr SHAHID MUHAMMAD where the bags had gone and why they were there; Mr SHAHID MUHAMMAD denied knowledge of the bags and said he did not know.

End of Adam Webb's Statement.

Signed:



Dated: 29th January 2016

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC Reaz Guerra 1614CW**..... URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: ...**5**... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police Constable Reaz Guerra, currently employed in the Westminster Police Licensing Unit.

I joined the Metropolitan Police Service in 2002 and was posted to the Borough of Westminster in 2003, working in numerous operational roles. I moved to the Westminster Licensing Unit in April 2011.

Since my appointment in the Licensing Unit I have dealt with a wide range of licensing matters including applications for new premises licences, variations to existing premises licenses, licensing committee hearings, licensing reviews and a large number of licensing visits to licensed premises within Westminster.

On Thursday 17th March 2016 at approximately 1215 hours I visited 332 Kilburn Lane, W9, a premises which is subject to a review application by Westminster Council City Inspectors (Ref 16/02038/LIREVP). An application for a review of the premise licence was made by the Metropolitan Police in 2007 for the Prevention of Crime and Disorder and the Protection of Children from Harm. This was as a result of persistent underage sales, sale of alcohol past permitted hours and breach of licence conditions.

The licence holders in 2007 were named as Mr Sayaad MIAH and Mr Jawad Hussain, the current licence is still held by the same two people.

Signature: Signature witnessed by:

RESTRICTED (when complete)

Continuation of Statement of **PC Reaz Guerra 1614CW**

The premises is located on the south footway of Kilburn Lane, approximately 15 meters east of the junction with Portnal Road. The main entrance to the premises is on Kilburn Lane. The premises is currently trading and displaying the store name as '7 Seas Grocerie Stores'. I would describe the premises as a small convenience store and is open to the public 24 hours a day, seven days a week. As you enter the premises the till and cash desk is immediately on the right, backed by the shop window.

As I entered the premises I noted the Blue Notice on display in the shop window in relation to the current review application. On entering the premises I walked around the premises and noted that there were three main areas where alcohol was exposed for sale. There was a chilled display of alcohol on the left, containing predominantly beers, wine and a selection of spirit mixtures.

On the right of the shop floor was a cabinet/shelving unit with ambient wine and champagne. Behind the counter was a further display of spirits.

On entering the shop there were no staff inside the premises, I did note that there was a male stood outside the front on the highway, after a few minutes this male entered the store. Identified myself to him and explained I was from the Westminster Police Licensing Team. I explained to him that I was visiting the premises in relation to the review application. I asked the male his name and he was reluctant to provide me his details and did not provide his name. I asked how long he had worked at the premises and he said he was just covering as the normal person was not there. I then asked if the Designated Premises Supervisor (DPS) or manager was present, he replied that he was not there. I asked where he was and when he would be available, to which he replied the manager would be back after 1pm. I asked him if he held a personal licence, he did not understand my question so I asked him if had any training in relation to the sale of alcohol and he just shook his head and again did not understand my question. I asked if he could produce the Premises Licence but he was unable to do so.

At this point a male I now know to be Shabil Gillani, the person named as the DPS on the premises Licence appeared from the rear of the store. I asked them why I had been told that the DPS was not present and Mr Gillani explained he had advised the member of staff to say he was not there as he was meeting his solicitor. He then introduced me to Debra Silvester, his licensing consultant who was sat in an office at the rear of the premises. I explained to Mr Gillani that the member of staff had not

Signature: Signature witnessed by:

Continuation of Statement of PC Reaz Guerra 1614CW

provided me with his details, to which Mr Gillani prompted him to provide me with his name, which he did as Mr Mayank PATEL, I then reconfirmed with Mr Gillani that Mr Patel did not hold a personal licence.

I then explained the purpose of my visit to Mr Gillani and then went through the conditions attached the premises licence: 06/04707/WCCMAP

Condition 4.

That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.

I asked if he could show me recent footage, he then escorted me to the rear store room where the CCTV system was located on top of a tall shelving rack. He said he did not know how to operate the system and was unable to show me any recorded footage and that no person on the premises was able to operate the system. Therefore breaching the condition

Condition 5. No beer or cider to be sold above 5.5% alcohol by volume

The alcohol on display with the shop floor was checked, all beer and cider exposed for sale was 5.5% ABV or less. I did note that there were two high strength tonic drinks, called Mandigo (12.5% ABV) and Magnum (16.3% ABV) which were available for self service.

Signature: Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra 1614CW**

Condition 7. *Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.*

And

Condition 10. *The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence*

I asked Mr Gillani to demonstrate how the alcohol is secured outside of hours. Mr Patel then demonstrated that on the Ambient display cabinet a metal shutter was pulled down covering the alcohol and then locked with two padlocks. However I then highlighted to him that there was a large area at the side of the cabinet which still provided access to bottles of wine when the shutter was down. For the chilled cabinets there were two cloth/material blinds which could be pulled down and secured with a padlock. However even when pulled down the alcohol was still readily accessible.

Condition 8. *No self service of spirits*

The spirits were stored and displayed behind the counter and other that the were two high strength tonic drinks, called Mandigo (12.5% ABV) and Magnum (16.3% ABV), none were available for self service

Condition 9. *In the judgement of the Designated Premises Supervisor, to maintain at all times levels of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request of the Licensing Authority and the Police.*

At the time of my visit, there was one member of staff present, he appeared to lack any training in relation to the responsible sale of alcohol and initially he when I entered the premises he was outside taking several minutes to re-enter the shop. During this time the shop floor was not staffed or supervised.

Signature: Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra 1614CW**

Condition 11. *A personal licence holder will supervise all sales of alcohol at all times.*

Although Mr Gillani was actually present in the premises, there was no personal licence holder supervising the sales of alcohol. Mr Gillani was unable to provide any evidence of training given to his staff in relation to the Sale Of Alcohol and Mr Patel did not hold a personal licence.

Condition 12. *A refusals book must be maintained and kept up to date at all times and be available for inspection at the request of a responsible authority.*

I asked both Mr Patel and the Mr Gillani, to produce the refusals log for inspection, however Mr Gillani stated that the he could not find it as a man named Mr Hussain (one of the Licence Holders) had put it somewhere. He was unable to comply with the condition.

Condition 13. *The Portman Group/Challenge 21 or equivalent scheme will be employed.*

and

Condition 14. *A Challenge 21, Portman Group or equivalent scheme poster must be displayed at the premises.*

I noticed one sign above the cashiers desk stating Challenge 25, No ID No Sale.

Following my inspection, I am of the opinion that the existing licence holders are neglecting to promote the licensing objectives by failing to comply with the conditions attached to their licence.

Signature: Signature witnessed by:

Witness contact details

Home address: Postcode:
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): **PC1614CW P207028 PC GUERRA**..... Station: **City Hall Westminster**.....

Time and place statement taken:

Sycamore, David

From: Nida Bhatti <nidabhatti@me.com>
Sent: 21 March 2016 14:42
To: General Licensing
Subject: Alcohol sold Out of licensing hours

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

I am writting reguarding an off license named 7 seas grocerie store located on 332 kilburn lane, London, W9 3EF. I have a big concern about the staff selling alcohol out of hours amd strong beers being sold from behinf the counter, I had raised this issue previously. However, I have still seen the same thing happening alocohol was sold right before my eyes late at night. I am sending this email hoping that these issues will be resolved by yourselves as soon as possible so that these people can stop abusing the license and ruin the society.

Thanks for your cooperation and hope to hear from you soon.

Miss Bhatti

Sent from my iPhone

STATEMENT OF WITNESS

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Statement of: Racheal Ejuetami

Age of witness:
(if over 18 enter "over 18") "Over 18 years"

Occupation of Witness: City Inspector

Address: Westminster City Hall
64 Victoria Street
London
SW1E 6QP

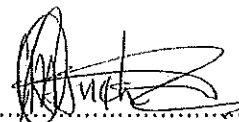
This statement, consisting of 2 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signed.......... **Dated: 9 March 2016**

I am a City Inspector employed by Westminster City Council attached to the Public Protection and Licensing Department, 4th Floor, City Hall, 64 Victoria Street, SW1E 6QP. I am authorised to enter and inspect premises, make enquires, and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

On Saturday 5 March 2016, I was on duty in the Queens Park area. At approximately 00:10 hours, I parked the van I was driving in view of the entrance to Seven Seas Food and Wine, 332 Kilburn Lane, London W9 3EF to conduct an observation. Inside the shop I could see one male I believed to be a member of staff standing at the entrance. There was also another male who I could see partially through the window display. He was standing behind what appears to be the sales counter. There was a large group of young males standing outside the entrance of the premises.

At 00:15, I saw the group disperse. There were a number of people entering and leaving the premises carrying bags.

Signed..........

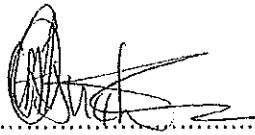
At 00:18, a man entered the premises with nothing in his hands and then left the premises holding the neck of what appeared to be a bottle in a black bag.

Another group of males went into the premises at 00:20 hours most of them were wearing hoodies. At 00:26, some of the group left the premises and stood outside the entrance (approximately five minutes).

On Sunday 6 March 2016 22:30, another observation was conducted for approximately one hour. I parked the vehicle I was driving in view of the entrance to Seven Seas Food and Wine, 332 Kilburn Lane, London W9 3EF. There were a number of people entering and leaving the premises carrying bags.

On the left side of the premises was a refrigerator. The refrigerator was covered with roller silver blind and the items in the refrigerator were accessible from the sides. I did not see any item taken from the side of the blind.

I made this statement using the records held at Westminster City Council and my own recollections.

Signed.....

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules
2005, r27.1(1))

Statement of: Leroy Adedeji
Age of witness: Over 21
Occupation of Witness: City Inspector
Public Protection and Licensing
Address: Westminster City Council, City Hall
64 Victoria Street
LONDON SW1V 6QP
Telephone Number: 0207 641 4614

This statement, consisting of two page's each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signed:

Dated: 27 February 2016

I am employed by Westminster City Council as a City Inspector for City Operations, Public Protection and Licensing. I have held this position since 1 April 2015. Prior to this date, I have held enforcement roles within the Council since 2003. I am authorised to enter and inspect premises, make enquiries within these premises and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

On Saturday 27 February 2016 at 00:50hrs, I entered an off licence and grocery store called 7 Seas Grocerie, 332 Kilburn Lane, London W9 3EF, that was open and was trading. I was accompanied by a colleague Ms Maria Johnson, who is also in Public Protection and Licensing and two Metropolitan Police Officers (PC Marles – CW1735 and PC Lewis – CW 1436) from Paddington Green Police Station. I noticed that the cabinet on the left hand side of the shop which I believe contained alcohol was not in a lockable cabinet. There was a silver material covering, and the sides of the silver material were taped cardboard boxes.

Signed:

Dated: 27 February 2016

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of Leroy Adedeji

On the right hand side wall of the premises, I noticed that the shutter of a cabinet containing alcohol was closed. Behind a counter at the front of the shop was an open display containing bottles of spirits including miniatures. There were six customers inside the shop. My colleague, Ms Maria Johnson identified herself and me to a person working behind the counter and allowed him to serve five customers. At 00:55hrs, a customer walked in and asked the man behind the counter for four cans of beer and he responded "the Police are around" and refused sale. The customer got angry and replied "fuck the Police". The person behind the counter then gave his name as Shabir Hussain, D.O.B 12 October 1980 of 332 Kilburn Lane W9 3EF. Ms Johnson asked to view CCTV images and was advised by Mr Shabir Hussain that he was unable to comply with this as only the manager was able to operate the CCTV system. We left the premises at 01:05hrs.

Signed:

Dated: 27 February 2016

APPENDIX 5

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions (if any) which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed.

Current conditions on the existing licence

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that -
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.

10. No beer or cider to be sold above 5.5% alcohol by volume

11. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
12. Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.
13. No self service of spirits
14. In the judgement of the Designated Premises Supervisor, to maintain at all times levels of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request of the Licensing Authority and the Police.
15. The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence
16. A personal licence holder will supervise all sales of alcohol at all times.
17. A refusals book must be maintained and kept up to date at all times and be available for inspection at the request of a responsible authority.
18. The Portman Group/Challenge 21 or equivalent scheme will be employed.
19. A Challenge 21, Portman Group or equivalent scheme poster must be displayed at the premises.



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

16/02361/LIREVP

Date:

28 April 2016

Classification:

For General Release

Title of Report:

Charlie Berkeley
15 - 16 Berkeley Street
London
W1J 8DY

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

David Sycamore
Senior Licensing Officer

Contact Details:

Telephone: 020 7641 8556
E-mail: dsycamore@westminster.gov.uk

APPLICATION DETAILS

Application Type:	A review of premises licence application under the Licensing Act 2003.		
Applicant:	The Metropolitan Police Westminster Licensing Team	Date Application Received:	3 March 2016
Premises Name and Address:	Charlie Berkeley 15 - 16 Berkeley Street London W1J 8DY		
Ward Name:	West End	Cumulative Impact Area:	No
Description of Premises:	Charlie Berkeley is a night club located in Mayfair. It re-opened in 2015 as its current incarnation.		
Preliminary Note:	<p>The review has been brought due to the premises coming to the attention of the Police as the result of a serious criminal incident occurring at a different premises. It is alleged that poor management at this premises led to a person becoming vulnerable due to high level of intoxication.</p> <p>The premises have now instructed a different legal representative, which has had a bearing on the Police position in relation to the review this is set out in the Police supporting documents.</p>		

2. SUMMARY OF APPLICATION

- 2.1 An application to review a premises licence was submitted by Sgt Hoppe of the Metropolitan Police, Westminster Licensing Borough on the 3rd of March. The review relates to Charley Berkeley of 15-16 Berkley Street, London, W1J 8DY. The review is in relation to the licensing objectives of the Prevention of Crime and Disorder and Public Safety. Appendix 1 to 1i.
- 2.2 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 2.3 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.
- 2.4 The premises currently benefits from a premises licence that permits:

Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Exhibition of a Film	
Monday to Saturday:	09:00 to 03:00
Sunday:	12:00 to 22:30
Performance of Live Music	
Monday to Saturday:	09:00 to 03:00
Playing of Recorded Music	Unrestricted

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday: 09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30

Sundays before Bank Holidays: 23:00 to 03:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 22:30

Sundays before Bank Holidays: 12:00 to 03:00

- 2.5 These review proceedings are brought under the licensing objectives on the grounds of the Prevention of Crime and Disorder and Public Safety. The Metropolitan Police engaged with the venue and Solicitor after an alleged serious offence occurred away from the venue, involving a person who left the premises. The Police have serious concerns about how intoxicated the person became during her time at the premises.
- 2.6 The Police requested 7 conditions added to the licence, and were happy to have this done by way of a minor variation, however this never materialised and this review was therefore submitted.

3. REPRESENTATIONS:

- 3.1 5 local residents support the review on the grounds generally of prevention of Crime and Disorder and Public Safety. Appendix 2.

4. OPTIONS:

- 4.1 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:
- (a) to modify the conditions of the licence;
 - (b) to exclude a licensable activity from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence;
- and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.
- 4.2 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 4.3 The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

List of Appendices:	1 – Police application and submission PEH 1 – 8. 1i – Police late submission and PEH 9 (Restricted) 2 – Resident comments. 2i - Resident further comments 3 - Licensing History and Appeal. 4 – Current Licence Conditions
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Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (6th January 2016)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Paul HOPPE PS 180CW..... URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer 216416

This statement (consisting of: ... 11 ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Handwritten Signature] Date: 9th March 2016.....

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am the above named person, currently the Licensing Sergeant for City of Westminster Police. This statement refers to the application for premises license review of Charlie Berkeleys Nightclub 15 Berkeley Street Mayfair London W18DY. I exhibit the review application paperwork as PEH/1.

I hold the office of Police Sergeant within the Metropolitan Police. I have been designated the responsibilities of Licensing officer by the Commissioner of the Metropolis through the Westminster Borough Commander. I have held this position since July 2015. Previous to this position I have been a neighbourhood Policing Sergeant on two Wards; one in Westminster and one in Islington. I have also been a licensing officer for Islington Borough, Town Centre Officer, Police self-defence instructor and response team officer. I am qualified to BIIAB Level 2 Practitioner.

This statement relates to the circumstances behind the Police request to Westminster City Council to review the premises licence at Charlie Berkeleys nightclub 15 Berkeley Street Mayfair London W18DY on the grounds of Prevention of Crime and Disorder and Public Safety, triggered by a serious sexual assault on a female customer on New Years Eve 2015/ 2016.

There has been considerable engagement with the venues management and licensing advisors.

History:

Charlie Berkeleys was, until August 2015 called Funky Buddha's. To give an overview of crime at the venue, Police have carried out an intelligence search on Crime Reporting Information System (CRIS) and the following crimes of note have been recorded.

There is nothing particularly outstanding in the figures below and in all honesty, although there was a 'call for service' to Police, many of the crimes were not investigated past the initial investigating stage. The exceptions are [redacted] and some of the assaults.

It should be noted however, that a considerable number of the investigators noted intoxication of both victims and

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Continuation of Statement of Paul HOPPE PS 180CW

suspects as a concern.

Crime	2013	2014	2015
ABH	1	4	2
GBH	1	1	1
Common Assault	1	3	1
Theft	18	18	11
Affray	1		
Sexual Assault	1		
Public Order Offences (not Affray)			
TOTAL	23	26	16

Note - the venue was closed for approximately four months in 2015

Of note however:

In the early hours of 26th June 2013 a lone, drunk, vulnerable female customer was sexually assaulted outside after spending the evening at the venue and leaving alone (Crime reference number [REDACTED]). This is very similar to the events which have triggered this review. It appears from the investigation that the only reason the suspect left the victim was when he was disturbed by a witness. The victim failed to engage with Police and the matter was not progressed further than a brief secondary investigation. The venue has clearly not learned its lesson from this serious incident and it was only a matter of time before hit happened again.

Crime reference number [REDACTED] Door Supervisor was charged with Common Assault after an altercation on the front door. This is of concern as door supervisors are trained in conflict management and it is uncommon for a door supervisor to be charged by Police as it could mean the end of his career as a door supervisor.

Incident on New Years Eve 2015/ 2016:

CCTV has been provided by the venue and has been exhibited in this statement (PEH/2, PEH/3 and PEH/4). At 2112.47 hours a white male with dark hair and beard wearing a three-piece suit (MALE A) can be seen entering through the front door of the venue with a door supervisor (this same male also comes in the following day 2nd February 2016 at 2243.44 camera 5 with the same door supervisor). This male follows the door supervisor through the venue to where the door supervisors are gathered and where they hold their briefing before starting work. The two males are now known to be flatmates. At 2114:16 hours MALE A can be seen shaking hands with most of the door supervisors working that night. It is clear they all know him. The male leaves the briefing room before this starts, but doesn't leave the venue.

The female victim wearing a white dress carrying a dark bag is seen entering the venue via the front door with a

Signature: Paul Hoppe PS 180CW Signature witnessed by:

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Continuation of Statement of Paul HOPPE PS 180CW

male (MALE B) at about 0027:05 hours. She appears to be sober and steady on her feet. Due to one (1) of the four (4) breaches of Annex 2 Conditions, Condition 30 (CCTV Condition), balloons celebrating New Years Eve make tracking the movements of the female inside the venue difficult. She is helped out of the venue by MALE A who is seen earlier entering with a door supervisor. It is clear that she is now very intoxicated. She has not left the venue all night and has become this way while being supplied alcohol at the venue. The venue have stated waiters are on each table to ensure customers do not become intoxicated.

The female victim is seen on CCTV leaving the venue with MALE A at 0400:33 hours. The female can clearly be seen to be unsteady on her feet and has to be almost carried out of the venue by MALE A seen earlier entering with the door supervisor. MALE A stands with the female victim, holding her up outside the venue for a few minutes and then at 0402:52 hours can be seen dragging her across the road [REDACTED]

At [REDACTED] MALE A identifies himself to the security team as a "Doorman from Charlies". It is known from viewing CCTV from another venue that MALE A telephones his flat mate, the door supervisor from the venue.

At 0410.45 the door supervisor is seen on his phone outside the venue, he goes back inside and then at 0411.16 he comes back outside on his phone and at 0411.28 meets MALE A in the middle of the road. They have a short discussion and then both males then go back to the other venue where MALE A has left the victim. At 0415.06 the door supervisor come back to the venue and greets other staff who are leaving. He goes back inside the venue. At 0415.57 the door supervisor comes out again on his telephone and appears to be waiting for MALE A as he keeps looking over the road towards the other venue. He indicates with his hand to another door supervisor to the other venue. At 0419.05 hours MALE A can be seen crossing the road back towards the venue. He is on his phone and goes right off the screen towards where his flatmate the door supervisor goes. MALE A has left the vulnerable victim in the other venue. It is because of this action that the female is later seriously sexually assaulted by a stranger.

Crime Investigation (Crime Reference [REDACTED])

The victim reports the assault to Police the following day after waking up naked in a confused state [REDACTED] alone. She does not know what has happened other than she feels she has been violated and was unable to consent. She has little memory of the night before. She also finds that her expensive (£11000) watch has been stolen. A criminal investigation begins and forensic evidence is gathered by Police. During the early stages, the venue supplies CCTV to the specialist sexual offences officers from a Police unit called SAPPHIRE. These officers contact Westminster Licensing Police due to the fact that the management team at Charlie Berkeleys cannot identify MALE A (the male who has taken the female victim out of the venue). The management team cannot be sure whether he is staff or not and it appears at this time that staff are protecting him.

On Thursday 7th January 2016 Westminster Licensing Police visit the venue and view and seize CCTV.

Signature: [Handwritten Signature] Signature witnessed by:

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Continuation of Statement of Paul HOPPE PS 180CW

Licensing Officers persuade the managers present to contact [redacted] to ascertain whether MALE A was working or not as a door supervisor on New Years Eve. It was confirmed that he does not work at the venue and was not working that night. Later investigations with the SIA discover that this male has *never applied for a door supervisors badge with the Security Industry Association and is not a door supervisor.*

As the initial Police criminal investigation progressed, it is an unwritten policy, usually agreed with the officer in the case (OIC) that Licensing officers would take 'second string' and follow the criminal investigation. This means that Licensing Officers maintain contact with the OIC and do not take action unless agreed with the OIC.

The victim agrees to assist Police and the suspect is identified. He is arrested and interviewed. As this is an ongoing investigation, the details of this portion of the investigation cannot be revealed at this time. There is however, concern that the suspect has links to a famous, outspoken sports person.

Once this was identified, Licensing officers were concerned that any action taken could negatively affect the venues reputation.

Licensing Investigation:

As explained above Licensing officers follow the criminal investigation and do not take action unless agreed with the OIC as any action they take may prejudice the criminal investigation. However, Licensing officers must balance this delay in taking action against the fact that the venue is still open and the Licensing Objectives must be promoted.

PS Hoppe took statements from the security officers at the venue the victim was taken to by MALE A. The two officers clearly identified the fact that the male who carried the victim in to the hotel identified himself as a "Doorman from Charlies" [redacted] This is the only reason they allowed him in [redacted] as there is a premises license condition not to let anyone in after 0000 hours (midnight) - [redacted]

There was some considerable concern from Licensing Officers that Charlie Berkeleys continued to operate without making any changes to the operating schedule. On 2nd February 2016 PS Hoppe emailed the venues DPS outlining the areas that the venue should consider to tighten up their processes (PEH/5). It is clearly understood that Police cannot and will not demand a venue take action. The reply from the venue was non-committal.

On 10th February 2016 at 1420 hours PS Hoppe again emailed the DPS re-iterating his concerns that the issues he identified had still not been addressed in a formal way (PEH/5). Again the venues reply was non-committal.

On 12th February 2016 1807 hours PS Hoppe sent a third email, specifically outlining seven (7) premises license conditions which he requested the venue consider to promote the Licensing Objectives and demonstrate learning. PS Hoppe also pointed out that there was no acceptance of guilt by adopting these conditions. He even explained this could be done simply by way of minor variation application. The venues response was that the conditions had been unofficially adopted. PS Hoppe was concerned that the venue was not taking this situation seriously and

Signature: Paul Hoppe PS 180CW Signature witnessed by:

2003(1)

Continuation of Statement of Paul HOPPE PS 180CW

license to make the license more beneficial for his clients; the owners of the venue. PS Hoppe reminded the meeting that there had been four (4) (actually five (5)) breaches of premises license conditions on the night which lead to [redacted] of a vulnerable (drunk) customer of the venue and that the venue continued to operate. He was also concerned that the venue was looking to remove Conditions after it had failed to achieve them which he considered inappropriate. PS Hoppe also stated he was concerned that if a similar incident happened before action had been taken, there would be considerable criticism of the venue, Police and the Council for not taking action to ensure measurable processes were put in place to protect customers and prevent crime and disorder. Mr [redacted] kept returning to the fact that he wished to "Make the conditions better than you (PS Hoppe) had written". This comment meant a full application which could take a considerable amount of time to be approved. PS Bunch and PS Hoppe both agreed that the premises licence could be looked at in the future after an application was made, but it was the serious incident on the 31st December 2015 that had to be dealt with first and the failings on that night. The meeting eventually closed with Mr [redacted] agreeing that he would have an answer on the seven (7) conditions by lunchtime Wednesday 24th February 2016. This was because PS Hoppe was out of the office after this time for six (6) days and he wanted some measurable, recordable action taken before he was away for such a long period of time.

- Submitted Work:

After the above meeting Mr [redacted] completed a considerable amount of work. He carried out a full review of the current premises license and made alterations to conditions he felt was appropriate to benefit the venue; his clients. Unfortunately this is not the work that PS Hoppe had requested. All PS Hoppe had requested was consideration of the seven (7) conditions to prevent a similar incident as to the New Years Eve [redacted]

At about 1300 hours on Wednesday 24th February 2016 Mr [redacted] telephoned PS Hoppe to tell him that he had carried out this full review of the premises license and he felt that this was going to make PS Hoppe's life easier. PS Hoppe spent around forty-five (45) minutes trying to explain to Mr [redacted] what had already been discussed; being that PS Hoppe would consider any application made, the situation at hand was the most important; being to resolve the holes in management practise, preventing further [redacted] and breaches of the existing Premises License Conditions.

This piece of work from Mr [redacted] arrived by email at 1433 hours on Wednesday 24th February 2016 which was at least an hour and a half after it was promised. The work consisted of a complete premises license review by Mr [redacted] and the removal of conditions which had been previously added due to issues in the venue.

PS Hoppe telephoned Mr [redacted] and told him clearly that while he appreciated the work, it was not what was required at this time. At a subsequent meeting with Westminster City Council, it was agreed that due to the scale of changes, this application would have to be a full variation. PS Hoppe indicated at the time of this telephone

Signature: [Handwritten Signature] PS 180CW Signature witnessed by:

Continuation of Statement of Paul HOPPE PS 180CW

had allowed the events which led to the serious sexual assault of one of their customers. Therefore the only way to demonstrate learning and promote the licensing objectives was to add these conditions which could be monitored. PS Hoppe also felt it was appropriate to inform the venue that he would consider alternative wording to these conditions but nothing was forthcoming.

On Thursday 18th February 2016 PS Richard Bunch, the second Licensing Sergeant telephoned the DPS Mr Paul Smith and left a message requesting he attend a meeting on Monday 22nd February 2016 at 1100 hours to discuss the suggested conditions. By lunchtime Friday 19th February there was no reply. PS Hoppe telephoned and left a second message again requesting Mr Smith contact Licensing police to confirm the meeting on Monday 22nd February. Another weekend was about to pass so at 1930 hours PS Hoppe emailed the Licensing Officer on duty that weekend the 19th - 21st February 2016, PC Mike Day, copying Mr Smith into the email stating that if the venue failed to engage with Police on this matter, PS Hoppe would have no option other than to take enforcement action (PEH/7). This appeared to stimulate the DPS into action and on Monday 22nd February 2016 at 1100 a meeting was held at the Council Offices City Hall Victoria. In attendance were: PS Hoppe, PS Bunch, Mr Paul Smith DPS, Mr [redacted] solicitor for Charlie Berkleys and Mr [redacted] solicitor for Charlie Berkleys.

Meeting on 22nd February 2016:

The meeting on 22nd February 2016 at 1100 at Council Offices City Hall Victoria was called by PS Hoppe to discuss whether the venue management were prepared to accept the suggested conditions he had made as there was still no discernable action taken on behalf of the venue. PS Hoppe explained this in his opening comments and also the fact that these suggestions had been brought about by the [redacted]. To this Mr [redacted] asked "Was it a serious [redacted]" PS Hoppe was incensed by this naïve comment and challenged Mr [redacted] remark. Mr [redacted] admitted this was not an appropriate comment and apologised for his choice of words.

From this point Mr [redacted] introduced the idea of making major changes to the premises licence. He insisted on discussing that the premises licence conditions and the fact that he felt that many were now obsolete. PS Hoppe reminded Mr [redacted] that he had called this engagement meeting to discuss the very simple seven (7) suggested conditions and whether his clients would accept them or wished to consider them and make some brief changes. Mr [redacted] insisted on trying to discuss what would have amounted to a full variation. PS Hoppe tried to keep the conversation on subject and reminded the meeting that this was a serious incident and that he had been engaging with the venues management through email which appeared to have been ignored. At this point Mr [redacted] stated that he was not really prepared for the meeting as he had not had sight of the email chain. PS Hoppe presented him with a copy of this email chain, but Mr [redacted] refused to read it there and then and repeated that the had only been instructed on Friday evening and was not prepared for the meeting. These comments did not add value to the conversation as it appeared that Mr [redacted] was only prepared to discuss major changes to the premises

Signature: [Handwritten Signature] PS 180CW Signature witnessed by: [Redacted]

2003(1)

Continuation of Statement of Paul HOPPE PS 180CW

door supervisor on 2nd January 2016 at 2243.44 hours. He again greets working door supervisors in the briefing room. The venue has provided CCTV from other nights, but MALE A cannot be seen entering on other occasions.

3) MALE A does not have his identification scanned as required by Annex 2 Condition 36. Initially venue management did not know who this male was. It was only because Police Licensing insisted on investigating him did his identity become known.

4) MALE A is not searched as required by Annex 2 Condition 37.

5) The victim is clearly *not* intoxicated on entry. She becomes intoxicated while in the venue. According to the crime report the victim believes she had very little to drink and may have had her drink spiked. This is very possible if MALE A who has contact with her, has not been searched.

6) The venue management claim to have waiters at each table, supposedly to ensure customers do not become too intoxicated. At no point was the victim identified as vulnerable or intoxicated by staff.

7) By its own admission, the venues management accidentally covered some CCTV cameras with balloons to celebrate New Years Eve. This is a breach of Annex 2 Condition 30.

8) The female victim was 'picked up' by MALE A inside the venue and taken outside. He supports her as he walks her to another venue [REDACTED] As he gets to the entrance, he identifies himself as a "Doorman from Charlies". This is the only reason security let him in. He is *not* and has *never been* a holder of an SIA licence.

9) When MALE A takes the victim out of Charlie Berkleys, other staff take a 'double look' at the couple. No one appears to identify this female as vulnerable or question MALE A.

10) MALE A telephones his flatmate (a door supervisor at the venue) and this door supervisor is seen on CCTV coming over to where MALE A has taken the victim. At no point does the door supervisor report this vulnerable customer to the management of Charlie Berkeleys.

11) Many of the door supervisors working outside the venue are not wearing their hi-visibility jackets. A breach of Annex 2 Condition 32.

12) At the end of the night there are not two SIA door supervisors and a manager outside the venue for an hour. A breach of Annex 2 Condition 39.

13) The door supervisor who allowed MALE A to visit the venue at least twice, thus breaching two Conditions - 36 and 37 was supposedly the 'joint' head doorman for the night because the regular head door supervisor was not working. This demonstrates a total lack of respect by the contracted door company for the venues management. It also demonstrates a lack of management control over the door supervisors.

14) This is not the first time this venue has had an incident similar to this. See Crime Reference [REDACTED] where a vulnerable female customer was [REDACTED] after being allowed to leave the venue alone.

15) There has been considerable engagement from the Police with this venue. There has been:

Signature: Paul Hoppe PS 180CW Signature witnessed by:

2003(1)

Continuation of Statement of Paul HOPPE PS 180CW

call that he felt this would be the case and he did not have the time to consider such a huge piece of work, particularly due to its late arrival.

PS Hoppe followed this up by email see PEH/8.

Meeting on Wednesday 2nd March 2016:


While PS Hoppe was off duty between 24th February 2016 and 2nd March 2016, Mr . telephoned PS Bunch and arranged a further meeting regarding work he had done (see section above entitled - Submitted Work). Prior to this meeting PS Hoppe met with PS Bunch, Mr David Nevitt (Environmental Health) and Ms Claire Hayes (Licensing) from Westminster Borough Council. The purpose of this meeting was to ascertain whether it was necessary for all parties to meet with Mr . It should be remembered that there had been considerable consultation with Police by face to face meeting, telephone and email. PS Hoppe fully explained the historical issues and what he was trying to achieve by suggesting the seven (7) conditions. It was unanimously agreed at this meeting that there was no requirement for everyone to attend as the premises license changes that Mr : was suggesting amounted to a full variation and as such would have to be made by application. There was also a concern that Mr was attempting to use this meeting as a pre-application advice session which is a paid-for service offered by Westminster Council.

The meeting was held in City Hall, attended by PS Hoppe, PS Bunch and Mr : . At this meeting PS Hoppe introduced the that fact that he was running the investigation into the events on New Years Eve and that the Police Licensing Team were responsible for more than 3500 licensed premises and this venue had taken up a considerable amount of time. He clearly asked Mr whether his clients were accepting the suggested conditions or not. Mr refused to answer this question and PS Hoppe had to push for an answer. Once Mr had replied that his clients were not prepared to consider the suggested conditions, PS Hoppe had no other choice other than to close the meeting. This upset Mr , but as PS Hoppe stated, this was not intentional, but he did not have any more time to discuss the managements refusal to adopt his suggested conditions and he could not spend the time listening to a full variation. It appeared that Mr : was upset that the Council Officers did not attend. It appears this is because he wanted advice on his full variation.

Summary of Concerns:

There are a number of concerns which have been highlighted by this serious incident:

- 1) The venue allows MALE A into the venue when it is closed. He is not a member of staff nor a paying customer. MALE A then goes to the door supervisors briefing room and greets the other door supervisors. They know he is in the venue before it opens, but do not inform the management. In the light of the recent Paris attacks, which only happened weeks before, it is expected that venue security would be of utmost importance.
- 2) Having watched CCTV from the next working night, MALE A is seen coming in again with his flatmate, the

Signature:  Signature witnessed by:

2003(1)

Continuation of Statement of Paul HOPPE PS 180CW

- 1 visit to the venue on 7th January 2016 when Police informed the venues management of their concerns, viewed CCTV and persuaded management to obtain the name of MALE A.
- 1 meeting at City Hall with Management team on 3rd February 2016 at City Hall where PS Hoppe explained that he was still investigating, but he would require some action to demonstrate learning.
- 1 meeting at City Hall with the Management team and their licensing advisor on 22nd February 2016.
- 1 meeting at City Hall with the venues licensing advisor alone.
- A number of emails between Police and the venues management.
- Countless phone calls between Police and the venues management and licensing advisor.

On every occasion Police have given the venue the opportunity to understand the serious failings at the venue which led to a vulnerable customer being seriously sexually assaulted. The venue's only response has been to apply for a full variation to *remove* conditions.

16) There are serious concerns from Police that the venue, its management team and the licensing advisor are not taking this situation seriously by delaying taking action. This incident happened more than two months ago and the venue still trades without making any measurable / enforceable changes to its operation. There is concern that the venue has not taken steps to tighten its management controls.

17) Police have been clear with the venue that there is a potential for adverse publicity attached to this incident as the suspect who has been arrested, but not yet charged, is a family member of a well-know, controversial sports person. Police have suggested the venue add seven (7) proportionate conditions to their licence to demonstrate learning. The venue has refused.

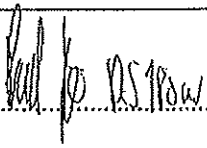
Supporting Policy Statements:

1) The location of Charlie Berkeleys on Berkeley Street could be considered a mini-Cumulative Impact Area. There are a number of venues in the immediate vicinity (within 100 meters) which have late licenses:

- NOBU - 0200 hours
- MAYFAIR HOTRL (& BAR) - 0100 hours
- FIFTY 9 Berkley Square - 0300 hours
- NOVIKOV - 0130 hours
- MAYFAIR CLUB - 0600 hours
- PALM BEACH CASINO - 0600 hours
- MAHIKI - 0300 hours

Although this venue is not in a Cumulative Impact Area, due to the nigh density of high-profile late-licensed (out of core hours) venues, Police feel that revised Guidance paragraph 13.33 applies. Therefore Police are requesting a reduction in hours to reduce the amount of time customers can purchase alcohol, in comparison with other

Signature:



Signature witnessed by:

2003(1)

Continuation of Statement of Paul HOPPE PS 180CW

venues close-by.

2) Police feel that the seven (7) premises license conditions suggested to the venue meet the proportionality test as described in 10.10 of the Revised Guidance and 3.1 of the Westminster City Council Licensing Policy:

3) Section 3.2 of the Westminster City Council Licensing Policy document refers to the approach Police have followed in this matter. There has been considerable engagement with the venue which has not only outlined the crime that has occurred due, in part to poor management at the venue, but also breaches of existing Premises License Conditions.

4) Regarding section 11.10 of the Revised Guidance, Police have given the venue and its agents considerable opportunity to remedy the issues revealed during the investigation. Police have also given a clear indication on the steps that could be taken to address the concerns of Police. However the venue has refused to co-operate.

Summary:

A vulnerable customer of Charlie Berkeleys was [REDACTED] after being removed from the venue by a male who lied about being a door supervisor. This male had been allowed into the venue at least twice without any checks, by a legitimate door supervisor.

Police have fully engaged with the venue and after initially pointing out the failings, suggested seven (7) proportionate conditions. The engagement has been all one way from Police. The venue has refused to deal with the immediate serious issue and has, since the review was applied for, made an application for a full variation. It is unbelievable that the venue has failed to achieve up to five (5) license conditions on one night but is seeking to remove Conditions by way of a full variation. It is the belief of Police that this application would never have been made if this incident had not happened.

Police have done everything possible to avoid this review, but the venues licensing advisor appears intent on appearing before the Westminster Licensing sub-Committee.

Police shall be objecting to the full variation on the grounds of Prevention of Crime and Disorder, Public Safety and the contents of this review statement.

Considering all the facts as explained above Police feel that there has been a breakdown in working partnership with the venue due to the reluctance to take Police advice, or not offer appropriate alternatives. For this reason Police have no hesitation in requesting the Licensing sub-Committee:

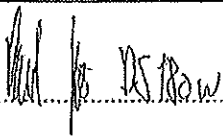
1) Add the seven (7) conditions suggested by Police to the premises licence to promote the licensing objectives and demonstrate learning.

2) Remove the DPS.

3) Reduce the terminal hour for all licensable activities to:

Monday to Thursday 0100

Signature:



Signature witnessed by:

2003(1)

Continuation of Statement of Paul HOPPE PS 180CW

Friday and Saturday 0200

Sunday 0000

While there has been a considerable amount of crime in the past two years, Police are not in a position to support a request for the suspension or revocation of the premises licence at this time, based on the evidence currently available.

Exhibits:

Review application paperwork is exhibited as PEH/1. Summarised CCTV of this incident is exhibited as PEH/2. A full copy of the CCTV is exhibited as PEH/3. A transcript of the CCTV is exhibited as PEH/4. Still image of male carrying victim is exhibited as PEH/5. Email chain PEH/6. Email from PS Hoppe - enforcement action PEH/7. Email regarding work done by Skeens 24th February 2016 - PEH/8.

Handwritten signature and initials: PS Hoppe PS 180CW

Signature:

Handwritten signature: Paul Hoppe PS 180CW

Signature witnessed by:

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2003(1)

Witness contact details

Home address: Postcode:
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female-(delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:
Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): Station:
Time and place statement taken:

PEN/1
 Form 691



TOTAL POLICING

Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
- You may wish to keep a copy of the completed form for your records.

I Westminster Licensing Police
 apply for the review of a premises licence under Section 51 of the Licensing Act 2003
 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:
Charlie Berkleys (licence held as Funky Buddha)

Post town: London Post code: W1J 8DY
(if known)

Name of premises licence holder or club holding club premises certificate (if known):
Porchshire Ltd, HAO ISU

Number of premises licence or club premises certificate (if known):
15/07202/LIPDPS

Part 2 – Applicant details

I am:

		Please tick Yes
1	an individual, body or business which is not a responsible authority (please read guidance note 1 and complete (A) or (B) below)	<input type="checkbox"/>
2	a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3	a member of the club to which this application relates (please complete section (A) below)	<input type="checkbox"/>

1439

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)									
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:				First Names:					
I am 18 years old or over				<input type="checkbox"/>					
Current postal address if different from premises address:									
Post town:						Post code:			
Daytime Tel. No.:						Email: (optional)			

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
Westminster Licensing Police 4th Floor City Hall 64 Victoria Road SW1E 6QP	
Telephone Number (if any):	0207 641 6016
Email address: (optional)	

This application to review relates to the following licensing objective(s)		
		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		
There is an ongoing criminal investigation linked to this review application and as such all information contained within this application should be treated as confidential so as not to prejudice the investigation. The Officer in the case has been informed of this premises license review application and is fully supportive.		
This review is being requested to Prevent Crime and Disorder and to Protect the Public Safety after a vulnerable female customer was seriously sexually assaulted due to the actions and then inactions of the venue.		
There has been considerable engagement (always instigated by Police) with the venue, but the venue refuses to add proportionate, reasonable Conditions to the Premises License to demonstrate learning and promote the Licensing Objectives.		

PROTECTIVE MARKING

On the evening of 31st December 2016 into the early hours of the morning of 1st January 2016 a female customer of Charlie Berkleys nightclub (previously known as Funky Buddha) was [REDACTED]. She is shown on CCTV evidence provided by the venue entering in an apparently sober state at about 0030 hours. She became intoxicated while in the venue and at about 0400 hours was helped out of the venue by a male who claimed to be a member of door staff - but is not a suspect (Crime reference number 650381/16 refers). The suspect has been identified and arrested and is currently on bail. The suspect has family links to a famous sports person, but this fact has no bearing on this review application.

Since the incident, the venue was initially helpful in providing CCTV of the incident and details of door supervisors working on the evening in question. Police have carried out a proportionate licensing investigation during which time a number of areas for learning has been identified and explained to the venue.

Police have instigated three face to face meetings with the venue management, the DPS and their licensing advisor. There have been a number of emails sent from Westminster Licensing Police to the venue management and their licensing advisors in an attempt to encourage the venue to demonstrate learning and promote the licensing objectives by adding the suggested Conditions or similar to the premises licence, however the venue has refused to consider the suggested Police conditions. This review is therefore requested to add Police conditions to the Premises Licence.

The issues identified by Police and emailed to the venue were:

- 1) Door staff appear to all know the male who could have been working on the evening of 31/12/2015, yet no one speaks up or informs management that he is in the venue when it is still closed to staff. This could be a Counter Terrorism issue.
- 2) This male takes it upon himself to help the female from the venue and take her to a [REDACTED] where he tells doors staff there that he is a Door Supervisor from the venue. The only reason he is let in with her is for this reason.
- 3) The venue CCTV is satisfactory, but balloons are covering cameras in some locations. This means that the CCTV condition is not achieved as coverage of the venue is not complete.
- 4) The female is a vulnerable person as she is not capable of making her own way home. She is not identified by your staff as a person who needs some assistance. Please consider vulnerability training for all staff.
- 5) There were four (4) breaches of Licence Conditions that night:

Annex 2 - Conditions 32, 36, 38, 39:

(32) All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

(36) All customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises), with the exception of a maximum number of 10 guests per night who may be admitted at the managers discretion without ID being scanned. A legible record of those persons full names, date of birth and address shall be retained at the premises available for inspection for a period of not less than 31 days together with the name of the manager authorising the admittance which shall also be recorded. The details recorded by the ID scanner system shall be made available to the Police upon reasonable request.

(37) All persons entering or re-entering the premises shall be searched as stipulated by Westminster Police Licensing Team, by SIA trained member of staff and monitored by premises CCTV system.

(39) A minimum of two SIA security and a member of management will remain outside the premises for one hour after the permitted terminal hour for the sale by retail of alcohol.

There is a further breach which has not as yet been focussed upon being Annex 2 Condition 30 which is the CCTV condition. This is because there were balloons on the ceiling masking the CCTV camera coverage.

In an email on 2nd February 2016 Police requested some accountable action to be taken by the venue management team after the licensing investigation was complete. Nothing of substance was forthcoming.

On 10th February 2016 Police again emailed the DPS and management team re-stating the seriousness of the incident and requesting swift action. Again there was no measurable action taken.

On 12th February 2016 Police sent an email clearly outlining suggested Conditions (See attached). These would satisfy Police that the Licensing Objectives are being promoted and learning has taken place.

This venue has remained open throughout and no measurable action has been taken. The venue is located in an area where there are a large number of licensed premises. It is the opinion of experienced Licensing Police that if the above Premises License Conditions had been adhered to at the time of the incident and if the suggested conditions had been in place, this heinous crime would not have occurred.

It is clear that the venue had a number of opportunities to prevent this crime:

- 1) Identifying the vulnerable customer in the venue and preventing them from getting drunk inside
- 2) Preventing the vulnerable customer being taken away by a person not scanned or signed into the venue; claiming to be staff
- 3) Ensuring this vulnerable customer got home safely in a taxi
- 4) Ensuring the male who entered with the door supervisor was scanned or signed in and searched before entry

Police therefore respectfully request the Licensing sub-Committee add the attached seven (7) conditions to the premises licence. However Police would also invite the Committee to consider reducing the venues hours by one hour to 0200 to reduce the time customers have for getting drunk, removing the DPS and also to remove the ability for the venue to sign in customers from Annex 2 Condition 36 so that every customer will have to produce ID to enter the venue.

PROTECTIVE MARKING

Please provide as much information as possible to support the application: (please read guidance note 3)

PROTECTIVE MARKING

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 6 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature:



Date:

02/03/2016

Capacity:

Westminster Licensing Police

Contact name (where not previously given) **and postal address for correspondence associated with this application:** (please read guidance note 6)

Post town:

Post code:

Telephone Number (if any):

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Retention Period: 7 years
MP 321/12

Charlie Berkleys

Suggested Police Conditions
For Incident on NYE

- 1) All staff (including contracted staff) to be trained in identifying 'vulnerable people'. This training to be signed for by each member of staff and a copy held on each member of staff's personal record for inspection by Police or other authorised officer.
- 2) All door supervisors are to present their personal SIA identification badge to the Duty Manager before starting work. All door supervisors will PERSONALLY enter their all their details into the door supervisors log sheet and sign the sheet.
- 3) All CCTV cameras will be fully functional as per Annex 2 Condition 30. There shall be no obstruction, temporary or permanent covering the full recording angle of every camera.
- 4) No persons shall be permitted to enter the venue before the official opening time, unless they are:
 - Staff (who are on duty that night. No off-duty staff shall be allowed)
 - Contractors carrying out work for which they have authorisation from the management team
 - Police or authorised officers
 - Persons who have privately hired the venue and are dressing the venue for a private event
- 5) There shall be a written process for dealing with 'vulnerable people'. This process shall be reviewed every year from <date> and signed each year as current by the DPS.
- 6) All persons signed in by the management team (as per Condition 36) shall provide photograph identification to the countersigning manager who shall clearly record:
 - First Name - Last Name - Date of birth - Address - Type of identification and number (for example passport number)
- 7) The venue shall enter into an agreement with a Hackney Carriage or Private Hire Company to provide a contact number of the Company for customers of the venue. The venue shall record every attempt to obtain transport home for customers on their behalf.

The above Conditions are suggested for Charlie Berkleys and are intended for the premises license review dated 02/03/2016

Signed..... *[Signature]* Print..... *P. NOME* Date..... *02/03/2016*

PROTECTIVE MARKING

Have you made an application for review relating to this premises before?	<input type="checkbox"/> (Please tick yes)
If yes, please state the date of that application:	Day Month Year
If you have made representations before relating to this premises please state what they were and when you made them:	

PROTECTIVE MARKING

[Empty rectangular box for protective marking]

	Please tick Yes
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected.	<input checked="" type="checkbox"/>

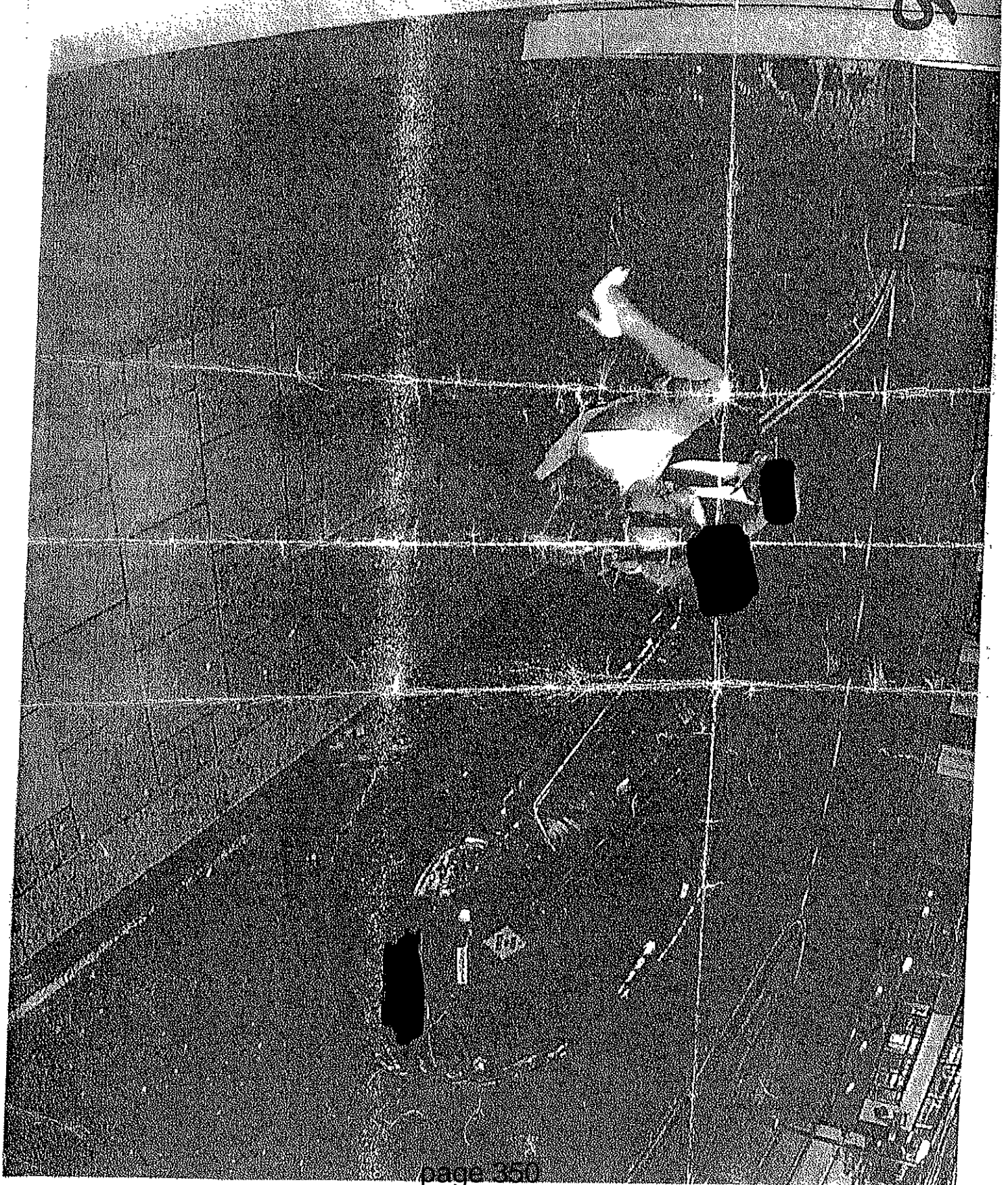
CHARLIE BERKELEYS

New Years Eve 2015/2016

PEM/14
 Kelly A. Rouse

Time From	Time To	Camera No.	Detail
2112.47		5	MALE A enters venue with flatmate
2113.29	2114.16	14	MALE A enters briefing room and shakes hands with DS
0027.05		5	Victim enters venue on phone with MALE B. Victim steady on feet
0027.31		6	MALE B and Victim approach cash desk
0028.42		7	Victim enters venue - walking steadily with MALE B
0028.48		8	Victim and MALE B are seen near cloakroom
0359.13	0359.45	9	Victim struggles to get shoes on and is helped by MALE A
0400.00	0400.28	8	Victim is unsteady on her feet and is helped out by MALE A
0400.20	0400.34	7	Victim is unsteady on her feet, helped by MALE A by cloakroom
0400.27	0400.34	6	Victim being helped out by MALE A
0400.33	0400.50	5	Victim leaves through the venue
0400.34		1	Victim staggers out of venue with MALE A
0402.52	04.03.10	1	Victim leaves with MALE A. Door staff watch
0400.34	0402.52	2	Victim staggers across road with MALE A helping her
0400.34	0403.24	4	Victim leaves venue with MALE A. Door staff watch
0410.45	0411.55	1	Victim staggers across road with MALE A helping her
0415.06	0415.57	1	Door supervisor on phone then meets MALE A
0419.05	0419.16	1	Door Supervisor comes back to venue and goes inside. He comes out again and waits for MALE A
			MALE A walks back across road following door supervisor

Penis



PEH/6
 Paul Smith
 15/02/16

Hoppe Paul - Westminster

From: Paul Smith [paulsmith@charlieberkeley.com]
 Sent: 17 February 2016 17:53
 To: Hoppe Paul - Westminster
 Cc: Jimmy CB; Paul Chung; Butterworth Matthew - Westminster; Bunch Richard N - Westminster
 Subject: Re: Meeting
 Attachments: Intoxicated persons policy.pdf

Hi Paul,

Firstly my apologies in the delay in my reply as I've been on sick leave for a couple of days. I have been consulting with Hassan Serdoud directly on the conditions pointed out. Everything that you highlighted in your email has been implemented and is part of our Company and Security policies. I feel that this can be achieved without adjusting the conditions of the premises license.

1. As part of our company policy, training is provided in identifying vulnerable or intoxicated people. Each member of staff who has undergone training signs in for Duty-of-Care training for staff and acknowledges that they are fully aware of the training they have received. A copy of this is held in the manager's office. If you require a copy of this, I can send to you in due course. Please note, in staff files we have a copy of identification of all staff, mainly passport copies.

2. As part of [REDACTED] security policy, all door supervisors do present their personal SIA identification badges to the head of security and duty manager, they do personally sign in to their log sheet with all their details. This is now countersigned by the duty manager.

3. Annex 2 Condition 30 can be adjusted. This is to include that there will be no obstruction, temporary or permanent covering the full recording angle of every camera.

4. It is company policy that no persons shall be permitted to enter the venue before the official opening time unless they are;

Staff (who are on duty that night, no off duty staff shall be allowed without prior permission from management)

Contractors carrying out work for which they have authorisation from senior management

Police or authorised officers

Persons who have privately hired the venue and are dressing the venue for a private event. This is supervised and consulted with by a member of the management

5. As part of our security policy and contracted agreement with [REDACTED], the security policy includes an Intoxicated Person Policy. Please find attached, this is strictly adhered to by the DPS and all members of the company.

6. As per condition 36, I am a little perplexed as it gives leeway for 10 persons without identification to be signed in to the licensed premises. This is strictly adhered to, with names, addresses, dates of birth and contact numbers being recorded by the DPS or member of management. There is a biometric scanning system in place also.

7. There is a black taxi rank provided directly outside our front door, customers are encouraged to use this service and for any customer that we feel vulnerable or intoxicated, the details of the driver are taken by security and recorded.

22/02/2016

I hope that you find this sufficient and that the implementation of these policies has been put in to place with immediate effect.

On Fri, Feb 12, 2016 at 6:07 PM, <Paul.Hoppe@met.pnn.police.uk> wrote:
Hi Paul,

Thank you for your email, which I have read thoroughly. I am sorry to say there is no indication in your email regarding making an application to add Premises Licence Conditions.

As I stated at our meeting on 3rd February, this is a serious incident and there is a considerable amount of learning that each venue involved can take from it. I have discussed this with all venues involved and I am treating each with the same respect in allowing them to take voluntary action.

I feel that in order to demonstrate commitment to promoting the Licensing Objectives and evidence learning, I would invite you to consider adding conditions to your premises licence to ensure this type of incident does not happen again.

Conditions proportionate to this type of incident may be:

- 1) All staff (including contracted staff) to be trained in identifying 'vulnerable people'. This training to be signed for by each member of staff and a copy held on each member of staff's personal record for inspection by Police or other authorised officer.
- 2) All door supervisors are to present their personal SIA identification badge to the Duty Manager before starting work. All door supervisors will PERSONALLY enter their all their details into the door supervisors log sheet and sign the sheet.
- 3) All CCTV cameras will be fully functional as per Annex 2 Condition 30. There shall be no obstruction, temporary or permanent covering the full recording angle of every camera.
- 4) No persons shall be permitted to enter the venue before the official opening time, unless they are:
 - Staff (who are on duty that night. No off-duty staff shall be allowed)
 - Contractors carrying out work for which they have authorisation from the management team
 - Police or authorised officers
 - Persons who have privately hired the venue and are dressing the venue for a private event
- 5) There shall be a written process for dealing with 'vulnerable people'. This process shall be reviewed every year from <date> and signed each year as current by the DPS.
- 6) All persons signed in by the management team (as per Condition 36) shall provide photograph identification to the countersigning manager who shall clearly record:
 - First Name
 - Last Name
 - Date of birth
 - Address
 - Type of identification and number (for example passport number)
- 7) The venue shall enter into an agreement with a Hackney Carriage or Private Hire Company to provide a contact number of the Company for customers of the venue. The venue shall record every attempt to obtain transport home for customers on their behalf.

Please also remember that there were four premises licence breaches on this night which I have not taken action on at this time. It has now been almost two months since this incident and I am concerned over the lack of measurable action taken.

I look forward to your comments and swift response.

Regards

Paul

From: Paul Smith [mailto:paulsmith@charlieberkeley.com]
Sent: 10 February 2016 22:32

To: Hoppe Paul - Westminster

22/02/2016

Cc: Butterworth Matthew - Westminster; Bunch Richard N - Westminster; Jimmy CB; Paul Chung
Subject: Re: Meeting

Good evening Paul,

As a result of his actions by inviting his friend, [REDACTED] to the venue on the night of 31-12-2015, [REDACTED] was immediately dismissed from [REDACTED] due to breach of code of conduct. [REDACTED] was employed with [REDACTED] for two and a half years and has realised the consequences of his actions on this occasion. Please note, due to the festive season we had temporary staff assigned on that particular evening as key members of our permanent security team were not present, including our Head of Security; [REDACTED] [REDACTED] was one of these temporary staff assigned. The severity of this particular case has been brought to the attention of all members of the venues team and I am confident that our current security team are fit for the purpose of securing the venue, its patrons and staff. They have been with us since we opened the venue last September and I have had absolutely no reason to doubt them up until this point.

Refreshments and water is provided to all tables, as well as to all patrons who visit the club. On the night of 31-12-2016, we did provide complimentary canapés to all guests for the first hour of trading as we expected all of our guests to arrive to the club before midnight, this could have been provided again later on in the evening also. On the evening, the female victim was joining on to a booked table; all tables are served by busboys and supervised by waiters. She seems to have left the company of this particular table, staff should have paid attention to this fact. Interaction with all guests is widely encouraged and practised to exercise the wellbeing of each of our guests whilst enjoying the clubs facilities.

All guests are asked to provide ID for scanning before entering the venue, this is monitored each night by a senior manager. Failure to provide ID results in denying entry to the premises, all guests when booking or enquiring are made aware of this. With the exception of ten guests, at the Designated Premises Supervisors discretion, there is room for ten people who must be signed into the venue. They must provide us with their name, address, date of birth and telephone number. A bank card or business card is asked for as proof of their name.

I do feel the impact that this incident had on the victim and will do everything in my power with the help of my team to ensure the safety of all guests and staff at all times.

Again, if you need anything else at all please let me know.

Regards,

Paul Smith

On Wed, Feb 10, 2016 at 2:40 PM, <Paul.Hoppe@met.pnn.police.uk> wrote:

Good afternoon Paul,

Thank you very much for this email, however, I don't think I impressed on you the impact this incident will have on the victim.

I would seriously suggest you consider these points:

- At no point did any of your door supervisors bring this vulnerable person to the attention of your management team. I would ask you consider whether your current door team are still fit for purpose?
- The female victim is clearly seen on CCTV entering the venue, steady on her feet and in control of her senses. She leaves in quite the opposite state. What could have been done to prevent this?
- There are issues around customers signing in / using the scanning machine.

I shall be speaking to [REDACTED] in due course regarding his companies responsibilities.

I feel that you should be considering some conditions to demonstrate your commitment to promoting the licensing objectives.

I am looking forward to your swift response.

22/02/2016

Regards

Paul

From: Paul Smith [mailto:paulsmith@charlieberkeley.com]
Sent: 09 February 2016 14:17
To: Hoppe Paul - Westminster
Cc: Butterworth Matthew - Westminster; Bunch Richard N - Westminster; Jimmy CB; Paul Chung
Subject: Re: Meeting

Good afternoon Paul,

I hope you had a good weekend. The following actions have been taken as a result of the issues highlighted;

1) All security staff are accounted for at their daily briefing. Either the manager on duty/senior management will countersign daily sign in sheets and do a role call and head count at the briefing. All new staff must be inducted and met by the manager on duty/ senior management on their first day of placement. All members of staff are aware of any new employee beginning with the company also.

2) I will email [REDACTED] to request a meeting with the [REDACTED]. The placement of guests [REDACTED] not practised or encouraged as part of our policy. If we do require a [REDACTED] any of our guests, only a director or a member of senior management must call [REDACTED] beforehand to arrange.

3) There will be no excessive decorations in future, any decoration must be fixed.

4) Staff have been subjected to full training by [REDACTED], director [REDACTED] on Duty of Care and safe guarding vulnerable persons who are guests on the premises. This training was given on Monday February 8th 2016.

5) With regards conditions 32, 36, 38 & 39

All security staff outside the entrance and in the foyer of the premises wear high visibility yellow vests.

All customers who enter the venue have their ID scanned, there is a biometric scanning system in place also and a limit of 10 persons are signed into the venue by the Designated Premises Supervisor (myself).

Nobody is permitted on the premises besides staff after 30 minutes of the permitted trading hour

Two SIA security are present, along with a manager, outside the premises until an hour or longer if necessary after the permitted terminal hour for the sale by retail of alcohol. All guests are safely guided after the venue is closed.

If there is anything else at all I can assist you with, please do not hesitate to contact me.

On Wed, Feb 3, 2016 at 6:31 PM, <Paul.Hoppe@met.pnn.police.uk> wrote:

Hi Paul,

Thank you and Jimmy for making the time to meet me today.

I have reviewed the CCTV provided by yourselves and read the associated crime report. I given this incident a considerable amount of consideration and I believe, at this time,

22/02/2016

that the management team at the venue were not given the opportunity on the night to deal with the unfolding incident as a male decided to take this vulnerable female out of the club himself without any direction from the management team.

As promised, may I outline the issues I have identified:

- 1) Door staff appear to all know the male who was working on the evening of 31/12/2015, yet no one speaks up or informs management that he is in the venue when it is still closed to staff. This could be a Counter Terrorism issue. Please address.
 - 2) This male takes it upon himself to help the female from the venue and take her to a [REDACTED] where he tells doors staff there that he is a Door Supervisor from your venue. The only reason he is let in with her is for this reason. Please address.
 - 3) The venue CCTV is satisfactory, but balloons are covering cameras in some locations. Please address
 - 4) The female is a vulnerable person as she is not capable of making her own way home. She is not identified by your staff as a person who needs some assistance. Please consider vulnerability training with ALL staff
 - 5) As you already know, there were some breaches of Licence Conditions that night: Annex 2 - Conditions 32,36, 38, 39
- I am confident that these can be addressed by yourselves now being aware.

Please consider all the points above and provide me with an action plan by the 10th February 2016 explaining how you are going to address these issues and by what date. You may of course chose to add conditions to your licence by way of minor variation to demonstrate your commitment to promoting the Licensing Objectives.

Please will you forward me the contact details you have for your security company as I shall have to speak to them regarding the failures of their employees to deal with this situation.

If anything is unclear, please contact me.

Regards

Paul

**PS 180CW Paul Hoppe Licensing Team
Territorial Police - Metropolitan Police Service
Telephone 020 7641 6016
Westminster City Hall, 4th Floor, 64 VICTORIA STREET, LONDON,
SW1E 6QP**

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From: Paul Smith [mailto:paulsmith@charlieberkeley.com]
Sent: 03 February 2016 17:28
To: Hoppe Paul - Westminster
Cc: Jimmy CB; Paul Chung
Subject: Re: Meeting

Hi Paul,

Thank you for meeting with us this afternoon, both Jimmy and myself really appreciate your time.

I will await your follow up email with regards to what we spoke about and will have all details to you promptly.

Hope you enjoy the rest of your week.

22/02/2016

On Wed, Feb 3, 2016 at 11:31 AM, <Paul.Hoppe@met.pnn.police.uk>
wrote:

Hi Paul,

I would suggest that [REDACTED] does NOT come along.

There will be some difficult conversations around the door team and their actions - I would rather he was not there on this occasion as I would not want you and Jimmy to be under pressure from him at the meeting. If you wish to bring [REDACTED] from [REDACTED] that will be acceptable, but please let me know. If you insist on [REDACTED] that is your decision and I shall respect that.

I am going to telephone you to make sure you get this message.

Regards

Paul

From: Paul Smith - Charlie, Berkeley Street.
[mailto:paulsmith@charlieberkeley.com]
Sent: 02 February 2016 19:55
To: Hoppe Paul - Westminster
Cc: Bunch Richard N - Westminster
Subject: Re: Meeting

Good evening Paul,

4.30pm is perfect to meet you in City Hall tomorrow, I will be attending with Jimmy Man, one of our directors and also hoping to bring along [REDACTED] who is our head of security for the venue also. I hope this is ok?

Best wishes,

Paul Smith

General Manager

*Charlie Berkeley Street
15 Berkeley Street
Mayfair
London
W1J 8DY*

paulsmith@charlieberkeley.com

M - 0044 7552216131

*Twitter @paulsmit
@howaboutcharlie*

Instagram- charlieberkeleystreet

On 2 Feb 2016, at 10:52, <Paul.Hoppe@met.pnn.police.uk>

22/02/2016

<Paul.Hoppe@met.pnn.police.uk> wrote:

Good morning Paul,

Thank you for telephoning yesterday, unfortunately I was out for the afternoon.

Please may I arrange a meeting with you to discuss the problems/ breaches I have discovered on the evening of the 31st December 2105 into 1st January 2016.

I would like to suggest meeting at City Hall where I will show you CCTV. Please let me know if you are going to bring anyone with you.

Regards

Paul

PS 180CW Paul Hoppe Licensing Team
Territorial Police - Metropolitan Police Service
Telephone 020 7641 6016

Westminster City Hall, 4th Floor, 64 VICTORIA
STREET, LONDON, SW1E 6QP

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Twitter: @metpoliceuk

Best Regards,

Paul Smith

General Manager

*Charlie Berkeley Street
15 Berkeley Street
Mayfair
London
W1J 8DY*

22/02/2016

Hoppe Paul - Westminster

PEH / 7
Paul Hoppe

From: Hoppe Paul - Westminster
Sent: 02 March 2016 20:29
To: 'Paul Smith'; Jimmy CB
Cc: Bunch Richard N - Westminster; Butterworth Matthew - Westminster
Subject: Review Application - Charlie Berkleys
Attachments: Review Application Charlie Berkleys - Funky.pdf

Dear

After todays difficult meeting I have now opened this email and I feel that I should respond to you email below. I believe you requested this meeting with Richard Bunch during my time off and I believe I had specifically informed you that I was dealing with this incident, not Richard. Since the beginning of January 2016 I have carried out a proportionate investigation into this incident and I feel that it is only right and proper that you deal with me and not Richard.

Before the meeting today I spent some time with Claire and Dave from Westminster Council and Richard Bunch. We discussed at length the issue around your application and we feel that the changes to the premises licence are too great for a minor variation.

Today's meeting was only to discuss the minor variation I have suggested to promote the licensing objectives and demonstrate learning after the incident on New Years Eve. I have re-iterate, that this is a risk management exercise - honestly I am trying to protect the venue from serious enforcement action should anything like this incident happen again before the venue has had the opportunity to carry out a full review of its processes and procedures and take appropriate action.

I have also pointed out that I am ONLY dealing with the New Years Eve incident at this time. This is where you seem to mis-understand me. I was more than happy to consider a full variation once these simple conditions have been accepted by your clients. I was also happy to consider similar conditions written by yourselves.

However, as you indicated today (only when I pushed you for an answer), you are not prepared to consider a minor variation to deal with the incident on New Years Eve. I have also pointed out that since the venue re-opened last year under the name Charlie Berkleys the venue has felt no need to make a variation to change the premises licence conditions. I know of no concerns from Police regarding the current state of the premises licence conditions other than the breaches and the my suggested conditions; but these have only come up after the [REDACTED] on New Years Eve.

I feel that there needs to be swift action taken after the investigation I have carried out and your clients need to demonstrate their commitment to the Licensing Objectives.

I am therefore attaching a copy of my review application. This application has been served on the appropriate responsible authorities. For ease I have also copied in the Management team at Charlie Berkleys.

Regards

Paul

PS 180CW Paul Hoppe Licensing Team
Territorial Police - Metropolitan Police Service
 Telephone 020 7641 6016
 Westminster City Hall, 4th Floor, 64 VICTORIA STREET, LONDON, SW1E 6QP
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10/03/2016

PEN/8
[Handwritten signature]

From: Paul.Hoppe@met.pnn.police.uk [mailto:Paul.Hoppe@met.pnn.police.uk]
Sent: 24 February 2016 16:33
To:
Cc: Richard.N.Bunch@met.pnn.police.uk; Matt.Butterworth@met.pnn.police.uk
Subject: RE: Charles

Dear

Regarding this and the other emails I have received this afternoon relating to suggested Premises Conditions to promote the licensing objectives after the [redacted] on New Years Eve where the victim had been drinking heavily at the venue and was then removed by a person claiming to be a member of door staff. I have been working with the venues management team to demonstrate learning after a number of issues were identified at the venue on the evening, including four (4) premises licence breaches.

I have given the venue the opportunity to take action itself but unfortunately this was not forthcoming and it was then that your services were employed. After this serious incident, I made suggestions to the venue by email and at a meeting to demonstrate learning by adding

proportionate conditions to the premises licence by way of variation. I fully accept the venue may chose to ignore these suggestions, but I do expect some action to be taken to prevent this kind of incident happening again.

I believe you have the email chain outlining these suggestions so I won't go over them again.

After the meeting on Monday 22nd February 2016 at City Hall when you stated quite clearly that you were not prepared, having only been instructed on the evening of Friday 19th February 2016, I believe I had been clear on the issues under discussion which were the prevention of another incident such as the one on New Years Eve 2015. Unfortunately you have not sent me what I requested, but a full licence variation. I am not minded at this time to discuss this matter; the matter under discussion is the prevention of another [redacted] at the venue and the addition of proportionate premises licence conditions to support and promote the licensing objectives.

Therefore while I accept that you may attempt to apply for a variation to make changes to the full premises licence, which you can do at any time; I am ONLY dealing with the New Years Eve incident as I would not wish for this serious incident to be reduced to a general licence variation.

Due to the fact that I feel I shall now need more time to consider the adjustments you have made to the very simple conditions I suggested and you are proposing not addressing at least two of them, I shall now require more time than I have left available today to fully consider this issue. This is due in part to the long conversation we had earlier today.

I shall email you next week with my thoughts on your adjusted licence conditions. In the meantime, I would strongly suggest that your clients ensure all current licence conditions are adhered to and consideration be given to vulnerable customers.

Regards

Paul

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Territorial Police - Metropolitan Police Service
Telephone 020 7641 6016
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Details of public representations relating to 16/02361/LIREVP

Comments received electronically via Public Access:

- **Mrs Jaleh Zand - 17 Berkeley Street, London, W1J 8EA**
SUPPORT

2:15 AM on 29 Mar 2016 17 Berkeley Street Residents Association supports this review. Charlie Berkeley (formerly Funky Buddha) has been a source of extreme nuisance for local residents for decades.

Despite numerous complaints from the residents and even joining the Berkeley Street Monitoring Group, they have not addressed the problems and our residents remain disturbed almost daily.

- **Mrs Helen Arjomandkhah - 17, Berkeley Street, Mayfair, London**
SUPPORT

9:46 AM on 24 Mar 2016 I fully support the Police review of a premises license for The Charlie Berkeley Club (formerly known as Funky Buddha), on the grounds of Prevention of Public Nuisance.

This club is a huge disturbance on our lives, as I am sure it must be to all the lives of the residents of Berkeley Street.

During its opening hours, there are queues of people, already intoxicated, speaking loudly to one another, shouting profanities and generally behaving as though the street is a place to have a party, before they enter the club. The men who stand on the door don't do anything about this, they are only interested in whom they are going to allow in.

As a resident walking past this queue of people to get to my home it is intimidating and also difficult as they commandeer the pavement. This is an uncomfortable and unpleasant environment to have to wade through to get home.

It doesn't stop there, in front of my door there are couples mingling and smoking, I have to ask them to move to be able to get inside my own door.

Through out the night till early morning there is a constant stream of loud noise, shouting, swearing, screaming and fighting (often in the middle of the road) as people leave the club. What with this and the endless engine sound of taxis and people slamming doors directly below our bedroom window, as you can expect we don't get much sleep.

Once again the men working on the club doors do nothing about this offensive and undesirable behavior, so quite clearly nobody gives any consideration to the fact that people are living here.

The gentleman who is porter at our building regularly has the repulsive job of washing urine and vomit away from outside the front door, above one occasion he has also had to clear away used condoms.

There a number of prestigious restaurants on Berkeley Street they are vibrant and elegant, in keeping with the area of Mayfair, this club definitely does not fit in to that category.

- **Mr Grant Bowler - Flat 2 , 17 Berkeley Street, London, W1J 8EA**
SUPPORT

11:33 PM on 20 Mar 2016 Dear Sir,

I would like to register my support for a review requested by The Metropolitan Police of the licence (and operating hours) of former Funky Buddha - alias Charlie Berkeley.

The operation and management has not followed a good neighbour principle, with considerable disruption in the street. Their operation has lacked any willingness to remedy their shortcomings. The residents support the Berkeley Street Monitoring Group whereby the safety and security of

the street is monitored by the operators within the street. They have not participated in this voluntary activity and codes of practice to maintain some order.

Sincerely,
G Bowler

- **Mr Victor Arbulu - 10 Berkeley Street, London, W1J 8DP**
SUPPORT

5:31 PM on 18 Mar 2016 Funky Buda has been a source of problems to the neighbors at Berkeley Street for many years.

We hope this will be ended soon, since the noise and type of costumers that are around Funky Buda shouldn't exist in a neighborhood such as Mayfair.

- **Mr Ahmad Reza Salar Boroumand - 10, Berkeley Street, London**
Received:
OBJECTION

10:58 AM on 18 Mar 2016 I would like to object to the renewal of this Licence on the basis of public nuisance and increase in crimes. Berkeley Street has become a nightmare for its residents due to number of restaurants and clubs. These establishments have caused traffic congestion and have attracted undesirable people over years.

Re: 'Charlie Berkeley' (known previously as 'Funky Buddha'), 15-16 Berkeley Street, London W1J
8DY

Application for review of premises licence, ref: 16/02361/LIREVP

s51 Licensing Act 2003

Hearing listed for 28 April 2016

Statement of Jaleh Zand, 17 Berkeley Street Residents Association

1 Introduction

- 1.1 On 29 March 2016 I made a representation on behalf of 17 Berkeley Street Residents Association, in support of an application (ref: 16/02361/LIREVP) made by the Metropolitan Police, acting as a 'responsible authority', to review the premises licence for 15-16 Berkeley Street, currently operated under the name 'Charlie Berkeley'. The application is made under s51 Licensing Act 2003.
- 1.2 On 29 March 2016 I also made a representation on behalf of 17 Berkeley Street Residents Association, objecting to an application (ref: 16/02415/LIPV) made by Porchshire Limited, the premises licence holder, to vary the premises licence for 15-16 Berkeley Street. The application is made under s34 Licensing Act 2003.
- 1.3 Both representations were necessarily brief, as I was at the time unaware of the details of the review application save for the fact that it was brought under the licensing objectives of 'prevention of crime and disorder' and 'public safety'. It was clear from the timing and content of the variation application that it was related to the reasons for the police review, but did not shed any light on what these reasons were. I therefore decided to submit two short representations on behalf of myself as a local resident and as Chair of 17 Berkeley Street Residents Association, intending to augment this with a more detailed submission in due course. I am now aware of the circumstances which gave rise to the review application. This submission therefore constitutes my full response to both applications, although I appreciate that the hearing on 28 April is in respect of the review application only.
- 1.4 Along with others, I am concerned about the saturation of Berkeley Street and its immediate environs with late night licensed premises. The number of premises operating late in the evening has increased rapidly in recent years, to the extent that late night licensed premises have cumulatively given rise to serious problems of crime, disorder and nuisance. Local residents have to bear the brunt of this.
- 1.5 I set out below in more detail why I am supporting the review application and objecting to the variation application. I will also address the relevance of cumulative impact to the review application.

2 The review application and the variation application

- 2.1 The circumstances which have given rise to the review application are of profound concern to residents. We support the review application and object to the variation application on the grounds of 'prevention of crime and disorder' and 'public safety' based on the information in the review papers. There are allegations of breaches of licence conditions and lapses in management. However, we would like to take this opportunity to put forward our views on whether the licence holder is promoting the licensing objective of 'prevention of public nuisance', and whether the operation of the premises is adding to cumulative impact in the area.
- 2.2 For many years when the premises were operating as 'Funky Buddha', patrons attending the premises caused a great deal of noise nuisance and disturbance. Please note that I am able to give evidence that this specific premises has given rise to public nuisance concerns. My flat at 17 Berkeley Street is only a couple of doors down from 'Charlie Berkeley'.
- 2.3 I have therefore witnessed with my own eyes on many occasions noise nuisance being caused by patrons of the premises arriving on foot and by car (with slamming doors etc), queuing to enter the premises (shouting, arguing etc), temporarily leaving the premises to smoke (shouting, arguing etc), and leaving at the end of the night. The terminal hour is 3.30am. Apart from the Casino, it has the longest operating hours on the street.
- 2.4 A meeting took place last year with the management (Paul Smith and Jimmy Man) and their lawyer, attended by me, Ron Whelan of Mayfair Residents Group, and Councillor Roberts. We discussed the disturbance over the years, and they assured us that 'Charlie Berkeley' has a new management team (although the same owner as 'Funky Buddha') and that the way they intended to operate had changed. They also agreed to join the Berkeley Street Monitoring Group and they have been attending the meetings. However, we have not seen any changes since.
- 2.5 I have attached a photograph taken after the premises began operating as 'Charlie Berkeley'. The photo is taken from my window. I can confirm that this scene has been a common sight whether operating as 'Funky Buddha' or as 'Charlie Berkeley'. I have not noticed any effective changes implemented as result of the meeting last year, when we formally raised these concerns.
- 2.6 I also believe that the premises contributes significantly to anti-social behaviour and crime and disorder in the vicinity; these issues are a result not only of the cumulative impact of the late night licensed premises in the street, but also the operation of this particular premises. The issues raised in the review suggest that the safety of customers in the premises and local residents is being compromised. Some of the clientele make residents feel uncomfortable, particularly if they are smoking or loitering outside the door to no17. I imagine it is the same for residents of the other blocks. Their doormen and security team have no control over the crowd who are their patrons outside. Often their patrons are hanging out outside our doorstep and don't even move when residents want to get in and out of the building. Their

doormen take no responsibility to move the crowd, in fact I believe they encourage it. We also have had two cases of vandalism reported to the police but due to lack of CCTV at our entrance, it could not be proved to the criminal standard that it was patrons of 'Charlie Berkeley'.

2.7 The premises are very close to Novikov. Between them, I feel that these premises create a 'perfect storm' of cumulative impact, particularly late at night when their customers leave the premises. The noise from taxis and cars is often extreme.

2.8 For these reasons, I believe that the hours permitted for licensable activities and for customers to be on the premises should be reduced.

3 Cumulative impact: Late night licences in Berkeley Street and its immediate vicinity

3.1 See table below.

Premises	Premises type	Terminal hour	Capacity	Points to note
Palm Beach Casino, 30 Berkeley St	Casino	7am	840	-
Mayfair Bar, (part of the Mayfair Hotel) 17 Stratton Street*	Bar	1.30am	250	Licence reviewed by residents in 2014 on public nuisance grounds
Charlie Berkeley (formerly Funky Buddha), 15-16 Berkeley Street	Nightclub	3am	220	Licence currently under review by the police
Nobu, 15 Berkeley Street	Restaurant	2am	460	-
Novikov, 50 Berkeley Street	Restaurant/bar/club	2am	520	-
Bocconcino, 19 Berkeley Street	Restaurant	12.30am	127	Started operating in 2015. Previously offices.

Café Pushkin, 20 Berkeley Street	Restaurant	Core Hours	125	New licence granted in 2013, not yet operating.
12 Hay Hill	Private Members Club with bar	Midnight Mon-Thurs, 1.30am Fri-Sat	250	Started operating in 2015.
Park Chinois, 17 Berkeley Street	Restaurant	2am	450	Started operating in 2015. Previously licensed but premises had not operated for some years.
Sexy Fish, 1-4 Berkeley Square	Restaurant	2am	220	Started operating in 2015. Was previously a Bank.
Fifty9, 59 Berkeley Square	Bar/club	3.30am	295	-
Rififi, 15a Hay Hill	Private Members Club	3.30am	75	-
Raw and BBQ, 11 Berkeley Street	Restaurant with ancillary bar	1.15am	unknown	Application for new licence pending. Previously offices.

* Mayfair Bar entrance and exit is on Berkeley Street

4 Comments on licensed premises in vicinity

4.1 This table does not include the numerous licences for Dover Street.

4.2 An analysis of the table clearly shows how the number of licensed premises operating and the total capacity has increased alarmingly in recent years.

4.3 Bocconcino, Cafe Pushkin, 12 Hay Hill, Park Chinois, Sexy Fish and Riffifi have all either been granted an entirely new licence (i.e. for a premises with no previous licensed history) or have started operating again after lying empty, in the last couple of years. By my calculations, the grant of licences/licences coming back into use amounts to an increase of over 1000 in

licensed capacity, putting further strain on an infrastructure that is already down to the bone. Yet another licence has recently been applied for at 11 Berkeley Street, with a proposed terminal hour of 1.15am.

4.4 The licence for Mayfair Hotel (specifically the public bar) was reviewed successfully in 2014.

5 Effect of the existing late night licensed premises

5.1 Almost every number or every other number on the upper part of Berkeley Street is now a licensed late night operator. At the same time the upper part of Berkeley Street is very residential. On one side of the street is 10 Berkeley Street with 19 flats, 17 Berkeley Street with 12 flats, 18 Berkeley Street with 20 flats and Berkeley House has 42 flats and goes all the way through Hay Hill. On the other side in front of these residential buildings, is the Mayfair Hotel with 400 guest rooms, of which 100 face Berkeley Street. On the lower part of Berkeley Street there are plans to add additional residential units, which were previously offices. There is also the Holiday Inn London Mayfair with guest rooms facing Berkeley Street.

5.2 Below is a list of problems that the residents are currently facing from the cumulative impact of licensed premises. These problems have intensified hugely in recent years. I have direct knowledge of some of these problems relating specifically to 'Charlie Berkeley', as I can see the entrance from my flat.

5.2.1 The residents have been experiencing shouting, screaming and other antisocial behaviour from the clients of these operators late at night to early hours of the morning.

5.2.2 There is vomit, dried urine outside our door steps and this has become more frequent with the increase in the number of operators

5.2.3 There is waste and garbage left on both sides of the street and the council seems unable to deal with the current load.

5.2.4 There is massive amount of traffic during the night, with double and triple parking on parts of the street. We experience cars honking, people showing off with their sport cars with loud engines creating very significant high decibel low frequency noise, which can't be tackled with any acoustic system, waking up the residents late at night.

5.2.5 The characteristics of our street have changed in the recent years and in general in south Mayfair. Car show rooms, and galleries leaving the area and being replaced by bar, restaurants, and clubs.

- 5.3 As a result of the recent saturation there has been an increase in crime in Berkeley Street and the area around. The Mayfair Hotel is now using a privately funded scheme to provide extra policing around their premises.
- 5.4 One of the most agonising problems for the residents is the extreme noise. The situation has worsened in the recent years. We believe that residents have been failed by the number of licences which have continued to be granted. We would like to further point out that at least as far as 5 years ago the problem of noise was not to this extreme extent.
- 5.5 In short, all current four licensing objective are failing at Berkeley street. Residents' experience of the operation of 'Charlie Berkeley' confirms that this premises is a significant contributor to public nuisance due to its high capacity, late terminal hour, and style of operation. The fact that the police are so concerned with the attitude of the management to an apparent incident demonstrates that the 'prevention of crime and disorder' objective is also not being promoted.
- 5.6 We are actively involved in trying to bring about positive change to Berkeley Street. We applied for a licence review for the Mayfair hotel in 2014. We now support the police's review of 'Charlie Berkeley'. We were also involved in setting up the Berkeley Street Monitoring Group, which aims to promote good practice for licensed premises, chaired by Councillor Glanz.

6 Economic Impact of the change in nature of Berkeley Street

- 6.1 While we understand the arguments in favour of the night time economy, the balance has to be maintained. The night economy should not jeopardise the successful day economy that Mayfair enjoys.
- 6.2 We believe that such a massive number of late night operators so close to one another, are not in line with the character of this area. This is certainly the case for a premises whose operation the police have seen fit to review on the grounds of 'prevention of crime and disorder'. Mayfair has a very strong day time business economy. Both Berkeley Street and Berkeley Square are home to some of the most renowned hedge funds, trading companies, family offices, wealth managers, and consulting firms. These companies have chosen Mayfair due to its location but also the prestige that the area has historically offered. Mayfair is further known for galleries, car show rooms and art houses.
- 6.3 In the light of the recent move by the biggest players in the financial industry from the City to Canary Wharf, the Council has to protect this area and prevent the flight of these smaller boutique firms based in the heart of London. Dirtier streets, piled with garbage, building materials and hard core detritus, urine and vomit are not conducive to attracting and maintaining legitimate business operations.

6.4 Many local residents are of the view that this part of Mayfair has reached a tipping-point. It is saturated with late night and drink-led premises, and residents suffer a range of noise nuisance and criminal behaviour well into the small hours. It is extremely difficult to pinpoint specific problems to specific premises, although clearly some have the potential to cause more nuisance than others. Because of this, it is difficult for residents to initiate effective reviews of licensed premises. The range of nuisance is so all-encompassing that it arises from the cumulative impact of all the premises taken together, as much as any individual problematic premises. However, it is clear from our experience and from reading the police review application that 'Charlie Berkeley' can be identified specifically as a major contributor.

7 Conclusion

7.1 The review application is supported on the grounds of prevention of public nuisance, prevention of crime and disorder, and public safety. It is also supported on the basis that the premises adds significantly to cumulative impact in the vicinity.

7.2 Berkeley Street is not currently included within a designated Cumulative Impact Area (CIA). However, the s182 Guidance is clear that it is nevertheless open to residents to raise the issue of cumulative impact. Case law also confirms that issues of cumulative impact can be raised as part of a licence review regardless of whether the premises is situated in a designated official cumulative impact area.

7.3 When determining licence applications, the focus should be on evaluating what is 'reasonably acceptable' in a particular location (*R (on the application of Hope & Glory Public House Ltd) v (1) City of Westminster Magistrates' Court & Ors* [2011] EWCA Civ 31). The scope of the licence and conditions should be looked at in a local context (*Matthew Taylor v (1) Manchester City Council (2) TCG Bars Ltd* [2012] EWHC 3467 (Admin)). We suggest that the parameters should be no different on a review. It is clear that the local context accommodates a 3.30am nightclub only with a high likelihood of the licensing objectives being harmed.

7.4 For the reasons given, we support the police's application and object to the licence holder's variation application. We ask that the Sub-Committee take action which is appropriate to promote the licensing objectives, given the issues raised by residents and the police. We strongly support a reduction in hours.

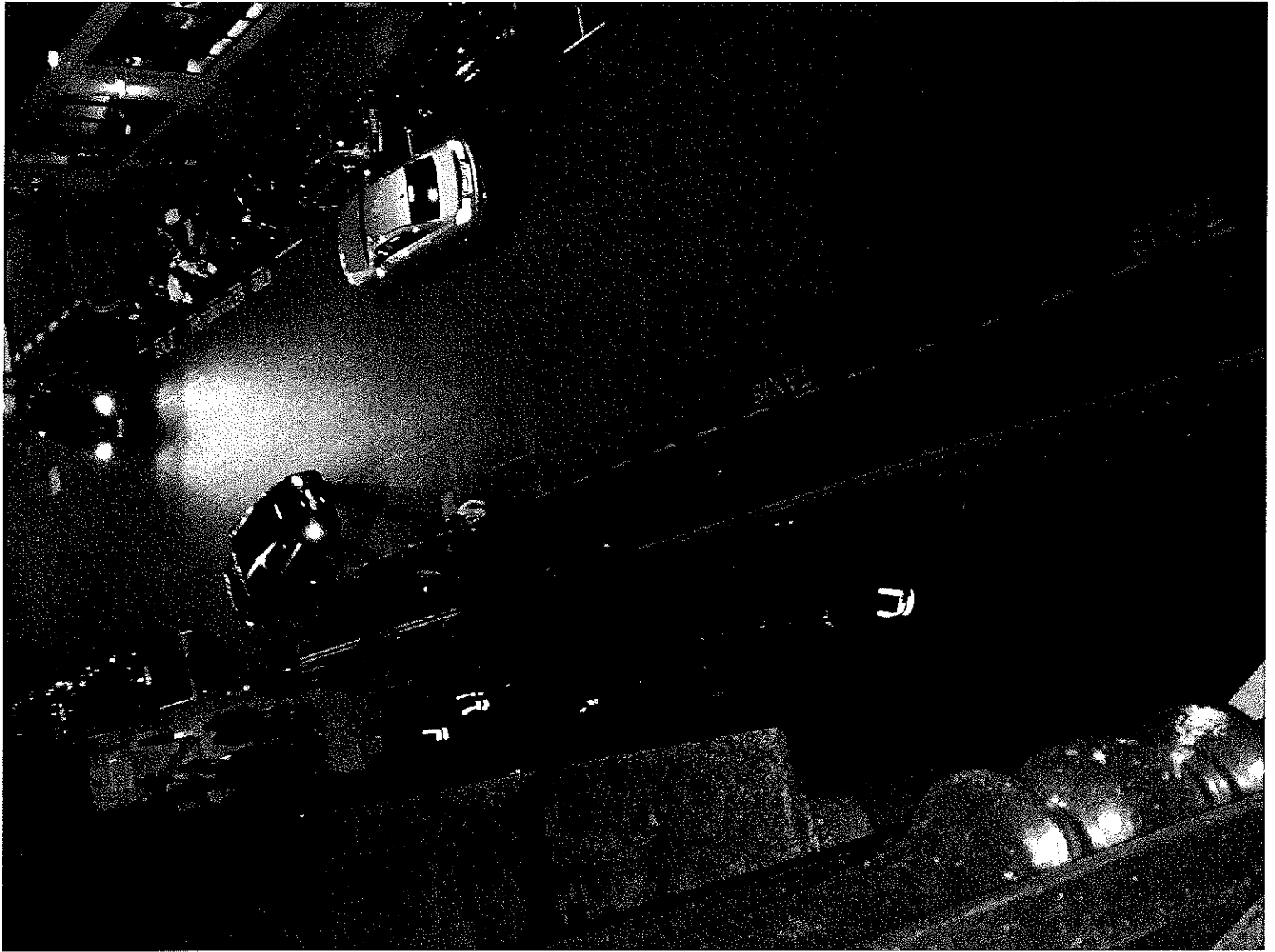
7.5 I am not able to attend the hearing as I am abroad on 28 April. I will be represented by Richard Brown.

Thank you for taking the time to consider the content of this statement.

Yours sincerely,

Jaleh Zand

17 Berkeley Street



Appendix 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
15/05793/LIPV	Full Variation – to make changes to the basement.	02.10.2015	Granted
14/09008/LIPVM	Minor Variation – add conditions as agreed with Police	07.11.2014	Granted
14/06195/LIPVM	Minor Variation - add conditions as agreed with Police	05.08.2014	Granted
13/07823/LIPVM	Minor Variation – add conditions as agreed with Police.	25.10.2013	Granted
10/02906/LIPDPS	Vary DPS	05.07.2010	Granted
07/07086/LIPV	Full Variation – to install a mini bar (amend plans)	13.09.2007	Granted
07/01763/LIPV	Full Variation – Seasonal Variation	24.05.2007	Granted at LSC
05/03956/LIPC	Converted Licence	11.07.2005	Granted

There is no appeal history for this premises.

TENS history for premises:

TENS Application	Details of Application	Date Determined	Decision
15/07096/LITENP	Private event in connection with London Fashion Week for Vivien Westwood	09.09.2015	Granted

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for review of a premises licence under the provisions of the Licensing Act 2003, the licensing authority may modify, add or remove conditions on to the licence to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions (if any) which are proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed.

Current conditions on the existing licence:

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions relating to Regulated Entertainment

Monday to Saturday

11. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
12. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
13. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 03:00 on the day following
14. An attendant shall be on duty in the vicinity of the cloakroom during the whole time that it is in use.
15. The licensee will meet with the Radisson Edwardian Hotel Management on a monthly basis to identify any issues.
16. A member of the management team shall be present outside the premises at all times that the premises are in use under this licence and will undertake a review of procedures taken to monitor the area outside the premises to ensure that there is proper supervision of door staff, valet staff and mini-cab staff and that any potential disturbance is addressed.
17. All refuse sacks containing bottles or glass shall be placed on the highway in a manner which does not cause a disturbance to local residents or hotel guests.
18. A member of staff shall be employed to monitor the CCTV system and report any disturbance to the duty manager.
19. The number of persons accommodated (excluding staff) shall not exceed 220.

Conditions related to the Sale of Alcohol

Monday to Sunday

20. Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
21. On any evening where the premises are open for music, dance or entertainment and in which the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 23:00 other than to:
 - a) Persons who have paid a minimum admission fee of at least £5 Sunday to Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); OR
 - b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held for inspection by the relevant authority; OR
 - c) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously; OR
 - d) Artistes or persons employed on the premises; OR
 - e) Bona fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities
 - f) Persons taking full table meals a list of whom are held for inspection by the relevant authorities.
22. No striptease, no nudity and all persons to be decently attired.
23. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing Districts of Westminster.
24. No persons under 18 years of age except those taking a table meal and for those chaperoned by an adult over the age of 21 years those minors not to exceed two persons per adult.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

Conditions related to the Sale of Alcohol

25. (i) Monday to Saturday:
 - (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00.
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment;
 - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.
- (ii) Sunday
 - (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30;
 - (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30;

- (c) On New Year's Eve on a Sunday, 12.00 to 22.30;
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes, twenty minutes on a Sunday after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes on a Sunday after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) 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;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

26. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence;
- (b) He resides in the premises, but is not employed there;
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress;
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

27. This licence (or certificate) will be subject to any restrictions imposed on the use of the premises by any of the provisions contained in the former Cinematograph (Safety) Regulations 1955 as amended by the Cinematograph (Safety) Regulations 1958, the Cinematograph (Safety) Regulations 1965, the Cinematograph (Safety) (Amendment) Regulations 1976, the Cinematograph (Safety) (Amendment) Regulations 1982 and the Cinematograph (Safety) (Amendment) Regulations 2002.

28. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate;
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof; and
 - (c) to take all other reasonable precautions for the safety of the children.
29. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
31. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
32. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
33. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received concerning crime and disorder;
 - (d) any incidents of disorder;
 - (e) all seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service.
34.
 - a). All drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
 - b). Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
35. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
36. All customers entering the premises shall have their ID scanned on entry, save for a when biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises.), with the exception of a maximum number of 10 guests per night who may be admitted at the managers discretion without ID being scanned. A legible record of those persons full names, date of birth and address shall be retained at the premises available for

inspection for a period of not less than 31 days together with the name of the manager authorising the admittance which shall also be recorded. The details recorded by the ID scanner system shall be made available to the Police upon reasonable request.

37. All persons entering or re-entering the premises shall be searched as stipulated by Westminster Police Licensing Team, by an SIA trained member of staff and monitored by the premises CCTV system.
38. All persons with the exception of staff, shall have left the premises no later than 30 minutes after the permitted terminal hour for the retail by sale of alcohol.
39. A minimum of two SIA security and a member of management will remain outside the premises for one hour after the permitted terminal hour for the sale by retail of alcohol.
40. All promoted nights shall be notified to the Metropolitan Police Service and a form 696 completed and submitted within 14 days prior to the event, or such less time as agreed with the Police from time to time. Upon a reasonable request by Police the venue will not run any such event.
41. Refuse shall not be placed on Berkeley Street at anytime.
42. All staff engaged outside and in the entrance lobby to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests.
43. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the managements knowledge, the management will immediately ensure that:
 - (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
 - (b) All measures that are reasonable practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Serious assault includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.

44. The variation of the Premises Licence (15/05793/LIPV) to include (vary the basement layout as per drawing 1649-L01 Rev d comprising a re-arrangement of the fixed seating in the main floor area and repositioning of the bar in the Haig Club) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Annex 3 – Conditions attached after a hearing by the licensing authority

45. The hours for the sale of alcohol on Sundays are extended on Sundays before a Bank Holiday by four hours and thirty minutes from 22:30 to 03:00 the day following for private pre-booked functions, with prior notification of the functions to be given to the proper officer at Westminster City Council and the Metropolitan Police Service 7 days in advance of the requested function; Westminster City Council and the Metropolitan Police shall have absolute right of veto to a function.
46. Late Night Refreshment is permitted on Sundays before a Bank Holiday from 23:00 to 03:00 the day following for private pre booked functions, with prior notification of the functions to be given to the proper officer at Westminster City Council and the Metropolitan Police Service 7 days in advance of the requested function; Westminster City Council and the Metropolitan Police shall have absolute right of veto to a function.



Schedule 12
Part A

WARD: West End
UPRN: 010033553151

City of Westminster
64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:	15/07202/LIPDPS
Original Reference:	05/03956/LIPC

Part 1 – Premises details

Postal address of premises:
Charlie Berkeley Club 15 - 16 Berkeley Street London W1J 8DY
Telephone Number: 020 7494 2596

Where the licence is time limited, the dates:
Not applicable

Licensable activities authorised by the licence:
Performance of Dance Exhibition of a Film Performance of Live Music Playing of Recorded Music Anything of a similar description to Live Music, Recorded Music or Performance of Dance Late Night Refreshment Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:	
Performance of Dance	
Monday to Saturday:	09:00 to 03:00
Exhibition of a Film	
Monday to Saturday:	09:00 to 03:00
Sunday:	12:00 to 22:30
Performance of Live Music	
Monday to Saturday:	09:00 to 03:00
Playing of Recorded Music	Unrestricted
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30
Sundays before Bank Holidays: 23:00 to 03:00 (Subject to condition 44)

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 03:00 (Subject to condition 43)

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Porchshire Limited
Trinity House
Heather Park Drive
Wembley
Middlesex
HA0 1SU

Registered number of holder, for example company number, charity number (where applicable)

02235636

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Mr Paul Stephen Smith

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 2015-00745-LAPER

Licensing Authority: London Borough Of Hammersmith & Fulham

Date: 12 January 2016

This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions relating to Regulated Entertainment

Monday to Saturday

11. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
12. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
13. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 03:00 on the day following
14. An attendant shall be on duty in the vicinity of the cloakroom during the whole time that it is in use.

15. The licensee will meet with the Radisson Edwardian Hotel Management on a monthly basis to identify any issues.
16. A member of the management team shall be present outside the premises at all times that the premises are in use under this licence and will undertake a review of procedures taken to monitor the area outside the premises to ensure that there is proper supervision of door staff, valet staff and mini-cab staff and that any potential disturbance is addressed.
17. All refuse sacks containing bottles or glass shall be placed on the highway in a manner which does not cause a disturbance to local residents or hotel guests.
18. A member of staff shall be employed to monitor the CCTV system and report any disturbance to the duty manager.
19. The number of persons accommodated (excluding staff) shall not exceed 220.

Conditions related to the Sale of Alcohol

Monday to Sunday

20. Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
21. On any evening where the premises are open for music, dance or entertainment and in which the sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 23:00 other than to:
 - a) Persons who have paid a minimum admission fee of at least £5 Sunday to Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); OR
 - b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held for inspection by the relevant authority; OR
 - c) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously; OR
 - d) Artistes or persons employed on the premises; OR
 - e) Bona fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities
 - f) Persons taking full table meals a list of whom are held for inspection by the relevant authorities.
22. No striptease, no nudity and all persons to be decently attired.
23. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing Districts of Westminster.
24. No persons under 18 years of age except those taking a table meal and for those chaperoned by an adult over the age of 21 years those minors not to exceed two persons per adult.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

Conditions related to the Sale of Alcohol

25. (i) Monday to Saturday:
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00.
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment;
 - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.
- (ii) Sunday
- (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30;
 - (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30;
 - (c) On New Year's Eve on a Sunday, 12.00 to 22.30;
 - (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes, twenty minutes on a Sunday after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes on a Sunday after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) 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;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

26. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence;
 - (b) He resides in the premises, but is not employed there;
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress;
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

27. This licence (or certificate) will be subject to any restrictions imposed on the use of the premises by any of the provisions contained in the former Cinematograph (Safety) Regulations 1955 as amended by the Cinematograph (Safety) Regulations 1958, the Cinematograph (Safety) Regulations 1965, the Cinematograph (Safety) (Amendment) Regulations 1976, the Cinematograph (Safety) (Amendment) Regulations 1982 and the Cinematograph (Safety) (Amendment) Regulations 2002.
28. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate;
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof; and
 - (c) to take all other reasonable precautions for the safety of the children.
29. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
31. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
32. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
33. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received concerning crime and disorder;
 - (d) any incidents of disorder;
 - (e) all seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service.
34.
 - a). All drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
 - b). Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
35. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
36. All customers entering the premises shall have their ID scanned on entry, save for a when biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously shown identification at the premises.), with the exception of a maximum number of 10 guests per night who may be admitted at the managers discretion without ID being scanned. A legible record of those persons full names, date of birth and address shall be retained at the premises available for inspection for a period of not less than 31 days together with the name of the manager authorising the admittance which shall also be recorded. The details recorded by the ID scanner system shall be made available to the Police upon reasonable request.

37. All persons entering or re-entering the premises shall be searched as stipulated by Westminster Police Licensing Team, by an SIA trained member of staff and monitored by the premises CCTV system.
38. All persons with the exception of staff, shall have left the premises no later than 30 minutes after the permitted terminal hour for the retail by sale of alcohol.
39. A minimum of two SIA security and a member of management will remain outside the premises for one hour after the permitted terminal hour for the sale by retail of alcohol.
40. All promoted nights shall be notified to the Metropolitan Police Service and a form 696 completed and submitted within 14 days prior to the event, or such less time as agreed with the Police from time to time. Upon a reasonable request by Police the venue will not run any such event.
41. Refuse shall not be placed on Berkeley Street at anytime.
42. All staff engaged outside and in the entrance lobby to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests.
43. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the managements knowledge, the management will immediately ensure that:
 - (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
 - (b) All measures that are reasonable practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Serious assault includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.

44. The variation of the Premises Licence (15/05793/LIPV) to include (vary the basement layout as per drawing 1649-L01 Rev d comprising a re-arrangement of the fixed seating in the main floor area and repositioning of the bar in the Haig Club) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Annex 3 – Conditions attached after a hearing by the licensing authority

45. The hours for the sale of alcohol on Sundays are extended on Sundays before a Bank Holiday by four hours and thirty minutes from 22:30 to 03:00 the day following for private pre-booked functions, with prior notification of the functions to be given to the proper officer at Westminster City Council and the Metropolitan Police Service 7 days in advance of the requested function; Westminster City Council and the Metropolitan Police shall have absolute right of veto to a function.

46. Late Night Refreshment is permitted on Sundays before a Bank Holiday from 23:00 to 03:00 the day following for private pre booked functions, with prior notification of the functions to be given to the proper officer at Westminster City Council and the Metropolitan Police Service 7 days in advance of the requested function; Westminster City Council and the Metropolitan Police shall have absolute right of veto to a function.

Annex 4 – Plans

Attached



City of Westminster
64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: West End
UPRN: 010033553151

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/07202/LIPDPS

Part 1 – Premises details

Postal address of premises:

Charlie Berkeley Club
15 - 16 Berkeley Street
London
W1J 8DY

Telephone Number: 020 7494 2596

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Performance of Dance

Monday to Saturday: 09:00 to 03:00

Exhibition of a Film

Monday to Saturday: 09:00 to 03:00

Sunday: 12:00 to 22:30

Performance of Live Music

Monday to Saturday: 09:00 to 03:00

Playing of Recorded Music

Unrestricted

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday: 09:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 03:30

Sundays before Bank Holidays: 23:00 to 03:00 (Subject to condition 44)

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 22:30

Sundays before Bank Holidays: 12:00 to 03:00 (Subject to condition 43)

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30

Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Porchshire Limited
Trinity House
Heather Park Drive
Wembley
Middlesex
HA0 1SU

Registered number of holder, for example company number, charity number (where applicable)

02235636

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Paul Stephen Smith

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 12 January 2016

This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.

Document is Restricted

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