



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 19th March, 2020**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Heather Acton (Chairman)
Aziz Toki
Margot Bright

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 via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am. 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, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

Email: kscharlemagne@westminster.gov.uk Tel: 07817054613

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 Director of Law 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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. THEATRE ROYAL, CATHERINE STREET, LONDON, WC2B 5JF

| App No | Ward / Cumulative Impact Area | Site Name and Address | App Type | Licensing Ref No. |
|--------|---|--|----------------------|-------------------|
| 1. | St James's Ward / West End Cumulative Impact Area | Theatre Royal Catherine Street London WC2B 5JF | New Premises Licence | 20/00537/LIP N |

2. ALTITUDE 360 - 28TH FLOOR, TWENTY EIGHTH FLOOR, MILLBANK TOWER, 21-24 MILLBANK, LONDON, SW1P 4QP

| App No | Ward / Cumulative Impact Area | Site Name and Address | App Type | Licensing Ref No. |
|--------|-------------------------------|-----------------------|----------|-------------------|
|--------|-------------------------------|-----------------------|----------|-------------------|

(Pages 1 - 52)

| | | | | |
|----|---|---|----------------------------|---------------|
| | Area | | | |
| 2. | Vincent Sq Ward/ Not in Cumulative Impact Area | Altitude 360 28th Floor Twenty Eighth Floor Millbank Tower 21-24 Millbank, London SW1P 4QP | Premises Licence Variation | 19/14884/LIPV |

3. ALTITUDE 360 - 29TH FLOOR, TWENTY NINTH FLOOR RIGHT, MILLBANK TOWER, 21-24 MILLBANK, LONDON, SW1P 4QP

(Pages 53 - 114)

| App No | Ward / Cumulative Impact Area | Site Name and Address | App Type | Licensing Ref No. |
|--------|---|--|----------------------------|-------------------|
| 3. | Vincent Sq Ward/ Not in Cumulative Impact Area | Altitude 360 29th Floor Twenty Ninth Floor Right Millbank Tower 21-24 Millbank, London SW1P 4QP | Premises Licence Variation | 19/14886/LIPV |

Stuart Love
Chief Executive
13 March 2020

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

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7th January 2016.

GUIDANCE CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2016)

- 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.

This page is intentionally left blank

| | |
|--------------------|---|
| Item No: | |
| Date: | 19 March 2020 |
| Licensing Ref No: | 20/00537/LIPN - New Premises Licence |
| Title of Report: | Theatre Royal Catherine Street London WC2B 5JF |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | St James's |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Miss Jessica Donovan Senior Licensing Officer |
| Contact details | Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 14 January 2020 | | |
| Applicant: | LW Theatres Group Limited | | |
| Premises: | Theatre Royal | | |
| Premises address: | Catherine Street London WC2B 5JF | Ward: | St James's |
| | | Cumulative Impact Area: | West End |
| Premises description: | This is an application for a new premises licence which intends operate as a theatre. | | |
| Premises licence history: | The premises have had the benefit of a licence, Licence number 18/09803/LIPCH from 2005 which is still currently in place however it will be surrendered subject to the grant and on completion of the works of the new premises. A copy of the licence can be found at Appendix 3 . | | |
| Applicant submissions: | The applicant has provided additional documents and can be seen at Appendix 2 of this report. | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|---|------------|----------------------------------|------------|------------|------------|
| Plays – Auditorium and theatre bars (Grand Circle and Balconies) | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|---|------------|----------------------------------|------------|------------|------------|
| Films – Auditorium and theatre bars (Grand Circle and Balconies) | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|---|-------|---------------------------|-------|-------|---------|
| Live Music – Auditorium and theatre bars (Grand Circle and Balconies) | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|---|-------|---------------------------|-------|-------|---------|
| Recorded Music – Auditorium and theatre bars (Grand Circle and Balconies) | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|---|-------|---------------------------|-------|-------|---------|
| Performance of Dance – Auditorium and theatre bars (Grand Circle and Balconies) | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|---|-------|---------------------------|-------|-------|---------|
| Anything of a similar description to that falling within (e), (f) or (g) – Auditorium and theatre bars (Grand Circle and Balconies) | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|---|-------|---------------------------|-------|-------|---------|
| Late Night Refreshment – Auditorium and theatre bars (Grand Circle and Balconies) | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | N/A |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | N/A |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| Sale by retail of alcohol – Auditorium and theatre bars (Grand Circle and Balconies) | | | | On or off sales or both: | | | Both |
|--|-------|---|-------|--------------------------|-------|-------|-------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 22:30 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|---|-------|---------------------------|-------|-------|---------|
| Plays – Grand Saloon & VIP Lounges | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|---|-------|---------------------------|-------|-------|---------|
| Films – Grand Saloon & VIP Lounges | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|--|-------|---|-------|---------------------------|-------|-------|---------|
| Live Music – Grand Saloon & VIP Lounges | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|--|-------|---|-------|---------------------------|-------|-------|---------|
| Recorded Music – Grand Saloon & VIP Lounges | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|---|-------|---------------------------|-------|-------|---------|
| Performance of Dance – Grand Saloon & VIP Lounges | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|---|-------|---------------------------|-------|-------|---------|
| Anything of a similar description to that falling within (e), (f) or (g) – Grand Saloon & VIP Lounges | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|--|------------|---|------------|----------------------------------|------------|------------|------------|
| Late Night Refreshment – Grand Saloon & VIP Lounges | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | N/A |
| End: | 01:30 | 01:30 | 01:30 | 01:30 | 01:30 | 01:30 | N/A |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| | | | | | | | |
|---|------------|---|------------|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol – Grand Saloon & VIP Lounges | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 01:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|---|------------|----------------------------------|------------|------------|------------|
| Live Music – Foyer Bar, Rotunda and Vinegar Yard | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|---|------------|----------------------------------|------------|------------|------------|
| Recorded Music – Foyer Bar, Rotunda and Vinegar Yard | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|---|------------|----------------------------------|------------|------------|----------------|
| Late Night Refreshment – Foyer Bar, Rotunda and Vinegar Yard | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | N/A |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | N/A |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| Sale by retail of alcohol – Foyer Bar, Rotunda and Vinegar Yard | | | | On or off sales or both: | | | Both |
|--|------------|---|------------|---------------------------------|------------|------------|-------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 22:30 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| Sale by retail of alcohol – Terraces and External Seating | | | | On or off sales or both: | | | Both |
|--|------------|---|------------|---------------------------------|------------|------------|-------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

| Hours premises are open to the public | | | | | | | |
|---|------------|---|------------|-------------|------------|------------|------------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 |
| End: | 01:30 | 01:30 | 01:30 | 01:30 | 01:30 | 01:30 | 23:39 |
| Seasonal variations/ Non-standard timings: | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | | | |

2. Representations

| 2-A Responsible Authorities | | | | |
|--|---|---|---|---|
| Responsible Authority: | Licensing Authority | | | |
| Representative: | Angela Seaward | | | |
| Received: | 11 February 2020 | | | |
| <p>I write in relation to the application submitted for a new premises licence for Theatre Royal, Catherine Street, London, WC2B 5JF.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of children from harm <p>The application seeks the following:</p> | | | | |
| | Auditorium and theatre bars (Grand Circle and Balconies) | Grand Saloon & VIP Lounges | Foyer Bar, Rotunda and Vinegar Yard | Terraces and External Seating |
| Sale of Alcohol | Monday – Thursday 10:00 – 23:30 Friday – Saturday 10:00 – 00:00 Sunday 12:00 – 22:30 | Monday – Saturday 10:00 – 01:00 Sunday 12:00 – 23:00 | Monday – Thursday 10:00 – 23:30 Friday – Saturday 10:00 – 00:00 Sundays 12:00 – 22:30 | Monday to Saturday 10:00 – 23:00 Sunday 12:00 – 23:00 |
| Late Night Refreshment: | Monday – Thursday 23:00 – 23:30 Friday – Saturday 23:00 – 00:00 | Monday – Saturday 23:00 – 01:30 | Monday – Thursday 23:00 – 23:30 Friday – Saturday 23:00 – 00:00 | |
| Plays: | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | Monday – Saturday 09:00 – 01:00 Sunday 09:00 – 23:00 | N/A | |

| | | | | |
|--|---|---|---|--|
| Films: | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | Monday – Saturday 09:00 – 01:00 Sunday 09:00 – 23:00 | | |
| Live and Recorded Music: | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | Monday – Saturday 09:00 – 01:00 Sunday 09:00 – 23:00 | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | |
| Performance of Dance: | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | Monday – Saturday 09:00 – 01:00 Sunday 09:00 – 23:00 | | |
| Anything similar to live music, recorded music | Monday – Thursday 09:00 – 23:30 | Monday – Saturday 09:00 – 01:00 | | |

Opening Hours to Public Monday to Saturday 08:00 to 01:30
Sunday 08:00 to 23:30

The premises is located within the Westend Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 and PVC2.

At present, the operating hours applied for licensable activities currently fall outside of Westminster’s core hours for the grand saloon, VIP lounges, terrace and external seating area on Sunday. For premises that apply for the supply of alcohol for consumption on and off the premises, the core hours times will apply as on the premises in the policy. HRS1 policy advises that applications for hours outside the core hours set out below will be considered on their merits.

For premises for the supply of alcohol for the consumption on the premises
Monday to Thursday 10:00 to 23:30
Friday to Saturday 10:00 to Midnight
Sunday Middy to 22:30

For premises for the provision of other licensable activities
Monday to Thursday 09:00 to 23:30
Friday to Saturday 09:00 to Midnight
Sunday 09:00 to 22:30

The Licensing Authority would encourage the applicant to consider reducing the terminal hour of

licensable activities to core hours for the grand saloon, VIP lounges, terrace and external seating area on Sunday.

Policy 2.4.23 advice that hours beyond core is a concern as there are greater problems of late night disturbance. Late night there is less masking background noise and disturbance is greater.

The application advises that the premises intends to operate as a theatre with a bar and external seating. Paragraph 2.5.33 acknowledges that bars are a normal feature of a performance venue but they should be ancillary to the overall use as a performance theatre. The Licensing Authority acknowledges the condition offered in the operating schedule

- The provision of licensable activities shall be ancillary to the premises use as a theatre

However the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more use of these bars in the cumulative impact area will only be granted as an exception to policy which will have to be argued for on the grounds that it will not add to cumulative impact in the cumulative impact area and will promote the licensing objectives and the overall aims of the statement of licensing policy of promoting a variety of non-alcohol led activities.

The Licensing Authority encourage the applicant to provide further submissions on how the premises will operate after a performance has finished as it is intended that the bars can operate till 01:00 Monday to Saturday and 23:00 on a Sundays for the grand saloon and VIP Lounges.

The Licensing Authority also notes proposed condition 3, 'In the auditorium bars and theatre bars, alcohol shall only be sold to persons attending a private or ticketed event'. However would recommend this condition to say

- All bars within the Theatre Royal shall only sell alcohol to persons attending a private or ticketed event.

The re-wording if this condition will restrict access to general members of the public, and the premises can therefore demonstrate appropriate conditions to promote the licensing objectives.

In relation to private events, the licensing authority encourage the applicant to provide further submission on how the premises intends to operate and control these. Paragraph 2.4.10 advises that Individuals attending premises operating private functions, which could include corporate or personal events, are not necessarily known to the management of the premises, although will be known to the event organiser. Access may also be permitted to guests of invitees or guests of the management.

The Licensing Authority would encourage the applicant to consider model condition 94 to read;

- Alcohol shall only be sold for consumption by persons attending a prebooked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.

The application indicates the use of an outdoor seating area and is conditioned as such. Currently the plan highlights a red line around this area, however at the time of submitting this representation it was unclear whether the area is private forecourt or public highway. The condition proposed for the seating area suggests the area is a highway and is for off sales. If the area is public highway, you are not permitted to highlight this as the premises. As the red line indicates the licensable area this would also become an on sales. The Licensing Authority therefore suggest to re-submit the ground floor plan and remove the red line showing the area for off sales when the appropriate planning has been granted and licences have been issued.

- The sale and supply of Alcohol for consumption in the designated area outside the premises, shall only be consumed by patrons seated at tables, and by persons attending a private or tickets event.

I look forward to receiving the applicant's further submissions on how the operation of the premises will be an exception to policy and to demonstrate how the proposed licence will not add to the cumulative impact in the cumulative impact area.

Please accept this email as my formal representation.

| | |
|-------------------------------|--|
| Responsible Authority: | Metropolitan Police Service (<i>Withdrawn 10 March 2020</i>) |
| Representative: | PC Bryan Lewis |
| Received: | 30 January 2020 |

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority is objecting to this application as it is our belief that if granted this application would under the Licensing Objectives

The Venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

The Metropolitan Police Service withdrew their representation on the 10 March 2020 after agreeing conditions with the applicant.

| | |
|-------------------------------|---|
| Responsible Authority: | Environmental Health Service (<i>Withdrawn 10 March 2020</i>) |
| Representative: | Ian Watson |
| Received: | 11 February 2020 |

I refer to the application for a New Premises Licence for the above premises.

The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.

The applicant has submitted floor plans of the premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 01.00 hours and Sunday between 12.00 to 23.00 hours. New Year's Eve to New Year's Day. Sundays prior to a Bank Holiday 12.00 to 00.00 hours.
2. To provide Late Night Refreshment 'Indoors' Monday to Saturday between 23.00 and 01.30 hours. New Year's Eve to New Year's Day. Sundays prior to a Bank Holiday 23.00 to 00.00 hours.
3. To provide regulated entertainment 'indoors' comprising
 - Plays
 - Films
 - Live Music
 - Recorded Music

- Performance of Dance
- Anything of a similar description to Live Music, Recorded Music and Performance of Dance

Monday to Saturday between 09.00 and 01.00 hours and Sunday between 09.00 to 23.00 hours.

I wish to make the following representation

1. No representation.
2. No representation.
3. The provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.

The applicant has provided supportive conditions but these do not fully address the concerns of the authority. Additional conditions will be proposed.

Environmental Health withdrew their representation on the 10 March 2020 after agreeing conditions with the applicant.

3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies

Policy HRS1 applies:

(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

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

Monday to Thursday: 10:00 to 23:30
 Friday and Saturday: 10:00 to midnight
 Sundays immediately prior to Bank Holidays: Midday to midnight
 Other Sundays: Midday to 22:30

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:

Monday to Thursday: 09:00 to 23.30
 Friday and Saturday: 09:00 to midnight
 Sundays immediately prior to Bank Holidays: 09:00 to midnight
 Other Sundays: 09:00 to 22:30

| | |
|----------------------------|--|
| Policy CIP1 applies | <p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p> |
| Policy PVC2 applies | Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas. |

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

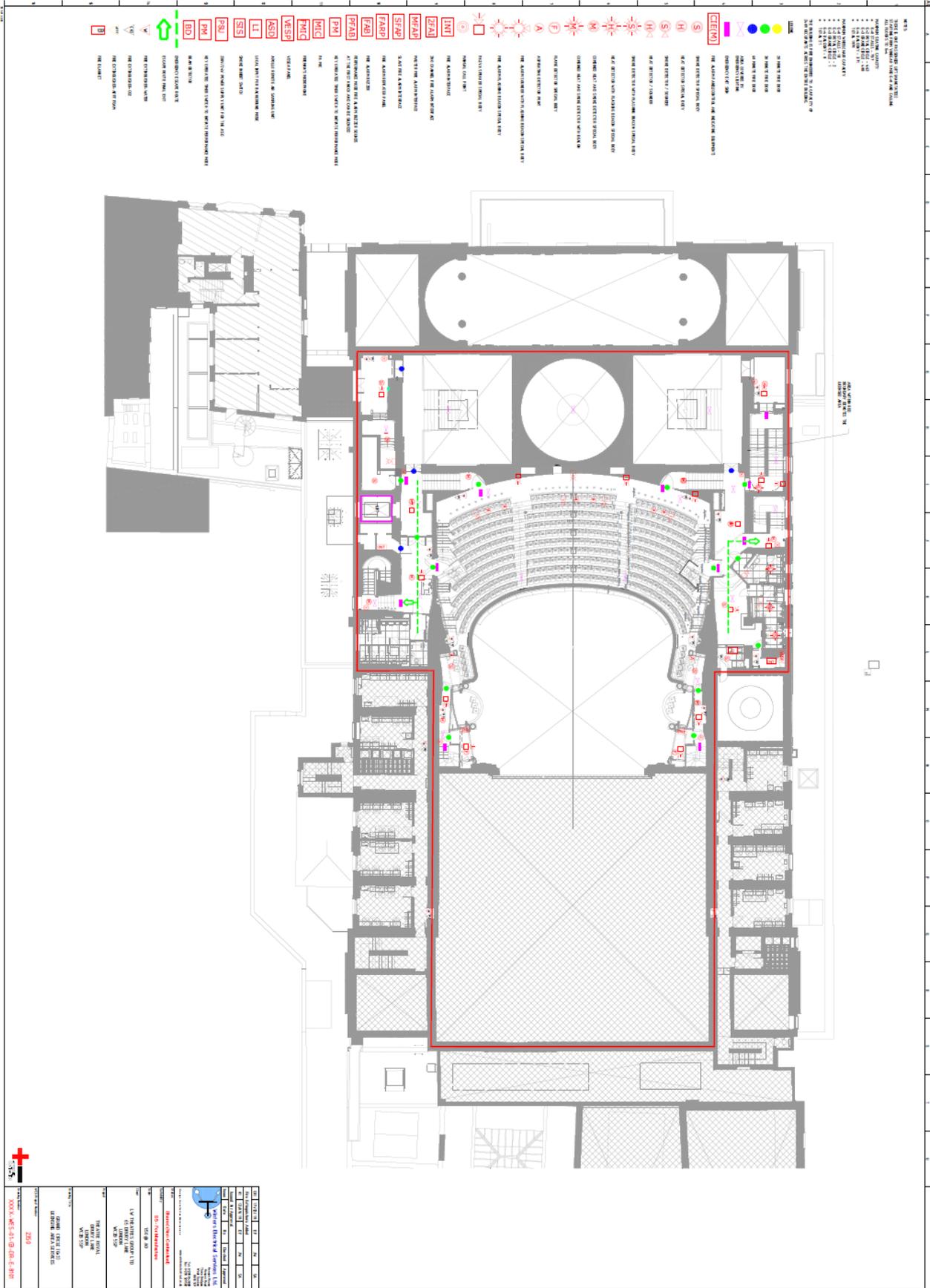
| | |
|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Current Premises Licence |
| Appendix 4 | Premises history |
| Appendix 5 | Proposed conditions |
| Appendix 6 | Residential map and list of premises in the vicinity |

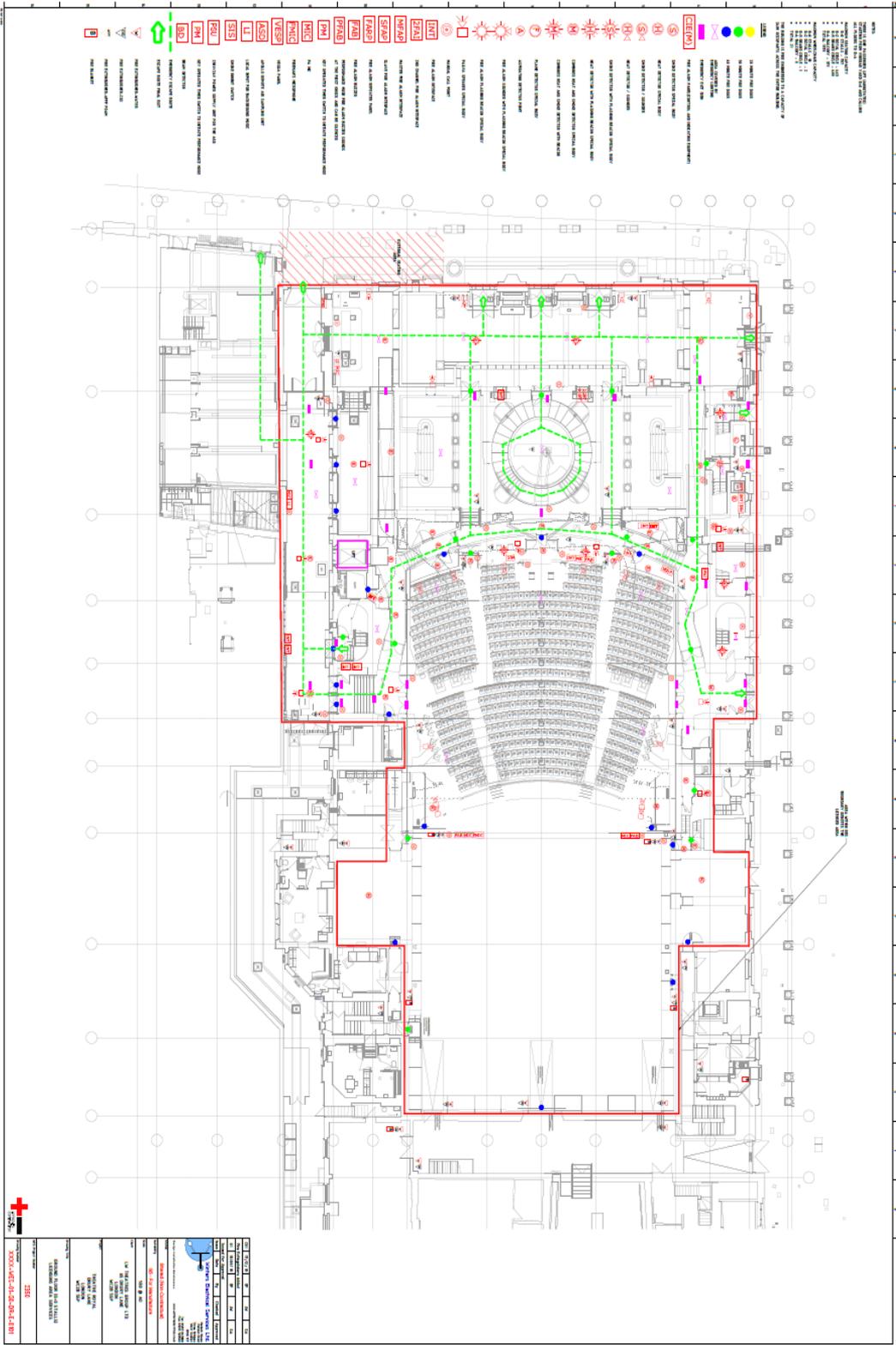
| | |
|-----------------------|--|
| Report author: | Miss Jessica Donovan Senior Licensing Officer |
| Contact: | Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk |

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Licensing Authority | 11 February 2020 |
| 5 | Metropolitan Police Service (<i>Withdrawn</i>) | 30 January 2020 |
| 6 | Environmental Health Service (<i>Withdrawn</i>) | 11 February 2020 |





THEATRE ROYAL DRURY LANE, CATHERINE STREET, LONDON WC2B 5JF

APPLICANT'S SUBMISSIONS

Introduction

1. This proposal follows extensive pre application advice, (reference 19/04968/PREAPL) and the grant of planning permission (reference 17/08082/FULL) with the theatre currently undergoing substantial refurbishment works.
2. The Theatre Royal Drury Lane is a Grade I listed building, there has been a theatre on this site since 1663 built under a Royal Charter from King Charles II. It is where the public first heard the National Anthem in 1745 and "Rule, Britannia!" in 1750. It is the world's oldest theatre in continuous use and has been home to some of the most breath-taking spectacles seen on a West End stage, as well as being at the forefront of theatre innovation.
3. This legacy is set to continue with Andrew Lloyd Webber investing £60 million in the infrastructure, sustainability and refurbishment of the building, to secure the future of one of the UK's finest theatrical assets, taking the theatre back to its original Regency splendour. This centrepiece of Covent Garden will also be re-imagined for the 21st century.
4. The theatre holds an existing licence (18/09803/LIPCH) which has many out-of-date and historical conditions. The existing licence will be surrendered upon completion of the refurbishment works.
5. The Statement of Licensing Policy provides: "The council welcomes the *vital contribution that theatres, cinemas, concert halls and other performance venues make in providing the diverse culture and entertainment that attracts people of all ages into Westminster, and maintains its status as a world class city. The council as the Licensing Authority accepts that these types of uses are unlikely to be linked with crime and disorder, and generally have less impact on residents than other licensable activities....*"¹

¹ Policy paragraph 2.5.36

Licensing Authority (“LA”) Representation

6. The LA agrees that the relevant policy is PVC2. The only issue seemingly is whether such use can only be by persons attending a ticketed performance?
7. It has been agreed that, after Core Hours, the Grand Saloon and VIP lounges can only be used for ticketed or private events:

“After 22.30 Sunday, 23.00 Monday to Thursday and 00.00 Friday and Saturday, the sale of alcohol in the Grand Saloon and VIP lounges shall only be to persons attending a private or ticketed event.”

8. The type of private events envisaged in the VIP lounges and Grand Saloon, reflect those held in previous years. These include: press nights, opening night of shows, Royal Galas, the Evening Standard Theatre Awards etc. The VIP lounges and Grand Saloon are situated on the first floor of the premises. They are not visible, nor accessed from, street level.

PVC2 - Theatre Use

9. *“Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.”²*
10. *“Bars are a normal feature of performances venues but they should be ancillary to the overall use of the premises as a performance venue.”³*
11. Any bar use is within Core Hours and ancillary to the overall use as a theatre. There is no mention in the Policy of a requirement for “ticketing” to achieve compliance with PVC2, although a ticketed condition is proposed for the auditoria.

HRS1 – Hours

12. The proposed hours are Core Hours, with slightly later hours only for the VIP and Grand Saloon, which already benefit from such later hours. These later hours are also for private or ticketed events only.

² PVC2 Policy pg 56

³ Policy paragraph 2.5.33

13. *"The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact areas and will promote the licensing objectives and the overall aims of the Statement of Licensing Policy of promoting a variety of non alcohol led activities.*"⁴
14. The VIP and Grand Saloon already have later hours and in any event, any use later than performances will only be for private, pre-booked or ticketed events, which themselves are often associated with performances.
15. Such as there is, any *"more general use of the bars"* will be ancillary to the use of the theatre and within Core Hours.
16. Policy HRS1 (ii) recognises that the council will have particular regard to: *"(i) The type of use: recognising that premises that sell alcohol, play music for dancing, provide fast food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas, other performance venues or qualifying clubs."*⁵
17. Also, *"Premises where regulated entertainment is provided to a seated audience (e.g. cinemas, theatres and concert venues), provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups. They generally have little association with crime and disorder or public nuisance. Because of this, these types of premises will be given the opportunity to operate more flexibly late at night. Any relevant representations received and the availability of transport will be matters for careful consideration."*⁶
18. And ... *"The council wishes to see a less alcohol led and a more diverse range and variety of entertainment available later at night, and will allow for greater flexibility to those premises that add to a more varied offer of entertainment and cultural activity. The council wishes to encourage a wider range of people to frequent the West End, both so that they can enjoy what it has to offer and because a wider range of age groups can act to curb anti-social*

⁴ Policy paragraph 2.5.33

⁵ Policy HRS1 pg 31

⁶ Policy paragraph 2.3.9

behaviour. In doing this it will further the licensing objectives of prevention of crime and disorder and public nuisance.”⁷

Cumulative Impact Areas

19. Revised Guidance paragraph 13.34 recognises that “different types of premises have different impacts and it contrasts a large night club or a high capacity public house with a small restaurant or theatre.”⁸

20. *“The Licensing Authority’s view is that cumulative impact in the Stress Areas arises mainly from the numbers of pubs and bars, music and dance premises and fast food premises. The Licensing Authority wishes to encourage the provision of a range of entertainment where this is suitable and to reduce the extent of dominance of pubs, bars and night clubs in the West End Stress Area ...”⁹*

21. Applying PVC2 therefore means that:

- a) PVC2 does not require bar use to be restricted to ticketed customers;
- b) The hours will usually be those when the premises are open for performances but in respect of the VIP and Grand Saloon these will be private/ticketed events which already have those later hours; and
- c) Any ‘more general’ use of the bars remains ancillary to the overall use as a theatre and within Core Hours.

THOMAS AND THOMAS PARTNERS
12 MARCH 2020

⁷ Policy paragraph 2.3.3

⁸ Policy paragraph 2.4.14

⁹ Policy paragraph 2.4.25

APPENDIX

BACKGROUND READING

Westminster City Plan 2019-2024

- a) In the draft New City Plan, the Theatre Royal Drury Lane falls within the designated West End Retail and Leisure Special Policy Area (WERLSPA). This states that the WERLSPA should deliver a diverse evening and night-time economy and will aim to enhance its cultural offer. In doing so, the Council will support applications which appropriately manage and enhance diversification of the evening and night-time economy.

- b) *“The West End is home to the largest evening and night-time economy in the UK. It has a wealth of cultural uses, pubs, bars, restaurants, nightclubs, cinemas, theatres and other leisure uses. To ensure the area is welcoming and attractive to all communities, the appropriate management and further diversification of the evening and night-time economy will be supported. This will be done through enhancements to its cultural offer, hosting of events and installations such as Lumiere London, and late night shopping. This activity will help ensure the evening and night-time economy is not dominated by the consumption of alcohol, which can lead to issues of anti-social behaviour and deter those who do not drink from visiting central London outside of the daytime. Enhancing the cultural offer will include support for new venues, ancillary uses that enable existing ones to thrive (e.g. cafés within museums or theatres)”¹⁰*

The Mayor’s adopted Culture and Night-time Economy Supplementary Planning Guidance (SPG)

- c) This states in its Executive Summary that: *“The benefits of broadening the range of evening and night-time activities in a centre should be explored. This includes extending opening hours of existing daytime facilities like shops, cafes, medical facilities, libraries and theatres. Integrating leisure and other uses can promote customer cross-over and create bridges between the day and night-time economy. It can also involve introducing new activities, for example, by introducing cultural quarters.”*

- d) *“London has lost 103 nightclubs and live music venues since 2007, a decline of almost a third. The capital is set to lose 3,500 artist studios by 2019. That equates to a loss of a third of the capital’s creative workspace.....A phenomenal rate of growth puts London in danger of falling*

¹⁰ Westminster City Plan paragraph 2.7

*victim to its own success. Sustainable growth means placing importance on those facilities and services that help make London so attractive in the first place. Cultural venues are one such example.*¹¹

- e) *“Boroughs should generally encourage a wide range of night-time activities including the expansion of existing culture and leisure venues (London Plan para 4.39)”¹² and “making London’s night-time culture more diverse goes hand in hand with ensuring a wide range of evening and night-time activities are on offer to London’s diverse population.”¹³*

- f) *Finally, “Taking into account this policy basis, the benefits of diversifying the range of evening and night time activities in a centre should be explored. This can include extending opening hours of existing daytime facilities such as shops, cafes, medical facilities, libraries and theatres to integrate leisure and other uses. This can promote customer cross-over and build bridges between the day and night time economies.”¹⁴*

¹¹ The Mayor’s adopted Culture and Night-time Economy SPG paragraph 3.1

¹² The Mayor’s adopted Culture and Night-time Economy SPG paragraph 3.13

¹³ The Mayor’s adopted Culture and Night-time Economy SPG paragraph 4.1

¹⁴ The Mayor’s adopted Culture and Night-time Economy SPG paragraph 4.7

Application for Premises Licence

Theatre Royal Drury Lane
Catherine Street
London WC2B 5TB

APPLICATION SUMMARY

| | Auditorium and theatre bars (incl. Grand Circle and Balconies) | Grand Saloon & VIP Lounges | Foyer Bar, Rotunda and Vinegar Yard | Terraces and External Seating |
|--------------------------|---|---|---|--|
| | Condition 3 applies | Condition 4 applies | | |
| Sale of Alcohol: | Monday – Thursday 10:00 – 23:30 Friday – Saturday 10:00 – 00:00 Sunday 12:00 – 22:30 | Monday – Saturday 10:00 – 01:00 Sunday 12:00 – 23:00 | Monday – Thursday 10:00 – 23:30 Friday – Saturday 10:00 – 00:00 Sundays 12:00 – 22:30 | Monday to Saturday 10:00 – 23:00 Sunday 12:00 – 22:30 |
| Late Night Refreshment: | Monday – Thursday 23:00 – 23:30 Friday – Saturday 23:00 – 00:00 | Monday – Saturday 23:00 – 01:30 | Monday – Thursday 23:00 – 23:30 Friday – Saturday 23:00 – 00:00 | |
| Plays: | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | Monday – Saturday 09:00 – 01:00 Sunday 09:00 – 23:00 | | |
| Films: | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | Monday – Saturday 09:00 – 01:00 Sunday 09:00 – 23:00 | | |
| Live and Recorded Music: | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | Monday – Saturday 09:00 – 01:00 Sunday 09:00 – 23:00 | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | |
| Performance of Dance: | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | Monday – Saturday 09:00 – 01:00 Sunday 09:00 – 23:00 | | |

| | | | | |
|--|---|--|--|--|
| Anything similar to live music, recorded music & performance of dance: | Monday – Thursday 09:00 – 23:30 Friday – Saturday 09:00 – 00:00 Sundays 09:00 – 23:00 | Monday – Saturday 09:00 – 01:00 Sunday 09:00 – 23:00 | | |
| Opening Hours | Monday – Saturday 08:00 – 01:30 Sundays 08:00 – 23:30 | | | |
| Non-standard hours | From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day. On Sundays prior to bank holidays/public holidays extended to 00:00 | | | |

Applicant: LW Theatres Group Limited

Description:

The Theatre Royal, Drury Lane as shown on the deposited plan.

Theatre with bars, regulated entertainment and external seating.

The application has been submitted as part of substantial refurbishment works following the recent grant of planning permission (17/08082/FULL). On completion of the works, the existing licence (18/09803/LIPCH) will be surrendered.

Conditions:

1. The provision of licensable activities shall be ancillary to the premises’ primary use as a theatre.
2. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.
3. In the auditorium and theatre bars, alcohol shall only be sold to persons attending a private or ticketed event.
4. After 22.30 Sunday, 23.00 Monday to Thursday and 00.00 Friday and Saturday, the sale of alcohol in the Grand Saloon and VIP lounges shall only be to persons attending a private or ticketed event.
5. The consumption of drinks from glass vessels in the auditorium shall only be permitted after a suitable and sufficient Event Management Plan has been drawn up prior to each type of show or event. This must be made available on request to the Responsible Authorities
6. Non - intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
7. A register of all private pre-booked events shall be kept at the premises for at least 31 days and made available for immediate inspection by police or an authorised office of the Council.

8. All external terraces shall not be used (save for persons temporarily leaving the building to smoke) after 23.00 hours Monday to Saturdays and 22.30 hours on Sundays.
9. Any external tables and chairs shall be rendered unusable or removed by 23:00 each day.
10. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23.00 hours.
11. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
12. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
14. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. 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 entire 31-day period.
16. 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 are 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.
17. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
18. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

19. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
20. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
21. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
22. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
23. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
24. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame- retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
25. The certificates listed below shall be submitted to the licensing authority upon written request.
 - (a) Any permanent or temporary emergency lighting battery or system
 - (b) Any permanent or temporary electrical installation
 - (c) Any permanent or temporary emergency warning system
26. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 7 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team.
 - Dry ice and cryogenic fog
 - Smoke machines and fog generators Pyrotechnics including fireworks
 - Firearms
 - Lasers
 - Explosives and highly inflammable substances Real flame
 - Strobe lighting
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
29. Licensable activities are permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

30. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
31. No licensable activities shall take place at the premises until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
32. No licensable activities shall take place at the premises until premises licence 18/09803/LIPCH (or such other number subsequently issued for the premises) has been surrendered.
33. A minimum of 14 days' notice in writing shall be given to the *Council* of any intention to use any live animal, bird or fish in a performance on the *premises*.
34. The use of special effects (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics) or the bringing onto the *premises* of any explosive or flammable substance may only be *permitted with the consent of the Council*. At least seven days' notice shall be given to the *Council* detailing the exact proposal including the date and time of any proposed rehearsal. Special effects shall only be used where the desired effect cannot be achieved using other safer means (e.g. by mechanical devices).
35. Unless otherwise agreed with the council, a minimum of 7 working days' notice shall be given by the Environmental Health Consultation Team when there is a change to the theatrical production.
36. There shall be a minimum of two SIA licensed door staff on duty on Friday and Saturdays from 20:00 hours until close of business and a minimum of one door supervisor for the remainder of the week from 20:00 until close of business. They shall display their SIA licence when on duty.

DISPERSAL POLICY

1. INTRODUCTION

- 1.1 This document ("the Policy"), sets out a number of controls and safeguards intended to ensure the Theatre Royal Drury Lane, London, WC2B 5JF ("the Premises") disperses customers in a manner which promotes all four licensing objectives.

2. OBJECTIVE

- 2.1 The objective of the Policy is to ensure a quiet, controlled, safe and swift dispersal of customers from the Premises, particularly at night and during the departure of audience members at the end of a performance.
- 2.2 The Policy promotes professional and responsible management of customers as they leave so customers can make their journey home without any adverse impact on local residents.
- 2.3 The Policy also helps customers make their journey home safely without becoming victims of crime.

3. LOCATION

- 3.1 The Premises are located on the corner of Catherine Street and Russell Street with the main customer entrance located on Catherine Street. The Stage Door entrance used by staff is located on Russell Street. Both Catherine Street and Russell Street have access for traffic in both directions and both are a thoroughfare for pedestrians. The Premises is arranged over 7 floors. Customer activities within the Premises take place on 6 floors (G, 1, 2, 3, 4 & 5) with back of house facilities located to the rear sides of the Premises occupying all 7 floors (including the Lower Ground floor).
- 3.2 The local area of Covent Garden is a popular tourist location, with many other theatre premises and high profile cultural landmarks nearby. Additionally there are commercial premises in the area plus a number of local residents who occupy domestic premises in the vicinity. This Policy aims to protect the interests of local residents.

4. CONTACT DETAILS

- 4.1 A telephone number and email address for the Designated Premises Supervisor or the Duty Manager will be maintained for use by any person who may wish to speak to an appropriate member of staff in relation to any issues arising, including the dispersal of customers from the Premises.

5. GENERAL ENTRY/EGRESS

- 5.1 During the evening, entry to the auditoria will be via the main entrance on Catherine Street or the side entrance on Russell Street. Auditorium doors open one hour before the performance to enable the gradual arrival of customers. Upon arrival security checks will be carried out in conjunction with the security management plan for the Premises in order to maintain the safety of customers, staff and members of the public. Multiple staff members and SIA trained security operatives will be used to ensure this process is efficient and queuing times and noise are kept to an absolute minimum. Larger groups of customers are managed by a dedicated staff member to ensure their entry process is well organised and swift.

- 5.2 Customers who wish to leave the Premises at the performance Interval are managed by staff members designated to each exit. Customers are politely reminded by staff to keep noise to a minimum. SIA trained security operatives are present outside the Premises throughout this period to ensure customers conduct themselves in an orderly manner that is respectful to all neighbours.

- 5.3 Egress from the Premises at the end of a performance will be from ten different exits, four leading onto Catherine Street and six leading onto Russell Street to ensure the gradual but swift dispersal of customers away from the Premises to their onward travel.

- 5.4 Entry and egress for customers with certain access requirements will be via one of the entrances on Catherine Street and two of the entrances on Russell Street. There will be designated members of staff available to assist customers throughout their visit.

6. SIGNAGE

- 6.1 Clearly legible notices shall be displayed at all customer exits in such a manner so that they can be easily seen and read by customers. The notices shall request that

customers leave the Premises in a quiet and orderly manner that is respectful to all neighbours.

7. DISPERSAL

7.1 The primary point of dispersal is the main exit onto Catherine Street. Secondary points of dispersal onto Russell Street are used to accelerate the dispersal of customers and to reduce any crowding in the vicinity. From each of these exits customers can disperse directly to the nearby transport links.

7.2 Members of staff must comply with the conditions of the Premises Licence to ensure customers are managed professionally and leave quickly and quietly. All points of dispersal will be managed by staff who will be positioned at each final exit door to ensure customers move swiftly away from the Premises. SIA trained security operatives will be stationed outside the Premises and remain alert to any customers loitering outside the Premises. Any such customers will be approached and asked politely to continue their journey home.

7.3 Customers shall be made aware of local transport links (see below), when appropriate.

8. TRANSPORT

8.1 The Premises is well served by transport links as set out below. All staff shall be familiar with these transport links so they can advise customers where required.

RAIL/TUBE

8.1.1 The Premises is very well situated near the following easily accessible tube and rail stations on foot:

a) Covent Garden Tube Station (Piccadilly Line)

b) Holborn Tube Station (Central and Piccadilly Lines)

c) Temple Tube Station (District and Circle Lines)

d) Charing Cross Rail and Tube Station (Bakerloo and Northern Lines)

8.1.2 Staff will be familiar with the stations and will be able to direct customers accordingly.

BUSES

- 8.1.3 The immediate area surrounding the Premises is extremely well serviced by public buses. TFL bus services, including night buses, are accessible by several bus stops in the vicinity of the Premises, which go to a variety of destinations throughout the area.
- 8.1.4 Where necessary, customers are given directions to the bus stops and are reminded to consider the local residents and businesses when travelling to the bus stops and waiting for buses, particularly at night.
- 8.1.5 Staff will be familiar with the local bus services and can advise customers accordingly.

TAXI

- 8.1.6 Black cabs are available right through the day and night in the area.
- 8.1.7 Staff will assist customers by calling a taxi if required.
- 8.1.8 Customers will be encouraged to quickly and quietly flag and enter cabs to minimise any noise disruption.
- 8.1.9 App-based services may also be used.

Protecting theatres for everyone



Ref.: TC/206

05 March 2020

Licensing Team,
Westminster City Council,
15th Floor West,
64 Victoria Street,
London,
SW1P 6QP

By e-mail: licensing@westminster.gov.uk

Application: 20/00537/LIPN

Site: Theatre Royal Catherine Street London WC2B 5JF

Proposal: Premises - Major Variation of Licence

Remit:

Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

Comment:

We are supportive of the above application submitted by Thomas & Thomas Partners LLP on behalf of their client LW Theatres which seeks a new premises licence for Theatre Royal Drury Lane. Specifically, the purpose of the variation between the licence applied for and the licence already in place (18/09803/LIPCH) is to enable the theatre to open to the wider public following completion of their current programme of significant renovation and refurbishment. Presently it has been restricted to ticket-holders. The new licence is also necessary because the layout of the building will be altered.

Theatre Royal Drury Lane is a cultural and heritage asset of great significance; it is one of the few theatres in the country to be statutorily Grade I listed reflecting that is of exceptional interest. It plays a key role in the overall 'West End' and 'Theatreland' cluster of theatres and entertainment venues which is recognised globally, bringing visitors into the area and contributing to London's attractiveness as a place to visit. Income from ancillary provision is becoming increasingly important in supporting the ongoing sustainability and viability of theatres and other cultural venues.

Theatres Trust

22 Charing Cross Road, London WC2H 0QL
T 020 7836 8591 E info@theatrestrust.org.uk W theatrestrust.org.uk

Chair Tim Eyles Director Jon Morgan

Trustees Richard Baldwin, David Blyth, Pam Bone, Paul Cartwright, Paddy Dillon, Ruth Eastwood, David Ian, Richard Johnston, Gary Kemp, Dara Ó Briain, Simon Ricketts, Ann Skippers, Truda Spruyt, Anna Stapleton

The National Advisory Public Body for Theatres

The Theatres Trust Charitable Fund co-operates with the Theatres Trust, has the same Trustees and is registered as a charity under number 274697

Protecting theatres for everyone



It is the aspiration of the theatre's operator to open the building for tours, afternoon tea, events and functions and to provide access to its art collection and architecture. We are supportive of this. Facilitating the uses and aspirations proposed will make more effective use of the building, enabling more people to visit and appreciate its significance.

The use of theatre's ancillary spaces in this way outside of performances is common across the UK, especially in cases where the building is of particular significance, and is becoming increasingly necessary due to rising costs and/or cuts to funding. It is essential that theatres more generally are sustainable and viable, especially where they are also significant heritage assets. We welcome efforts by the operator to invest in their building and enhance its provision.

We do not consider that this proposal would come into conflict with any of the stated licensing objectives. A number of proposed conditions have been set out which demonstrate the venue would be operated responsibly. Therefore we support this application and the granting of a new licence for the theatre.

Please contact us should you wish to discuss this representation further.

Yours sincerely,

A handwritten signature in black ink that reads "T Clarke".

Tom Clarke MRTPI
National Planning Adviser

Theatres Trust
22 Charing Cross Road, London WC2H 0GL
T 020 7836 8591 E info@theatrestrust.org.uk W theatrestrust.org.uk

Chair Tim Eyles Director Jon Morgan

Trustees Richard Belwin, David Blyth, Pam Bone, Paul Cartwright, Paddy Dillon, Ruth Eastwood, David Ien, Richard Johnston, Gary Kemp, Dara Ó Briain, Simon Ricketts, Ann Skippers, Truda Spruyt, Anna Stapleton

The National Advisory Public Body for Theatres
The Theatres Trust Charitable Fund co-operates with the Theatres Trust, has the same Trustees and is registered as a charity under number 274697



Schedule 12
Part A

WARD: St James's
UPRN: 010033555899

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

Premises licence

Regulation 33, 34

| | |
|---------------------------------|----------------|
| Premises licence number: | 18/09803/LIPCH |
| Original Reference: | 05/07378/LIPCV |

Part 1 – Premises details

Postal address of premises:

Theatre Royal Drury Lane
Catherine Street
London
WC2B 5JS

Telephone Number: 020 7557 7300

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Provision of facilities for Dancing
Exhibition of a Film
Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
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 00:00 (On Stage)
Sunday: 12:00 to 00:00 (On Stage)

Provision of facilities for Dancing
Monday to Saturday: 09:00 to 01:00 (Grand Saloon and VIP Lounge)

Exhibition of a Film
Monday to Saturday: 09:00 to 23:00 (On Stage)
Sunday: 14:00 to 23:00 (On Stage)

Provision of facilities for making Music

| | |
|--|--|
| Monday to Saturday: | 09:00 to 01:00 (Grand Saloon and VIP Lounge) |
| Sunday: | 09:00 to 23:00 (Grand Saloon and VIP Lounge) |
| Performance of Live Music | |
| Monday to Saturday: | 09:00 to 23:00 (On Stage) |
| Sunday: | 14:00 to 23:00 (On Stage) |
| Monday to Saturday: | 09:00 to 01:00 (Grand Saloon and VIP Lounge) |
| Sunday: | 09:00 to 23:00 (Grand Saloon and VIP Lounge) |
| Playing of Recorded Music | Unrestricted |
| Provision of facilities for entertainment of a similar description to making music or dancing | |
| Monday to Saturday: | 09:00 to 01:00 (Grand Saloon and VIP Lounge) |
| Anything of a similar description to Live Music, Recorded Music or Performance of Dance | |
| Monday to Saturday: | 09:00 to 01:00 (Grand Saloon and VIP Lounge) |
| Performance of a Play | |
| Monday to Saturday: | 09:00 to 00:00 (On Stage) |
| Sunday: | 12:00 to 00:00 (On Stage) |
| Non Standard Timings: | See condition 22 |
| Late Night Refreshment | |
| Monday to Saturday: | 23:00 to 01:30 (Grand Saloon and VIP Lounge) |
| 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 01:00 (Grand Saloon and VIP Lounge) |
| Sunday: | 12:00 to 23:00 (Grand Saloon and VIP Lounge) |
| Monday to Saturday: | 11:00 to 23:00 (All other theatre bars) |
| Sunday: | 12:00 to 22:30 (All other theatre bars) |
| <i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i> | |

| | |
|---|----------------|
| The opening hours of the premises: | |
| Monday to Saturday: | 09:00 to 01:30 |
| Sunday: | 09:00 to 01:00 |

| | |
|--|--|
| 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:

LW Theatres Group Limited
65 Drury Lane
London
WC2B 5SP

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

3987955

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

Name: Rupert Bielby

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: LEW0259
Licensing Authority: London Borough Of Lewisham

Date: 28 August 2018

This licence has been authorised by Mary Pring 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 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 reproducing the effect of conditions subject to which the relevant existing licences have effect.

Conditions relating to Regulated Entertainment

Grand Saloon Bar and VIP Lounge

9. 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.
10. 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).
11. 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 1am on the day following.
12. The number of persons accommodated (excluding staff) in the Grand Saloon bar and VIP Lounge shall not exceed 120.

Conditions for Sale of Alcohol:

13. The sale and consumption of intoxicating liquor shall be confined to the stalls bar and the grand saloon bar.

14. There shall be no direct access from the street to any bar.
15. No external advertisement of the licensed facilities.
16. The sale and consumption of intoxicating liquor shall be only to and by persons bona fide attending functions or performances to which admission is by ticket or personal written invitation only.

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

Conditions for Sale of Alcohol

Grand Saloon Bar and VIP Lounge

17. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 (12:00 on Christmas Day and Good Friday) and extend until 01:00 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 01:00, the permitted hours shall end when the music and dancing end;
- (b) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 23.00.
- (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.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty 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) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;

- (g) the taking of alcohol from the premises by a person residing there;
- (h) 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;
- (i) 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.

18. 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.

19. 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.

Annex 2 – Conditions consistent with the operating Schedule

20. On no more than 15 occasions per year the permitted hours for the sale of alcohol may be extended in the Other Theatre Bars from 23:00 to 01:30 on Monday to Saturday for pre-booked events. 10 working days notice to be given to the police (or less with their consent) and police to have sole discretion as to whether or not to grant the consent. The sale of alcohol will only be to members of the audience attending a performance at the theatre.
21. On no more than 15 occasions per year the permitted hours for the performance of plays may be extended from 00:00 midnight to 02:00 on Monday to Saturday for pre-booked events. 10 working days notice to be given to the police (or less with their consent) and police to have sole discretion as to whether or not to grant the consent. These events will be for performances to which admission is by ticket or personal written invitation only.
22. The number of tickets sold shall never be greater than the number of seats available.
23. For events where admission is not by ticket, the number of patrons entering the building shall be carefully controlled using clickers or for smaller events, a signing in or guestlist.
24. For special events involving high profile guests, such as a televised Awards Ceremony, an event such as a rock or pop concert or where the nature of the event is likely to attract onlookers or spectators who are not actually attending the theatre, a risk assessment shall be conducted and the premises shall liaise closely with the Westminster Council Special Events Team.
25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
26. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
27. All persons entering or re-entering the premises shall be searched by an SIA trained member of staff.
28. All beverages shall be in plastic containers inside the auditorium.
29. Cash at all service points shall be secured via under the counter tills or kept safely out of reach at the back of the kiosk.
30. Empty glass bottles from the theatre bars shall only be put out for recycling between the hours of 11.00am and 5.00pm Monday to Friday and the collection of the recycling skips, as in agreement with Onyx, shall be put out at 3.00pm again Monday to Friday.
31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
31. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- Any emergency lighting battery or system
 - Any electrical installation
 - Any emergency warning system
32. Annual inspections and tests shall be carried out and certificates held for the following:
- (1) Fire Fighting Equipment
 - (2) Boilers
 - (3) The Safety Curtain
 - (4) Mechanical Installation
 - (5) Suspended and Lifting Equipment
33. All deliveries and collections shall be made via the stage door entrance which is located in the non-residential Russell Street.
34. During all performances on stage management shall monitor the level of the sound generated to ensure that no measurable leakage occurs from the premises.
35. The ventilation plants shall be regularly serviced to ensure that they are in good condition.
36. Management shall liaise with the visiting producers/promoters to ensure that they are fully aware of the need to keep all noise to a minimum so as not to cause a nuisance to any of our neighbours.
37. All deliveries and collections shall be made via the stage door entrance which is located in Russell Street.
38. The rubbish paladins which are kept in Vinegar Yard, on the southeast side of the theatre, shall be emptied each day Monday to Saturday at 5.00pm.
39. No external doors shall be opened whilst the performance is in progress.
40. The dressing room tannoy system shall be set at a level so as to ensure no leakage of noise from a dressing room if the windows are opened.
41. All final exit doors opening onto Vinegar Yard, between the theatre and the Siddons/Stirling Buildings, shall have acoustic lobbies to ensure that noise does not leak out.
42. After a performance has finished staff shall be stationed on the final exits to encourage our patrons to leave the premises quietly.
43. No licensable activities shall take place outside the building.
44. Regular checks shall be made of the outside of the building to pick up any litter that may have been dropped by our patrons.

45. Children performing in a show shall abide by the guidelines published by Westminster City Council, Safety Guidelines for Children in Stage Presentations.
46. All children attending the theatre to take part in a stage presentation shall first be given a safety and evacuation talk.
47. All children attending the theatre to take part in a presentation shall be accompanied by a chaperone.
48. Boys and girls shall not be permitted to share dressing room or toilet facilities.
49. Alcohol shall not be sold or supplied other than to persons who have purchased tickets for a current theatrical performance or other form of substantive entertainment at the theatre or who have had such tickets purchased for them. The cost of the ticket shall not be set against any consumables item.
50. The sale of alcohol by staff from trays to persons attending a ticketed event within the auditorium areas (to be specified on plans lodged with the application) is limited to the period of 45 minutes before the event commences and during interval(s) of the event.
51. Any alcohol sold as described in condition above shall be contained in non breakable vessels.
52. A proof of age scheme, such as Challenge (21/25), shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
53. 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
 - (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.
54. In the auditorium, alcohol will only be sold to persons attending a ticketed event for a period of 45 minutes before the event/performance and during the interval.
55. In the auditorium the sale of alcohol will only be by tray service.
56. Any alcohol sold in the auditorium will only be contained in non-breakable vessels.

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

None

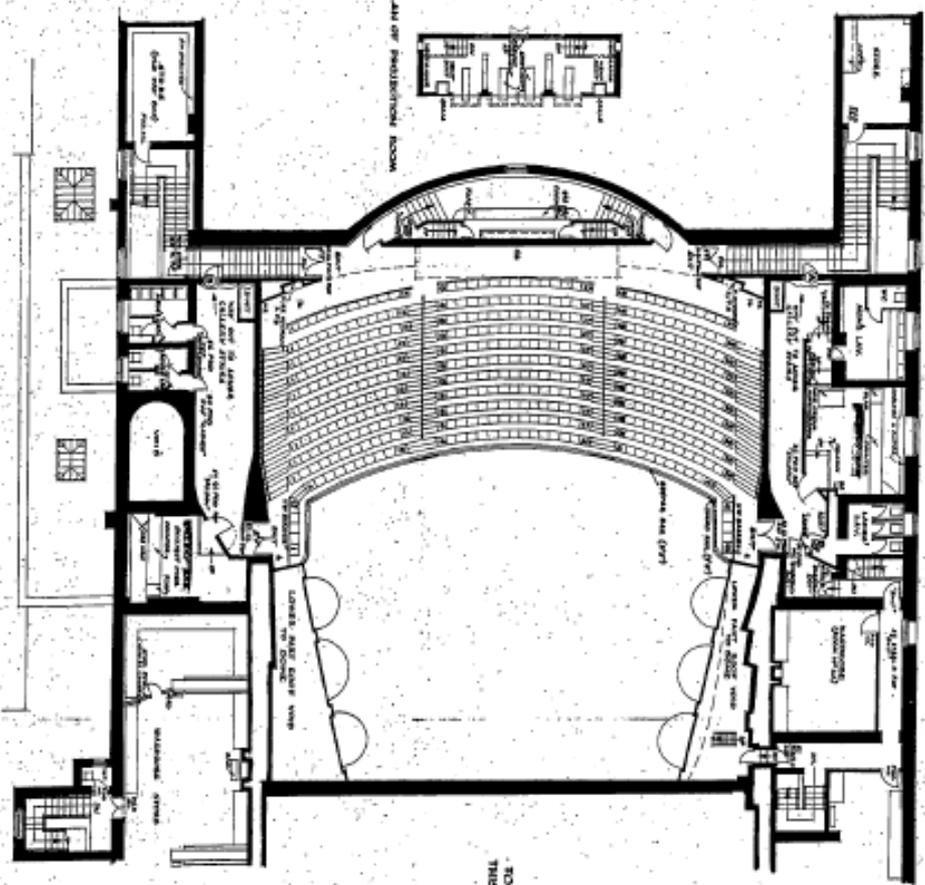
L.C.C. ARCHITECT'S DEPT., THEATRE DESIGN,
 APPROVAL & DRAWN BY 1922

THEATRE ROYAL, DRURY LANE, W.C.2.

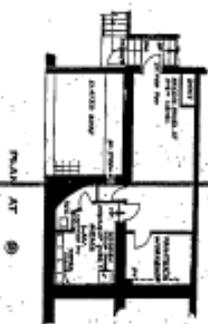
SCALE: FOUR SEAT TO ONE INCH

AT 396/10

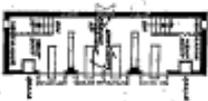
BALCONY PLAN - FRONT OF HOUSE

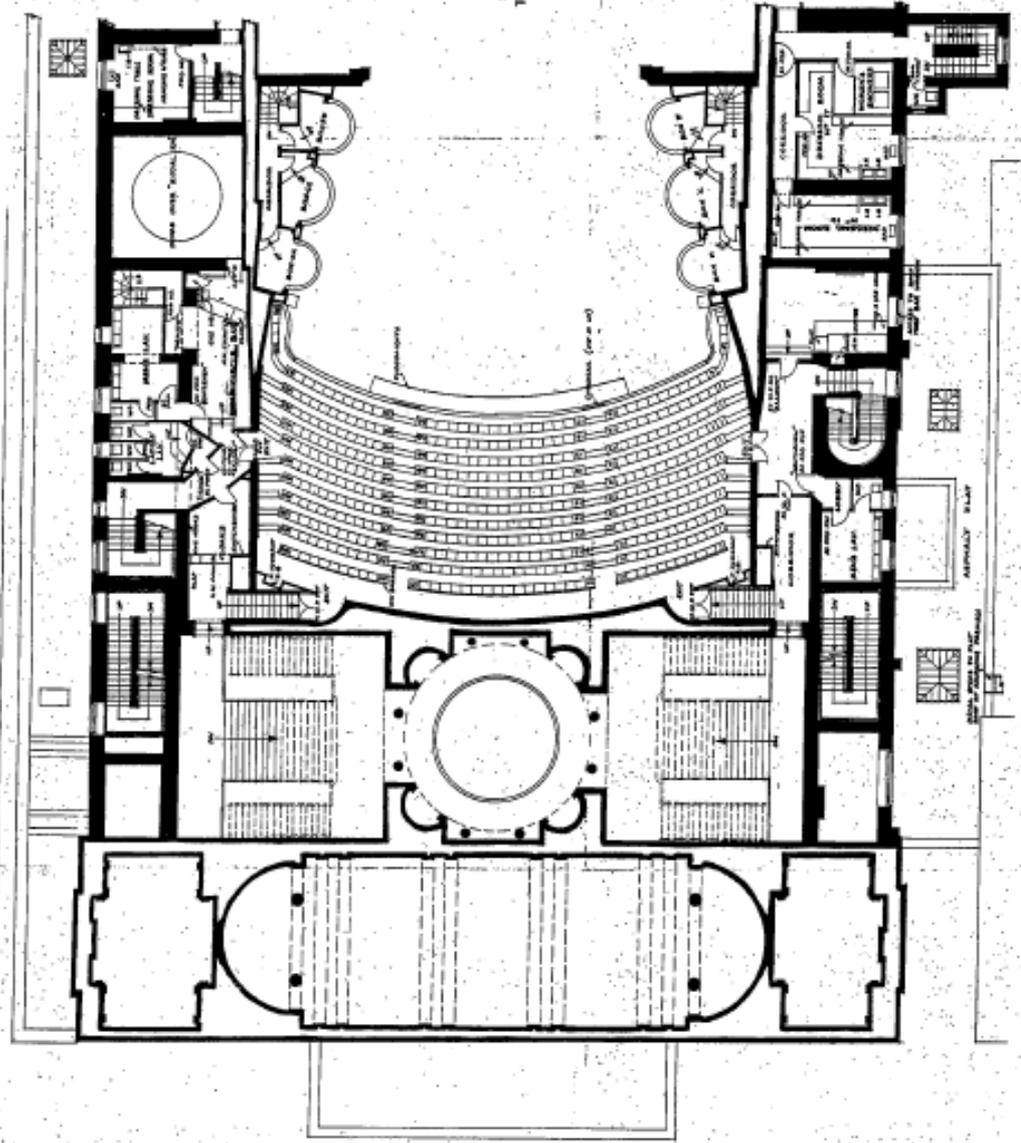


FOR SEAT OF HOUSE AT
 THIS LEVEL, SEE DRAWING 397/10



PLAN OF PROJECTION ROOM





FOR REAR OF HOUSE AT THIS LEVEL SEE DRAWING MFS



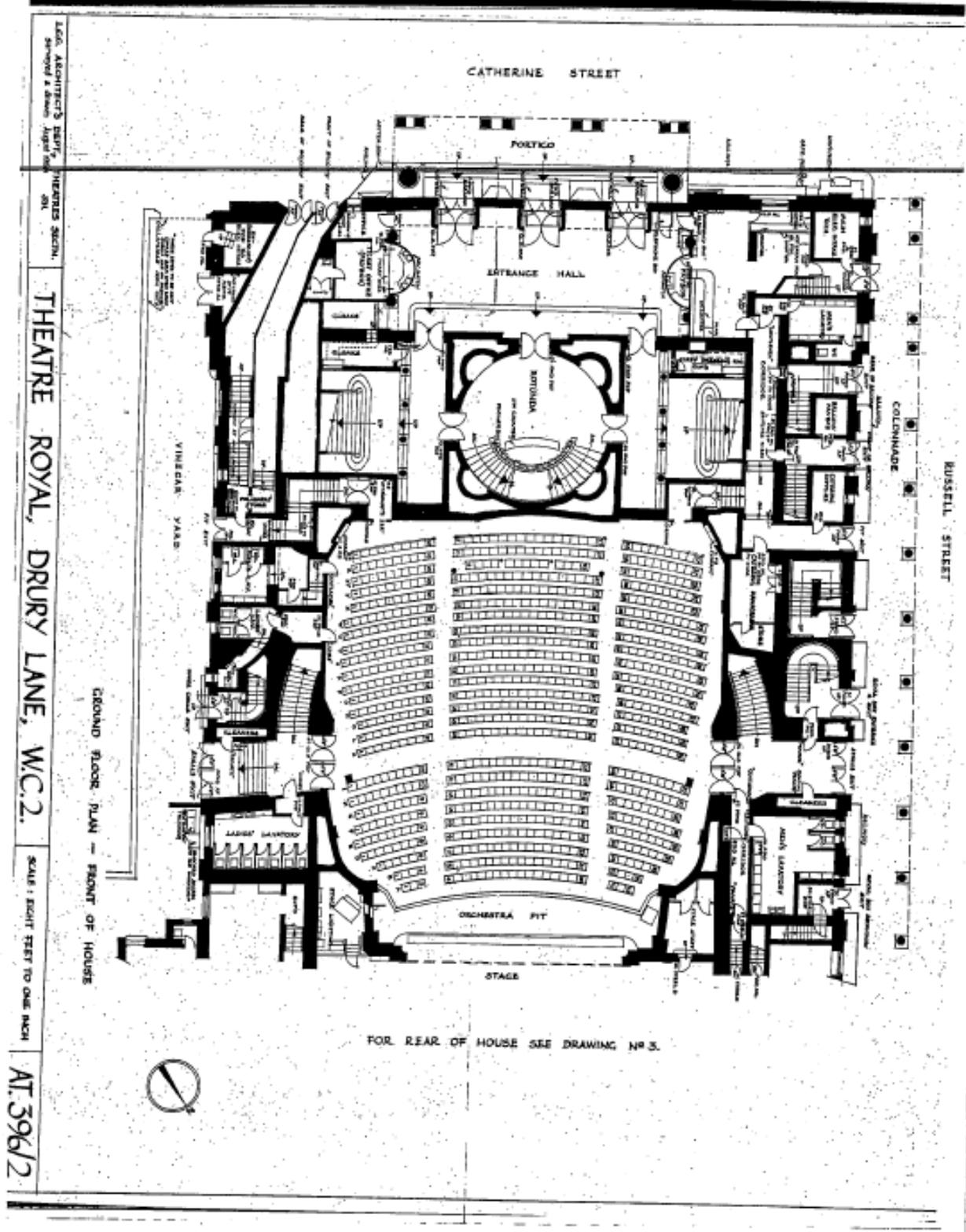
FIRST - CIRCLE PLAN - FRONT OF HOUSE

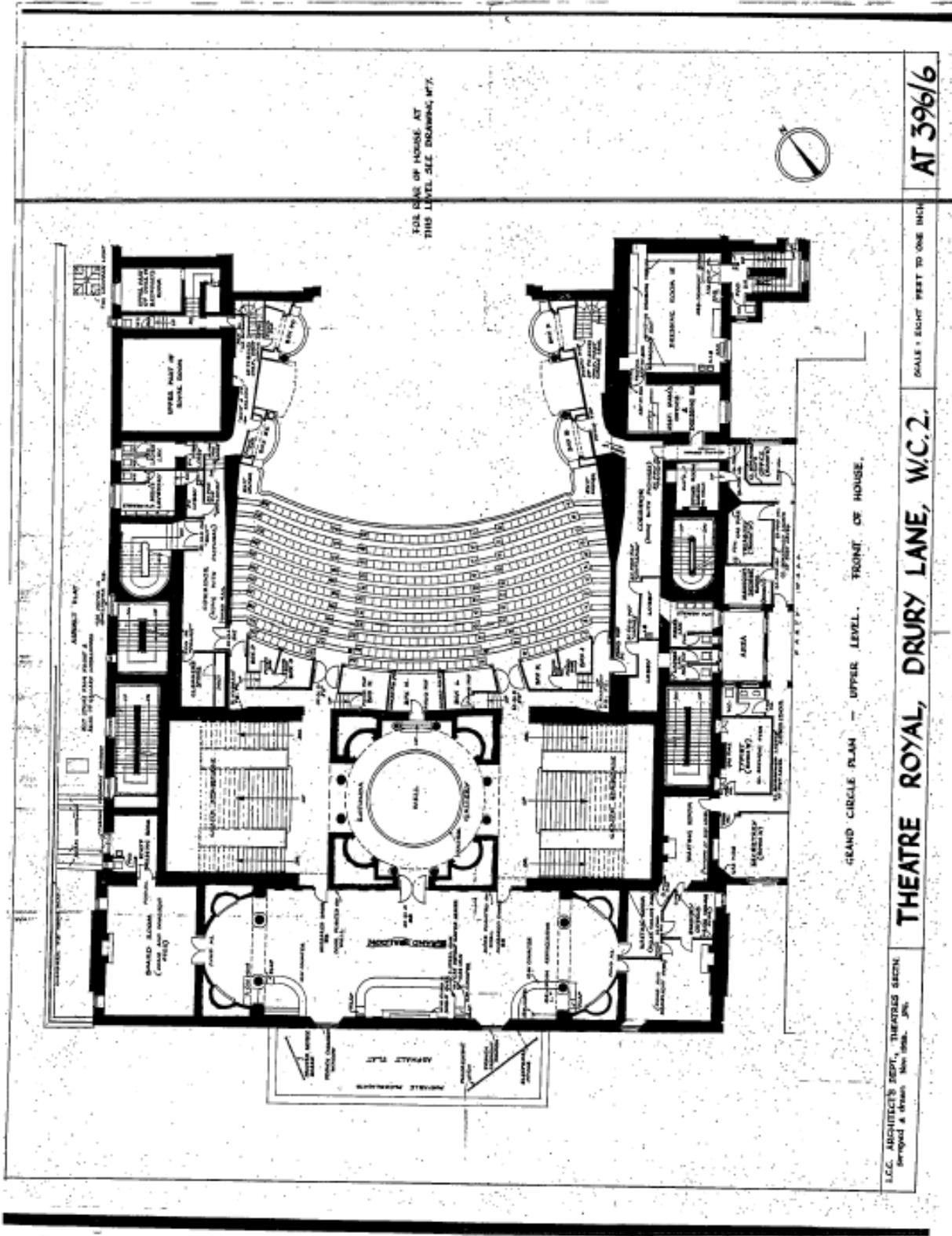
LCC ARCHITECTS' DEPT., THEATRES SECTION
Designed & drawn Dec 1886. J.W.

THEATRE ROYAL, DRURY LANE, W.C.2.

SCALE: 1 INCH = FEET TO ONE INCH

AT 396/8





SEE PLAN OF HOUSE AT THIS LEVEL. SEE DRAWING W7.

GRAND CIRCLE PLAN - UPPER LEVEL. FRONT OF HOUSE.

S.C.C. ARCHITECTS' DEPT., THEATRES SECT.
Designed & drawn. Min. scale. 3/4"

THEATRE ROYAL, DRURY LANE, W.C.2.

SCALE: EACH FOOT TO ONE INCH

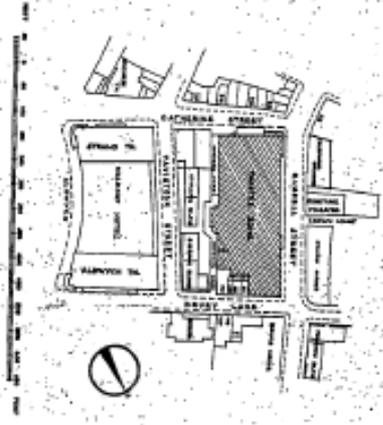
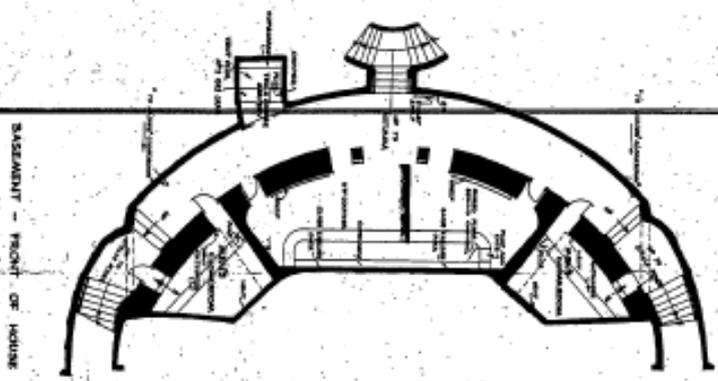
AT 396/6

L.C.C. ARCHITECTS' DEPT. THEATRES SECTN.
 10, Abchurch Lane, London, E.C. 4

THEATRE ROYAL, DRURY LANE, W.C.2.

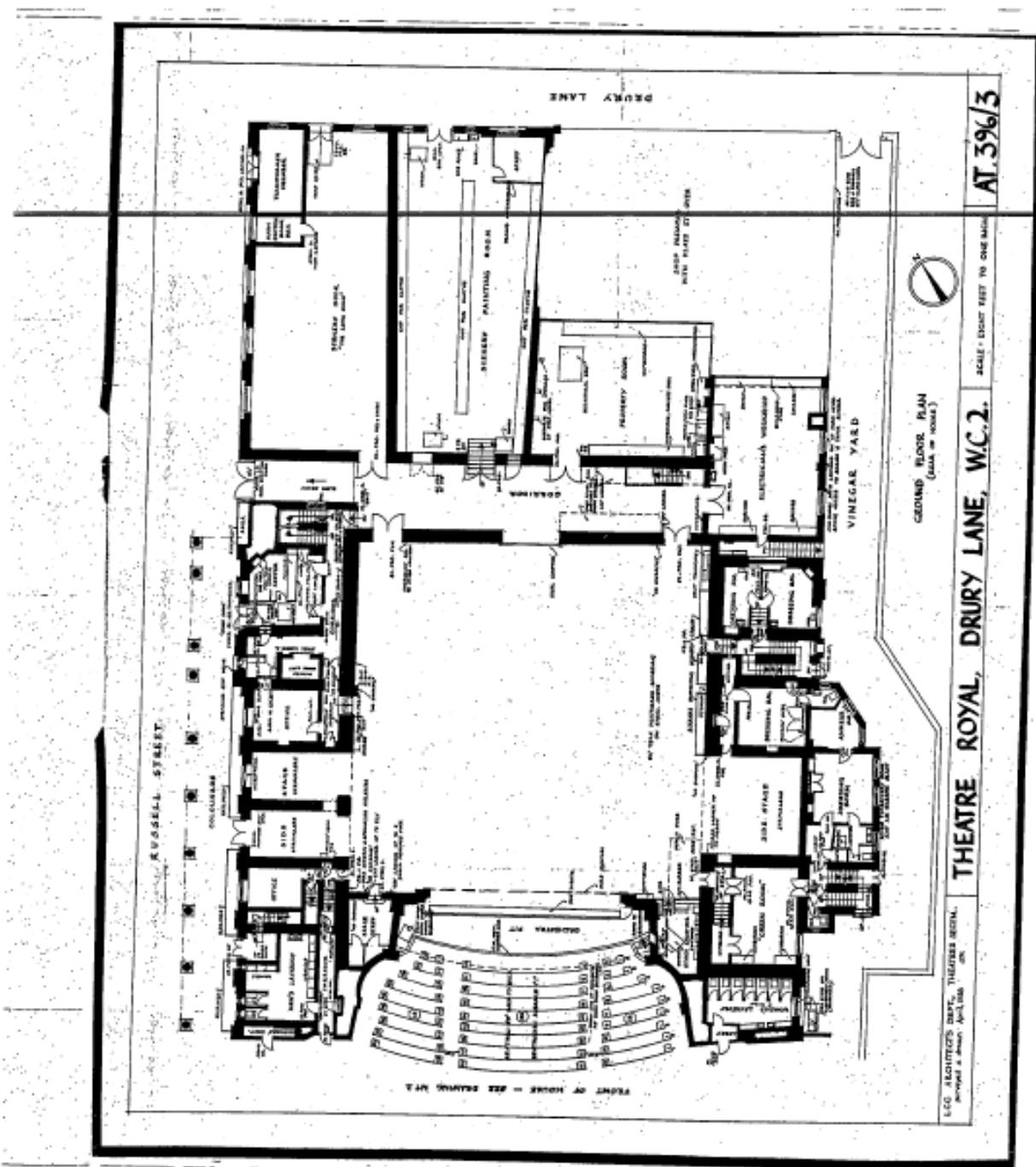
SCALE: 1/8" = 1'-0" FOR EACH

AT 396/1



ACCOMMODATION

| ROOM | AREA | SEATING | | TOTAL |
|----------------|------|---------|------|-------|
| | | NO. | AREA | |
| STAGE | 100 | 100 | 100 | 100 |
| FRONT OF HOUSE | 100 | 100 | 100 | 100 |
| REAR OF HOUSE | 100 | 100 | 100 | 100 |
| LOBBY | 100 | 100 | 100 | 100 |
| STAIRS | 100 | 100 | 100 | 100 |
| TOILETS | 100 | 100 | 100 | 100 |
| OFFICES | 100 | 100 | 100 | 100 |
| STORAGE | 100 | 100 | 100 | 100 |
| OTHER | 100 | 100 | 100 | 100 |
| TOTAL | | | | |





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

Schedule 12
Part B

WARD: St James's
UPRN: 010033555899

Premises licence
summary

Regulation 33, 34

Premises licence number:

18/09803/LIPCH

Part 1 – Premises details

Postal address of premises:

Theatre Royal Drury Lane
Theatre Royal Drury Lane
Catherine Street
London
WC2B 5JS

Telephone Number: 020 7557 7300

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

- Performance of Dance
- Provision of facilities for Dancing
- Exhibition of a Film
- Provision of facilities for making Music
- Performance of Live Music
- Playing of Recorded Music
- Provision of facilities for entertainment of a similar description to making music or dancing
- Anything of a similar description to Live Music, Recorded Music or Performance of Dance
- Performance of a Play
- 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 00:00 (On Stage)
Sunday: 12:00 to 00:00 (On Stage)

Provision of facilities for Dancing

Monday to Saturday: 09:00 to 01:00 (Grand Saloon and VIP Lounge)

Exhibition of a Film

Monday to Saturday: 09:00 to 23:00 (On Stage)
Sunday: 14:00 to 23:00 (On Stage)

Provision of facilities for making Music

Monday to Saturday: 09:00 to 01:00 (Grand Saloon and VIP Lounge)
Sunday: 09:00 to 23:00 (Grand Saloon and VIP Lounge)

Performance of Live Music

Monday to Saturday: 09:00 to 23:00 (On Stage)
Sunday: 14:00 to 23:00 (On Stage)
Monday to Saturday: 09:00 to 01:00 (Grand Saloon and VIP Lounge)
Sunday: 09:00 to 23:00 (Grand Saloon and VIP Lounge)

Playing of Recorded Music Unrestricted

Provision of facilities for entertainment of a similar description to making music or dancing

Monday to Saturday: 09:00 to 01:00 (Grand Saloon and VIP Lounge)

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday: 09:00 to 01:00 (Grand Saloon and VIP Lounge)

Performance of a Play

Monday to Saturday: 09:00 to 00:00 (On Stage)
Sunday: 12:00 to 00:00 (On Stage)
Non Standard Timings: See condition 22

Late Night Refreshment

Monday to Saturday: 23:00 to 01:30 (Grand Saloon and VIP Lounge)

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 01:00 (Grand Saloon and VIP Lounge)
Sunday: 12:00 to 23:00 (Grand Saloon and VIP Lounge)
Monday to Saturday: 11:00 to 23:00 (All other theatre bars)
Sunday: 12:00 to 22:30 (All other theatre bars)

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 01:30
Sunday: 09:00 to 01:00

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.

Premises History**Appendix 4**

| Application | Details of Application | Date Determined | Decision |
|--------------------|-------------------------------|------------------------|-----------------------------------|
| 05/07378/LIPCV | Conversion Application | 04.10.2005 | Granted Under Delegated Authority |
| 06/03791/WCCMAP | Master Licence | 04.10.2005 | Granted Under Delegated Authority |
| 10/05542/LIPV | Variation Application | 15.11.2010 | Granted Under Delegated Authority |
| 12/05223/LIPT | Transfer Application | 14.08.2012 | Granted Under Delegated Authority |
| 12/05229/LIPV | Variation Application | 26.07.2012 | Granted Under Delegated Authority |
| 18/09803/LIPCH | Change of Details | 28.08.2018 | Granted Under Delegated Authority |

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 necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary 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

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.

Conditions consistent with the operating schedule

9. The provision of licensable activities shall be ancillary to the premises' primary use as a theatre.

10. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway.
11. In the auditorium and theatre bars, alcohol shall only be sold to persons attending a private or ticketed event.
12. The consumption of drinks from glass vessels in the auditorium shall only be permitted after a suitable and sufficient Event Management Plan has been drawn up prior to each type of show or event. This must be made available on request to the Responsible Authorities
13. Non - intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. A register of all private pre-booked events shall be kept for inspection of at least 31 days.
15. All external terraces shall not be used (save for persons temporarily leaving the building to smoke) after 23.00 hours.
16. Any external tables and chairs shall be rendered unusable or removed by 23:00 each day.
17. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23.00 hours.
18. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
19. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
20. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. 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 entire 31-day period.
23. 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 are 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.

24. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
32. The certificates listed below shall be submitted to the licensing authority upon written request.
 - (a) Any permanent or temporary emergency lighting battery or system
 - (b) Any permanent or temporary electrical installation
 - (c) Any permanent or temporary emergency warning system
33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when 7 days prior notice is given to the Licensing Authority and written consent is provided from the EH Consultation Team.
 - Dry ice and cryogenic fog
 - Smoke machines and fog generators Pyrotechnics including fireworks

- Firearms
 - Lasers
 - Explosives and highly inflammable substances Real flame
 - Strobe lighting
34. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
 35. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
 36. Licensable activities are permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
 37. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
 38. No licensable activities shall take place at the premises until the works have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
 39. No licensable activities shall take place at the premises until premises licence 18/09803/LIPCH (or such other number subsequently issued for the premises) has been surrendered.

Conditions proposed by the Licensing Authority:

40. All bars within the Theatre Royal shall only sell alcohol to persons attending a private or ticketed event.

Proposed condition to replace condition 11

41. Alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
42. The sale and supply of Alcohol for consumption in the designated area outside the premises, shall only be consumed by patrons seated at tables, and by persons attending a private or tickets event.

Conditions proposed by the Metropolitan Police and agreed with the applicant so as to form part of the operating schedule:

43. There shall be a minimum of two SIA licensed door staff on duty on Friday and Saturdays from 20:00 hours until close of business and a minimum of one door supervisor for the remainder of the week from 20:00 until close of business. They shall display their SIA licence when on duty.

Conditions proposed by the Environmental Health and agreed with the applicant so as to form part of the operating schedule:

44. Unless otherwise agreed with the council, a minimum of 7 working days' notice shall be given by the Environmental Health Consultation Team when there is a change to the theatrical production.
45. The use of special effects (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics) or the bringing onto the premises of any explosive or flammable substance may only be permitted with the consent of the Council. At least seven days' notice shall be given to the Council detailing the exact proposal including the date and time of any proposed rehearsal. Special effects shall only be used where the desired effect cannot be achieved using other safer means (e.g. by mechanical devices).
46. A minimum of 14 days' notice in writing shall be given to the Council of any intention to use any live animal, bird or fish in a performance on the premises.



Resident count: 132

| Licensed premises within 75 Metres of Theatre Royal, Catherine Street, London, WC2B 5JF | | | | |
|--|--------------------------|--|---------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 18/09803/LIPCH | Theatre Royal Drury Lane | Theatre Royal Catherine Street London WC2B 5JF | Theatre | Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 01:00 |
| 19/10015/LIPDPS | Fortune Theatre | Fortune Theatre Russell Street London WC2B 5HH | Theatre | Monday to Friday; 09:00 - 04:00 Saturday to Sunday; 09:00 - 00:00 |
| 18/06588/LIPVM | By CHLOE | Drury House 34-43 Russell Street London WC2B 5HA | Restaurant | Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30 Sundays before Bank Holidays; 08:00 - 00:00 |
| 19/17181/LIPDPS | Fishworks | 2 - 4 Catherine Street London WC2B 5JY | Restaurant | Monday to Saturday; 08:00 - 00:30 Sunday; 09:00 - 00:00 |
| 13/03508/LIPVM | Augustus Harris | 33 Catherine Street London WC2B 5JT | Cafe | Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 |
| 10/10300/LIPDPS | Sagar Restaurant | 31 Catherine Street London WC2B 5JS | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 17/05213/LIPDPS | Gelatorino | Basement And Ground Floor 2 Russell Street London WC2B 5JD | Cafe | Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 |
| 06/03226/WCCMAP | Nell Of Old | 29 | Pub or pub | Monday to |

| | | | | |
|-----------------|-----------------------|--|--------------------------------|--|
| | Drury | Catherine Street London WC2B 5JS | restaurant with lodge | Sunday; 10:00 - 00:30 |
| 16/00554/LIPDPS | Eat Tokyo | 27 Catherine Street London WC2B 5JS | Restaurant | Monday to Sunday; 11:00 - 00:00 |
| 19/04926/LIPDPS | Bodeans BBQ | Basement And Ground Floor 25 Catherine Street London WC2B 5JS | Restaurant | Monday to Saturday; 10:00 - 00:30 Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00 |
| 19/08019/LIPDPS | Opera Tavern | 23 Catherine Street London WC2B 5JS | Public house or pub restaurant | Monday; 10:00 - 01:00 Tuesday; 10:00 - 01:00 Wednesday; 10:00 - 01:00 Thursday; 10:00 - 01:00 Friday; 10:00 - 01:00 Sunday; 12:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00 |
| 14/07987/LIPT | Sarastro Restaurant | 126 Drury Lane London WC2B 5SU | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 18/01311/LIPDPS | Hilton London Waldorf | Waldorf Hotel Aldwych London WC2B 4DD | Hotel, 4+ star or major chain | Monday to Sunday; 00:00 - 00:00 |

This page is intentionally left blank



| | |
|--------------------|--|
| Item No: | |
| Date: | 19 March 2020 |
| Licensing Ref No: | 19/14884/LIPV - Premises Licence Variation |
| Title of Report: | Altitude 360 - 28th Floor Twenty Eighth Floor Millbank Tower 21-24 Millbank |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Vincent Square |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Michelle Steward Senior Licensing Officer |
| Contact details | Telephone: 0207 641 6500 Email: msteward1@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|--------------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 12 November 2019 | | |
| Applicant: | Atomsphere Venues Limited | | |
| Premises: | Atmosphere 28 | | |
| Premises address: | Twenty Eighth Floor Millbank Tower 21-24 Millbank London | Ward: | St Vincent's |
| | | Cumulative Impact Area: | None |
| Premises description: | The premises currently operates as a bar and event space. | | |
| Variation description: | <p>The changes sought by way of this variation are as follows:</p> <ul style="list-style-type: none"> • Change the Venue name to Atmosphere 28 • Change the name of the Premises Licence Holder to Atmosphere 28 (Company Registration number remains the same) • Extend the terminal hour for all applied licensable activities to 3am • Remove conditions 23,40,41,45,46,51 • Amend conditions 12,17,19,42,47 | | |
| Premises licence history: | The premises has had the benefit of a premises licence since 2012 and the current premises licence 18/05866/LIPT can be seen at Appendix 3 of this report together with the full history. | | |
| Applicant submissions: | There are no submissions from the applicant. | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|--|---|-------------|-----------------------|-------------|------------------------|------------------|
| Regulated Entertainment | | | | | | |
| Exhibition of films, Performance of Live Music, Playing of Recorded Music and Anything of a similar description to Live or Recorded Music | | | | | | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 02:00 | 10:00 | 03:00 | 28 th Floor | No Change |
| Tuesday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Wednesday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Thursday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Friday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Saturday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Sunday | 12:00 | 02:00 | 12:00 | 03:00 | | |
| Seasonal variations: | Current: | | | | Proposed: | |
| | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | | | No Change | |
| Non-standard timings: | Current: | | | | Proposed: | |
| | None | | | | No Change | |

| Late night refreshment | | | | | | |
|---|---|-------|----------------|-------|------------------------|-----------|
| Indoors, outdoors or both | | | Current : | | | Proposed: |
| | | | Indoors | | | No Change |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 23:00 | 02:00 | 23:00 | 03:00 | 28 th Floor | No Change |
| Tuesday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Wednesday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Thursday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Friday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Saturday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Sunday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Seasonal variations/ Non-standard timings: | Current: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | | | | |

| Sale by Retail of Alcohol | | | | | | |
|---|---|-------|----------------|-------|------------------------|-----------|
| On or off sales | | | Current : | | | Proposed: |
| | | | Indoors | | | No Change |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 02:00 | 10:00 | 03:00 | 28 th Floor | No Change |
| Tuesday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Wednesday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Thursday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Friday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Saturday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Sunday | 12:00 | 02:00 | 12:00 | 03:00 | | |
| Seasonal variations/ Non-standard timings: | Current: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | | | | |

| Hours premises are open to the public | | | | | | |
|---|---|-------|----------------|-------|------------------------|-----------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 02:00 | 10:00 | 03:00 | 28 th Floor | No Change |
| Tuesday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Wednesday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Thursday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Friday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Saturday | 10:00 | 02:00 | 10:00 | 03:00 | | |
| Sunday | 12:00 | 02:00 | 12:00 | 03:00 | | |
| Seasonal variations/ Non-standard timings: | Current: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | | | | |

1-C Layout alteration

There are no changes to the lay of the premises sought by way of this application.

1-D Conditions being varied

| Condition | Proposed variation |
|--|--|
| 12. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. | 12. All amplified sound generating equipment shall be routed through a sound limiter device as per a noise management plan agreed with EHO. |
| 17. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer in request. | 17. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer at request, the information will be made available for a minimum of 14 days from the event date. |
| 19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. | 19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. Substantial food only need to be made available for a limited period during an event. |
| 42. There shall be no deliveries between 23:00 and 08:00 hours. | 42. There shall be no deliveries between 23:00 and 06:00 hours. |
| 47. The capacity for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff. | 47. The capacity for the 28th and 29th floors combined shall not exceed 800 at any one time excluding staff. |
| Conditions proposed to be removed: | |
| 23. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. | |
| 40. All waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection time. | |
| 41. No rubbish, including bottles, shall be moved, removed or placed in outside areas | |

between 23:00 hours and 08:00 hours.

- 45. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.
- 46. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.
- 51. No events booked by promoters shall be permitted to take place on the premises.

2. Representations

2-A Responsible Authorities

| | |
|-------------------------------|-----------------------------|
| Responsible Authority: | Metropolitan Police Service |
|-------------------------------|-----------------------------|

| | |
|------------------------|-----------------|
| Representative: | PC Adam Deweltz |
|------------------------|-----------------|

| | |
|------------------|-------------------|
| Received: | 202 November 2019 |
|------------------|-------------------|

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making representations against these applications.

It is our belief that if granted the applications would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

I have spoken to Mr Nevitt from Environmental Health. Would it be possible to set up a site visit and discuss the application in more detail please.

I look forward to hearing from you.

| | |
|-------------------------------|------------------------------|
| Responsible Authority: | Environmental Health Service |
|-------------------------------|------------------------------|

| | |
|------------------------|----------------|
| Representative: | Mr Dave Nevitt |
|------------------------|----------------|

| | |
|------------------|------------------|
| Received: | 10 December 2019 |
|------------------|------------------|

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.

3. Policy & Guidance

| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
|--|---|
| Policy HRS1 applies: | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p> |
| Policy COMB1 applies: | <p>(i) Where a premises proposes to operate as a 'combined use premises' applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1, CH1, CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies. It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1 & PB2, FFP1 & FFP2, MD1 & MD2.</p> |

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Appendices

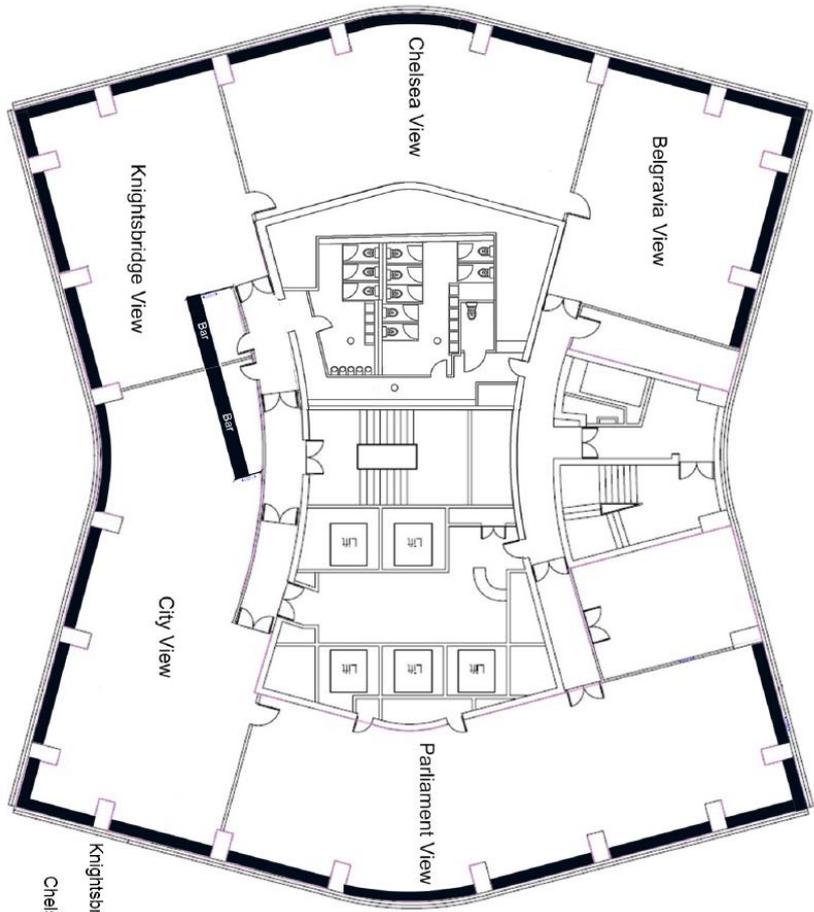
| | |
|-------------------|---|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Submissions from the Metropolitan Police and Environmental Health Service |
| Appendix 4 | Premises Licence 18/05866/LIPT and history |
| Appendix 5 | Decision from the Review reference 16/04069/LIREVP |
| Appendix 5 | Proposed conditions |
| Appendix 6 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|---|
| Report author: | Michelle Steward Senior Licensing Officer |
| Contact: | Telephone: 0207 641 6500 Email: msteward1@westminster.gov.uk |

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Metropolitan Police Service | 20 November 2019 |
| 5 | Environmental Service | 10 December 2019 |



- Prerests total if all concertina doors are open - 500
- Parliament View - 200
- City View - 150
- Parliament and City Views - 350
- Knightsbridge View - 130
- Knightsbridge View and Chelsea View - 300
- Chelsea View - 100
- Chelsea View and Belgravia View - 300
- Belgravia View - 100



There are no submissions from the applicant.

28TH FLOOR, MILLBANK TOWER

REF: 19/14884/LIPV

DAVE NEVITT & PC ADAM DEWELTZ

4.2.2020

The Licence ref is: 18/05866/LIPT

The applicant seeks the following:

Semier Events Ltd Premises Licence proposed variations

Altitude 360 28th floor

- **Change venue name to Atmosphere 28**
- **Change name of Premises Licence holder to ATMOSPHERE VENUES LTD (Company reg. No. remains the same)**
- **Extend hours to 3am**

Applicant proposed changes to Licence Conditions:

- 12. Re-word to: - All amplified sound generating equipment shall be routed through a sound limiter device as per a noise management plan agreed with EHO.**
- 17. Insert – the information will be made available for a minimum of 14 days from the event date**
- 19. Add: - Substantial food only need to be made available for a limited period during an event.**
- 23. Already covered in condition 12. Discuss with EHO.**
- 40. Remove condition as central area for waste. Bottle bins not emptied but are done by building services**
- 41. Remove condition for same reason above**
- 42. Change times to 2300 and 0600 hrs**
- 45. Remove condition**
- 46. Remove condition – most people now use apps to get taxis**
- 47. Increase capacity to 800**
- 51. Remove condition, already covered in condition 20.**

EH and Police make the following comments:

1. **In relation to name changes – NO OBJECTION**
2. **Extend hour to 0300hrs** – this would be the subject of EH and Police Representations and will need to be adjudicated by the Licensing Sub-Ctee at a Hearing – the application will be judged on its merits in the light of the City Council’s Licensing Policy.
3. In relation to existing Conditions 12 and 23 – EH would like the following Model Conditions imposed:

MC11 A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

MC12 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

4. In relation to Condition 17 – EH and Police are happy with **‘31 days’**
5. In relation to Condition 19 – the provision of substantial food. EH and Police would prefer the Condition to remain as is and it would be for the applicant to explain to the Ctee why it should be removed/changed.
6. In relation to Conditions 40, 41 and 42 – Conditions about refuse collections and deliveries – the applicant will need to submit information to the Ctee to detail what the proposed arrangements will be on site and how this will not be a source of nuisance.
7. Removal of Condition 45 (taxis) – the applicant will need to submit details of their Dispersal Policies/arrangements
8. Condition 47 – increase capacity to 800 from 600- EH (and possibly Police) will maintain Rep in relation to this aspect of the application on Public Safety grounds. EH will request advice/comments from LFB (David Doyle) and District Surveyor (Alan Lynagh). The main concern here is pressure and intensification on the escape staircases.
9. Removal of Condition 51 – Events not to be booked by promoters. EH and Police would like to propose a condition that prohibits events at the premises run by external promoters. Possible Condition wording: **‘There shall be no externally promoted events held at the premises’**.
10. EH and Police propose the following Conditions, some of which are updated Model Conditions which are similar to existing Licence Conditions, others are new:

MC45 No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

MC57 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

MC94 Alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. Such functions or events are to be booked no less than 24 hours in advance. A register of persons attending the event shall be

kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.

MC01 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 entire 31 day period.

MC02 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.

MC47 Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

MC49 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. It must be completed within 24 hours of the incident and 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, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

MC69 All drinking vessels used in the venue shall be polycarbonate. All drinks 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.

Notwithstanding 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.

ID Scanning:

When the premises is open, all customers entering after 19:00 hours will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). All customers entering shall have their facial image captured by the ID scanner camera, except for persons who enter using fingerprint scanning and have provided a recent facial image captured by the ID Scanner. The above requirement is subject to the following exceptions, namely that a maximum number of 10 guests per night may be admitted at the Managers discretion without their ID necessarily being scanned and recorded.

SIA provision:

A minimum of 5 SIA door supervisors on duty at premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. 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. BWV must be activated at an early stage during any incident involving conflict.



Schedule 12
Part A

WARD: Vincent Square
UPRN: 010033538319

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

| | |
|---------------------------------|---------------|
| Premises licence number: | 18/05866/LIPT |
| Original Reference: | 12/06383/LIPN |

Part 1 – Premises details

Postal address of premises:

Altitude 360 - 28th Floor
 Twenty Eighth Floor
 Millbank Tower
 21-24 Millbank
 London
 SW1P 4QP

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
 Performance of Live Music
 Playing of Recorded Music
 Anything of a similar description to Live Music or Recorded Music
 Late Night Refreshment
 Sale by Retail of Alcohol

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

Exhibition of a Film
 Monday to Saturday: 10:00 to 02:00
 Sunday: 12:00 to 02:00
 Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Performance of Live Music
 Monday to Saturday: 10:00 to 02:00
 Sunday: 12:00 to 02:00
 Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Playing of Recorded Music
 Monday to Saturday: 10:00 to 02:00
 Sunday: 12:00 to 02:00
 Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Anything of a similar description to Live Music or Recorded Music

Monday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Late Night Refreshment

Monday to Sunday: 23:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Sale by Retail of Alcohol

Monday to Sunday: 07:00 to 02:00

(Before 10:00 - See conditions 48 & 49)

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

The opening hours of the premises:

Monday to Sunday: 07:00 to 02:00

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

Alcohol is supplied for consumption on the Premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Semier Events Limited
6TH Floor
Millbank Tower
21-24 Millbank
London
England,
SW1P 4QP

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

11352001

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

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/00001678**Licensing Authority:** London Borough of Haringey

Date: 4 July 2018

This licence has been authorised by Mrs Taruna Adnath 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. There shall be no dedicated low frequency bass bins/cabs used within the premises.
11. Any DJ monitor speakers must be isolated from the building structure and any other surface where they may be placed.
12. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
13. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. 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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. There shall be a personal licence holder on duty on the premises at all times when the premises are authorized to sell alcohol.
16. There shall be no sales of alcohol for consumption off the premises.
17. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer in request.
18. 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.
 - d) Any incidents of disorder.
 - e) Seizures of drugs and offensive weapons
 - f) Any faults in the CCTV system or searching equipment or scanning equipment
 - g) Any refusals of the sale of alcohol
 - h) Any visit by a relevant authority or emergency.
19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
20. The provision of licensable activities at all times shall only be to persons attending a private, pre-booked event. Functions are to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests shall be kept for a minimum of 28 days after the function. Details shall be made available to all relevant authorities when requested.
21. In respect of all individual events, the need for SIA security staff be risk assessed and a documentary copy of the assessment be retained for a minimum of 28 days for inspection by the Responsible Authorities.
22. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community

Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

24. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
27. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
28. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
29. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
30. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - o dry ice and cryogenic fog
 - o smoke machines and fog generators
 - o pyrotechnics including fire works
 - o firearms
 - o lasers
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
32. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provision of Section 2(1A) and 5 of the Hypnotism Act 1952.
33. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
34. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
35. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

38. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
39. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system.
40. All waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection time.
41. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
42. There shall be no deliveries between 23:00 and 08:00 hours.
43. Patrons wishing to smoke may only do so in the designated Millbank Tower smoking area to the rear of the building.
44. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
45. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.
46. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.
47. The capacity for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.
48. Before 10:00am the sale of alcohol on the premises shall be ancillary to a table meal and for consumption ancillary to that meal.
49. Before 10:00am the sale of alcohol shall be by waiter/waitress service.
50. There shall be no new entry or re-entry to the premises after midnight save for the purposes of patrons wishing to smoke in accordance with condition 43 above.
51. No events booked by promoters shall be permitted to take place on the premises.



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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

18/05866/LIPT

Part 1 – Premises details

Postal address of premises:

Altitude 360 - 28th Floor
Twenty Eighth Floor
Millbank Tower
21-24 Millbank
London
SW1P 4QP

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music or Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Saturday: 10:00 to 02:00
Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Performance of Live Music

Monday to Saturday: 10:00 to 02:00
Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Playing of Recorded Music

Monday to Saturday: 10:00 to 02:00
Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Anything of a similar description to Live Music or Recorded Music

Monday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Late Night Refreshment

Monday to Sunday: 23:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Sale by Retail of Alcohol

Monday to Sunday: 07:00 to 02:00

(Before 10:00 - See conditions 48 & 49)

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

The opening hours of the premises:

Monday to Sunday: 07:00 to 02:00

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

Alcohol is supplied for consumption on the Premises.

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

Semier Events Limited
6TH Floor
Millbank Tower
21-24 Millbank
London
England,
SW1P 4QP

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

11352001

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

Name: Alan Charles Turtill

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

Restricted

Date: ____ 4 July 2018 ____

This licence has been authorised by Mrs Taruna Adnath on behalf of the Director - Public Protection and Licensing.

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|------------------------|------------------------------------|
| 12/06383/LIPN | Application for a new premises licence | 20 September 2012 | Granted at Licensing Sub-Committee |
| 12/08692/LIPDPS | Application to vary the Designated Premises Supervisor | 10 December 2012 | Granted under delegated authority |
| 12/09903/LIPVM | Application for a minor variation | 30 November 2012 | Refused |
| 13/00211/LIPT | Application to Transfer the Premises Licence | 01 February 2013 | Granted under delegated authority |
| 13/06615/LIPDPS | Application to vary the Designated Premises Supervisor | 19 September 2013 | Granted under delegated authority |
| 13/06739/LIPT | Application to Transfer the Premises Licence | 25 September 2013 | Granted under delegated authority |
| 14/00086/LIPT | Application to Transfer the Premises Licence | 24 January 2014 | Granted under delegated authority |
| 14/00093/LIPDPS | Application to vary the Designated Premises Supervisor | 24 January 2014 | Granted under delegated authority |
| 14/00165/LIPDPS | Application to vary the Designated Premises Supervisor | 24 January 2014 | Granted under delegated authority |
| 14/02495/LIPT | Application to Transfer the Premises Licence | 08 April 2014 | Granted under delegated authority |
| 14/09866/LIPT | Application to Transfer the Premises Licence | 30 January 2015 | Granted under delegated authority |
| 15/00849/LIPDPS | Application to vary the Designated Premises Supervisor | 13 August 2015 | Granted under delegated authority |
| 15/10890/LIPDPS | Application to vary the Designated Premises Supervisor | 08 December 2015 | Granted under delegated authority |

| | | | |
|-----------------|--|-------------------|-----------------------------------|
| 16/03284/LIPDPS | Application to vary the Designated Premises Supervisor | 28 April 2016 | Granted under delegated authority |
| 16/03633/LIPDPS | Application to vary the Designated Premises Supervisor | 26 April 2016 | Granted under delegated authority |
| 16/06214/LIPDPS | Application to vary the Designated Premises Supervisor | 26 September 2016 | Granted under delegated authority |
| 16/07094/LIPDPS | Application to vary the Designated Premises Supervisor | 26 September 2016 | Granted under delegated authority |
| 16/10556/LIPDPS | Application to vary the Designated Premises Supervisor | 21 February 2017 | Granted under delegated authority |
| 17/02583/LIPDPS | Application to vary the Designated Premises Supervisor | 18 September 2017 | Granted under delegated authority |
| 17/15049/LIPDPS | Application to vary the Designated Premises Supervisor | | Granted under delegated authority |
| 18/02174/LIPT | Application to Transfer the Premises Licence | 09 April 2018 | Granted under delegated authority |
| 18/05866/LIPT | Application to Transfer the Premises Licence | 04 July 2018 | Granted under delegated authority |

There is no appeal history

TEMPORARY EVENT NOTICES

| Application | Details of Application | Event Date | Decision |
|--------------------|---|-------------------|-----------------|
| 18/12221/LITENP | Late Night Refreshment, Regulated Entertainment and Sale by Retail of Alcohol | 27 October 2018 | Granted |
| 19/04550/LITENP | Late Night Refreshment, Regulated Entertainment and Sale by Retail of Alcohol | 05 May 2019 | Granted |
| 19/13840/LITENP | Late Night Refreshment and Sale by Retail of Alcohol | 15 December 2019 | Granted |
| 19/15821/LITENP | Late Night Refreshment, Regulated Entertainment and Sale by Retail of Alcohol | 8 December 2019 | Granted |
| 20/00589/LITENP | Late Night Refreshment and Sale by Retail of Alcohol | 20 February 2020 | Granted |

LICENSING SUB-COMMITTEE No. 2
Thursday 4th July 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Tim Mitchell and Councillor Heather Acton

Legal Adviser: Horatio Chance Policy Adviser: Chris Wroe Committee Officer: Jonathan Deacon Presenting Officer: Heidi Lawrance

Relevant Representations: Metropolitan Police (Applicant) and Environmental Health).

Present: PC Toby Janes and PC Reaz Guerra (Metropolitan Police), Mr Dave Nevitt (Environmental Health), Stephen Walsh QC (Representing the Licence Holder), Mr Thomas O'Maoileoin (Solicitor, on behalf of the Licence Holder) and Ms Karen Linforth (Finance Director) and Mr David Coley (Commercial Director).

Review of Altitude 360, Twenty Eighth Floor, Millbank Tower, 21-24 Millbank, SW1 ("The Premises")

16/04069/LIREVP

The application for review was submitted by the Metropolitan Police on the grounds of the prevention of crime and disorder and public safety. PC Janes was the presenting Officer on behalf of the Police and shall be referred throughout this decision as ("The Police"). The Police, when addressing the Sub-Committee at the hearing, referred to a number of incidents of crime and disorder having taken place on the 28th floor at Millbank Tower on the 26 - 27 March 2016. Several people had been seriously assaulted inside the premises. Consequently, the Police were seeking revocation of the Premises licences for the Twenty Eighth and Twenty Ninth floors due to the seriousness of the incidents forming part of the review application, the lack of effective management displayed by the applicant on the night in question, in terms of their ability to control and manage the premises in accordance with their licence conditions and failure to uphold the promotion of the licensing objectives, in particular the prevention of crime and disorder and public safety. The Police made the point that had they been made aware of the nature of the incidents initially by the applicant, they would have submitted an expedited review. The Police had only become aware of the full seriousness when they had viewed CCTV and carried out further investigations into the incidents. The Sub-Committee was advised that the venue had following the incidents given undertakings that it would not operate events in the short term after midnight.

The Police provided the Sub-Committee with some background information on the venue location. It was stated that Millbank Tower is a thirty three floor building which has predominantly office use. The 28th floor has a large 'U' shaped event space which had a bar in the middle for the event on 27 March. Access to the venue via the ground floor was via the Reels Cafe through double doors past electronic barriers to the lifts. It was submitted by the Police that the building layout was unsuitable for late

nightclub style events. The event had been booked by Paravana Project which the Police described as an internationally known promotions company. The event was advertised as starting at 14:00 on Saturday 26 March and running until 04:00 on Sunday 27 March with the final two hours having been applied for separately under a Temporary Event Notice as part of the TENS process. The Police advised the Sub-Committee that they had been informed in the Temporary Event Notice that it was a pre-booked private event with all the conditions on the premises licence being applicable. However, the Police had found subsequently that tickets were on sale to the general public via the internet and could be purchased at any time, even on the night of the event.

The Police then set out for the Sub-Committee's benefit the sequence of incidents on the morning of 27 March which had come to light from the CCTV footage and Police investigations. In summary at 23:00 on the 26 March there was an initial fight in the venue. A male threw a large vodka bottle at another male. Security had attempted to intervene and they both ran from the scene. This was not reported to the Police and was not captured on CCTV. The incident was referred to in Rosen Zehirov's witness statement who had been employed as a member of the security staff for the event. At 23:15 there had been a further fight where a male had been punched and his watch had been stolen. The Police stated that the victim had requested help from security staff who did not assist and he had then phoned the Police himself. There was no CCTV footage of this incident. At 00:32 Police received a phone call from the building security who told them that there were three males physically threatening a female member of security staff. CCTV showed them jumping over the electronic barriers in order to gain entry to the lift. From a security perspective this gave immediate concerns regarding the Applicant's ability to manage the premises effectively and efficiently because those males who were not known to the applicant were able to gain access to the Premises without being checked by security, thereby putting the health and safety of customers at risk.

At 00:33 there was a further phone call from building security to say there was a fight between two males on the ground floor. At 02:00 there was a fight in the smoking area outside between four males. There was no CCTV footage of the incident and the Police were not called. At 02:57 there was a fight on the dance floor between two males. Security intervened and a male was ejected. This led to some disorder in the corridor due to lack of security resources. At approximately 03:00 a male armed with a knife was walking down the rear corridor and came across a group of other males. Words were exchanged and the single male pulled out a knife. Subsequently he was knocked to the floor by the group where he was stamped on, had his leg fractured and was knocked unconscious. He was unconscious for several minutes. Security managed to remove the knife from his hand.

The Police informed those present that the incident at 03:00 led to serious crime and disorder. As the male's friends became aware of the incident they sought retribution. The Police referred to management and security losing control of the venue as various people were assaulted. CCTV showed two males fighting on the dance floor, one with a large vodka bottle who smashed it over the victim's head. A man armed with a knife could also be seen on CCTV chasing two males in the corridor. Members of staff seemed oblivious to this going on but in any event feared for their safety and sought refuge in the kitchen area of the Premises, the doors having been closed shut

with a broom handle. . The two males barricaded themselves into a store room but the glass on the door was smashed, entry was forced and a suspect smashed a vodka bottle over the victim's head, knocking him to the ground.

The Sub-Committee heard that throughout these incidents there had been three SIA security staff throughout the 28th floor. However, those members of staff were unable to reassert control over the situation or detain suspects. There was no evidence at this stage of any management phoning the Police. The Police went onto advise the Sub-Committee that even at 23:00 security staff had expressed grave concerns that the event should not continue, taking into account the clientele and the hostile environment that had been created, since the intrusion of these unidentified persons. The Police added that subsequently the suspect with a knife and two of the injured parties were allowed to leave the venue via a fire exit down stairs to the loading bay area which was not open to the public. There was then a further fight in the parking area as evidenced on the building site CCTV at approximately 03:15.

The Police advised that they subsequently attended the venue. Three crime scenes were in place. To date two victims with head injuries and one with the fractured leg had been identified. A victim who had suffered loss of blood in the corridor had not yet been identified. It was submitted by the Police that there were more victims and suspects as a result of the incidents than were known to date. The Sub-Committee was advised that investigations are still ongoing

in this respect. The Police confirmed that they had met David Coley (part of the applicant's Senior Management Team) when attending the venue after the incidents and he had said to them that the event had run largely peacefully, a statement which bears no resemblance to the evidence. The Police had requested that the Designated Premises Supervisor ('DPS') attend. Tomas Skrina had introduced himself as the DPS. When asked by the Police where Mr Abbas (who was known to the Police as the DPS) was, representatives of Altitude had said that he was still in place but that Mr Skrina was due to take over from him.

The Police expressed concerns regarding the total number of security staff managing such an event and described this as being woefully inadequate for the type of event held at the Premises and due to the insufficient numbers staff and customers had been put at great risk. It was stated that of the 8 security staff, 2 had been placed at the main entrance and were monitoring the smoking area, 2 more were posted close to the lift and were supposed to be searching customers, 1 was in the lift lobby and 3 were on the 28th floor. The Police were aware that at least 560 tickets had been sold for the event. It was submitted by the Police that they had asked to see the security risk assessment for the event which was required in accordance with the condition on the premises licence. However, only a generic risk assessment form (TJ/4) had been provided.

The Police drew Members' attention to the fact that Police had requested a 696 risk assessment form after a previous incident in August 2015 when a male had been hit on the head with a bottle, the suspect had not been detained and the Police not called. The Licence Holder's legal representatives had written to confirm that a 696 form would be completed for all future events. The Police stated that it was found that the Licence Holder had completed the form one day before when it was supposed to be sent to the Police 14 days prior to the event to accord with usual practice. The form had not been received by the Police and they had therefore not

been able to carry out due diligence checks and make the necessary enquiries regarding the event.

The Police identified other failings relating to the 27 March event included that there had only been nine days' footage of CCTV when the Licence Holder was supposed to retain thirty one days of footage. The Police advised the Sub-Committee that the Licence Holder had after August 2015 installed an upgraded CCTV system which was of an excellent standard but this still did not get around the fact that a condition was in place that was breached. The Police had subsequently found that there had been no DPS in place between the period 28 February and 29 March and this led to question whether the running of the Premises was in fact being managed effectively in accordance with the conditions imposed on the Premises Licence and by whom. The application for transfer of DPS to Mr Skrina was received after the event of 26-27 March. The Police stated that a major failing was that there was no record of any phone calls by management to the Police despite at least seven separate assaults having taken place. The Police had recommended after the previous incident in August 2015 that as the Licence Holder was minded to replace the security firm, the replacement firm should be ACS registered. It was later found that the security firm, Valid, employed during the March 2016 event was not ACS registered. CCTV footage of 27 March 2016 had shown a group of customers inhaling nitrous oxide in full view of bar staff and no action had been taken. There had also been drinking directly from large vodka bottles. The Police also made the point that management had been told several times by security staff on the night to stop the event but this advice had been completely ignored despite the serious incidents of assaults that had taken place inside the Premises. In addition, fire exits and the rear stairs were not managed by security. It was known by Police that suspects had managed to escape via the rear stairs. However, it was not known if people had managed to gain entry this way and avoided being searched. This posed serious safety concerns for customers if security staff were not stationed or carrying out regular checks of these areas of the Premises.

The Police referred the Sub-Committee to the evidence of Mr Zehirov, a security guard employed by Valid Security on 26-27 March that Mr Coley had ordered him not to call the Police

and to allow people to enter without being searched. It was known to the Police that the victim who had a fractured leg and held a knife was found in possession of a large amount of drugs. The Police in their submissions also referred to the evidence of Krasimir Pantev, another security guard employed on 27 March that the venue was over capacity and Mr Coley was asked to close the entrance but had refused to do so and later asked one of the security guards to clear the clickers.

The Sub-Committee was then shown CCTV footage by the Police to support the written and oral evidence received. The Police described the sequence of events on 27 March as the most serious incidents in that officer's experience during his time with the Westminster Police Licensing Team. It was stated that the disorder had resulted in at least four serious injuries. The Police maintain the view that the poor management decisions, or lack thereof coupled with a complete disregard to the premises licence conditions led to the serious problems highlighted above. It was submitted by the Police that if there had been no promoted events and there had been pre-booked ticketed events and a comprehensive security plan in place, it is doubtful whether the incidents referred to above would ever have happened. Clearly,

there was the absence of a DPS or management in control of security and staff. The Police described the situation as a total loss of control of the venue. Due to the serious nature of the incidents and the fact that the Police had had to engage with the Licence Holder after the incident in August 2015, the Police stated that they had no confidence in the Licence Holder's ability to run the Premises in accordance with the licence conditions. There had been failings to uphold the licensing objectives and it was the Police's view that the Premises licence should be revoked. Additional conditions being attached to the licence were not appropriate as conditions on the existing licence had not been adhered to previously, the actions of the licence holder were considered so severe that any further conditions the Sub-Committee might consider imposing would not be complied with based on the evidence.

The Police advised that since the incidents, the Licence Holder had submitted a Temporary Event Notice for an EU referendum party for the period 23rd to 24th June. The Police had objected to this but it had continued with no licensable activities being provided until 06:00.

The Sub-Committee heard from Mr Stephen Walsh QC, representing the Licence Holder. He stated that his client entirely accepted that the incidents of 27 March were appalling and there had been management failings on the night in question. He commented that there were some elements of the Police evidence that his client would challenge but this was in no way to excuse what had taken place.

Mr Walsh stated that the 28th and 29th floors which could be traded separately or combined with a maximum capacity of 600 did so as a corporate event space. The premises traded throughout the day including prior to 10:00 when alcohol was ancillary to a table meal. The Licence Holder was committed to no longer holding any late night nightclub style events at the premises because this was outside their area of expertise and was not disputed. In the future only low risk corporate events would be booked such as product launches, conferences, lunches and dinners. The low risk corporate events were the core part of the business. Mr Walsh made the point that management were very good at operating corporate events but very bad at running late night nightclub style events as was evidenced. It was of great concern to the Licence Holder that there could be revocation of the whole business as a result of a late night event which was not typical of Altitude's operation.

Mr Walsh addressed the Sub-Committee on his client's version of events. The Paravana Project had held two previous events at the premises which had taken place without incident. Management understood that the event from 26-27 March would be for members only. The Paravana Project had booked the venue as a private event but intended to sell tickets. It was the Licence Holder's view when the event was being booked that on the face of it this complied with the condition on the licence. However, in hindsight management took a different view and accepted an error had been made. Mr Walsh stated that it was definitely not the type of event

that external promoters came in and ran without any management involvement on the part of the Licence Holder. After the incidents Altitude had asked Paravana to review the event. Paravana had concluded that those involved in the incidents were not their members.

Mr Walsh informed those present that there had been a risk assessment undertaken

of the event. Eight door supervisors had been agreed upon on the basis of the advice of Valid security company who were aware of the capacity. The Sub-Committee was advised that Valid had provided security for Altitude events for some months prior to 27 March 2016 and had previously overseen a Paravana event.

Altitude had also relied on building security as well. Mr Walsh maintained that there was always a 24 hour security presence in the lobby of the building. Mr Walsh asserted that management were aware that building security were responsible for calling the Police.

Mr Walsh advised the Sub-Committee that there was some dispute between his client and the security company regarding the situation on 26-27 March. Mr Walsh submitted that management did not feel that the security company's resources were deployed correctly. It was appreciated that this did not explain how the events occurred or how they should have been prevented by the Licence Holder.

In terms of the capacity, Mr Walsh stated that the number of tickets available between 14:00 on the 26 March and 04:00 on the 27 March was a maximum of 600. The anticipated number during the Temporary Event Notice after 02:00 was a maximum of 400. Valid were required to have a presence on the ground floor and on the 28th floor as people would be leaving to smoke and use other parts of the building. These people would be clicked in and out as they entered or left. Mr Walsh explained that in Altitude's review of 27 March it had been found that one of the security team had not clicked people out. Mr Walsh added that whilst it may have been poor training on the part of the security company, it was ultimately the responsibility of the Licence Holder. However, the Licence Holder did not accept that the capacity for the venue was exceeded. It was believed to be considerably below the maximum permitted.

Mr Walsh confirmed that Mr Skrina and Mr Coley had been present during the March event. What it was believed had happened was that at various points of the evening a number of males had climbed over electric gates, pushed security out of the way and reached the 28th floor. This had never happened before at the Millbank Tower. It was accepted that the management and security had lost control having been overwhelmed by an exceptional event. It was the Licence Holder's view that if another security team with greater experience and more members of staff were present to oversee and deal effectively with the security arrangements for the Premises a lot of the incidents might have been prevented. The people who had caused the disturbance had not been included on the guest list. Ultimately it was accepted that the Licence Holder should not have accepted the booking as Altitude was not a nightclub operator. The business should focus on low risk corporate events.

Mr Walsh addressed the Sub-Committee on the conditions that the Police had referred to as having been breached. In relation to the CCTV he commented that it was accepted by all parties that it was now of a particularly high standard. The issue of only nine days footage having been retained was because it had been found that the higher quality had resulted in more memory being used up. The Licence Holder had responded to this since March and additional memory capacity had now been introduced. He added that this had not been an intentional breach. In respect of capacity, the Licence Holder was firmly of the view that it had not been exceeded,

there had been a guest list and people had not been clicked out when leaving the venue. In respect of the condition requiring licensable activities to only be to persons attending private pre-booked events, it had mistakenly been believed that it would be such an event. There would be events such as the one held on 27 March in the future. There had been a security assessment although it was accepted that this had not been served on the Police. In respect of

the condition that no events booked by promoters would be permitted to take place on the premises, it had been believed by management that it would be privately run by Paravana.

Mr Walsh responded to the points made by the Police regarding the lack of a DPS on 27 March. Mr Walsh advised that this was in part symptomatic of a management in a vacuum. Two months before the managing director at Altitude had left and had taken with him some key senior employees. Ms Karen Linforth had taken up her post in February, had considerable experience in working in hospitality and hotels and had carried out the internal investigation after the incidents in March. It was submitted that in late February 2016 Suresh Abbas had decided to leave the post of DPS and he was not employed after 29th of that month. Mr Walsh stated that Mr Skrina was looking to cover this role and had been included as the 'acting DPS' on the 696 form but it was accepted that the application for change of DPS should have been submitted earlier.

Mr Walsh stated that if Members of the Sub-Committee were minded to revoke the licence due to having no faith in management it would be difficult for him to make submissions to the contrary. However, it was proposed that the premises licences would be suspended for a period of one month to allow a new management team and DPS and security to be appointed. Five conditions were also suggested by the Licence Holder to be attached to the premises licences. Firstly, it was proposed by the Licence Holder that the provision of regulated entertainment and the sale of alcohol would be reduced to 01:00 hours. Secondly, alcohol would only be sold ancillary to substantial food. Substantial food would include canapes. This, Mr Walsh added, would reflect Altitude's corporate market. Thirdly, the provision of regulated entertainment and the sale of alcohol would be restricted to private pre-booked functions, corporate events and conferences. Functions were to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests would be kept for a minimum of 31 days after the function. Details would be made available to all relevant authorities when requested. All alcohol would be paid for in advance of any function, event or conference. For the avoidance of doubt cash bars (to include sales by credit and debit card or any other method of payment or token) shall be strictly prohibited. Mr Walsh explained that the third condition would strengthen the emphasis on restricting functions to those which are private and pre-booked. There was reliance on bar sales for the late night events. The fourth and fifth proposed conditions required an ID scanner to be installed and did not permit entry to the premises after 22:00. Mr Walsh commented that the fifth condition was in accordance with the operation of a corporate venue.

Mr Walsh concluded with the points that the management failings were connected to a certain type of late night event being held. Mr Walsh contended that these were less than 1% of Altitude's business. It was submitted that if the nightclub style events were never held again, the proposed suspension and conditions would allow the Licence Holder to carry on low risk corporate events on the 28th and 29th floors. The

alternative was to revoke the premises licence which he believed to be disproportionate.

The Sub-Committee asked the representatives of the Licence Holder a number of questions. Mr Coley was asked why he had not phoned the Police during the evening. He replied that he had been informed by the Head of Security that the Police and ambulance had been called around 02:00 and Mr Skrina had also indicated this. Mr Coley was also asked whether security had informed him of any fights prior to the phase of more serious disorder taking place. He replied that there had been some discussion around 01:00 with Mr Skrina and the Head of Security that there were undesirables in the venue. The Head of Security did not have the confidence to remove them. Mr Coley had responded that he had given them the full authority to do so. The Head of Security had said to Mr Skrina that it was best to monitor the situation. The Sub-Committee asked whether it had occurred to Mr Coley with several hundred people in the premises whether it was pertinent to call the Police for help. He replied that his role during the evening was client liaison and he had not seen much of the disorder that had taken place. It was only later on the CCTV that he had realised the complete picture. In hindsight, he wished that management had called the Police.

The Sub-Committee requested further information from Mr Coley on Mr Pantev's statement. Mr Pantev had stated that he had informed Mr Skrina and Mr Coley around 23:00 on the 26th March after having dealt with a fight that the venue was over capacity and that it was necessary to close the entrance to other arrivals.

However, it was claimed Mr Coley had refused and had asked one of the security guards to clear the clickers. Mr Coley replied to the Sub-Committee that this conversation had never taken place. He also re-iterated the point made earlier by Mr Walsh that the reason for the supposed over capacity was that people leaving the premises, including to smoke, had not been clicked out. The Sub-Committee also sought additional information set out in Mr Pantev's statement that he had asked for the event to be stopped but Mr Coley had refused. Mr Coley responded that the only conversation he had had was with Mr Skrina and the Head of Security. They had been given full authority to shut down the event if need be. On the point in Mr Pantev's statement that 'during the whole night we did not have good connection on the equipment provided from the company for communication between the security guards', Mr Coley informed those present that his role was client liaison so he was not sure. However, it had been Mr Skrina's role to give out the hand held radios and Mr Coley had not been made aware that any equipment was faulty. Mr Coley was asked why security had not used the hand held radios to inform security on the 28th floor when the males were jumping over the barriers into the lift. He replied that it was a failing of the security firm. They had been good for corporate events but were not effective on 26 to 27 March. Ms Linforth added that during the course of the post event investigation she had been told that three of the radios had not been functioning and security had attempted to communicate via mobile phone. The coverage was sketchy in Millbank Tower. She did not believe that management had been made aware of some of the radios not functioning during the evening of the event.

Ms Linforth accepted the point made by the Sub-Committee that there had been a breakdown in the relationship between Altitude and Valid security. The Sub-

Committee asked the Police for further information on the statements of those who had been working for Valid security. The Police replied that they had contacted the security company directly and staff had completed the witness statements in their own time. The Police also confirmed to the Sub-Committee that there was no CCTV coverage in or around the lifts on the 28th or 29th floors. It had not been possible to track those who had jumped the barriers in or around the lifts on the 28th or 29th floors. CCTV did not fully cover the entry / exit points as required in condition 13 on the premises licence. There was reliance on the building CCTV to show footage of the ground floor. Ms Linforth when asked about this stated that there was CCTV coverage in the lift lobby. She had provided one hour's footage to the Police from 02:30 to 03:30 of the incidents recorded on various CCTV cameras. However, she accepted it was an oversight that the footage in the lift lobby had not been provided to the Police. There had been issues with footage from another CCTV camera in the store room as it was not expected that customers or staff would be using the area.

The Sub-Committee also asked why, when in August 2015 the Police had advised Altitude to improve its procedures and employ a security company which was ACS registered, it had not done so. Ms Linforth replied that she had not been employed by Altitude when Valid were taken on. However, in her post event investigation she had found a number of issues with Valid which demonstrated they did not meet Altitude's requirements. These included that the security supervisor in charge on the night had his wife and daughter working with him. Valid had now been replaced by Headline Security, who had been chosen following advice from other security companies. Mr Walsh added that all security employed by Valid were SIA regulated. ACS was a voluntary system and it was not a condition on the premises licence that a security company was employed which was ACS registered.

Members of the Sub-Committee also heard from Mr Nevitt on behalf of the Council's Environmental Health team ('Environmental Health'). He advised that Environmental Health were supporting the review on public safety grounds. The public safety implications on 26th to

27th March included that there had been a loss of control of some of the patrons. There was also an accessibility of objects to cause injury such as weapons, bottles and broken glass. Mr Nevitt expressed concern that heavy glass bottles such as a two litre size bottle of vodka could be used as a weapon.

There had been patrons, staff and security personnel at risk as well as those located elsewhere in Millbank Tower, such as the business which operated at all hours on the 30th floor. Mr Nevitt referred to the wedged open fire doors, people slipping on liquids and staff seeking refuge which could be seen on the CCTV footage.

Mr Nevitt stated that one concern was regarding the capacities. A maximum of 499 people was permitted for a Temporary Event Notice which included staff. This meant that at least over 100 people had to leave the venue after 02:00 and there had been a lack of clarity over how this was managed. A further concern was that with incidents taking place escape routes had been breached. The man with the fractured leg was on the floor in the corridor, people were moving past him and there were no arrangements in place to protect an injured person. There had also been the lack of a warning system from when people had jumped the barriers to when they entered the 28th floor. Mr Nevitt queried how the proposals of the Licence Holder prevented the issues that he had raised. Would different barriers be put in place or would individuals who threatened security be prevented in another way if necessary from

reaching the 28th floor from the ground level? There had been no proposals to resolve how the fire escape doors would be secured. It would also be of value to have procedures in place for emergency services accessing the 28th and 29th floors which were in an isolated position. It was submitted that there had been a lack of searching of the patrons as they had been able to bring weapons and apparently nitrous oxide into the venue. The management had allowed situations to prevail which were inherently unsafe not just for the patrons but for the staff, the other users of the building and the security personnel.

Mr Walsh responded to Mr Nevitt's representation. He stated that on the question of whether new barriers should be installed on the ground floor to prevent the situation happening again it was the case that this was a most unusual sequence of events which had never happened before. It was the Licence Holder's case that if the late night operational events were no longer permitted, the terminal hour for licensable activities was reduced and there were no cash bars this would prevent the public safety issues from arising again. It was appreciated by the Licence Holder that the fire doors must remain closed and the capacity needed to be adhered to. Mr Walsh added that the venue was not known for unsafe escape doors.

Mr Coley was asked by Mr Walsh to respond to Mr Nevitt's concerns regarding patrons with nitrous oxide. He believed that the people who had brought it into the building should have been ejected. Members of staff were aware that it was not permitted in the venue. Ms Linforth added that staff had since 26th to 27th March had received training so that they were now aware of what actions they should be taking going forward and would know what to do in respect of any future incident. Nine of the staff had also received personal licence holder training. Ms Linforth informed the Sub-Committee that a security consultant had recommended that in future a security person should be stationed at the revolving doors guiding people through the coffee shop / cinema entrance and then the security controls. The security consultant had also recommended identifying on the floor plan the areas where security personnel have to position themselves. This it was believed would prevent people entering or egressing via the fire escape.

The Sub-Committee expressed concern that the Police had written to the Licensee following a male being assaulted at the venue on 16 August 2015 setting out why they thought the incident had been poorly managed and yet many of the same failings had come to light again when disorder took place on a much larger scale on 26 to 27 March 2016. These included bottles still being used as weapons. The event in March had again been poorly managed as was the case seven months later. There were similarities again in that in August 2015 the security team had not responded correctly with the suspect not being detained, Police called or a crime scene identified or preserved. The Sub-Committee brought to the attention of the Licensee that the

indication from the statements of those employed as security personnel by Valid in March had been consistent that they had done all they could to resolve the issues which arose but that the two managers on duty that night (Mr Skrina and Mr Coley) failed to act when they had an equal responsibility to protect the safety of staff and patrons. Ms Linforth replied that she had not been working for the organisation in August 2015 but she believed having undertaken the review of the March incidents that it was the understanding of the Managing Director of Altitude in August that if the conditions were in place the company could continue to hold the

nightclub style events. A decision had now been taken not to hold these events in the future.

Clarification was sought by the Sub-Committee on the 696 risk assessment form which the Police had requested should always be completed in their letter to the licence holder dated 18 August 2015. The Police informed the Sub-Committee that the risk assessment form had been completed by the Licensee the day before the event and this had never been sent to Police. The Sub-Committee also asked whether the camera above the DJ box had been repaired or replaced as requested by the Police in their letter. Mr Walsh confirmed that this had taken place along with the upgrading of the CCTV system. Clarification was also sought by the Sub-Committee on the steps that the Licence Holder had taken to respond to the Police's recommendations. A concern of the Sub-Committee was that in the letter from Altitude's legal representatives, Thomas & Thomas to the Police on 8 September, it had been indicated that Valid Security Services who had been appointed after the August incident were ACS registered and it was later found that this was not the case.

Mr Walsh addressed the Sub-Committee on the Thomas & Thomas letter of 8 September 2015. He advised it was the case that the booking for 26 to 27 March had taken place in October 2015 which was prior to the commitment to book it at least three months in advance. There was no outside security company used which was not contracted to Altitude. Mr Walsh confirmed that the 696 form was completed but not submitted. Mr Coley added that he took responsibility. However, he had not been at the meeting with Police in August 2015. He had filled in the 696 form in case the Police or Council officers wished to check it. The Police made the point that the form clearly sets out that it should be submitted to Police 14 days in advance of an event. Mr O'Maoileoin provided the information that the Head of Valid Security Services, Will Barnes had written in August 2015 to Altitude's DPS at that time, Suresh Abbas, stating that Valid was ACS Registered until June 2015 and that they were awaiting confirmation of renewal. This email had been forwarded to Mr O'Maoileoin by the Managing Director of Altitude who had since left the role. It was not known what had happened in terms of Valid's attempts to renew. However, the evidence appeared to be that Valid were not ACS Registered by March 2016.

The Police made the point that the Licence Holder had referred to the Paravana Project selling tickets for the March 2015 event and the staff having no knowledge of that. His colleague however had looked on the internet and it appeared that tickets were being sold on Altitude's Skyloft website for the event. He added that Paravana had posted a note to Facebook users apologising for the incidents and stating that they would be changing the way the tickets were distributed by ensuring that the parties were membership/guest list only in order to protect patrons. The Sub-Committee had noted that on Facebook Paravana had encouraged a member of the public to come along to the event on the 26th March even though that person did not have a ticket. An attendee at the March event had remarked on Facebook that it had been a 'nightmare' with 'lots of fights' having taken place. Mr Coley responded that the agreement with Paravana was to use Facebook as a communication platform. Altitude had not been made aware that they were selling tickets on the day. The London Skyloft ticket portal had been set up as a backup platform as Paravana had said they had issues meeting people and posting out their invitations. It was never

activated and no tickets were sold via the portal. Mr Coley also provided the information to the Sub-Committee that the event in August 2015 had been a private birthday party and Paravana

had not been involved. The person whose birthday it was, had without Altitude's knowledge, sold tickets for the event.

The Police was asked to comment by the Sub-Committee on the proposals of the Licence Holder, including the suggested conditions. The Police said that if Members were not minded to revoke then he was of the view that the terminal hour for the provision of regulated entertainment and the sale of alcohol should be reduced to Core Hours. He was recommending that the premises licences for the 28th and 29th floors were revoked as there were conditions on the existing licences which were not being adhered to. He questioned whether more conditions on the licences would result in those being adhered to. The Police stated that alcohol was already being paid for in advance of the function with tables having been advertised at £100 for the event with the money going towards any alcohol. Mr Nevitt was also asked to comment on the suggested conditions. Mr Nevitt that he had no objections to them but questioned whether they addressed why the incidents had occurred. If the incidents had taken place at least in part because existing conditions had not been complied with and that was what appeared to be the case then additional ones were unlikely to resolve all of the issues unless there was a change in personnel at Altitude or arrangements at the premises. If Altitude's representatives were saying that the problems were due to people jumping the barriers at ground level or arriving or leaving via the fire escapes, conditions needed to be proposed in order to attempt to resolve them. There were no conditions to address the use of glass bottles and preventing accessibility to the larger bottles, such as potential stewarding of patrons. Conditions could also address site specific aspects relating to the premises, including how lifts were used and how security is organised on the ground floor.

Mr Walsh reiterated that the answer to the problems was to prohibit the late nightclub style events taking place in the future. Ms Linforth added that Altitude was content for no bottles or glass bottles of alcohol would be given over to customers with all alcohol to be dispensed by bar staff. Corporate events would not include bottles of vodka being sold. Mr Nevitt made the point that in an off-licence the high value items of alcohol were behind a counter and were not physically accessible. On the evening of 26-27 March individuals had been able to grab large bottles. Mr Coley stated that there were no such bars and high value items would not be accessible for corporate events as they would be on a different floor or locked away. Mr Walsh offered a condition that there would be no glassware within the premises. All receptacles, including bottles would be polycarbonate.

The Licence Holder was confident that the incidents of disorder on 26th to 27th March had been recorded in an incident log. The Licence Holder was asked what the current management structure was. Mr Walsh replied that in relation to Resolution Real Estate Limited which was the Licence Holder company, the Director and Proprietor was Justin Etzin, who was based in New York. Ms Linforth stated that in relation to the management team, she was responsible for finance administration and Mr Coley handled commercial sales. One of the reasons it had been proposed that the premises licences for the 28th and 29th floors were suspended for a month was to give the company time to bring in a suitable Managing Director to oversee operations. The company had concluded in the review of the incidents that a

Managing Director was needed to oversee the work of the DPS. A Managing Director had been identified, Pradeep Kumar, who had hotel and hospitality experience.

Ms Linforth advised that Mr Skrina had been present at the venue until 06:00 on 27 March on the night of the incidents. The Sub-Committee noted that there had been Temporary Event Notices applied for in a name other than Mr Skrina's and asked who the current DPS was. Ms Linforth replied that the company had recently recruited a director of operations, Shahar Rothschild (who had applied for the Temporary Event Notice for the EU Referendum Party). He had had to step back from his post for personal reasons. It was likely that Mr Kumar would be the next person in the DPS role. At the moment Mr Rothschild was the DPS with the company having a number of other personal licence holders.

The Sub-Committee carefully considered all the written representations and oral evidence presented at the hearing. Members had seen and heard evidence of a number of horrendous incidents which had taken place on 26 to 27 March 2016. It was not disputed by any of the parties at the hearing that the event had been poorly managed and that conditions on the Premises licence had been breached. Patrons and staff at the event had not been protected as the incidents took place and the prevention of crime and disorder and public safety licensing objectives had been undermined. The Sub-Committee had read written representations from representatives of the security company, Valid Security Services. These had been consistent and Members saw no reason to believe that their statements were fabricated. These included that security had advised management on a number of occasions to stop the event but this advice had been ignored. It was also indicated that security guards had been persuaded by management to let people into the venue without being searched.

The Sub-Committee considered that even if the security guards' evidence was incorrect there were a whole series of breaches to demonstrate that management's and security's handling of the March 2016 event was seriously lacking. It was of great concern to the Sub-Committee that no calls had been made to the Police by management and any responsibility appeared to be left to building security. Other breaches included people jumping over security gates and not being stopped and there being a lack of communication between the ground floor and the 28th floor. There had been an inadequate number of security guards positioned on the 28th floor for what was a large number of patrons in attendance. Knives and drugs had been allowed into the building with knives and bottles having been used as weapons. A suspect with a knife and two of the injured parties had been allowed to leave the venue via a fire exit down stairs to the loading bay area which was not open to the public. In determining the matter the Sub-Committee considered these matters to be significant failings by the licence holder due to the inadequate security measures in place which led to the various incidents of crime and disorder taking place inside the Premises.

The Sub-Committee had observed a distinct lack of determination on the part of the Licence Holder to improve the management of the premises after a male had been assaulted with a bottle at the venue in August 2015. The Sub-Committee considered that the Licence Holder should have been more proactive in his approach by taking

on board fully the Police's recommendations following the assault in August 2015. The Police had recommended that a 696 risk assessment form was completed and sent to Police for future events. This should have been sent to the Police 14 days in advance of the March 2016 event but no risk assessment was sent to them at all which hindered their ability to assess the event and carry out the usual due diligent checks. The Sub-Committee had been sent a copy of the risk assessment form by the Licence Holder for the review and had noted that it had not been completed to the required standard expected of them. To illustrate this very point this included a start time of 18:00 and a finish time of 02:00 which did not correspond with the times advertised by Paravana of 02:00 to 04:00 which included the Temporary Event Notice.

The two events of August 2015 and March 2016 shared in common the fact that there was a failure to detain suspects, for the Police to be called and a crime scene identified and preserved. Even directly after the event, the Sub-Committee had heard from the Police that Mr Coley had indicated that the event of 26-27 March had run largely peacefully. The Sub-Committee had noted that the Licence Holder had been critical following the March 2016 event of both the security company, Valid and the company which had booked the event, Paravana. However, whatever their failings, the company had not learnt the lessons of the previous incident. Bottles had again been accessible to use as weapons. Whilst CCTV had been upgraded, it had not been tested how long the footage would be maintained. There had been a requirement for footage to be maintained for 31 days and yet the system had only retained 9 days footage. It was also of concern that CCTV had not fully covered the entry / exit points as required in condition 13 on the premises licence and that CCTV footage of the lift lobby area had not been provided to the Police.

The Sub-Committee had heard that the Licence Holder had not informed the Police that Mr Abbas, the DPS, had left his position on 28 February. The risk assessment that had not been sent to Police but had been kept as a record for the March 26-27 event had been filled in by Mr Skrina, under the title of 'Acting DPS'. There is no such position. The Home Office Revised Guidance issued under section 182 of

the Licensing Act 2003 states that 'every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act'. In determining the matter the Sub-Committee took the view that to fail to inform the Police for almost a month that the DPS had left the organisation displayed an obvious lack of responsibility on the part of the management in relation to the licence conditions and the promotion of the licensing objectives. It was questionable exactly when the Police would have been informed that the DPS had left had the incidents not occurred on 26-27 March.

It was unclear to the Sub-Committee who would act as the DPS at the current time and if management control could be reasserted if there was an incident at the premises. The Sub-Committee noted the representations made by the Licence Holder that if the Premises was run purely as an events space then all would be well. However, the Sub-Committee having considered the evidence took the view that it lacked confidence in the company's ability to promote the licensing objectives based on the management's failure to comply with conditions on the premises licences and liaise with Police as could be seen with the situation in respect of the DPS. The Sub-Committee was concerned to note that even prior to the review hearing, the Licence Holder had not liaised with the Police regarding the proposed conditions. The Sub-Committee shared the major concerns of the Police and had no confidence in staff, including those who had been in place before and after the event in March. The Sub-Committee having regard to the full set of circumstances, the crime and disorder and public safety licensing objectives which were not being promoted by the licence holder, considered it appropriate and proportionate to revoke the premises licences for the 28th and 29th floors.

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 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

Conditions: On Current Licence -

Mandatory:

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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. There shall be no dedicated low frequency bass bins/cabs used within the premises.
11. Any DJ monitor speakers must be isolated from the building structure and any other surface where they may be placed.
12. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Proposed condition 12 from the applicant:

12. All amplified sound generating equipment shall be routed through a sound limiter device as per a noise management plan agreed with an Environmental Health Officer.

Alternative conditions proposed by the Metropolitan Police and Environmental Health Service:

12. **A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.**
- 12A. **No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.**
13. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. 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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

15. There shall be a personal licence holder on duty on the premises at all times when the premises are authorized to sell alcohol.
16. There shall be no sales of alcohol for consumption off the premises.
17. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer in request.
18. 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.
 - d) Any incidents of disorder.
 - e) Seizures of drugs and offensive weapons
 - f) Any faults in the CCTV system or searching equipment or scanning equipment
 - g) Any refusals of the sale of alcohol
 - h) Any visit by a relevant authority or emergency.
19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

Condition proposed by the applicant:

19. **Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. Substantial food only need to be made available for a limited period during an event.**
20. The provision of licensable activities at all times shall only be to persons attending a private, pre-booked event. Functions are to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests shall be kept for a minimum of 28 days after the function. Details shall be made available to all relevant authorities when requested.
21. In respect of all individual events, the need for SIA security staff be risk assessed and a documentary copy of the assessment be retained for a minimum of 28 days for inspection by the Responsible Authorities.
22. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
24. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
27. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
28. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
29. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
30. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- o dry ice and cryogenic fog
- o smoke machines and fog generators
- o pyrotechnics including fire works
- o firearms
- o lasers
- o explosives and highly flammable substances.
- o real flame.
- o strobe lighting.

32. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provision of Section 2(1A) and 5 of the Hypnotism Act 1952.
33. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
34. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
35. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

36. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
39. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system.

Conditions proposed to be removed by the applicant:

- 40. All waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection time.**
- 41. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.**
42. There shall be no deliveries between 23:00 and 08:00 hours.

Proposed alternative condition by the applicant:

- 42. There shall be no deliveries between 23:00 and 08:00 hours.**
43. Patrons wishing to smoke may only do so in the designated Millbank Tower smoking area to the rear of the building.
44. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

Conditions proposed to be removed by the applicant:

- 45. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.**
- 46. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.**

Condition proposed to be amended by the applicant:

- 47. The capacity for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.**
- 47. The capacity for the 28th and 29th floors combined shall not exceed 800 at any one time excluding staff.**
48. Before 10:00am the sale of alcohol on the premises shall be ancillary to a table meal and for consumption ancillary to that meal.
49. Before 10:00am the sale of alcohol shall be by waiter/waitress service.

50. There shall be no new entry or re-entry to the premises after midnight save for the purposes of patrons wishing to smoke in accordance with condition 43 above.

Condition proposed by the applicant to be removed:

51. No events booked by promoters shall be permitted to take place on the premises.

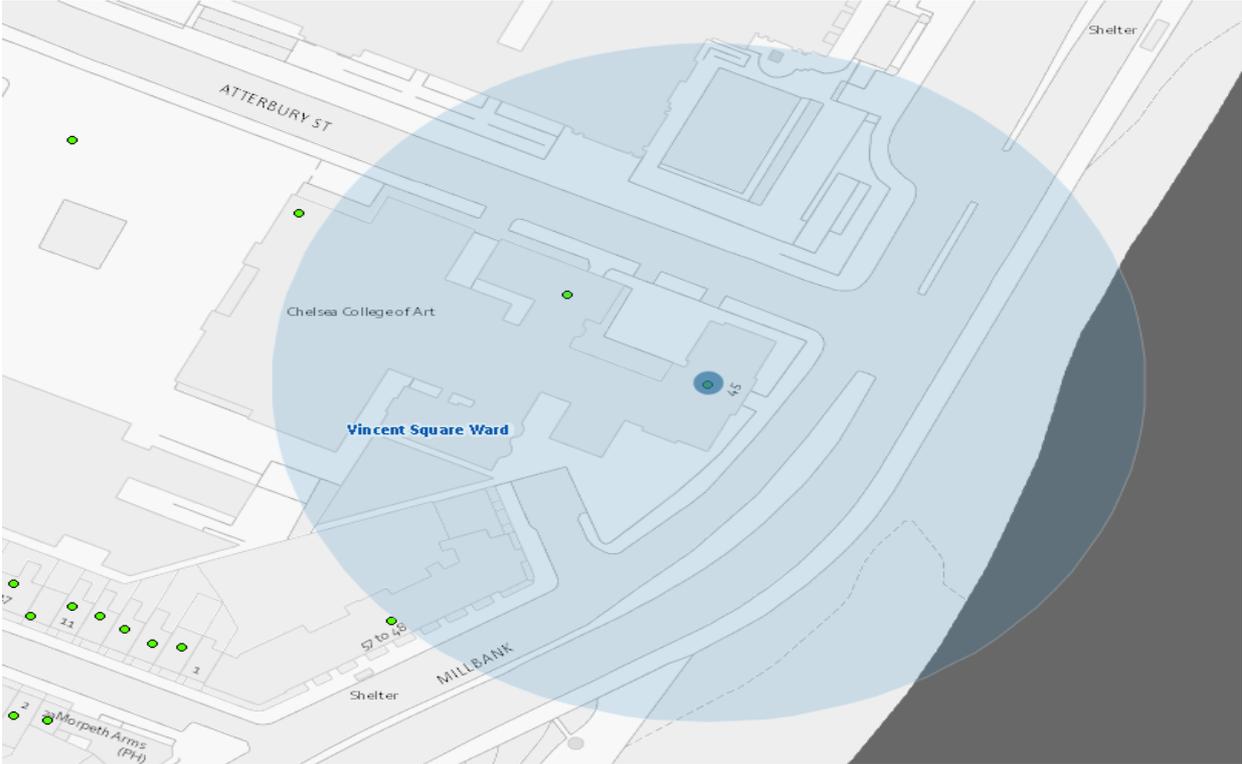
Metropolitan Police and Environmental Health Service preferred condition 51:

51. There shall be no externally promoted events held at the premises.

Conditions proposed by the Metropolitan Police and Environmental Health Service so as to form part of the operating schedule:

52. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
53. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
54. Alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. Such functions or events are to be booked no less than 24 hours in advance. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
55. 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 entire 31 day period.
56. 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.
57. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
58. 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. It must be completed within 24 hours of the incident and 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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
59. All drinking vessels used in the venue shall be polycarbonate. All drinks 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.
60. Notwithstanding 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.
61. When the premises is open, all customers entering after 19:00 hours will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). All customers entering shall have their facial image captured by the ID scanner camera, except for persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner. The above requirement is subject to the following exceptions, namely that a maximum number of 10 guests per night may be admitted at the Managers discretion without their ID necessarily being scanned and recorded.
62. A minimum of 5 SIA door supervisors on duty at premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. 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. BWV must be activated at an early stage during any incident involving conflict.



Resident Count: 0

Licensed Premises: 0



| | |
|--------------------|---|
| Item No: | |
| Date: | 19 March 2020 |
| Licensing Ref No: | 19/14886/LIPV - Premises Licence Variation |
| Title of Report: | Altitude 360 - 29th Floor Twenty Ninth Floor Right Millbank Tower 21-24 Millbank London SW1P 4QP |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Vincent Square |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Michelle Steward Senior Licensing Officer |
| Contact details | Telephone: 0207 641 6500 Email: msteward1@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|---------------------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 12 November 2019 | | |
| Applicant: | Atmosphere Venues Ltd | | |
| Premises: | Altitude 360 - 29th Floor | | |
| Premises address: | Twenty Ninth Floor Right Millbank Tower 21-24 Millbank London SW1P 4QP | Ward: | St Vincent's Square |
| | | Cumulative Impact Area: | None |
| Premises description: | The premises currently operates as a bar and event space. | | |
| Variation description: | <p>The changes sought by way of this variation are as follows:</p> <ul style="list-style-type: none"> • Change the Venue name to Atmosphere 28 • Change the name of the Premises Licence Holder to Atmosphere 28 (Company Registration number remains the same) • Extend the terminal hour for all applied licensable activities to 3am • Remove conditions 32,33,37 and 38 • Amend conditions 13,15,16,39 and 42 | | |
| Premises licence history: | The premises has had the benefit of a premises licence since 2009 and the current premises licence 18/05870/LIPT can be seen at Appendix 3 of this report together with the full history. | | |
| Applicant submissions: | There are no submissions from the applicant. | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|---|-------|----------------|-------|------------------------|-----------|
| Regulated Entertainment | | | | | | |
| Playing of Recorded Music | | | | | | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 08:00 | 02:00 | 08:00 | 03:00 | 29 th Floor | No Change |
| Tuesday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Wednesday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Thursday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Friday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Saturday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Sunday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Seasonal variations: | Current: | | | | Proposed: | |
| | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | | | No Change | |
| Non-standard timings: | Current: | | | | Proposed: | |
| | | | | | | |

| |
|-------------------------------|
| Late night refreshment |
|-------------------------------|

| Indoors, outdoors or both | | | Current : | | Proposed: | |
|---|---------------|--|----------------|-------|------------------------|-----------|
| | | | Indoors | | No Change | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 23:00 | 02:00 | 23:00 | 03:00 | 29 th Floor | No Change |
| Tuesday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Wednesday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Thursday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Friday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Saturday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Sunday | 23:00 | 02:00 | 23:00 | 03:00 | | |
| Seasonal variations/ Non-standard timings: | | Current: | | | Proposed: | |
| | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | No Change | |

| Sale by Retail of Alcohol | | | | | | |
|---|---------------|--|----------------|-------|------------------------|-----------|
| On or off sales | | | Current : | | Proposed: | |
| | | | On Sales | | No Change | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 08:00 | 02:00 | 08:00 | 03:00 | 29 th Floor | No Change |
| Tuesday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Wednesday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Thursday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Friday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Saturday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Sunday | 08:00 | 02:00 | 08:00 | 03:00 | | |
| Seasonal variations/ Non-standard timings: | | Current: | | | Proposed: | |
| | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | No Change | |

| Hours premises are open to the public | | | | | | |
|---|---------------|--|----------------|-------|------------------------|-----------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 07:00 | 02:00 | 07:00 | 03:00 | 29 th Floor | No Change |
| Tuesday | 07:00 | 02:00 | 07:00 | 03:00 | | |
| Wednesday | 07:00 | 02:00 | 07:00 | 03:00 | | |
| Thursday | 07:00 | 02:00 | 07:00 | 03:00 | | |
| Friday | 07:00 | 02:00 | 07:00 | 03:00 | | |
| Saturday | 07:00 | 02:00 | 07:00 | 03:00 | | |
| Sunday | 07:00 | 02:00 | 07:00 | 03:00 | | |
| Seasonal variations/ Non-standard timings: | | Current: | | | Proposed: | |
| | | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. | | | No Change | |

| |
|---|
| 1-C Layout alteration |
| There are no changes sought to the layout of the premises by way of this variation. |

| 1-D Conditions being varied, added or removed | |
|--|---|
| Condition | Proposed variation |
| 13. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request. | 13. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request, the information will be made available for a minimum of 14 days from the event date. |
| 15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. | 15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. Substantial food only need to be made available for a limited period during an event. |
| 16. The sale of alcohol shall be restricted to pre-booked functions, corporate events and conferences and members of the Altitude Club, subject to the rules of the club as agreed from time to time by the Metropolitan police. Functions are to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests shall be kept for a minimum of 14 working days after the function. Details shall be made available to all relevant authorities when requested. | 16. The provision of licensable activities at all times shall only be to persons attending a private, pre-booked event. Functions are to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests shall be kept for a minimum of 28 days after the function. Details shall be made available to all relevant authorities when requested. |
| 34. There shall be no deliveries between 2300 and 0800 hours. | 34. There shall be no deliveries between 2300 and 0600 hours. |
| 39. The number of persons accommodated (excluding staff) at the premises shall not exceed: Parliament View - 200 City View - 150 Knightsbridge View - 130 Chelsea View - 100 Belgravia View - 100 Parliament and City Views - 350 Knightsbridge and Chelsea Views - 300 | 39. The number of persons accommodated (excluding staff) at the premises shall not exceed: Parliament View - 200 City View - 150 Knightsbridge View - 130 Chelsea View - 100 Belgravia View - 100 Parliament and City Views - 350 Knightsbridge and Chelsea Views - 300 |

| | |
|---|---|
| <p>Chelsea and Belgravia Views - 300 Premises total if all concertina doors open 600</p> <p>Note: Following the grant of the premises licence bearing reference 12/06383/LIPN, the capacity figures for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.</p> | <p>Chelsea and Belgravia Views - 300 Premises total if all concertina doors open – 800</p> <p>Note: Following the grant of the premises licence bearing reference 12/06383/LIPN, the capacity figures for the 28th and 29th floors combined shall not exceed 800 at any one time excluding staff.</p> |
| <p>42. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. All sound generating equipment shall be used through the sound limiter device approved by the Environmental Health Service.</p> | <p>42. All amplified sound generating equipment shall be routed through a sound limiter device as per an agreed noise management plan agreed with EHO.</p> |
| Condition proposed to be deleted | |
| <p>32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.</p> | |
| <p>33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.</p> | |
| <p>37. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.</p> | |
| <p>38. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.</p> | |

2. Representations

| 2-A Responsible Authorities | |
|---|------------------------------|
| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Adam Deweltz |
| Received: | 20 November 2019 |
| <p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making representations against these applications.</p> <p>It is our belief that if granted the applications would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>I have spoken to Mr Nevitt from Environmental Health. Would it be possible to set up a site visit and discuss the application in more detail please.</p> <p>I look forward to hearing from you.</p> | |
| Responsible Authority: | Environmental Health Service |
| Representative: | Mr Dave Nevitt |
| Received: | 10 December 2019 |
| <p>I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.</p> | |

3. Policy & Guidance

| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
|--|---|
| Policy HRS1 applies: | <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p> |
| Policy COMB1 applies: | <p>(i) Where a premises proposes to operate as a 'combined use premises' applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1, CH1, CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies. It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1 & PB2, FFP1 & FFP2, MD1 & MD2.</p> |

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Appendices

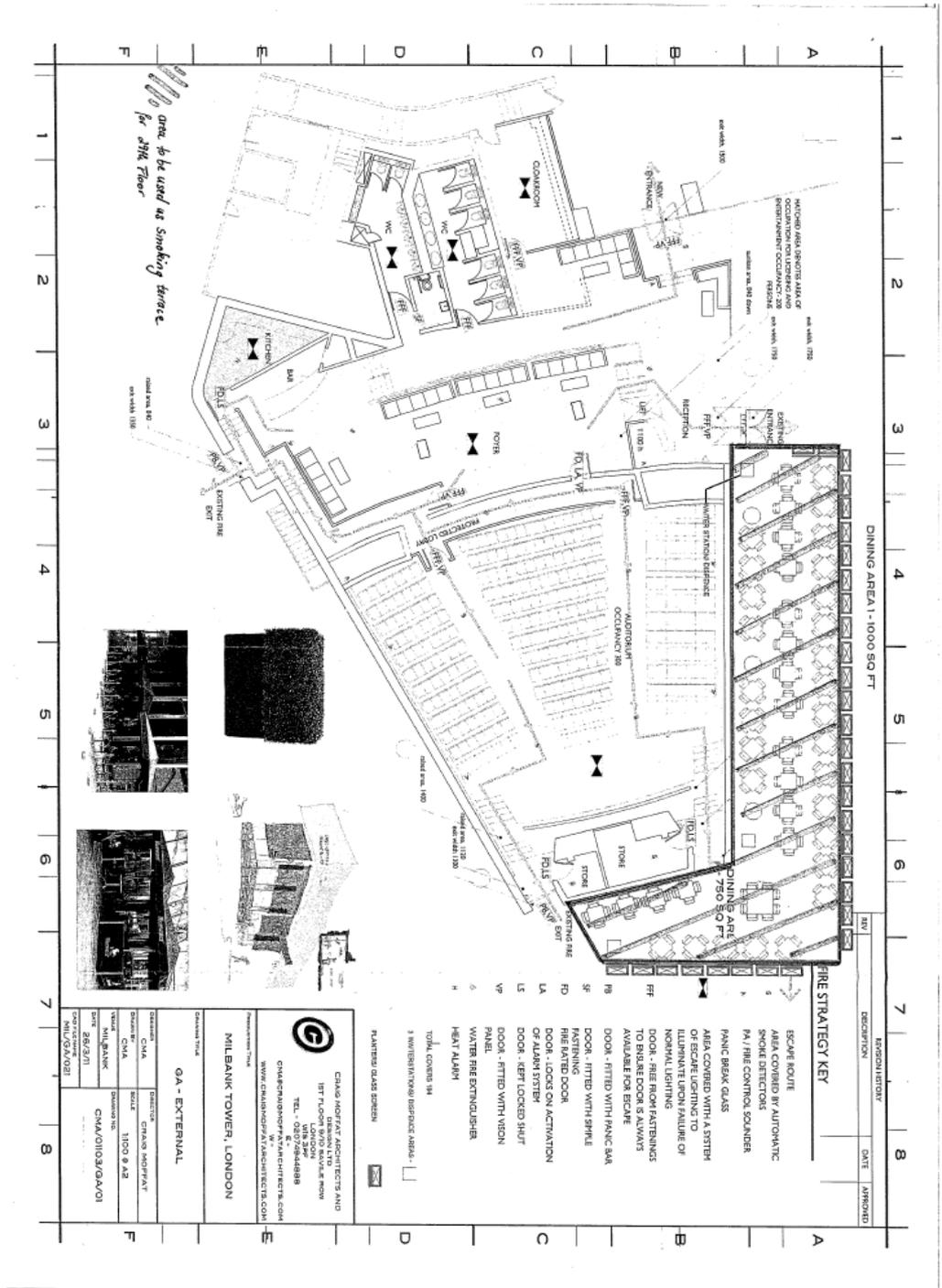
| | |
|-------------------|---|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises Licence and history |
| Appendix 4 | Decisions from Review Hearings references 11/12567/LIREVP and 16/04072/LIREVP |
| Appendix 5 | Proposed conditions |
| Appendix 6 | Residential map and list of premises in the vicinity |

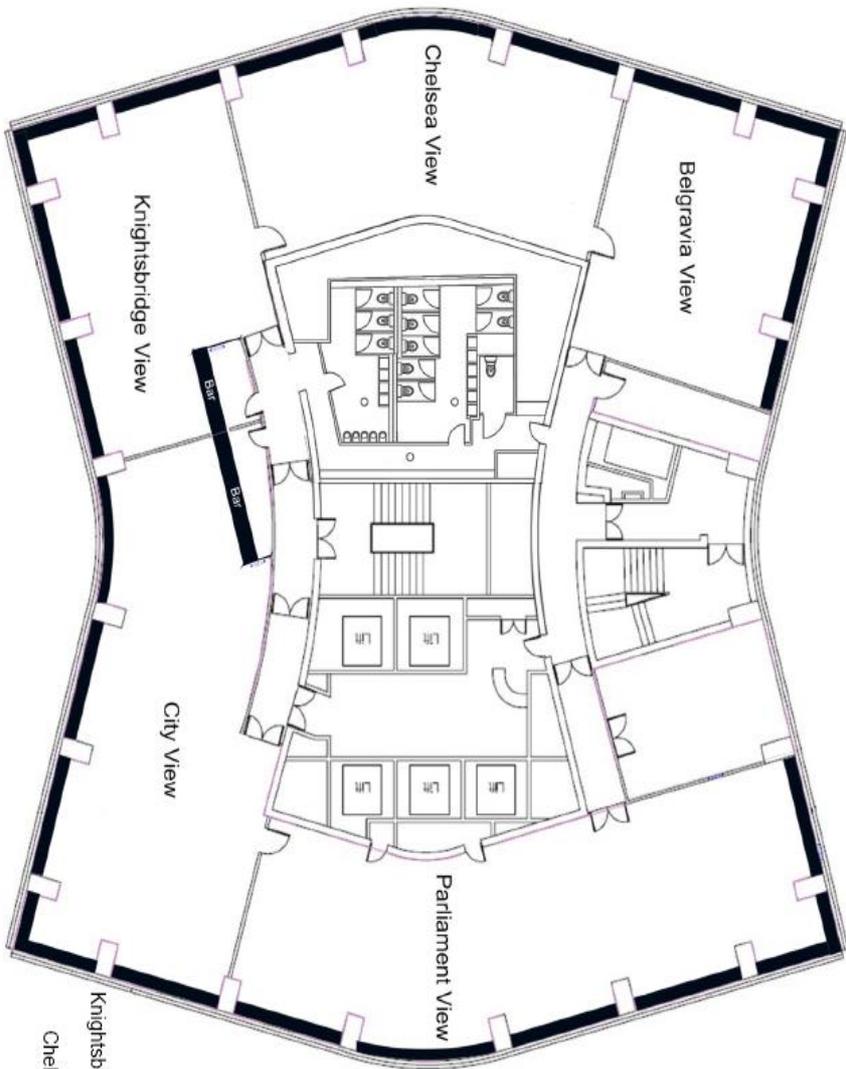
| | |
|-----------------------|---|
| Report author: | Michelle Steward Senior Licensing Officer |
| Contact: | Telephone: 0207 641 6500 Email: msteward1@westminster.gov.uk |

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 7 th January 2016 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Metropolitan Police Service Representation | 20 November 2019 |
| 5 | Environmental Health Service Representation | 10 December 2019 |





Premises total if all concertina doors are open - 600

- Parliament View - 200
- City View - 150
- Parliament and City Views - 350
- Knightsbridge View - 130
- Knightsbridge View and Chelsea View - 300
- Chelsea View - 100
- Chelsea View and Belgravia View - 300
- Belgravia View - 100



There are no submissions from the applicant.



Schedule 12
Part A

WARD: Vincent Square
UPRN: 010033588261

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

| | |
|---------------------------------|---------------|
| Premises licence number: | 18/05870/LIPT |
| Original Reference: | 09/05035/LIPN |

Part 1 – Premises details

Postal address of premises:

Altitude 360 - 29th Floor
Twenty Ninth Floor Right
Millbank Tower
21-24 Millbank
London
SW1P 4QP

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
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Sunday: 08:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Late Night Refreshment

Monday to Sunday: 23:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Sale by Retail of Alcohol

Monday to Sunday: 08:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

The opening hours of the premises:

Monday to Sunday: 07:00 to 02:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Semier Events Ltd
Twenty Eighth Floor
Millbank Tower
21-24 Millbank
London
SW1P 4QP

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

11352001

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

Name: Alan Charles Turtill

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/00001678
Licensing Authority: London Borough of Haringey

Date: 9th July 2018

This licence has been authorised by Mrs Taruna Adnath 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. 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 are open to the public.
11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. There shall be no sales of alcohol for consumption off the premises.
13. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
14. 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
 - (d) any incidents of disorder
 - (e) 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.
15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
16. The sale of alcohol shall be restricted to pre-booked functions, corporate events and conferences and members of the Altitude Club, subject to the rules of the club as agreed from time to time by the Metropolitan police. Functions are to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests shall be kept for a minimum of 14 working days after the function. Details shall be made available to all relevant authorities when requested.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
20. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
21. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
22. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

23. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
24. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
31. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- Any emergency lighting battery or system
 - Any electrical installation
 - Any emergency warning system
32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
34. There shall be no deliveries between 2300 and 0800 hours.
35. Patrons wishing to smoke only do so in the designated Millbank Tower smoking area to the rear of the building, or on the terrace as shown on the attached plan.
36. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
37. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.
38. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.

39. The number of persons accommodated (excluding staff) at the premises shall not exceed:

Parliament View - 200
City View - 150
Knightsbridge View - 130
Chelsea View - 100
Belgravia View - 100
Parliament and City Views - 350
Knightsbridge and Chelsea Views - 300
Chelsea and Belgravia Views - 300
Premises total if all concertina doors open - 600

Note: Following the grant of the premises licence bearing reference 12/06383/LIPN, the capacity figures for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.

40. Before 10.00 am the sale of alcohol on the premises shall be ancillary to a table meal and for consumption ancillary to that meal.
41. Before 10.00 am the sale of alcohol shall be by waiter/waitress service.
42. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. All sound generating equipment shall be used through the sound limiter device approved by the Environmental Health Service.



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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

18/05870/LIPT

Part 1 – Premises details

Postal address of premises:

Altitude 360 - 29th Floor
Twenty Ninth Floor Right
Millbank Tower
21-24 Millbank
London
SW1P 4QP

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
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Sunday: 08:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Late Night Refreshment

Monday to Sunday: 23:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Sale by Retail of Alcohol

Monday to Sunday: 08:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

The opening hours of the premises:

Monday to Sunday: 07:00 to 02:00

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

Alcohol is supplied for consumption on the Premises.

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

Semier Events Ltd
Twenty Eighth Floor
Millbank Tower
21-24 Millbank
London
SW1P 4QP

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

11352001

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

Name: Alan Charles Turtill

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

Restricted

Date: 9 July 2018

This licence has been authorised by Mrs Taruna Adnath on behalf of the Director - Public Protection and Licensing.

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|------------------------|------------------------------------|
| 09/05035/LIPN | Application for a new Premises Licence | 8 October 2009 | Granted at Licensing Sub-Committee |
| 09/09083/LIPRW | Removal of Works condition | 16 November 2009 | Granted under delegated authority |
| 10/03448/LIPVM | Application for a Minor Variation | 28 May 2010 | Granted under delegated authority |
| 10/04949/LIPDPS | Application to vary the Designated Premises Supervisor | 16 July 2010 | Granted under delegated authority |
| 10/05118/LIPV | Application to vary the Premises Licence | 14 October 2010 | Granted under delegated authority |
| 10/07243/LIDPSR | Application for a DPS removal | 21 September 2010 | Granted under delegated authority |
| 10/07343/LIPDPS | Application to vary the Designated Premises Supervisor | 08 November 2010 | Granted under delegated authority |
| 10/09208/LIPDPS | Application to vary the Designated Premises Supervisor | 09 December 2010 | Granted under delegated authority |
| 11/04618/LIPT | Application to transfer the Premises Licence | 31 May 2011 | Granted under delegated authority |
| 11/09071/LIPDPS | Application to vary the Designated Premises Supervisor | 21 September 2011 | Granted under delegated authority |
| 11/11305/LIPVM | Application for a Minor Variation | 05 December 2011 | Granted under delegated authority |
| 12/02730/LIPDPS | Application to vary the Designated Premises Supervisor | 17 April 2012 | Granted under delegated authority |

| | | | |
|-----------------|--|-------------------|------------------------------------|
| 12/08704/LIPDPS | Application to vary the Designated Premises Supervisor | 31 October 2012 | Granted under delegated authority |
| 12/09918/LIPVM | Application for a Minor Variation | 27 November 2012 | Granted under delegated authority |
| 13/00212/LIPT | Application to transfer the Premises Licence | 30 January 2013 | Granted under delegated authority |
| 13/06384/LIPDPS | Application to vary the Designated Premises Supervisor | 03 September 2013 | Granted under delegated authority |
| 13/06735/LIPT | Application to transfer the Premises Licence | 04 October 2013 | Granted under delegated authority |
| 14/00095/LIPT | Application to transfer the Premises Licence | 12 February 2014 | Granted under delegated authority |
| 14/00097/LIPDPS | Application to vary the Designated Premises Supervisor | 12 February 2014 | Granted under delegated authority |
| 14/02496/LIPT | Application to transfer the Premises Licence | 13 May 2014 | Granted under delegated authority |
| 14/05323/LIPV | Application to vary the Premises Licence | 15 October 2014 | Granted at Licensing Sub-Committee |
| 14/09875/LIPT | Application to transfer the Premises Licence | 09 December 2014 | Granted under delegated authority |
| 15/00861/LIPDPS | Application to vary the Designated Premises Supervisor | 24 February 2015 | Granted under delegated authority |
| 15/10878/LIPDPS | Application to vary the Designated Premises Supervisor | 8 December 2015 | Granted under delegated authority |
| 16/03287/LIPDPS | Application to vary the Designated Premises Supervisor | 18 May 2016 | Granted under delegated authority |
| 16/06241/LIPDPS | Application to vary the Designated Premises Supervisor | 26 September 2016 | Granted under delegated authority |
| 16/10553/LIPDPS | Application to vary the Designated Premises Supervisor | 22 February 2017 | Granted under delegated authority |

| | | | |
|-----------------|--|-----------------|-----------------------------------|
| 17/02582/LIPDPS | Application to vary the Designated Premises Supervisor | 22 June 2017 | Granted under delegated authority |
| 17/15050/LIPDPS | Application to vary the Designated Premises Supervisor | 16 January 2018 | Granted under delegated authority |
| 18/02171/LIPT | Application to transfer the Premises Licence | 09 April 2018 | Granted under delegated authority |
| 18/05870/LIPT | Application to transfer the Premises Licence | 04 July 2018 | Granted under delegated authority |

There is no appeal history

LICENSING SUB-COMMITTEE No. 1*Thursday 8 March 2012*

Membership: Councillor Audrey Lewis (Chairman), Councillor Jan Prendergast and Councillor Ahmed Abdel-Hamid

Legal Adviser: Harjinder Bhela
 Policy Adviser: Chris Wroe
 Committee Officer: Jonathan Deacon

Present: Mr David Matthias QC (representing Applicant – Environmental Health), Mr Francis Keegan (Environmental Health), Ms Hayley Davies (Licensing Appeals Manager), Mr James Rankin (representing Hellman & Friedman LLP), Mr Jeremy Hudson and Mr Stuart Bank (Hellman & Friedman LLP), Mr Steven Walsh QC (Representing Licence Holder), Mr Thomas O'Maoileoin (on behalf of Licence Holder), Mr Alex Kersjes (Designated Premises Supervisor and Company Director) and Mr Steve Royle (Managing Director of Altitude 360).

Altitude 360, Twenty Ninth Floor Right, Millbank Tower, 21-24 Millbank, SW1 11/12567/LIREVP

An application for review of the Premises Licence for Altitude 360, Twenty Ninth Floor Right, Millbank Tower, 21-24 Millbank London SW1P 4QP was received by the Licensing Authority on the 22nd December 2011.

A review of the premises licence is sought on the grounds of prevention of public nuisance for the following reasons:

- (i) The commercial occupiers of the 30th floor often have to work throughout the night due to the international nature of their work and they are being disturbed by music and noise from Altitude 360 when they are trading.
- (ii) An Environmental Health Officer visited the premises on 28th November 2011 as a result of complaints made about the level of noise coming from the premises and he commented that the event was one of the most extremely loud events he had heard in many months. The noise was so loud that he deemed it appropriate to follow up his visit with the service of a noise abatement notice under section 80 of the Environmental Protection Act 1990.
- (iii) 12 noise nuisance complaints have been received by the Council's noise team specifically about the premises from 30 November 2010 to 15 July 2011.

The current activities permitted under the premises licence 11/11305/LIPVM are:
 Provision of facilities for Dancing
 Exhibition of a Film

Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing
Anything of a similar description to Live Music or Recorded Music

Monday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 02:00

Sale by retail of alcohol

Monday to Sunday 08:00 to 02:00

Late night refreshment

Monday to Sunday 23:00 to 02:00

The Environmental Health Service has requested the Licensing Sub Committee to:

- Revoke the premises licence or,
- Suspend the premises licence for up to three months to allow the premises to undertake further training of all relevant staff, to make alterations to the sound limiter and to undertake sound insulations works to the satisfaction of the Environmental Health Officer.

And remove the following licensable activities from the premises licence

Provision of facilities for dancing

Exhibition of a film

Provision of facilities for making music

Performance of live music

Playing of recorded music

Provision of facilities for entertainment of a similar description to making music or dancing

Anything of a similar description to live music or recorded music

And to modify conditions 11, 12, 13, 21 and 23 (if as appropriate)

Representations have been received from two local residents supporting the review application stating that:

- They have made several calls to the Council's Noise Team during the last year due to excessive noise from the premises.
- The Council's attempts to resolve matters have not had any effect as the licensee has continued to hold events which caused noise over subsequent months.
- Shouting and screaming from people leaving the premises in the early hours of the morning is an ongoing problem since the premises was opened.
- The disturbance caused by patrons leaving the premises has kept a resident awake and prevents him from sleeping.
- Residents living opposite the hotel suffer from noise generated by people leaving the hotel late at night

A representation in support of the application was made on behalf of Hellman &

Friedman LLP located on the 30th floor of Millbank Tower.

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

- (a) to modify the conditions of the licence (modify, delete or add conditions);
- (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

Where the authority modifies the conditions or excludes a licensable activity from the scope of the licence it may provide that the modification or exclusion is to have effect permanently or for a period not exceeding 3 months.

The Sub-Committee initially heard from the parties present on a report by Vanguardia who had been employed by the Licence Holder to look at sound attenuation measures between the 29th and 30th floors in Millbank Tower. The report had been received by the Sub-Committee, the Applicant, Environmental Health and the interested party, Hellman & Friedman LLP, on the day of the hearing. Mr Matthias, representing Environmental Health said that it had not been received in due time, there had been no opportunity to take any acoustic advice, and it would therefore be the Licence Holder's own fault if the Sub-Committee decided not to consider it. Mr Rankin, representing Hellman & Friedman LLP, stated that his client would not be disadvantaged if it was considered at the hearing. Mr Walsh, representing the Licence Holder, informed Members that it was part of their proposed solution and it was therefore necessary for it to be considered by the Sub-Committee. The report had taken a long time to put together. The Sub-Committee decided to proceed with the wider application and consider later whether it was necessary, and if the report was to be read at length.

Mr Matthias stated that the issues which had led to the review application being submitted by Environmental Health were greater than that of the need for attenuation measures between the 29th and 30th floors. Essentially the problem was the woeful mismanagement of the premises. The 29th floor of Millbank Tower was an inappropriate place for a nightclub. The mismanagement included the failure to use the noise limiter included in the conditions on the licence since an application had been granted for licensable activities in October 2009. The licence permitted music and dancing, alcohol and late night refreshment from 10am to 2am and there had been noise nuisance during both the daytime and at night. Two conditions on the licence had been flagrantly and persistently breached, namely the need for the use of the noise limiter and that 'no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance'. There was abundant evidence that the noise limiter had been circumvented or not been used. If it had, there would not have been noise nuisance caused outside the premises. Condition 21 on the existing licence was also being ignored as the premises were being used as a nightclub with external DJs, as had been advertised on websites.

Mr Matthias referred to the representations in support of the review application from Hellman & Friedman LLP and 2 residents in Millbank Court. Hellman and Friedman was a private equity firm located on the 30th floor of Millbank Tower who had been there since 2007 and regularly had to work late into the night. Often, Mr Matthias asserted, they had not been able to as a result of noise from the 29th floor since 2009. The Licence Holder had received 2 noise abatement notices in December 2009 and December 2011. The first notice had been withdrawn as a result of an agreement between the Licence Holder and Environmental Health that the noise limiter would be set at a lower level. Mr Matthias stated that it was shocking that the residents 150 metres away in Millbank Court and at a significantly lower level than Millbank Tower should have been adversely affected by noise from the premises. Millbank Tower was inappropriate for a nightclub but it was wholly irresponsible management practices which were particularly responsible for the issues caused. Since Mr Kersjes had become a company director in September 2011 no improvement had been achieved. If anything matters had worsened. Mr Kersjes had worked at the premises in 2009 and 2010 and had not been able to control the noise issues then or now.

Mr Matthias stated that the review application identified 4 serious incidents of noise nuisance as examples. On 3 April 2011 the Council's Noise Team had received a complaint from a nearby resident and it had been admitted by the premises that the DJ had brought his own equipment in and it was not going through the sound limiter. On 17 July 2011, 29 October 2011 and 28 November 2011, there had been visits by licensing inspectors when music caused from the 29th floor caused public nuisance to employees on the 30th floor. These were mere samples of noise nuisance as could be seen in Hellman and Friedman's 'noise log' which had been included in the review application report and in the updated noise log, to which Mr Walsh did not object. Mr Matthias referred to a meeting between the management of the premises and Environmental Health when it had been asked by Mr O'Maoileoin, representing Mr Kersjes, how there could be any nuisance if the limiter had been set by Environmental Health. Mr Keegan for Environmental Health had stated that in his view managers had bypassed the noise limiter system in some way. Mr Kersjes then responded that the limiter was broken. Mr Matthias commented that if it had been broken then Environmental Health should have been informed immediately. Phil McIlwain's report included in the review application report demonstrated the number of occasions he had set the noise limiter. On 28th November, Dave Stewart of Environmental Health had visited following a complaint received by the Noise Team. He had found that at 11.05pm there had been a blast of noise at a very high level and loud bass music had been heard. He had commented that this was one of the worst cases of noise nuisance he had experienced in the last 5 years. The noise had been so significant that there had been complaints from across the River Thames. This had led to the review application and a noise abatement notice on 1 December 2011 which the Licence Holder had appealed against. Despite the review application and the threat of revocation, there had been a further instance of noise nuisance on 27 February 2012.

The Sub-Committee next heard from Mr Rankin. He stated that his client, Hellman & Friedman LLP, was not in the business of looking to close down other businesses. His client had been on the 30th floor of Millbank Tower for some time and had objected when the original application had been submitted for the 29th floor in 2009 and when the Licence Holder had also applied for licensable activities on the 2nd floor. Regardless of correspondence from his client, the Licence Holder had not

addressed the problems being experienced. It had reached the stage where empty promises did not mean much and the firm needed the Council to intervene on its behalf. Discussions had not helped to prevent issues occurring nor the threat of revocation. The issues were so pronounced that the Environmental Health officer had commented that the noise nuisance on 28th November 2011 had been one of the worst he had experienced in the last 5 years. Furniture and windows reverberated as a result of music played on the 29th floor. This meant that international telephone calls were very difficult to conduct. The Licence Holder had stated in 2009 that it would be having private functions at the premises but websites appeared to show that it was a nightclub at least on Fridays and Saturdays which was accessible to all. It was a rare accolade for Mr Kersjes to have received not one noise abatement notice but two. The Vanguardia report had been received at the eleventh hour. Mr Rankin stated that a responsible operator would have closed the premises and addressed the problems once a potential review had been threatened. Mr McIlwain of Environmental Health had gone back 4 times to fix the noise limiter.

The Sub-Committee at this stage permitted Mr Rankin to refer to Vanguardia's report. He made the point that according to the report even after the works noise would still be audible in his client's office on the 30th floor. His client had allowed access, including to Vanguardia, to the 30th floor for testing on a number of occasions. It had specifically been denied on 27th February 2012 because of the deafening music. Hellman and Friedman specifically wanted a solution to the issues raised. It could not be said that the Nokia event on 28th November 2011 was a one-off event.

Mr Walsh and Mr Kersjes looked to specifically address the points made regarding the Nokia event on 28th November 2011. Mr Walsh stated that this event had been arranged and authorised by the freeholder of Millbank Tower. It had not been arranged by the Licence Holder. There had been a show by an American DJ and light artist and the whole block had been illuminated with permission sought to close the road in front of it. The music on the ground floor was not that of the Licence Holder. The after presentation party was on the 29th floor but this was not what had led to complaints across the River Thames. Mr Walsh commented that this event was clearly what had particularly led to the application being made. The Licence Holder did accept that it was responsible for excessively loud noise nuisance being experienced by employees on the 30th floor as a result of the after presentation party and that there had been poor management on this occasion. It was believed however that the celebrations afterwards had the express permission of every tenant. This was a one-off event which would never be repeated in Millbank Tower and was not a fair indication of how the Licence Holder operated.

The Sub-Committee asked Mr Walsh and Mr Kersjes a number of questions on the Nokia event and after presentation party. It was accepted that there had been no sanction on behalf of the Council to waive conditions on the licence on 28 November 2011. The Licence Holder had provided event space to Mission Media on behalf of Nokia on that evening. The event had lasted from approximately 9pm to midnight. The external DJ had brought in his own equipment and not used the noise limiter. The Licence Holder had not told the DJ to use the noise limiter as it had been thought it was part of the overall event in Millbank Tower.

Mr Walsh then addressed the Sub-Committee more generally on the review application. The 29th floor was not just used for music and dancing late at night. His client had won international awards for the use of event space. There were awards

ceremonies and celebratory events, including following Mayoral and Conservative election wins. The letters submitted by the Licence Holder from Councillors Robert Davis and Angela Harvey demonstrated that it was a respected venue which treated its customers well and was spoken highly of by corporate bodies. Much of the concerns expressed in regard to noise breakout on the 30th floor were due to applause, announcements and cutlery. Sound attenuation between the 29th and 30th floors needed to be addressed and this had been the focus of the Vanguardia report. Events had been booked months in advance for the Summer, including the Olympics. The Licence Holder employed 200 people in all and revocation or the removal of licensable activities would mean that the premises would either not be able to operate or operate in the manner it needed to.

Mr Walsh stated that the problems experienced by the residents of Millbank Court had now been addressed. Mach Consultants had concluded that even when music on the 29th floor was at very significant levels this was now inaudible to the residents. The solution, he added, had been that Altitude had a ventilation top and the windows had now been sealed shut. The Mach report had been provided to the local residents. They had not responded and had not attended the hearing. Mr Walsh accepted that noise nuisance had been caused to the 30th floor and that it needed to be resolved. He did not accept that the situation had not improved or even worsened since Mr Kersjes had returned to the premises as a Company Director in September 2011. He stated that Mr Kersjes had left in Spring 2010 when a Managing Director and had identified management issues on his return in September 2011. The management structure had been changed. There had been less complaints and there had been incidents of noise on 28th November 2011, 13th December 2011 and 27th February 2012. The 27th February 2012 event had been used as testing to identify how best the premises could be soundproofed. It was necessary to examine not just the effect when music was being played but to have people present at the event. Mr Walsh added that there had been prior communication with the 30th floor to obtain permission for the event and testing. When Mr Kersjes had been contacted that night the music had immediately been turned down. It was recognised if the sound attenuation issues were not resolved then the future of the premises was limited. Vanguardia had noted that it was possible not only to hear music but various other noises which were not as a result of licensable activities. Vanguardia had looked at the structure of the building and found that between each of the floors of Millbank Tower there was a piece of concrete which worked effectively to prevent noise breakout. However it did not extend to the extremities of the perimeter of the building. It was being suggested by Vanguardia to extend the sound attenuation from the concrete base into the perimeter of the building so that soundproofing extended right across the floor area. A second element was being proposed to be constructed up the wall of the 29th floor to the 30th floor. According to Vanguardia if the works were undertaken, noise from announcements and cutlery and amplified music at mid levels to high frequency would be eradicated. There could in theory be issues with low frequency music but this would be addressed by a new sound system which would be zoned in and would be fitted into the sound limiting device in accordance with Vanguardia's advice. The Licence Holder was proposing a condition that no external sound equipment should be brought into the premises.

The Sub-Committee asked Mr Kersjes a number of questions on his role. He stated that the Licence Holder had operations on 28th floor, 2nd floor, ground floor and 6th floor in addition to the 29th floor. There were many different events with predominantly seminars and presentations in the ground floor auditorium. The 2nd,

28th and 29th floors hosted largely corporate events including presentations and award ceremonies. The 6th floor was smaller scale and was where the corporate offices were based. The 28th floor was currently used for meeting space but it was the Licence Holder's intention to apply for licensable activities there. Sound testing had been carried out between 29th and 28th floors and there had been no noise breakout. Mr Kersjes defended his record, stating that he was an excellent operator having had interests in a number of nightclubs and bars with no problems having arisen. It took time to turn round the operation at Altitude including explaining to employees how the premises should be operated. He explained that the 27th February complaints from the 30th floor had been a misunderstanding as he had approached staff on the 30th floor about the event and received permission for it. The lady he had dealt with had not explained the situation to Mr Banks. When Mr Banks had contacted him, he had turned the music down. It would not be possible to continue the operation if licensable activities were removed from the licence.

Mr Kersjes stated that the 29th floor had never been used as a nightclub. It was an event space which was booked out for weddings and parties. Agreements were in place with external promoters. Overzealous promoters had falsely advertised nightclub operations on their websites. It was not the Licence Holder's website. L'Cascade was similar to SkyBar which provided equipment and furniture to provide a party atmosphere. He commented that at no point apart from the Nokia event had the sound limiter been bypassed. The sound limiter had been used every single night since September 2011 and it was wrong to suggest that it was being bypassed on each occasion. Since September there had been minimal problems which had been caused by background music and not DJ's music apart from 28th November 2011. Roughly once a fortnight pre-booked events were provided to external promoters. A guest list was kept for externally promoted events with the security being employed by the Licence Holder. The public could not just pay at the door and enter. The premises did not operate as a members' club although there was a list of members. Of the 200 people employed at the premises, 60-70 were full time with a majority being office staff and the remainder being casual or contracted staff. In response to questions from the Sub-Committee, he stated that there was no suggestion that the 30th floor should contribute to the cost of noise attenuation works. It was noted from the papers that Hellman & Friedman had previously been invited to financially contribute to the works.

Prior to the summing up of the parties present, Mr Banks of Hellman & Friedman addressed the Sub-Committee. He stated that those present at the hearing had listened to the pleas of the Licence Holder that if the Sub-Committee revoked the licence or removed licensable activities, there would be a disruption to the business. His company had been disrupted over a lengthy period of time by the Licence Holder. There had been a considerable emphasis on the Nokia event on 28th November 2011 at the hearing but the issues had existed since 2009.

Mr Matthias in his summing up stated that the Vanguardia report (which had now been read by all parties) would not resolve the noise problems. The report was suggesting that some of the perceived problems like cutlery and announcements on microphones could be resolved. It was not known that any complaints had been received by the Noise Team about noise from announcements or cutlery. Bass rhythm however would remain residually audible on the 30th floor. Whatever was done there would still have to be proper management in place on the 29th floor. The Licence Holder was incapable of managing the premises correctly. There had been

a catalogue of noise outbreak incidents. For a significant period during this time, Mr Kersjes had been in charge and a noise abatement notice had resulted since he had returned in September 2011. Mr Matthias did not accept that the residents' concerns at Millbank Court had been addressed. They had submitted their representations in January 2012. He stated that Environmental Health did not ask to revoke the licence lightly.

Mr Walsh stated that he disagreed with Mr Matthias' interpretation of the report. The report did not say that the 29th floor could be completely acoustically sealed but if the two stages of works he had outlined earlier were undertaken there would be the removal of all noise breakout except some residual bass which could be controlled with the sound system and noise limiter. He made the point that there had been an emphasis by Mr Matthias on Mr Kersjes being an irresponsible and incompetent Designated Premises Supervisor but this was completely unfair. Mr Kersjes had looked to sort out managerial problems since his return to the premises in September 2011. He had made promises to Mr Banks but the situation had certainly not deteriorated at the premises since he had returned. The Nokia event was an exceptional one but the premises was operating on a regular basis with the noise limiter being used apart from the Nokia event and complaints were not being received recently as regularly as had been the case in the past.

Mr Walsh concluded with the points that the 29th floor was not a nightclub whatever other websites portrayed. It was not the Licence Holder's website stating this. The Licence Holder would be willing to accept a condition being added to the licence that there would be no externally promoted events. It was not the case that Millbank Tower was not the correct location for events to be held. If the operation was on the 28th floor rather than the 29th floor where planning permission had been granted but a licence had not been applied for and the sound attenuation measures were carried out, it was almost certain that there would be no noise breakout at all. It could not be said that the residents of Millbank Court maintained their representation if this had not been confirmed.

Decision (including reasons):

Having carefully considered the written representations and the comments of the parties present at the hearing, the Sub-Committee decided to remove the following licensable activities from the premises licence:

- Provision of facilities for dancing
- Exhibition of a film
- Provision of facilities for making music
- Performance of live music
- Playing of recorded music
- Provision of facilities for entertainment of a similar description to making music or dancing
- Anything of a similar description to live music or recorded music.

The Sub-Committee also removed from the existing licence (11/11305/LIPVM) conditions 11, 12, 13, 22 and 23 to reflect the exclusion of regulated entertainment from the scope of the licence. 'The provision of regulated entertainment' was removed from condition 21 on licence 11/11305/LIPVM (the revised condition is listed

as condition 18 below).

The Sub-Committee considered that the condition proposed by Mr Walsh that no external sound equipment should be brought into the premises did not go nearly far enough to address the issues at the premises. There had been a consistent failure by the Licence Holder to comply with conditions on the licence designed to promote the licensing objectives since the Licence Holder had first been granted licensable activities on the 29th floor by the Sub-Committee in October 2009. Members took the view that there would not have been a need for a new condition for external sound equipment to not be brought in the premises if operations had been managed correctly by the Licence Holder. With the granting of the licence came the responsibility to meet the licensing objectives, comply with conditions on the licence and ensure that having permitted external promoters for events, that they should not cause a public nuisance. Members of the Sub-Committee were not convinced that they should have confidence in those responsible for operating the premises now, including Mr Kersjes. There had been a significant number of complaints and two noise abatement notices whilst he had positions of authority at the premises. The Sub-Committee could also not rely purely on the recommendations of the engineer's reports resolving the problems. The Vanguardia report had referred to noise issues for employees that were as a result of non-licensable activities such as applause and cutlery but this was not what was at the heart of Hellman & Friedman LLP's complaints to the Council. Permitting the Licence Holder to have regulated entertainment had been shown to not promote the licensable objectives. Therefore the Sub-Committee had decided to remove regulated entertainment from the licence.

Revised Conditions on the Licence

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 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.

- 9. 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.
- 10. 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.

Additional Conditions

- 11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 12. 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 are open to the public.
- 13. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- 14. There shall be no sales of alcohol for consumption off the premises.
- 15. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.
- 16. 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
- (d) any incidents of disorder
- (e) 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.

17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. The sale of alcohol shall be restricted to pre-booked functions, corporate events and conferences and members of the Altitude Club, subject to the rules of the club as agreed from time to time by the Metropolitan police. Functions are to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests shall be kept for a minimum of 14 working days after the function. Details shall be made available to all relevant authorities when requested.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
22. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
23. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
24. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
25. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
26. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fire works
- firearms
- lasers
- explosives and highly flammable substances.
- real flame.
- strobe lighting.

27. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

30. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

31. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

34. The certificates listed below shall be submitted to the Licensing Authority upon written request.

Any emergency lighting battery or system

Any electrical installation

Any emergency warning system

35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

36. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.

37. There shall be no deliveries between 2300 and 0800 hours.

38. Patrons wishing to smoke may only do so in the designated Millbank Tower smoking area to the rear of the building.
39. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
40. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.
41. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.
42. The number of persons accommodated (excluding staff) at the premises shall not exceed:

Parliament View - 200
City View - 150
Knightsbridge View - 130
Chelsea View - 100
Belgravia View - 100
Parliament and City Views - 350
Knightsbridge and Chelsea Views - 300
Chelsea and Belgravia Views - 300
Premises total if all concertina doors open - 600
43. Before 10.00 am the sale of alcohol on the premises shall be ancillary to a table meal and for consumption ancillary to that meal.
44. Before 10.00 am the sale of alcohol shall be by waiter/waitress service.

LICENSING SUB-COMMITTEE No. 2
Thursday 4th July 2016

Membership: Councillor Nickie Aiken (Chairman), Councillor Tim Mitchell and Councillor Heather Acton

Legal Adviser: Horatio Chance Policy Adviser: Chris Wroe Committee Officer: Jonathan Deacon Presenting Officer: Heidi Lawrance

Relevant Representations: Metropolitan Police (Applicant) and Environmental Health).

Present: PC Toby Janes and PC Reaz Guerra (Metropolitan Police), Mr Dave Nevitt (Environmental Health), Stephen Walsh QC (Representing the Licence Holder), Mr Thomas O'Maoileoin (Solicitor, on behalf of the Licence Holder) and Ms Karen Linforth (Finance Director) and Mr David Coley (Commercial Director).

Review of Altitude 360, Twenty Ninth Floor, Millbank Tower, 21-24 Millbank, SW1 ("The Premises")

16/04072/LIREVP

The application for review was submitted by the Metropolitan Police on the grounds of the prevention of crime and disorder and public safety. PC Janes, was the presenting Officer on behalf of the Police and shall be referred throughout this decision as the ("The Police") when addressing the Sub-Committee at the hearing, referred to a number of incidents of crime and disorder having taken place on the 28th floor at Millbank Tower on the 26 - 27 March 2016. Several people had been seriously assaulted inside the Premises.

Consequently, the Police were seeking revocation of the Premises licences for the 28th and 29th floors. The 29th floor had the same Licence Holder and whilst there was the ability for the two floors to be used as separate venues, they could also be used collectively for an event. When used either as a single floor venue or collectively there was a capacity of 600 people. The Police were also keen that the premises licences for both floors were revoked as they did not believe the Licence Holder's operations should be allowed to transfer to the 29th floor in the event of the 28th floor licence being revoked.

The Police stated that had they been made aware as to the true nature of the incidents on 26-27 March initially by the applicant, they would have submitted an expedited review. The Police had only become aware of the full seriousness when they had viewed CCTV and carried out further investigations into the incidents. The Sub-Committee was advised that the venue had following the incidents given undertakings that it would not operate events in the short term after midnight.

The Police provided some background information on the venue location. It was stated that Millbank Tower is a thirty three floor building which has predominantly

office use. The 28th floor has a large 'U' shaped event space which had a bar in the middle for the event on 27 March. Access to the venue via the ground floor was via the Reels Cafe through double doors past electronic barriers to the lifts. It was submitted by the Police that the building layout was unsuitable for late nightclub style events. The event had been booked by Paravana Project which the Police described as an internationally known promotions company. The event was advertised as starting at 14:00 on Saturday 26 March and running until 04:00 on Sunday 27 March with the final two hours having been applied for separately under a Temporary Event Notice as part of the TENS process. The Police advised the Sub-Committee that they had been informed in the Temporary Event Notice that it was a pre-booked private event with all the conditions on the premises licence being applicable. However, the Police had found subsequently that tickets were on sale to the general public via the internet and could be purchased at any time, even on the night of the event.

The Police then set out for the Sub-Committee's benefit the sequence of incidents on the morning of 27 March which had come to light from the CCTV footage and Police investigations. In summary at 23:00 on the 26 March there was an initial fight in the venue. A male threw a large vodka bottle at another male. Security had attempted to intervene and they both ran from the scene. This was not reported to the Police and was not captured on CCTV. The incident was referred to in Rosen Zehirov's witness statement who had been employed as a member of the security staff for the event. At 23:15 there had been a further fight where a male had been punched and his watch had been stolen. The Police stated that the victim had requested help from security staff who did not assist and he had then phoned the Police himself. There was no CCTV footage of this incident. At 00:32 Police received a phone call from the building security who told them that there were three males physically threatening a female member of security staff. CCTV showed them jumping over the electronic barriers in order to gain entry to the lift. From a security perspective this gave immediate concerns regarding the Applicant's ability to manage the premises effectively and efficiently because those males who were not known to the Applicant were able to gain access to the Premises unchallenged and without being checked by security, thereby putting the health and safety of customers at risk.

At 00:33 there was a further phone call from building security to say there was a fight between two males on the ground floor. At 02:00 there was a fight in the smoking area outside between four males. There was no CCTV footage of the incident and the Police were not called. At 02:57 there was a fight on the dance floor between two males. Security intervened and a male was ejected. This led to some disorder in the corridor due to lack of security resources. At approximately 03:00 a male armed with a knife was walking down the rear corridor and came across a group of other males. Words were exchanged and the single male pulled out a knife. Subsequently he was knocked to the floor by the group where he was stamped on, had his leg fractured and was knocked unconscious. He was unconscious for several minutes. Security managed to remove the knife from his hand.

The Police informed those present that the incident at 03:00 led to serious crime and disorder. As the male's friends became aware of the incident they sought retribution. The Police referred to management and security losing control of the venue as various people were assaulted. CCTV showed two males fighting on the dance floor, one with a large vodka bottle who smashed it over the victim's head. A man armed

with a knife could also be seen on CCTV chasing two males in the corridor. Members of staff seemed oblivious to this going on but in any event feared for their safety and sought refuge in the kitchen area of the Premises, the doors having been closed shut with a broom handle. The two males barricaded themselves into a store room but the glass on the door was smashed, entry was forced and a suspect smashed a vodka bottle over the victim's head, knocking him to the ground.

The Sub-Committee heard that throughout these incidents there had been three SIA security staff throughout the 28th floor. However, those members of staff were unable to reassert control over the situation or detain suspects. There was no evidence at this stage of any management phoning the Police. The Police went on to advise the Sub-Committee that even at 23:00 security staff had expressed grave concerns that the event should not continue, taking into account the clientele and the hostile environment that had been created, since the intrusion of these unidentified persons. The Police added that subsequently the suspect with a knife and two of the injured parties were allowed to leave the venue via a fire exit down stairs to the loading bay area which was not open to the public. There was then a further fight in the parking area as evidenced on the building site CCTV at approximately 03:15.

The Police advised that they subsequently attended the venue. Three crime scenes were in place. To date two victims with head injuries and one with the fractured leg had been identified. A victim who had suffered loss of blood in the corridor had not yet been identified. It was submitted felt by the Police that there were more victims and suspects as a result of the

incidents than were known to date. The Sub-Committee was advised that investigations are still ongoing in this respect. The Police confirmed that they had had met David Coley (part of the applicant's Senior Management Team) when attending the venue after the incidents and he had said to them that the event had run largely peacefully, a statement which bears no resemblance to the evidence. The Police had requested that the Designated Premises Supervisor ('DPS') attend. Tomas Skrina had introduced himself as the DPS. When asked by the Police where Mr Abbas (who was known to the Police as the DPS) was, representatives of Altitude had said that he was still in place but that Mr Skrina was due to take over from him.

The Police expressed concerns regarding the total number of security staff managing such an event and described this as being woefully inadequate for the type of event held at the Premises and due to the insufficient number staff and customers had been put at great risk. It was stated that of the 8 security staff, 2 had been placed at the main entrance and were monitoring the smoking area, 2 more were posted close to the lift and were supposed to be searching customers, 1 was in the lift lobby and 3 were on the 28th floor. The Police were aware that at least 560 tickets had been sold for the event. It was submitted by the Police that they had asked to see the security risk assessment for the event which was required in accordance with the condition on the premises licence. However, only a generic risk assessment form (TJ/4) had been provided.

The Police drew Members' attention to the fact that Police had requested a 696 risk assessment form after a previous incident in August 2015 had taken place on the Premises, when a male had been hit on the head with a bottle, the suspect had not been detained and the Police not called. The Licence Holder's legal representatives

had written to confirm that a 696 form would be completed for all future events. The Police stated that it was found that the Licence Holder had completed the form one day before when it was supposed to be sent to the Police 14 days prior to the event to accord with usual practice. The form had not been received by the Police and they had therefore not been able to carry out due diligence checks and make the necessary any enquiries regarding the event.

The Police identified other failings relating to the 27 March event included that there had only been nine days' footage of CCTV when the Licence Holder was supposed to retain thirty one days of footage. The Police advised the Sub-Committee that the Licence Holder had after August 2015 installed an upgraded CCTV system which was of an excellent standard but this still did not get around the fact that conditions was in place that was breached. The Police had subsequently found that there had been no DPS in place between the period 28 February and 29 March and this led to question whether the running of the Premises was in fact being managed effectively in accordance with the conditions imposed on the Premises Licence and by whom. The application for transfer of DPS to Mr Skrina was received after the event of 26-27 March. The Police stated that a major failing was that there was no record of any phone calls by management to the Police despite at least seven separate assaults having taken place. The Police had recommended after the previous incident in August 2015 that as the Licence Holder was minded to replace the security firm, the replacement firm should be ACS registered. It was later found that the security firm, Valid, employed during the March 2016 event was not ACS registered. CCTV footage of 27 March 2016 had shown a group of customers inhaling nitrous oxide in full view of bar staff and no action had been taken. There had also been drinking directly from large vodka bottles. The Police also made the point that management had been told several times by security staff on the night to stop the event but this advice had been completely ignored despite the serious incidents of assaults that had taken place inside the Premises, In addition, fire exits and the rear stairs were not managed by security. It was known by Police that suspects had managed to escape via the rear stairs. However, it was not known if people had managed to gain entry this way and avoided being searched. This posed serious safety concerns for customers if security staff were not stationed or carrying out regular check of these areas of the Premises

The Police referred the Sub-Committee to the evidence of Mr Zehirov, a security guard employed by Valid Security on 26-27 March that Mr Coley had ordered him not to call the Police and to allow people to enter without being searched. It was known to the Police that the victim who had a fractured leg and held a knife was found in possession of a large amount of drugs. The Police in their submissions also referred to the evidence of Krasimir Pantev, another security guard employed on 27 March, that the venue was over capacity and Mr Coley was asked to close the entrance but had refused to do so and later requested one of the security guards to clear the clickers“.

The Sub-Committee was then shown CCTV footage by the Police to support the written and oral evidence received. The Police described the sequence of events on 27 March as the most serious incidents in that officer's experience during his time with the Westminster Police Licensing Team. It was stated that the disorder had resulted in at least four serious injuries. The Police maintain the view that the poor

management decisions, or lack thereof coupled with a complete disregard to the premises licence conditions led to the serious problems highlighted above. It was submitted by the Police that if there had been no promoted events and there had been pre-booked ticketed events and a comprehensive security plan in place, it is doubtful whether, the incidents referred to above would ever have happened.

Clearly, there was the absence of a DPS or management in control of security and staff. The Police described the situation as a total loss of control of the venue. Due to the serious nature of the incidents and the fact that the Police had had to engage with the Licence Holder after the incident in August 2015, the Police stated that they had no confidence in the Licence Holder's ability to run the Premises in accordance with the licence conditions. There had been failings to uphold the licensing objectives and it was the Police's view that the Premises licence should be revoked. Additional conditions being attached to the licence were not appropriate as conditions on the existing licence had not been adhered to previously, the actions of the licence holder were considered so severe that any further conditions the Sub-Committee might consider imposing would not be complied with based on the evidence.

The Police advised that since the incidents, the Licence Holder had submitted a Temporary Event Notice for an EU referendum party for the period 23rd to 24th June. The Police had objected to this but it had continued with no licensable activities being provided until 06:00.

The Sub-Committee heard from Stephen Walsh QC, representing the Licence Holder. He stated that his client entirely accepted that the incidents of 27 March were appalling and there had been management failings on the night in question. He commented that there were some elements of the Police evidence that his client would challenge but this was in no way to excuse what had taken place.

Mr Walsh stated that the 28th and 29th floors which could be traded separately or combined with a maximum capacity of 600 did so as a corporate event space. The premises traded throughout the day including prior to 10:00 when alcohol was ancillary to a table meal. The Licence Holder was committed to no longer holding any late night nightclub style events at the Premises because this was outside their area of expertise and was not disputed. In the future only low risk corporate events would be booked such as product launches, conferences, lunches and dinners. The low risk corporate events were the core part of the business. Mr Walsh made the point that management were very good at operating corporate events but very bad at running late night nightclub style events as was evidenced by the CCTV footage. It was of great concern to the Licence Holder that there could be revocation of the whole business as a result of a late night event which was not typical of Altitude's operation.

Mr Walsh addressed the Sub-Committee on his client's version of events. The Paravana Project had held two previous events at the premises which had taken place without incident. Management understood that the event from 26-27 March would be for members only. The Paravana Project had booked the venue as a private event but intended to sell tickets. It was

the Licence Holder's view when the event was being booked that on the face of it this complied with the condition on the licence. However, in hindsight management took a different view and accepted an error had been made. Mr Walsh stated that it was definitely not the type of event that

external promoters came in and ran without any management involvement on the part of the Licence Holder. After the incidents Altitude had asked Paravana to review the event. Paravana had concluded that those involved in the incidents were not their members.

Mr Walsh informed those present that there had been a risk assessment undertaken of the event. Eight door supervisors had been agreed upon on the basis of the advice of Valid security company who were aware of the capacity. The Sub-Committee was advised that Valid had provided security for Altitude events for some months prior to 27 March 2016 and had previously overseen a Paravana event.

Altitude had also relied on building security as well. Mr Walsh maintained that there was always a 24 hour security presence in the lobby. Mr Walsh asserted that management were aware that building security were responsible for calling the Police.

Mr Walsh advised the Sub-Committee that there was some dispute between his client and the security company regarding the situation on 26-27 March. Mr Walsh submitted that management did not feel that the security company's resources were deployed correctly. It was appreciated that this did not explain how the events occurred or how they should have been prevented by the Licence Holder.

In terms of the capacity, Mr Walsh stated that the number of tickets available between 14:00 on the 26 March and 04:00 on the 27 March was a maximum of 600. The anticipated number during the Temporary Event Notice after 02:00 was a maximum of 400. Valid were required to have a presence on the ground floor and on the 28th floor as people would be leaving to smoke and use other parts of the building. These people would be clicked in and out as they entered or left. Mr Walsh explained that in Altitude's review of 27 March it had been found that one of the security team had not clicked people out. Mr Walsh added that whilst it may have been poor training on the part of the security company, it was ultimately the responsibility of the Licence Holder. However, the Licence Holder did not accept that the capacity for the venue was exceeded. It was believed to be considerably below the maximum permitted.

Mr Walsh confirmed that Mr Skrina and Mr Coley had been present during the March event. What it was believed had happened was that at various points of the evening a number of males had climbed over electric gates, pushed security out of the way and reached the 28th floor. This had never happened before at the Millbank Tower. It was accepted that the management and security had lost control having been overwhelmed by an exceptional event. It was the Licence Holder's view that if another security team with greater experience and more staff were present to oversee and deal effectively with the security arrangements for the Premises a lot of the incidents might have been prevented. The people who had caused the disturbance had not been included on the guest list. Ultimately it was accepted that the Licence Holder should not have accepted the booking as Altitude was not a nightclub operator. The business should focus on low risk corporate events.

Mr Walsh addressed the Sub-Committee on the conditions that the Police had referred to as having been breached. In relation to the CCTV he commented that it was accepted by all parties that it was now of a particularly high standard. The issue

of only nine days footage having been retained was because it had been found that the higher quality had resulted in more memory being used up. The Licence Holder had responded to this since March and additional memory capacity had now been introduced. He added that this had not been an intentional breach. In respect of capacity, the Licence Holder was firmly of the view that it had not been exceeded, there had been a guest list and people had not been clicked out when leaving the venue. In respect of the condition requiring licensable activities to only be to

persons attending private pre-booked events, it had mistakenly been believed that it would be such an event. There would be events such as the one held on 27 March in the future. There had been a security assessment although it was accepted that this had not been served on the Police. In respect of the condition that no events booked by promoters would be permitted to take place on the premises, it had been believed by management that it would be privately run by Paravana.

Mr Walsh responded to the points made by the Police regarding the lack of a DPS on 27 March. Mr Walsh advised that this was in part symptomatic of a management in a vacuum. Two months before the managing director at Altitude had left and had taken with him some key senior employees. Karen Linford had taken up her post in February, had considerable experience in working in hospitality and hotels and had carried out the internal investigation after the incidents in March. It was submitted that in late February 2016 Suresh Abbas had decided to leave the post of DPS and he was not employed after 29th of that month. Mr Walsh stated that Mr Skrina was looking to cover this role and had been included as the 'acting DPS' on the 696 form but it was accepted that the application for change of DPS should have been submitted earlier.

Mr Walsh stated that if Members of the Sub-Committee were minded to revoke the licence due to having no faith in management it would be difficult for him to make submissions to the contrary. However, it was proposed that the premises licences would be suspended for a period of one month to allow a new management team and DPS and security to be appointed. Five conditions were also suggested by the Licence Holder to be attached to the premises licences. Firstly, it was proposed by the Licence Holder that the provision of regulated entertainment and the sale of alcohol would be reduced to 01:00 hours. Secondly, alcohol would only be sold ancillary to substantial food. Substantial food would include canapes. This, Mr Walsh added, would reflect Altitude's corporate market. Thirdly, the provision of regulated entertainment and the sale of alcohol would be restricted to private pre-booked functions, corporate events and conferences. Functions were to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests would be kept for a minimum of 31 days after the function. Details would be made available to all relevant authorities when requested. All alcohol would be paid for in advance of any function, event or conference. For the avoidance of doubt cash bars (to include sales by credit and debit card or any other method of payment or token) shall be strictly prohibited. Mr Walsh explained that the third condition would strengthen the emphasis on restricting functions to those which are private and pre-booked. There was reliance on bar sales for the late night events. The fourth and fifth proposed conditions required an ID scanner to be installed and did not permit entry to the premises after 22:00. Mr Walsh commented that the fifth condition was in accordance with the operation of a corporate venue.

Mr Walsh concluded with the points that the management failings were connected to a certain type of late night event being held. Mr Walsh contended that these were less than 1% of Altitude's business. It was submitted that if the nightclub style events were never held again, the proposed suspension and conditions would allow the Licence Holder to carry on low risk corporate events on the 28th and 29th floors. The alternative was to revoke the premises licence which he believed to be disproportionate.

The Sub-Committee asked the representatives of the Licence Holder a number of questions. Mr Coley was asked why he had not phoned the Police during the evening. He replied that he had been informed by the Head of Security that the Police and ambulance had been called around 02:00 and Mr Skrina had also indicated this. Mr Coley was also asked whether security had informed him of any fights prior to the phase of more serious disorder taking place. He replied that there had been some discussion around 01:00 with Mr Skrina and the Head of Security that there were undesirables in the venue. The Head of Security did not have the confidence to remove them. Mr Coley had responded that he had given them the full authority to do so. The Head of Security had said to Mr Skrina that it was best to monitor the situation. The Sub-Committee asked whether it had occurred to Mr Coley with several hundred people in the premises whether it was pertinent to call the Police for help. He replied that his role during the evening was client liaison and he had not seen much of the disorder that had taken place. It

was only later on the CCTV that he had realised the complete picture. In hindsight, he wished that management had called the Police.

The Sub-Committee requested further information from Mr Coley on Mr Pantev's statement. Mr Pantev had stated that he had informed Mr Skrina and Mr Coley around 23:00 on the 26th March after having dealt with a fight that the venue was over capacity and that it was necessary to close the entrance to other arrivals.

However, it was claimed Mr Coley had refused and had asked one of the security guards to clear the clickers. Mr Coley replied to the Sub-Committee that this conversation had never taken place. He also re-iterated the point made earlier by Mr Walsh that the reason for the supposed over capacity was that people leaving the premises, including to smoke, had not been clicked out. The Sub-Committee also sought additional information set out in Mr Pantev's statement that he had asked for the event to be stopped but Mr Coley had refused. Mr Coley responded that the only conversation he had had was with Mr Skrina and the Head of Security. They had been given full authority to shut down the event if need be. On the point in Mr Pantev's statement that 'during the whole night we did not have good connection on the equipment provided from the company for communication between the security guards', Mr Coley informed those present that his role was client liaison so he was not sure. However, it had been Mr Skrina's role to give out the hand held radios and Mr Coley had not been made aware that any equipment was faulty. Mr Coley was asked why security had not used the hand held radios to inform security on the 28th floor when the males were jumping over the barriers into the lift. He replied that it was a failing of the security firm. They had been good for corporate events but were not effective on 26 to 27 March. Ms Linforth added that during the course of the post event investigation she had been told that three of the radios had not been functioning and security had attempted to communicate via mobile phone. The coverage was sketchy in Millbank Tower. She did not believe that management had

been made aware of some of the radios not functioning during the evening of the event.

Ms Linforth accepted the point made by the Sub-Committee that there had been a breakdown in the relationship between Altitude and Valid security. The Sub-Committee asked the Police for further information on the statements of those who had been working for Valid security. The Police replied that they had contacted the security company directly and staff had completed the witness statements in their own time. The Police also confirmed to the Sub-Committee that there was no CCTV coverage in or around the lifts on the 28th or 29th floors. It had not been possible to track those who had jumped the barriers in or around the lifts on the 28th or 29th floors. CCTV did not fully cover the entry / exit points as required in condition 13 on the premises licence. There was reliance on the building CCTV to show footage of the ground floor. Ms Linforth when asked about this stated that there was CCTV coverage in the lift lobby. She had provided one hour's footage to the Police from 02:30 to 03:30 of the incidents recorded on various CCTV cameras. However, she accepted it was an oversight that the footage in the lift lobby had not been provided to the Police. There had been issues with footage from another CCTV camera in the store room as it was not expected that customers or staff would be using the area.

The Sub-Committee also asked why, when in August 2015 the Police had advised Altitude to improve its procedures and employ a security company which was ACS registered, it had not done so. Ms Linforth replied that she had not been employed by Altitude when Valid were taken on. However, in her post event investigation she had found a number of issues with Valid which demonstrated they did not meet Altitude's requirements. These included that the security supervisor in charge on the night had his wife and daughter working with him. Valid had now been replaced by Headline Security, who had been chosen following advice from other security companies. Mr Walsh added that all security employed by Valid were SIA regulated. ACS was a voluntary system and it was not a condition on the premises licence that a security company was employed which was ACS registered.

Members of the Sub-Committee also heard from Mr Nevitt on behalf of the Council's Environmental Health team ('Environmental Health'). He advised that Environmental Health were supporting the review on public safety grounds. The public safety implications on 26th to 27th March included that there had been a loss of control of some of the patrons. There was also an accessibility of objects to cause injury such as weapons, bottles and broken glass. Mr Nevitt expressed concern that heavy glass bottles such as a two litre size bottle of vodka could be used as a weapon.

There had been patrons, staff and security personnel at risk as well as those located elsewhere in Millbank Tower, such as the business which operated at all hours on the 30th floor. Mr Nevitt referred to the wedged open fire doors, people slipping on liquids and staff seeking refuge which could be seen on the CCTV footage.

Mr Nevitt stated that one concern was regarding the capacities. A maximum of 499 people was permitted for a Temporary Event Notice which included staff. This meant that at least over 100 people had to leave the venue after 02:00 and there had been a lack of clarity over how this was managed. A further concern was that with incidents taking place escape routes had been breached. The man with the fractured leg was on the floor in the corridor, people were moving past him and there were no

arrangements in place to protect an injured person. There had also been the lack of a warning system from when people had jumped the barriers to when they entered the 28th floor. Mr Nevitt queried how the proposals of the Licence Holder prevented the issues that he had raised. Would different barriers be put in place or would individuals who threatened security be prevented in another way if necessary from reaching the 28th floor from the ground level? There had been no proposals to resolve how the fire escape doors would be secured. It would also be of value to have procedures in place for emergency services accessing the 28th and 29th floors which were in an isolated position. It was submitted that there had been a lack of searching of the patrons as they had been able to bring weapons and apparently nitrous oxide into the venue. The management had allowed situations to prevail which were inherently unsafe not just for the patrons but for the staff, the other users of the building and the security personnel.

Mr Walsh responded to Mr Nevitt's representation. He stated that on the question of whether new barriers should be installed on the ground floor to prevent the situation happening again it was the case that this was a most unusual sequence of events which had never happened before. It was the Licence Holder's case that if the late night operational events were no longer permitted, the terminal hour for licensable activities was reduced and there were no cash bars this would prevent the public safety issues from arising again. It was appreciated by the Licence Holder that the fire doors must remain closed and the capacity needed to be adhered to. Mr Walsh added that the venue was not known for unsafe escape doors.

Mr Coley was asked by Mr Walsh to respond to Mr Nevitt's concerns regarding patrons with nitrous oxide. He believed that the people who had brought it into the building should have been ejected. Members of staff were aware that it was not permitted in the venue. Ms Linforth added that staff had since 26th to 27th March had received training so that they were now aware of what actions they should be taking going forward and would know what to do in respect of any future incident. Nine of the staff had also received personal licence holder training. Ms Linforth informed the Sub-Committee that a security consultant had recommended that in future a security person should be stationed at the revolving doors guiding people through the coffee shop / cinema entrance and then the security controls. The security consultant had also recommended identifying on the floor plan the areas where security personnel have to position themselves. This it was believed would prevent people entering or egressing via the fire escape.

The Sub-Committee expressed concern that the Police had written to the Licensee following a male being assaulted at the venue on 16 August 2015 setting out why they thought the incident had been poorly managed and yet many of the same failings had come to light again when disorder took place on a much larger scale on 26 to 27 March 2016. These included bottles still being used as weapons. The event in March had again been poorly managed as was the case

seven months later. There were similarities again in that in August 2015 the security team had not responded correctly with the suspect not being detained, Police called or a crime scene identified or preserved. The Sub-Committee brought to the attention of the Licensee that the indication from the statements of those employed as security personnel by Valid in March had been consistent that they had done all they could to resolve the issues which arose but that the two managers on duty that night (Mr

Skrina and Mr Coley) failed to act when they had an equal responsibility to protect the safety of staff and patrons. Ms Linforth replied that she had not been working for the organisation in August 2015 but she believed having undertaken the review of the March incidents that it was the understanding of the Managing Director of Altitude in August that if the conditions were in place the company could continue to hold the nightclub style events. A decision had now been taken not to hold these events in the future.

Clarification was sought by the Sub-Committee on the 696 risk assessment form which the Police had requested should always be completed in their letter to the licence holder dated 18 August 2015. The Police informed the Sub-Committee that the risk assessment form had been completed by the Licensee the day before the event and this had never been sent to Police. The Sub-Committee also asked whether the camera above the DJ box had been repaired or replaced as requested by the Police in their letter. Mr Walsh confirmed that this had taken place along with the upgrading of the CCTV system. Clarification was also sought by the Sub-Committee on the steps that the Licence Holder had taken to respond to the Police's recommendations. A concern of the Sub-Committee was that in the letter from Altitude's legal representatives, Thomas & Thomas to the Police on 8 September, it had been indicated that Valid Security Services who had been appointed after the August incident were ACS registered and it was later found that this was not the case.

Mr Walsh addressed the Sub-Committee on the Thomas & Thomas letter of 8 September 2015. He advised it was the case that the booking for 26 to 27 March had taken place in October 2015 which was prior to the commitment to book it at least three months in advance. There was no outside security company used which was not contracted to Altitude. Mr Walsh confirmed that the 696 form was completed but not submitted. Mr Coley added that he took responsibility. However, he had not been at the meeting with Police in August 2015. Mr Coley stated that he had filled in the 696 form in case the Police or Council officers wished to check it. PC Janes made the point that the form clearly sets out that it should be submitted to Police 14 days in advance of an event. Mr O'Maoileoin provided the information that the Head of Valid Security Services, Will Barnes had written in August 2015 to Altitude's DPS at that time, Suresh Abbas, stating that Valid was ACS Registered until June 2015 and that they were awaiting confirmation of renewal. This email had been forwarded to Mr O'Maoileoin by the Managing Director of Altitude who had since left the role. It was not known what had happened in terms of Valid's attempts to renew. However, the evidence appeared to be that Valid were not ACS Registered by March 2016.

The Police made the point that the Licence Holder had referred to the Paravana Project selling tickets for the March 2015 event and the staff having no knowledge of that. His colleague however had looked on the internet and it appeared that tickets were being sold on Altitude's Skyloft website for the event. He added that Paravana had posted a note to Facebook users apologising for the incidents and stating that they would be changing the way the tickets were distributed by ensuring that the parties were membership/guest list only in order to protect patrons. The Sub-Committee had noted that on Facebook Paravana had encouraged a member of the public to come along to the event on the 26th March even though that person did not have a ticket. An attendee at the March event had remarked on Facebook that it had

been a 'nightmare' with 'lots of fights' having taken place. Mr Coley responded that the agreement with Paravana was to use Facebook as a communication platform. Altitude had not been made aware that they were selling tickets on the day. The London Skyloft ticket portal had been set up as a backup platform as Paravana had said they had issues meeting people and

posting out their invitations. It was never activated and no tickets were sold via the portal. Mr Coley also provided the information to the Sub-Committee that the event in August 2015 had been a private birthday party and Paravana had not been involved. The person whose birthday it was, had without Altitude's knowledge, sold tickets for the event.

The Police was asked to comment by the Sub-Committee on the proposals of the Licence Holder, including the suggested conditions. The Police said that if Members were not minded to revoke then he was of the view that the terminal hour for the provision of regulated entertainment and the sale of alcohol should be reduced to Core Hours. He was recommending that the premises licences for the 28th and 29th floors were revoked as there were conditions on the existing licences which were not being adhered to. He questioned whether more conditions on the licences would result in those being adhered to. The Police stated that alcohol was already being paid for in advance of the function with tables having been advertised at £100 for the event with the money going towards any alcohol. Mr Nevitt was also asked to comment on the suggested conditions. Mr Nevitt stated that he had no objections to them but questioned whether they addressed why the incidents had occurred. If the incidents had taken place at least in part because existing conditions had not been complied with and that was what appeared to be the case then additional ones were unlikely to resolve all of the issues unless there was a change in personnel at Altitude or arrangements at the premises. If Altitude's representatives were saying that the problems were due to people jumping the barriers at ground level or arriving or leaving via the fire escapes, conditions needed to be proposed in order to attempt to resolve them. There were no conditions to address the use of glass bottles and preventing accessibility to the larger bottles, such as potential stewarding of patrons. Conditions could also address site specific aspects relating to the premises, including how lifts were used and how security is organised on the ground floor.

Mr Walsh reiterated that the answer to the problems was to prohibit the late nightclub style events taking place in the future. Ms Linforth added that Altitude was content for no bottles or glass bottles of alcohol would be given over to customers with all alcohol to be dispensed by bar staff. Corporate events would not include bottles of vodka being sold. Mr Nevitt made the point that in an off-licence, the high value items of alcohol were behind a counter and were not physically accessible. On the evening of 26-27 March individuals had been able to grab large bottles. Mr Coley stated that there were no such bars and high value items would not be accessible for corporate events as they would be on a different floor or locked away. Mr Walsh offered a condition that there would be no glassware within the premises. All receptacles, including bottles would be polycarbonate.

The Licence Holder was confident that the incidents of disorder on 26th to 27th March had been recorded in an incident log. The Licence Holder was asked what the current management structure was. Mr Walsh replied that in relation to Resolution Real Estate Limited which was the Licence Holder company, the Director and Proprietor was Justin Etzin, who was based in New York. Ms Linforth stated that in

relation to the management team, she was responsible for finance administration and Mr Coley handled commercial sales. One of the reasons it had been proposed that the premises licences for the 28th and 29th floors were suspended for a month was to give the company time to bring in a suitable Managing Director to oversee operations. The company had concluded in the review of the incidents that a Managing Director was needed to oversee the work of the DPS. A Managing Director had been identified, Pradeep Kumar, who had hotel and hospitality experience.

Ms Linforth advised that Mr Skrina had been present at the venue until 06:00 on 27 March on the night of the incidents. The Sub-Committee noted that there had been Temporary Event Notices applied for in a name other than Mr Skrina's and asked who the current DPS was. Ms Linforth replied that the company had recently recruited a director of operations, Shahar Rothschild (who had applied for the Temporary Event Notice for the EU Referendum Party). He had had to step back from his post for personal reasons. It was likely that Mr Kumar would be

the next person in the DPS role. At the moment Mr Rothschild was the DPS with the company having a number of other personal licence holders.

The Sub-Committee carefully considered all the written representations and oral evidence presented at the hearing. Members had seen and heard evidence of a number of horrendous incidents which had taken place on 26 to 27 March 2016. It was not disputed by any of the parties at the hearing that the event had been poorly managed and that conditions on the Premises licence had been breached. Patrons and staff at the event had not been protected as the incidents took place and the prevention of crime and disorder and public safety licensing objectives had been undermined. The Sub-Committee had read written representations from representatives of the security company, Valid Security Services. These had been consistent and Members saw no reason to believe that their statements were fabricated. These included that security had advised management on a number of occasions to stop the event but this advice had been ignored. It was also indicated that security guards had been persuaded by management to let people into the venue without being searched.

The Sub-Committee considered that even if the security guards' evidence was incorrect there were a whole series of breaches to demonstrate that management's and security's handling of the March 2016 event was seriously lacking. It was of great concern to the Sub-Committee that no calls had been made to the Police by management and any responsibility appeared to be left to building security. Other breaches included people jumping over security gates and not being stopped and there being a lack of communication between the ground floor and the 28th floor. There had been an inadequate number of security guards positioned on the 28th floor for what was a large number of patrons in attendance. Knives and drugs had been allowed into the building with knives and bottles having been used as weapons. A suspect with a knife and two of the injured parties had been allowed to leave the venue via a fire exit down stairs to the loading bay area which was not open to the public. In determining the matter the Sub-Committee considered these matters to be significant failings by the licence holder due to the inadequate security measures in place which led to the various incidents of crime and disorder happening inside the Premises.

The Sub-Committee had observed a distinct lack of determination on the part of the Licence Holder to improve the management of the premises after a male had been assaulted with a bottle at the venue in August 2015. The Sub-Committee considered that the Licence Holder should have been more pro-active in his approach by taking on board fully the Police's recommendations following the assault in August 2015 at the Premises. The Police had recommended that a 696 risk assessment form was completed and sent to Police for future events. This should have been sent to the Police 14 days in advance of the March 2016 event but no risk assessment was sent to them at all which hindered their ability to assess the event and carry out the usual due diligent checks. The Sub-Committee had been sent a copy of the risk assessment form by the Licence Holder for the review and had noted that it had not been completed to the required standard expected of them. To illustrate this very point this included a start time of 18:00 and a finish time of 02:00 which did not correspond with the times advertised by Paravana of 02:00 to 04:00 which included the Temporary Event Notice.

The two events of August 2015 and March 2016 shared in common the fact that there was a failure to detain suspects, for the Police to be called and a crime scene identified and preserved. Even directly after the event, the Sub-Committee had heard from the Police that Mr Coley had indicated that the event of 26-27 March had run largely peacefully. The Sub-Committee had noted that the Licence Holder had been critical following the March 2016 event of both the security company, Valid and the company which had booked the event, Paravana. However, whatever their failings, the company had not learnt the lessons of the previous incident. Bottles had again been accessible to use as weapons. Whilst CCTV had been upgraded, it had not been tested how long the footage would be maintained. There had been a requirement for footage to be maintained for 31 days and yet the system had only retained 9 days footage. It was also of concern that CCTV had not fully covered the entry / exit points as

required in condition 13 on the premises licence and that CCTV footage of the lift lobby area had not been provided to the Police.

The Sub-Committee had heard that the Licence Holder had not informed the Police that Mr Abbas, the DPS, had left his position on 28 February. The risk assessment that had not been sent to Police but had been kept as a record for the March 26-27 event had been filled in by Mr Skrina, under the title of 'Acting DPS'. There is no such position. The Home Office Revised Guidance issued under section 182 of

the Licensing Act 2003 states that 'every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act'. In determining the matter the Sub-Committee took the view that to fail to inform the Police for almost a month that the DPS had left the organisation displayed an obvious lack of responsibility on the part of the management in relation to the licence conditions and the promotion of the licensing objectives. It was questionable exactly when the Police would have been informed that the DPS had left had the incidents not occurred on 26-27 March.

It was unclear to the Sub-Committee who would act as the DPS at the current time and if management control could be reasserted if there was an incident at the premises. The Sub-Committee noted the representations made by the Licence Holder that if the Premises was run purely as an events space then all would be well. However, the Sub-Committee having considered the evidence took the view that it lacked confidence in the company's ability to promote the licensing objectives based on the management's failure to comply with conditions on the premises licences and liaise with Police as could be seen with the situation in respect of the DPS. The Sub-Committee was concerned to note that even prior to the review hearing, the Licence Holder had not liaised with the Police regarding the proposed conditions.

The Sub-Committee having regard to the full set of circumstances, the crime and disorder and public safety licensing objectives which were not being promoted by the licence holder, considered that it was appropriate and proportionate to revoke the premises licences for the 29th floor as well as the 28th floor. The Sub-Committee shared the major concerns of the Police and had no confidence in staff, including those who had been in place before and after the event in March. The Sub-Committee noted that this was as relevant for the 29th floor as it was for the 28th floor. The Police in earlier submissions had referred to the 29th floor as having the same Licence Holder and whilst there was the ability for the two floors to be used as separate venues, they could also be used collectively for an event.

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 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

Conditions: On Current Licence -

Mandatory:

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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. 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 are open to the public.
11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. There shall be no sales of alcohol for consumption off the premises.
13. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request.

Proposed condition 13 by the applicant:

13. **A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer on request, the information will be made available for a minimum of 14 days from the event date.**
14. 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
 - (d) any incidents of disorder
 - (e) 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.
15. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

Proposed condition 15 by the applicant

15. **Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. Substantial food only need to be made available for a limited period during an event.**
16. The sale of alcohol shall be restricted to pre-booked functions, corporate events and conferences and members of the Altitude Club, subject to the rules of the club as agreed

from time to time by the Metropolitan police. Functions are to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests shall be kept for a minimum of 14 working days after the function. Details shall be made available to all relevant authorities when requested.

Proposed condition 16 by the applicant

- 16. The provision of licensable activities at all times shall only be to persons attending a private, pre-booked event. Functions are to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests shall be kept for a minimum of 28 days after the function. Details shall be made available to all relevant authorities when requested.**
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
20. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
21. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
22. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
23. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
24. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
31. The certificates listed below shall be submitted to the Licensing Authority upon written request.

Any emergency lighting battery or system
Any electrical installation
Any emergency warning system

Proposed to be deleted by the applicant

- 32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.**
- 33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.**
34. There shall be no deliveries between 2300 and 0800 hours.

Proposed condition 34 by the applicant

- 34. There shall be no deliveries between 2300 and 0600 hours.**
35. Patrons wishing to smoke only do so in the designated Millbank Tower smoking area to the rear of the building, or on the terrace as shown on the attached plan.
36. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

Proposed to be deleted by the applicant

- 37. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.**
- 38. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.**

39. The number of persons accommodated (excluding staff) at the premises shall not exceed:

Parliament View - 200
City View - 150
Knightsbridge View - 130
Chelsea View - 100
Belgravia View - 100
Parliament and City Views - 350
Knightsbridge and Chelsea Views - 300
Chelsea and Belgravia Views - 300
Premises total if all concertina doors open - 600

Note: Following the grant of the premises licence bearing reference 12/06383/LIPN, the capacity figures for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.

Proposed condition 39 by the applicant

39. **The number of persons accommodated (excluding staff) at the premises shall not exceed:**

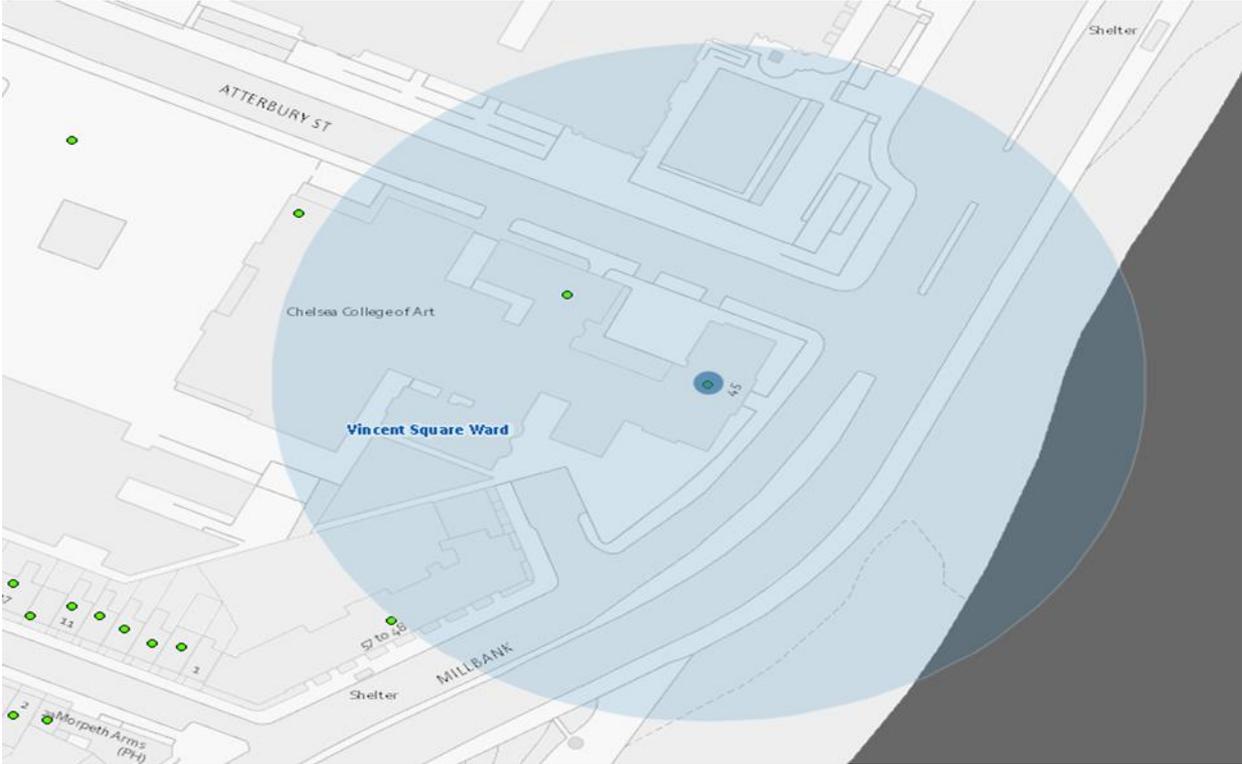
**Parliament View - 200
City View - 150
Knightsbridge View - 130
Chelsea View - 100
Belgravia View - 100
Parliament and City Views - 350
Knightsbridge and Chelsea Views - 300
Chelsea and Belgravia Views - 300
Premises total if all concertina doors open - 800**

Note: Following the grant of the premises licence bearing reference 12/06383/LIPN, the capacity figures for the 28th and 29th floors combined shall not exceed 800 at any one time excluding staff.

40. Before 10.00 am the sale of alcohol on the premises shall be ancillary to a table meal and for consumption ancillary to that meal.
41. Before 10.00 am the sale of alcohol shall be by waiter/waitress service.
42. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. All sound generating equipment shall be used through the sound limiter device approved by the Environmental Health Service.

Proposed condition 42 by the applicant

42. **All amplified sound generating equipment shall be routed through a sound limiter device as per an agreed noise management plan agreed with EHO.**



Resident Count: 0

Licensed Premises: 0