



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** held on **Thursday 22nd April, 2021**, This will be a virtual meeting.

Members Present: Councillors Matthew Green (Chairman), Susie Burbridge and Maggie Carman

1. MEMBERSHIP

There were no changes to the Membership of the Sub-Committee.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

1 Order of Proceedings

2. **10.00 AM: EURO 2020 TRAFALGAR SQUARE FAN ZONE [OPEN SPACE AT TRAFALGAR SQUARE] LONDON WC2N 5DS**

WCC LICENSING SUB-COMMITTEE NO. 1 ("The Committee")

Thursday 22 April 2021

Membership: Councillor Matthew Green (Chairman) Councillor Susie Burbridge and Councillor Maggie Carman

Officer Support: Legal Advisor: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Cameron Maclean
Presenting Officer: Kevin Jackaman

Application for a New Premises Licence in respect of EURO 2020 Trafalgar Square Fan Zone Open Space at Trafalgar Square London WC2N 5DS 21/01035/LIPN

FULL DECISION

Premises

EURO 2020 Trafalgar Square Fan Zone

Applicant

The Greater London Authority

Cumulative Impact Area?

None.

Special Consideration Zone

West End Buffer.

Ward

St James's

Summary of Application

The Sub Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises are located within St James's Ward and in the West End Buffer Special Consideration Zone. The EURO 2020 Fan Zone at Trafalgar Square is one of two official UEFA Festival sites within London, where families, neighbours and fans can come together and enjoy the UEFA European football championship tournament. The area applied for has been used for a number of temporary events and currently holds a time limited premises licence.

Originally scheduled to take place in 2020, but postponed until 2021, the 2020 UEFA European Football Championship, commonly referred to as UEFA EURO 2020 or simply EURO 2020 is scheduled to be the 16th UEFA European Football Championship, the quadrennial international men's football championship of Europe organised by UEFA. The tournament is now scheduled to be held in 12 cities in 12 European countries from 11 June to 11 July 2021. London's Wembley Stadium will host 7 matches of UEFA EURO 2020, including both semi-finals and the final. Hosting EURO 2020 will see the City welcome some of the world's best players and teams to compete for one of the biggest trophies in the game.

Trafalgar Square would feature match screenings, exciting activations and food and drink outlets. This application does not seek permission for the sale of alcohol off the premises. The site is a secure, fenced off area incorporating Trafalgar Square, the North Terrace, Pall Mall East, and Morley's Hill. The purpose is to provide a space for public broadcast of a limited number of UEFA EURO 2020 football matches. Licensable activity will include the playing of live and recorded music, films, and the sale of alcohol on site. The site will be secured by a 2.4-metre-high steel shield fence around its perimeter, with two main entrances managed by security. Entrance will be

by advance ticket only which will be allocated by a free ballot. There will be sufficient emergency exits within the perimeter fencing. The terrain is predominantly hard standing. The Event Phase (32 days) will be divided into Match Screening Days, Activation Days and Non-Event Days.

Activities and Hours applied for

Films (Outdoors) Live Music (Outdoors) Recorded Music (Outdoors) Performance of Dance (Outdoors) Anything similar (Outdoors)

Monday to Sunday 11:00 to 23:00 hours.

Seasonal Timings

The Round of 16 Matches, Quarter-Finals, Semi-Finals and Final are potentially subject to extra-time and penalties whereby the finish time may be extended up until 23:30 to accommodate extra time, penalties and trophy presentation.

Retail Sale of Alcohol (On sales)

Monday to Sunday 11:00 to 22:00 hours

Seasonal Timings: On live Match Screening Days, the supply of alcohol from the bars shall cease no later than 15 minutes after the start of the second half of the Wembley or England match. Where consecutive matches are screened, the supply of alcohol shall continue from the kick-off time of the second match and cease no later than 15 minutes after the start of the second half.

Hours Premises are Open to the Public

Monday to Sunday 11:00 to 23:00 hours

Seasonal Timings: The Round of 16 Matches, Quarter-Finals, Semi-Finals and Final are potentially subject to extra-time and penalties whereby the finish time may be extended until up to 00:10 the following day to accommodate extra time, penalties and trophy presentation

Representations Received

- Environmental Health Service (Sally Fabbriatore)
- Metropolitan Police Service (Brian Hunter).
- Licensing Authority (Daisy Gadd)
- Nerma Cridge Residents of Craig's Court House 25 Whitehall SW1A 2BS.
- John Merrick 25 Whitehall London SW1A 2BS,

Summary of issues raised by objectors

- The provision and hours proposed for the Supply of Alcohol may cause an increase in Public Nuisance in the area and may impact on Public Safety. The

provision and hours proposed for Regulated Entertainment may cause an increase in Public Nuisance in the area and may impact on Public Safety.

- This application falls under the Council's Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Spaces Policy (CCSOS1) which encourages applicants to ensure the hours applied for licensable activities are within core hours and that the applicant has demonstrated that the sale by retail of alcohol will be ancillary to the venues primary function as a cinema, cultural and live sporting venue and outdoor space.
- Given where I live, Whitehall will no doubt be a major thoroughfare for those coming to and from Trafalgar Square. Craigs Court is a tiny cul-de-sac and already (even during the current lockdown) used as an open-air toilet, including our front door.
- Given that the situation is so awful currently, despite the lockdown, we dread to think what it may look like if this huge monthlong event (with 13,999 people!) was allowed to go ahead.

Policy Position

There is no policy to refuse this application and so the matter will be determined on merit based upon the promotion of the licensing objectives. Policies HRS1 and CCSOS1 apply under the City Council's Statement of Licensing Policy.

DECISION AND REASONS

Mr Jackaman, Senior Licensing Officer summarised the application. He advised that this was an application for a new premises licence at the open space at Trafalgar Square. The application is being made by The Greater London Authority ("GLA") and is seeking a time limited premises licence for the EURO 2020 fan zone from 11 June – 12 July 2021. Regulated Entertainment and the supply of alcohol have been applied for full details of which can be seen at pages 7 and 8 of the report.

Representations have been received from the Metropolitan Police Service, ("MPS") (PC Brain Hunter), Environmental Health Service ("EHS") (Mr Drayan) and the Licensing Authority (Ms Gadd). There have been 2 representations by interested parties. The Premises are situated within the St James' Ward and fall within the West End Buffer Special Consideration zone.

Mr Simon Taylor on behalf of the Applicant addressed the Sub Committee. Mr Taylor stated that the purpose of the application is not to authorise the fan zone and the screening of a number of live football matches. The application is to authorise the amount of licensing activities which are ancillary to the screening of a number of matches. The licensing activities are for the sale of alcohol, regulated entertainment which is primarily a pre match activity to provide a family atmosphere. There is no reference to core licensing hours. The Premises may be open beyond the core hours depending on how matters progress depending if there is extra time or penalties. He emphasised the licensing hours do not exceed the core policy hours.

Mr Taylor stated that the Applicant is the GLA and has appointed Jack Morton Worldwide who will be responsible for the design and delivery of the fan zone with day to day responsibility of the running of the area. They are a first-class operator and deliver events throughout the year. They have hired lots of experienced contractors for noise management, waste management and security etc.

Mr Taylor confirmed that there has been extensive planning for the fan zone which began in August 2020 and a wealth of consultation. This culminated in planning monthly meetings, pre-app meetings, individual meetings with the Police and responsible authorities. The licensing operational and planning ground have been convened and met and will continue to meet. He confirmed also that consultations with the local community has been carried out, key neighbour meetings by the GLA. The consultation has helped form the application – conditions and management plan. The Sub Committee noted that there has been a high level of engagement from the Applicant.

Mr Taylor said that there had been a little confusion in some of the representations about the period of the fan zone. He advised that it is due to take place within a 30-day window but there are 9 screenings, 3 activation days and a possible victory parade. The agenda papers on page 44 provides a table that shows the days where there are no activities taking place.

Mr Taylor confirmed the following matters:

- Timings – There are group stages where there are no extra time but there is potential extra time in knock out stages.
- Capacities – the capacity for the first 2 matches is 800 as they are to be Covid secure. The matches up to the group stages will have a maximum capacity is then 7752. Semi-final and final = 9,508. Entrances are by tickets which are allocated by ballot.
- The supply of alcohol – A curfew has been allocated by the Met Police and is embedded into the conditions. The sale of alcohol will finish 15 minutes after the start of the second half of a match. The latest time for the sale of alcohol will be approx. 21:20. On activation days, the sale of alcohol will cease at 22:00. We anticipate this will be much earlier.
- Regulated entertainment – This mainly consists of pre match entertainment. There will also be some filling entrainment at half time. This is not a series of concerts which are proposed.
- The promotion of the licensing objectives – There are several conditions which provide specific obligations to mitigate the specific risks. There are now over 100 model conditions. There is 1 other important condition – condition 22 debrief after the screening takes place to ensure improvements can be made.
- There are massive security deployments which are agreed by the police and there are robust proposals for monitoring behaviour.

Mr Taylor said that in relation to the Covid-19 pandemic should the restrictions not be lifted as part of the next phase of the road map then the Applicant would comply with the regulation that is in place at that time. The maximum capacity will be 800 throughout the Premises site. Regarding the activation days this was confirmed at 3 but that plans had only been made for one day. At this point the Chairman queried the need for the activation days. Mr Taylor responded to the Sub Committee by saying that UEFA want to promote football as well as provide facilities for the viewings. The activation days are very much based on football activities and recorded highlights of matches. The sale of EURO merchandise and promotion of sponsors.

Mr Taylor addressed the issue of Crime and Disorder. He advised that risk assessments have been carried out between the organiser and Police for each of the matches. We will have 191 security presence at the first match but for the England v Scotland will have a capacity of 800 and security deployment of 328 persons. We

are proposing to have a deployment immediately around the fan zone as well as within the site. We also have dedicated response teams who can move to deal with any disorder outside the site. All the matches are risk assessed in conjunction with the police.

Mr Taylor confirmed that in relation to the event management plan there is a specific section on public urination and provides robust actions to be taken by securities. There is also reference to a waste and cleaning plan. The number of stewards and security will be working to minimise public urinations and public crime and disorder. There will be adequate toilet provision for the size of the audience which will be placed around the inside of the Site. Some of those will be sited close to the exits so that people can use them before leaving the event. He stated that there were no current plans to put toilets on to the public highways and this is not something the Applicant could commit to at this stage as this would require public consultation. Mr Taylor advised that there will be some seating and picnic tables available. For the lower capacity there are plans for social distancing to be operated. The Sub Committee noted that for the first 2 matches there is to be more heavily restricted social distancing guidelines. There will be 200 picnic benches spread out across the site with a 3m gap between them. On the other days it will be a standing event. Mr Drayan appearing on behalf of the EHS addressed the Sub Committee he advised that EHS have been involved with extensive negotiations and advice has been given to the Applicant. EHS are satisfied with the conditions that have been agreed. He said that his attendance was merely to assist the Sub Committee regarding any possible questions they may have.

Mr Drayan confirmed that the sanitary accommodation (condition 80 on page 146) requires the appropriate amount of sanitary accommodation to be in line with the capacity of the site. The event organisers will agree the level with EHS.

Turning to the issue of urination Mr Drayan stated that the event is a closed site and once you have entered the site there is no re-entrance. The sale of alcohol is prevented after 15 minutes of the start of the second half so it is not as if the audience will be buying alcohol right up to the egress time. EHS have looked at this situation and are satisfied with this arrangement.

Mr Drayan said that the noise levels have been set in line with previous events that have been held at the Premises site. These levels have been set based on the National Gallery being affected, the Church and residents who used to be affected near Admiralty Arch. Entertainment used to face that particular section but now events will face the National Gallery. He said Craig's Court is to the side and not in direct line of the Premises site. There are other buildings in the way and is therefore protected in a sense. Mr Drayan said he did not think noise levels will affect Craig's Court.

Ms Gadd appearing on behalf of the Licensing Authority addressed the Sub-Committee. Ms Gadd advised that pre-app advice was discussed with the Applicant at the initial proposal stage. She said the reason why the representation had been maintained was due to the nature and scale of the event especially as the site is located within the buffer special consideration zone. This policy suggests there are specific concerns around anti-social behaviour around and ambulance call outs. As a result of this, we have worked well with the applicant in terms of discussing conditions and looking at the operation of the event to minimise any issues. Specifically looking at dispersal and the crowd management plans. We have discussed in detail the activation days to ensure they do not become a drink led type of event. We have been made aware these will be more entertainment led with food

and drink available. It is more centered around a family atmosphere. Any proposed plans on these days will be scrutinised by the monthly LOSPG meetings. PC Hunter appearing on behalf of the MPS addressed the Sub Committee. PC Hunter stated that the representation was maintained on the grounds of preventing crime and public disorder. Police accept the list of conditions. PC Hunter confirmed that Police have had to consult and discuss this application with a great number of other departments within the MPS. This application is subject to the monthly meetings and continues to do so. The consultation with the Applicant has been long and demanding but has been successful to draw up a long list of conditions. PC Hunter highlighted some of the key areas to the Sub-Committee namely CCTV, search policy on entry and the delivery method of drinks. In relation to the CCTV Search system this will be agreed with the Applicant. There will be 100% bag searches with a screening process for all persons. To ensure we have a safeguarding measure in place (condition 32), will give a police officer to restrict the sale of certain drinking vessels if the need arises. Welfare officers will be available who have the necessary training including anti-terrorism.

The Chairman raised concerns about selling cans and bottles. PC Hunter confirmed that there is a built-in process whereby there is to be a Personal licence holder present at each bar to ensure the responsible delivery of each alcohol. In addition, Police have not pushed for decanting in the early stages because of the limited capacity. People are to be seated due to the present government guidelines. If we have any incidents or intelligence to suggest that this will be a risk for the site, we have the capabilities to go to a decanting situation.

At this point advice was sought as to whether a decanting condition could be imposed on the Licence. The Legal Advisor to the Sub Committee confirmed that the Sub Committee had the power to impose conditions (which could include a decanting condition) as it saw fit provided the licensing objectives were promoted. Mr Richard Brown appearing on behalf of Ms Nerma Cridge a local resident who lives in nearby Craig's Court addressed the Sub Committee. Mr Brown stated that Ms Cridge lived only about 65-80 metres away from the Premises site. There have been gatherings on Trafalgar square in the past including protesting marches. She has experience what in practice when large amount of people gathering in these areas. The capacities for the match days have come down, this is however still a large number of people dispersing from the area. We are concerned about the large amounts of people being attracted to the vicinity even if they are not attending the site. This is especially if the matches are visible from outside the site. He said Ms Cridge is worried about public urination, public disorder, and litter in Craig's court. There are concerns about the noise emanating and there hasn't been a lot said about that in the hearing. The main concerns are the numbers entering and leaving and those attracted to the site. The sale of alcohol can start 3 hours before the event starts which is a significant amount of time.

Mr Brown stated that he had not had sight of the management plan. We would want additional toilet facilities to be included if the application is granted. We feel there will be a significant number of people that will need to urinate once they have left the site. We are worried this will end up being in Craig's Court. Mr Brown confirmed that he would like to see a reduction in the activation days planned.

Ms Cridge local resident addressed the Sub Committee. Ms Cridge advised that she had lived in the area for some 15 years. Ms Cridge stated that we are inundated with drunks and anti-social activities even during the stay at home order. Craig's Court in particular are being used by rough sleepers. The applicant has in my view, failed to

acknowledge this is not an empty public space. They are treating it in isolation. To say, this will not turn in to a massive anti-social behaviour zone, is quite frankly laughable. This will not be a family event as there is no seating. We are not just objecting on the noise, or urination which is constant. We are objecting as we fear for our safety, we have local police who have come to speak to us, and they are even afraid to visit at night.

The Sub Committee realises that it has a duty to consider each application on its individual merits and noted this was to be a large-scale football led event should step 3 of the Governments road map plans ease social distancing within the coming weeks.

The Sub Committee was pleased to hear that the Applicant had engaged for many months with the Responsible Authorities and various stakeholders in each and every part of the process reaching an agreed plethora of conditions that will help the promote the licensing objectives. It was evident to the Sub-Committee that the application had been properly thought out due to pre-application having been sought and this was further demonstrated by the proposed Event Management Plan and the supplementary documents that would flow directly from it regulating when it came to matters such as inter alia, alcohol management, security, cleaning and waste management, toilet provision inside the site and noise emanating from the Premises. The Sub-Committee noted that the activation days are designed to be family friendly events. It was stated by the Applicant that the days are designed like a football magazine show where there will be competitions, the Euro mascot on site, interviews with famous Londoners etc with an expected audience of up to 3,000 people on a first come first served basis with the site opening at 12 noon and licensing activities running until 17:15 hours. The Sub Committee also noted that there is to be no dedicated family area as such, but a dedicated welfare team will be moving around the Premises site to ensure the safety of any vulnerable people and children – it is hoped through the ballot of tickets the Applicant can properly manage the demographic attending so there is balance. The Applicant confirmed that the proof of age scheme is to operate properly and will be enforceable and on that basis Condition 43 below was imposed on the Premises Licence.

The Sub Committee in its determination carefully considered the total number of activation days and concluded that it was appropriate to have only 1 day based on the evidence which included the views of local residents and how they would be adversely affected by nuisance. The Sub Committee realises that it must therefore strike the right balance when large crowds convene and what potential nuisance that would create particularly for those who live in such close proximity to the Premises in addition to considering the other days when the terminal hour is to end at 23:00 hours as those days also have the potential to cause nuisance.

The Sub-Committee was persuaded that the crime and disorder licensing objective was to be upheld given the safeguards the Applicant intends putting in place in partnership with the Police during licensable activities. These measures include the Premises being monitored by CCTV to direct security where needed, some security teams at fixed places and other teams will be roaming the Premises site, a Police force overlay, bag searches, the right to refuse entry, restrictions applied to the selling of alcohol 15 minutes before the second half of a match are all actions to be adopted which will help promote the licensing objectives.

The Sub Committee was reassured that the event management plan dealt adequately with the provision of noise escape from the Premises site and that the noise conditions offered would promote the public nuisance licensing objective. This was confirmed by Mr Drayan during his submissions.

Following the hearing and issuing of the Summary Decision in this matter a subsequent issue was raised by the Applicant in relation to a specific condition. The condition in question appears as condition 115 of the summary. Condition 115 reads *“Save for non-alcoholic drinks all drinking vessels used in the Premises shall be polycarbonate. All alcoholic drinks in glass bottles and cans are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served”*.

The Applicant contended that none of the Responsible Authorities wanted this condition and it is inappropriate and disproportionate to require **polycarbonate containers to be used** for all alcoholic drinks and particularly for “cans” to be **decanted**. The reasons for imposing this condition in the first place by the Sub Committee was to prevent those people attending the event from becoming heavily intoxicated and to discourage street fouling which would undermine both the crime and disorder and public nuisance licensing objectives. When imposing the condition, the Sub Committee considered the Home Office Guidance at paragraph 9.42 on page 75 which states *“Licensing Authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be”*

However, the Sub-Committee carefully considered the request and concluded that it would be disproportionate to impose such a condition on the Premises Licence when it came to the delivery method for selling alcohol because of the measures and safeguards the Applicant has in place already by way of the stringent requirements of the event management plan. Condition 40 below is a fall back which allows a Senior Police Officer to direct bars to immediately stop selling alcohol in plastic bottles and cans in the event of disorder or personal injury. Also, Condition 58 below states that *“No drinks shall be served in glass containers at any time”* so another layer of protection is provided. The Applicant has confirmed subsequently that drinks will only be served in papers cups. Accordingly, the Sub Committee in its discretion has removed condition 115 and for the avoidance of doubt this condition will no longer appear on the Premises Licence.

Conclusion

The Sub Committee appreciated that this was to be a football led event with the sale of alcohol as ancillary. However, it is important that due to the proposed large numbers of people expected to attend the Premises site at any one time (estimated up to 9,000) the Premises Licence is to be appropriately conditioned to safeguard the promotion of the licensing objectives.

The Sub Committee appreciated that a great deal of work had been undertaken by the Applicant, Responsible Authorities and various stakeholders in agreeing those important aspects of the application relating to adequate seating, security, cleaning and waste management, toilet provision, welfare facilities and noise were positive indicators that the event was to be well organised and managed and that over 100 conditions had been agreed by all parties and this was to be commended. All such matters are to be contained within the event management plan for future actioning by the Applicant which admittedly may require some adjusting daily.

The Sub-Committee accepted the various undertakings and commitments by the Applicant to ensure the smooth running of the individual matches as these were to be risk assessed and close due diligence was to be with the Police.

Whilst the Sub Committee did agree eventually with the removal of Condition 115 it did consider it appropriate that an **Informative** shall appear on the Premises Licence

to the effect that the “*Sub Committee strongly urges the Police to seriously consider requiring the decanting of alcoholic drinks from bottles and cans at the larger scale events*” and this is recorded below. The Sub Committee considers that its role is one of “prevention” in the final analysis when assessing the merits and needs of the application.

The Sub Committee concluded that the conditions it has imposed on the Premises Licence would mitigate the concerns of all those that had objected and would help promote the licensing objectives particularly those conditions dealing with crime and disorder, public nuisance and the protection of children from harm.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission for **Films (Outdoors) Live Music (Outdoors) Recorded Music (Outdoors) Performance of Dance (Outdoors) Anything similar (Outdoors)**: Monday to Sunday 11:00 to 23:00 hours.
2. To grant permission for **Seasonal Timings: Films (Outdoors) Live Music (Outdoors) Recorded Music (Outdoors) Performance of Dance (Outdoors) Anything similar (Outdoors)**: The Round of 16 Matches, Quarter-Finals, Semi-Finals and Final are potentially subject to extra-time and penalties whereby the finish time may be extended up until 23:30 to accommodate extra time, penalties and trophy presentation.
3. To grant permission for **Retail Sale of Alcohol (On Sales)** Monday to Sunday 11:00 to 22:00 hours **except for when the sale of alcohol is on the one activation day permitted under this Licence where the terminal hour shall be 17:45 hours. Seasonal Timings:** On live Match Screening Days, the supply of alcohol from the bars shall cease no later than 15 minutes after the start of the second half of the Wembley or England match. Where consecutive matches are screened, the supply of alcohol shall continue from the kick-off time of the second match and cease no later than 15 minutes after the start of the second half.
4. To grant permission for **Hours Premises are Open to the Public** Monday to Sunday 11:00 to 23:00 hours. **Seasonal Timings:** The Round of 16 Matches, Quarter-Finals, Semi-Finals and Final are potentially subject to extra-time and penalties whereby the finish time may be extended up until 00:10 the following day to accommodate extra time, penalties and trophy presentation.
5. That the Premises Licence shall be time limited for the period 11 June 2021 to 12 July 2021 and the licensable activities so authorised shall be restricted to this period after which time this Licence shall cease and have no effect.
6. That the Applicant shall be authorised to hold 1 activation day only during the one-month period of the licence which shall terminate at 17:45 hours where all licensable activities shall cease as specified in Condition 14 below.
7. That the Licence is subject to any relevant mandatory conditions.

8. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

9. Licensable activities shall be restricted to the period of the UEFA EURO 2020 Men's Tournament or such other period as the Licensing Authority may approve in its discretion. The licensable activities shall take place in conjunction with:-
 - i) a maximum of 9 days of screenings of matches;
 - ii) 1 day for the activation site;
 - iii) a victory day parade
10. The Licensing, Operational and Safety Planning Group (LOSPG) shall be chaired by a representative of the City Council's City Promotions, Events and Filming Team.
11. Membership of the Licensing, Operational and Safety Planning Group (LOSPG) shall normally consist of invited representatives of the designated event organiser, the Metropolitan Police Service, Officers of the Council, the Environmental Health Consultation Team, London Ambulance Service, London Fire Brigade, Transport for London and any other appropriate and specialist advisor as required by the chairman of the LOSPG to achieve 'no objection' and to meet the licensing objectives of the Licensing Act.
12. The use of this licence shall be agreed through the Licensing, Operational and Safety Planning Group (LOSPG) process.
13. Licensable activities on match screening days shall be contained to Trafalgar Square, the North Terrace, Pall Mall East and Morley's Hill.
14. One activation day shall take place and be contained to Trafalgar Square and the North Terrace only and this shall terminate at 17:45 hours.
15. The Premises Licence Holder shall present the draft Event Management Plan to members of LOSPG at least 3 months before the first event day. The Event Management Plan shall include as a minimum:-
 - Covid-19 Statement (included in EMP);
 - Access Management Plan;
 - Adverse Weather Plan;
 - Alcohol Management Plan;
 - Cancellation Procedure;
 - CCTV Plan
 - Communications Plan;
 - Child & Vulnerable Adults Policy;
 - Crowd Management Plan (including Security and Stewarding Plan);
 - Egress Management Plan (included in EMP);
 - Emergency Evacuation procedures (included in EMP);
 - Event Control Statement of Intent;
 - Event Medical Plan;

- Event Safety Plan including Risk Assessment;
 - Fire Safety Management Plan;
 - Ingress Management Plan (included in EMP);
 - Lighting Plan (included in EMP);
 - Noise Management Plan;
 - Public Liability Insurance;
 - Security and Crime Reduction Plan;
 - Site Plans;
 - Sustainability Statement (included in EMP);
 - Terms and Conditions of Entry;
 - Trader Food Management Plan;
 - Transport Assessment (included in EMP);
 - Waste Management Plan (included in EMP).
16. Unless otherwise agreed, no later than 28 days prior to the first event day the Premises Licence holder must ensure the final Event Management Plan is presented to the members of the LOSPG for their comments.
 17. So far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan.
 18. The Premises Licence Holder shall comply with all reasonable requirements of Westminster City Council, Westminster Police Licensing Team, Westminster City Council's Environmental Health Consultation Team, Westminster City Council's City Promotions, Events and Filming Team, the London Fire Brigade and the Metropolitan Police Service.
 19. The licensable activity authorised by this licence and provided at the premises shall be ancillary to the main functions of a Fan Zone for the UEFA EURO 2020 Football Tournament and activities taking place on the one activation day permitted and shall be run in compliance with the Event Management Plan agreed by the LOSPG.
 20. If required by LOSPG, the Premises Licence Holder shall arrange an event debrief after each event day at a time agreed with LOSPG.
 21. The Premises Licence Holder shall hold meetings with Westminster City Council and the Metropolitan Police Service to plan measures for the prevention of crime and disorder.
 22. The Premises Licence Holder shall carry out a crowd flow analysis to make an assessment of the likely impact of the events at the premises and the surrounding area of the access and egress to the event by customers.
 23. A suitable and sufficient crowd management plan will be provided within the Event Management Plan.
 24. The Premises Licence Holder shall produce a security stewarding plan which will detail the qualification, training and deployment of SIA security and stewards. The positioning of staff will be based on a risk assessment process.

25. All security staff employed at the premises will be accredited by and registered with the Security Industry Authority.
26. The security and stewarding plan will specify numbers of staff, their roles and emergency procedures.
27. All security staff will be identifiable in uniform and will display their name badges by way of a reflective armband or lanyard.
28. A register will be kept of all security staff working at the premises on each occasion that the premises are open. This register will contain the following information:-
 - day and time of entry;
 - time that the member of security staff starts and finishes work;
 - full name;
 - SIA registration number.
29. Security will screen customers on the entry points to the events and exercise the right to refuse entry to any unauthorised or disorderly persons.
30. External security teams will patrol the event perimeter and security response teams will operate in the immediate area around the site including the nearby cul-de-sac Craig's Court.
31. Event security will constantly monitor customers behaviour and will take appropriate action to assist with the prevent of crime and disorder within the site.
32. The Premises Licence Holder will work with the Metropolitan Police Service to develop and implement an appropriate policing plan for the events in conjunction with the EMP.
33. On match screenings days licensable activities in the event space shall only be provided to persons who are ticket holders for that event. There shall be no re-entry to the site.
34. On match screening days the advertised last entry time into the event for ticket holders shall be not less than 30 minutes before the kick-off time for England and Wembley fixtures.
35. On match screenings days the supply of alcohol from the bars shall begin no earlier than 3 hours before the start of the Wembley or England matches.
36. On match screening days the supply of alcohol from the bars shall cease no later than 15 minutes after the start of the second half of the Wembley or England matches. Where consecutive matches are screened the bars shall be permitted to supply alcohol from the kick-off of the subsequent match and the supply of alcohol shall cease no later than 15 minutes after the start of the second half of that match. The closing times of bars will be prominently displayed on bar signage.

37. On any day that a football match is being screened, Hawkers will only be permitted to sell alcohol for a time period of 15 minutes before the end of the scheduled first half until 15 minutes into the second half of any screened fixture. Hawkers will be positioned in static points as per the site plan for the event and be protected by a physical barrier.
38. On the one activation day permitted the bars shall only operate between 11:00 and 17:45 hours and the sale of alcohol shall be ancillary to the activities taking place. A schedule of bar operating times shall be included in the Alcohol Management Plan.
39. On the Victory Day Parade licensable activities shall only take place between 10:00- 15:00 hours.
40. The bars shall close immediately on the direction of the senior police officer engaged on the event. In the event of disorder or injury to any person due to the presence of plastic bottles or cans, the senior police officer present can direct the immediate cessation of alcohol served in plastic bottles or cans whilst the risk is still present.
41. The Premises Licence Holder shall ensure that alcohol is not allowed to be brought onto the Premises by members of the public.
42. The Premises Licence Holder shall ensure that no alcohol is allowed to be taken off the Premises by members of the public.
43. A 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. If the person seeking alcohol is unable to produce an acceptable form of identification no sale or supply of alcohol shall be made to or for that person.
44. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection on site by the police or an authorised officer of the City Council at all times whilst the premises is open.
45. A personal licence holder shall be on duty at each bar at all times it is open.
46. All staff involved in the sale or supply of alcohol shall be trained in the responsible sale of alcohol. The Designated Premises Supervisor and the Personal Licence Holders on duty at each bar shall in addition have ACT-E and WAVE training. The training log will be made available for inspection by the Police and licensing authority.
47. Posters will be displayed on site in the bar area and point of sale, which refer to the challenge 25 policy and to advise that suitable proof of age will be required for the purposes of the supply of alcohol..

48. The organisers will employ sufficient staff to manage queuing in the bar areas.
49. The Premises Licence Holder shall install a comprehensive CCTV system on site in accordance with the CCTV Plan agreed with LOSPG which will be provided within the Event Management Plan. All entrances to the premises 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. 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 must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested. All recordings shall be stored for a minimum period of 31 days with date and time stamping, and recordings should be made available upon the request of Police or authorised officer as soon as reasonable practicable throughout the entire 31 day period.
50. A zero tolerance to illegal drugs shall be operated. The Premises Licence Holder shall put in place a written policy to prevent the use or possession of illegal substances and prohibited items at the events which will be written in cooperation with the Metropolitan Police Service. Clear signage at the entrance to the site will list all prohibited items.
51. A written search policy will be in place and security staff will be briefed on the provisions of such policy to be aware of their responsibilities and actions required by that policy. Such policy will include the procedure for searching prior to entry of customers to the site which will include randomised body searches by hand or using hand held metal detectors on the entry points to the events. Any customer refusing to permit to the search procedure will be refused entry to the site. Any queues formed at the entry to the site shall be supervised by security staff to prevent disorder and anti-social behaviour.
52. An incident log shall be kept on site, 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:
 - i. all crimes reported to the venue
 - ii. all ejections of patrons
 - iii. any complaints received concerning crime and disorder
 - iv. any incidents of disorder
 - v. all seizures of drugs , offensive weapons and prohibited items
 - vi. any refusal of the sale of alcohol
 - vii. any formal visit by a relevant authority or emergency service.
53. On Match Screening Days access to the site will be by ticket only and an auditable system shall be used to record the number of customers within the site.
54. On match screening days the number of persons accommodated in the Trafalgar Square, the North Terrace area, Pall Mall East and Morley's Hill shall not exceed 12,500 persons (excluding staff, performers and media).

55. On the one activation day permitted the number of persons accommodated in the Trafalgar Square and North Terrace area (excluding staff and performers) shall not exceed 5000.
56. The Designated Premises Supervisor shall be on the Premise during operational hours.
57. All staff engaged outside the entrance to the Premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
58. No drinks shall be served in glass containers at any time.
59. Substantial food and non-intoxicating beverages, including drinking water, shall be available where designated on the site plan.
60. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the site. 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 fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
61. No person shall give on 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.
62. The contingency arrangement for emergency evacuation is detailed in the Event Management Plan and will be implemented should this be necessary.
63. 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.
64. 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.
65. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

66. Emergency exits and entrances to the event area must be kept clear at all times and must be provided with clearly visible signage.
67. All parts of the site intended to be used in the absence of adequate daylight and all essential safety signage shall be suitably illuminable. Details of the locations and level of illumination must be contained in the Event Management Plan.
68. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
69. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
70. 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, entertainment areas, shall be non-combustible.
71. All fabric, including curtains and drapes used on stage for tents and marquees, or plastic and weather sheeting, shall be inherently or durably flame retardant to the relevant British Standards. Certificates of compliance must be available upon request by an authorised officer of Westminster City Council, The London Fire Brigade.
72. Any moving flown equipment must contain a device or method whereby failure in the lifting system would not allow the load to fall. All hung scenery and equipment must be provided with a minimum of two securely fixed independent suspensions such that in the event of failure of one suspension the load shall be safely sustained.
73. The certificates listed below shall be submitted to the licensing authority upon written request:
 - Any permanent or temporary emergency lighting battery or system
 - Any permanent or temporary electrical installation
 - Any permanent or temporary emergency warning system
74. Electrical generators, where used, must be:
 - Suitably located clear of buildings, marquees and structures, and free from flammable materials;
 - Enclosed to prevent unauthorised access;
 - Able to provide power for the duration of the event;
 - Backed up electrical generators are to be provided to power essential communications, lighting and safety systems in the event of primary generator failure.
75. An agreed level of emergency first aid will be on site throughout the event. The levels will be determined by a medical risk assessment and will form part of the Event Management Plan.

76. The Children and Vulnerable Adults Policy will include details of the welfare provision for the support of children and vulnerable adults. All welfare staff will be appropriately trained and certified.
77. The Premises Licence Holder will provide a minimum of 1 welfare officer (DBS Checked) per 2,000 customers. Welfare officers will be readily identifiable to attendees and whose primary duties will be contained within the EMP Children and Vulnerable Adults policy.
78. The Premises Licence Holder shall carry out the sanitary provision analysis using the event safety guide as the basis for determining the sanitation facilities required. The minimum number of facilities will be included in the Event Management Plan together with details of the maintenance and servicing of sanitary accommodation.
79. Details of all marquees, tented structures and temporary structures should be provided including emergency exits and signage, fire warning and fire-fighting equipment.
80. Full structural design details and calculations of all and any structures to be erected within the licensed area must be submitted to the Westminster City Council Building Control. A certificate from a competent person or engineer that a completed structure has been erected in accordance with the structural drawings and design specification must be available for inspection prior to a relevant structure being used during the licensed event.
81. The Premises Licence Holder must ensure that competent persons are employed to assess the electrical requirements at the event and the compatibility of the electricity supply with the equipment to be used. Appropriate safety devices (such as 30mA Residual Current Devices at Source) must be used for electrical apparatus, particularly for any electrical equipment exposed to adverse conditions or electrical equipment to be used in association with hand held devices (e.g. microphones). The competent person must make a certificate of inspection of the electrical installation available for inspection.
82. All spare fuel, including LPG, must be kept and stored safely in accordance with relevant Health and Safety legislation and suitable safety signage and fire fighting equipment provided.
83. No licensable activities shall take place at the site until the licensing authority are satisfied that the site is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
84. Before the site opens to the public under the licence, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the work carried out. Where minor layout changes have occurred during the course of construction new plans shall be

provided to the Environmental Health Consultation Team and the Licensing Authority

85. The Premises Licence Holder shall provide an adverse weather plan which will be included in the Event Management Plan.
86. The Event Management Plan shall contain a Covid-19 statement that will be regularly updated to contain the latest Government guidance and advice.
87. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
88. No waste or recyclable materials, including bottles, shall be moved, removed from the site between 23.00 hours and 07.00 hours on the following day.
89. No deliveries to the site shall take place between 23.00 and 07.00 on the following day.
90. A minimum of 28 days prior to the event a Noise Management Plan to promote the prevention of public nuisance shall be provided to Westminster City Council's Environmental Health Consultation Team for approval. The Noise Management Plan shall state the maximum permitted music noise level applicable at the nearest noise sensitive premises. Once approved in writing it shall be implemented by the Premises Licence Holder.
91. For licensable events when the stage is facing north the Music Noise Level shall not exceed 79dB LAeq (5 minutes) one metre from the nearest affected façade.
92. The Premises Licence Holder shall take all reasonable steps to ensure that amplified music will not cause a nuisance.
93. Residential properties and the relevant amenity group(s) in the immediate vicinity of the Square will be contacted as soon as reasonably practicable (and in any event no later than 28 days) prior to the first Event advising them of the times of the Events and any sound check or rehearsal times and giving them a telephone number to contact in the event that they have any complaints.
94. The Premises Licence Holder shall ensure that Rehearsals are limited from 09:00 hours to 18:00 hours.
95. The Premises Licence Holder shall ensure that there is no publicity of rehearsals.
96. There shall be no noise audible at the nearest noise sensitive premises from any construction or similar works in association with the set up and dismantling of the site, outside the hours of:
08:00 - 18:00 Monday -Saturday
08:00 - 13:00 Sunday

97. Any generators, refrigerators or other machinery running overnight will be silenced, screened or sited so as not to be audible outside the boundary of the Premises.
98. Flashing or particularly bright lights on or outside the site shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
99. No fumes, steam or odours shall be emitted from the site so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
100. The Premises Licence Holder shall provide a Litter and Waste Management Plan in conjunction with Westminster City Council. This Plan will include the site and an area in the immediate external perimeter of the site as agreed with Westminster City Council.
101. A sufficient number of easily identifiable, readily accessible receptacles for refuse must be provided, including provisions for concessions. Arrangements must be made for regular collection. Public areas must be kept clear of refuse and other combustible waste prior to, and so far as is reasonably practicable, during the licensed events.
102. The Premises Licence Holder shall put in place plans agreed with the Metropolitan Police Service and LOSPG as are necessary to control and ingress and egress of customers attending the events and to ensure the effective dispersal of attendees after the events. This plan will be developed to prevent and respond to anti-social behaviour caused by customers to the events.
103. The Premises Licence Holder shall produce and agree a transport assessment in conjunction with LOSPG. Promotional literature and web pages will give prominence to information regarding the use of public transport.
104. The Premises Licence Holder shall produce and implement a child or vulnerable persons policy which will include provision for children or vulnerable persons found or reported missing.
105. The Premises Licence Holder shall appoint one person as responsible for safeguarding on site to coordinate safeguarding measures.
106. A welfare area will be provided to coordinate all welfare safeguarding and information activities.
107. The Premises Licence Holder shall ensure that there are Children's toilets and changing facilities made available within the Premises.
108. The challenge 25 policy will be rigorously enforced.

109. Age restricted films will not be shown in the presence of children.
110. Children under the age of 18 will not be admitted unless accompanied by a responsible adult.
111. No super-strength beers, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders supplied in glass bottles.
112. No licensable activities shall take place at the Premises after 13 July 2021 for the avoidance of doubt.

INFORMATIVE

113. The Premises Licence Holder is strongly encouraged to fence off the various Monuments located around the site of Trafalgar Square in order that they are properly protected and not damaged as part of its security arrangements under the Event Management Plan.
114. The Premises Licence Holder shall ensure that incidents of street fouling in the surrounding areas are monitored and reviewed and the necessary mitigation measures considered should they be required, including the installation of temporary toilet facilities outside the Premises as maybe provided as part of any revision to the Event Management Plan and agreement with LOSPG.
115. The Sub Committee are concerned with the potential of crime and disorder for events with an expected capacity of at least 801 or more patrons and therefore would strongly ask the Metropolitan Police Service to seriously consider requiring the decanting of alcoholic drinks from bottles and cans at the larger scale events (with a capacity of 801 or more) to ensure the promotion of the prevention of crime and disorder licensing objective is not undermined so that it is regularised in the alcohol management plan which should be fully complied with.

If problems are experienced, then an application for a review of the Premises licence can be made.

This is the Full Decision of the Licensing Sub Committee which takes effect forthwith.

**The Licensing Sub-Committee
22 April 2021**

3. **2.30 PM SKY BAR AND LOUNGE, TROCADERO HOTEL, 12TH AND 13TH FLOOR, 13 COVENTRY STREET, LONDON W1D 7DH**

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE

NO.1

("The Committee")

Thursday 22 April 2021

Membership: Councillor Matthew Green (Chairman), Councillor Susie Burbridge and Councillor Maggie Carman

Officer Support: Legal Advisor: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Cameron Maclean
Presenting Officer: Jessica Donovan

**Application for a Premises Licence – Trocadero Hotel, Sky Bar & Restaurant
Trocadero 13 Coventry Street London W1D 7DH – 20/12016/LIPN**

FULL DECISION

Premises

Trocadero Hotel, Sky Bar & Restaurant Trocadero 13 Coventry Street London W1D 7DH

Applicant

Trocadero Hotel - Sky Bar & Lounge

Cumulative Impact Area?

West End

Ward

St James's Ward

Proposed Licensable Activities and Hours

Live Music (Both)

Monday to Sunday 10:00 to 03:00 hours

Seasonal Timings: Hotel residents and bona fide guests – 24 hours. On the morning of British Summertime, the terminal hour shall be extended by 1 hour.

Further information: Unamplified and amplified music played internally and on the terrace.

Recorded Music (Both)

Monday to Sunday 10:00 to 03:00 hours

Seasonal Timings: Hotel residents and bona fide guests – 24 hours. On the morning of British Summertime, the terminal hour shall be extended by 1 hour.

Further information: Unamplified and amplified music played internally and on the terrace.

Performance of Dance (Indoors)

Monday to Sunday 10:00 to 03:00 hours

Seasonal Timings: Hotel residents and bona fide guests – 24 hours. On the morning of British Summertime, the terminal hour shall be extended by 1 hour.

Further information: Dancing by performers and/or staff

Late Night Refreshment (Both)

Monday to Sunday 23:00 to 03:00 hours

Seasonal Timings: Hotel residents and bona fide guests – 24 hours. On the morning of British Summertime, the terminal hour shall be extended by 1 hour.

Further information: Hot drinks and hot food provided to customers on the premises and to hotel residents and bona fide guests

Retail Sale of Alcohol (On sales)

Monday to Sunday 10:00 to 03:00 hours

Seasonal Timings: Hotel residents and bona fide guests – 24 hours. On the morning of British Summertime, the terminal hour shall be extended by 1 hour.

Hours Premises are Open to the Public

Monday to Sunday 00:00 to 00:00 hours

Representations Received

- Metropolitan Police Service (PC Bryan Lewis)
- Environmental Health (Ian Watson)
- Licensing Authority (Roxsana Haq)
- Clive Davidson (local resident)
- Amy Lame (City Hall)

Summary of Objections

- MPS considered that the application would undermine the licensing objectives, noting it is in the West End CIA where there is traditionally high levels of crime and disorder;

- EHS considered the hours requested for supply of alcohol, late-night refreshment and provision of regulated entertainment would increase public nuisance and the latter two would also impact public safety within the West End CIA:
- Local resident expressed concern about the hours and use of amplified music, particularly on the terrace.

Summary of Application

The Premises intends to operate as a hotel with bar, restaurant and entertainment facilities and is located within the West End Cumulative Impact Area. The 12th floor is proposed to operate as a lounge bar and restaurant. The 13th floor is sought to incorporate an entertainment space with a separate private booking space room. The proposed maximum capacity of the premises is 1000 persons. The premises currently benefit from a premises licence (reference 18/00656/LIPN) granted in 2018 with the following licensable activities and operating times:

Playing of recorded music:

Monday to Sunday: 10:00 to 02:00 (12th and 13th floors)

Late Night Refreshment:

Monday to Sunday: 23:00 to 02:00

Sale by Retail of Alcohol (on the premises):

Monday to Sunday: 10:00 to 02:00

However, as part of this application, the Applicant proposes to surrender premises licences 15/02410/LIPT, 14/11478/LIPDPSR and 18/00656/LIPN should this application be granted. Licence 14/11478/LIPDPSR lapsed on 18 June 2019 and is therefore incapable of being surrendered as part of the application.

Policy Position

Under Policy CIP1, applications within the West End CIA will be refused unless they are to vary hours or to reduce capacity. Other applications will be subject to other policies and must not add to cumulative impact.

Under Policy HRS1, applications outside the core hours set out will be considered on their merits, subject to other relevant policies, and with particular regard to the matters identified in Policy HRS1.

Under Policy MD1, applications within the West End CIA will be refused unless they are to vary hours or to reduce capacity.

SUBMISSIONS AND REASONS

Ms Jessica Donovan, Senior Licensing Officer, outlined the application. Ms Donovan confirmed that representations had been received by Environmental Health, Licensing Authority and the Metropolitan Police as well as two other interested parties. The Premises is situated within the St James's Ward and the West End CIZ.

Ms Lisa Sharkey Solicitor, appearing on behalf of the applicant addressed the Sub-Committee and, referred to a licence granted in 2018. This application was to replace that licence and then the applicant would surrender that licence. Ms Sharkey explained it is a joint application by the operator of the hotel and the operator of the 12th and 13th floor. She stated TAO are an expert in operating food and beverage businesses – they do not operate businesses in the UK at the moment.

Ms Sharkey stated that the fit-out cost for 12th and 13th floors is £20,000,000 so it is a substantial investment on their part. They are looking for a high-quality finish. Ms Sharkey stated they are accustomed to operating premises within hotels. She further stated they are accustomed to operating in sensitive locations – suggesting Westminster is quite like New York.

Ms Sharkey said the applicant is also owned by Madison Square Gardens and they can rely upon their security team.

Ms Sharkey stated this applicant is part of the community, noting community projects that they get involved in. She said they work with communities to provide what is needed locally, as well as doing charity work in their premises. She submitted they are an operator and it's a premise for all.

Ms Sharkey stated that in 2018 the applicant promised a world-class open-air rooftop garden restaurant and bar and that is what is being proposed here. The 12th floor is a lounge bar with substantial seating. The 13th floor would have two parts to its operation. One part would be a club, although there would be seating, and this wasn't being designed as a young person's venue but for everyone. There was also a private event room.

In relation to the entrance on Rupert Street, Ms Sharkey said the applicant took on board concerns raised by Environmental Health. The applicant has acquired a unit next to the entrance which they will use as a lobby so that creates as much internal queuing as possible – the district surveyor confirmed it can have up to 130 people in it. Further, after midnight people will exit the venue by a single door that exits on to Shaftesbury Avenue.

In relation to public nuisance, Ms Sharkey stated they had submitted a dispersal policy. There would be 24-hour security personnel in the hotel. Conditions had been proposed in relation to traffic marshals and on-street marshals to direct people when they are leaving. Ms Sharkey advised certain conditions hadn't been agreed with the Police, which include searching and ID scan as they didn't want to search or ID scan every single person after 23:00 hours (Ms Sharkey then referenced page 29 of the policy where these were linked to serious crime and disorder, which was not the case here).

Ms Sharkey stated the applicant didn't want a door supervisor in every lift.

In response to questions from the Sub-Committee:

- (a) Ms Sharkey said an exception under Policy should be made for the application. Ms Sharkey referred to D15 and F87. Ms Sharkey stated in the

original application in 2018, the applicant proposed two licences to be surrendered as part of the application – two licences for a nightclub in Leicester Square which were both 03:00 hours licences with a total capacity 1,770. At that stage, the operator was stating they didn't intend to introduce a large-scale night club which is why they converted the premises into a hotel but they wanted the Sub Committee to take the benefit of those licenses into consideration when determining the application for 12th and 13th floor. Ms Sharkey stated the Sub Committee are still allowed to take those licences into account. Ms Sharkey referred to Novus Leisure and paragraph 24, where it was said if unable to use a licence the benefit is lost but that did not prevent the loss of those being raised in an application for a new licence or an application to vary. It could be part or all an exceptional circumstance as part of what the licensing authority should grant;

- (b) Mr Jackaman confirmed that the terminal licence for the current licence is 02:00 hours and the terminal hour for One London is 03:00 hours;
- (c) Ms Sharkey confirmed they are proposing to surrender a 02:00 hours licence and a 03:00 hours licence. Ms Sharkey further confirmed there was a third licence which they allowed to lapse as they were going to surrender it in any event as part of the Trocadero being granted;
- (d) Mr Jackaman stated that a lapsed licence is relevant to D15 – it is not a licence that is capable of being surrendered but does have some relevance;
- (e) Ms Sharkey confirmed there are currently licences for Hotel Indigo, there being a licence for residents and there is a bar / restaurant on the top floor. Ms Sharkey said she believed the terminal hour is either 00:00 hours or 01:00 hours;
- (f) Ms Sharkey said limiting the licence to being within core hours would make the Premises unviable. She explained that they had applied for a licence until 03:00 hours because they felt the stature of the Premises warranted it – the applicant felt that customers visiting the Premises would want to stay;
- (g) Ms Sharkey stated the capacity for the outside terrace is part and parcel of the capacity they are being given for the 12th floor which is 750 people. There is no maximum on the outside terrace. Ms Sharkey stated a sound consultant had been engaged by the applicant to ensure the terrace was not a disturbance, and this has been done via conditions to ensure there isn't impact on residents. The capacity of the terrace would be managed by security staff;
- (h) Ms Sharkey explained there is waiter and waitress service throughout the 12th floor wherever customers sit, noting a substantial kitchen on the 12th floor. There is no area set aside and reserved for diners, the applicant wants to mix people together with people dining throughout the Premises. Mr Tepperberg explained that the idea is to serve food on the 13th floor as done on the 12th, at the bar (served by bartenders) and at tables (served by waiters and waitresses). Ms Sharkey confirmed that waiter and waitress service will be provided on 12th and 13th floor, but they do not want a condition restricting to that as they want customers at the bars on the 12th and 13th floors. Ms Sharkey confirmed the application is for seating 70% of the occupancy. People not seated wouldn't be served food.

Mr Ian Watson on behalf of the, Environmental Health Service addressed the Sub-Committee and explained that the Premises benefitted from a licence that allows them to operate until 02:00 hours with a maximum capacity of 1,000 people. This

new application is to increase those hours until 03:00 hours, keep capacity of 1,000 people.

Mr Watson stated the core staircases are not changing which can support up to 1,000 people exiting in an emergency. Mr Watson stated he was wary of having stated capacities because the final capacities on each floor will be based on the layout of the Premises. Mr Watson stated his preference was to revert capacity condition to model condition 90 which allows for capacity to be determined by EHS.

Mr Watson referred to the placement of speakers on the plan and the noise report. His concern is the location at Rupert Street and the Noise Report shows 88dB at terrace would not have impact on the surrounding areas.

Mr Watson stated one of his concerns was the impact on residents on Rupert Street. He noted the applicant had said they could acquire one of the units on Rupert Street next to the entrance to take people off the street – Mr Watson said he would like a condition requiring this to be provided and part of the Premises.

In response to questions from the Committee:

- (a) The condition using the Rupert Street building for queuing is not currently in the additional conditions suggested by the applicant. Mr Watson stated it would need to be added to the Premises plans;
- (b) Ms Sharkey said the additional area is referenced in the additional conditions (condition 4);
- (c) Mr Watson confirmed that if the applicant fully enclosed the terrace with a retractable, then regulated entertainment may be able to go on longer than conditioned in the report. This is a proposal for the future and not part of the application;

Mr Kevin Jackaman appearing on behalf of the Licensing Authority addressed the Sub-Committee and explained that the main representation was that the Premises falls within the West End CIZ. The relevant policy grounds are set out in the representation.

Mr Jackaman stated the Licensing Authority welcomed the conditions suggested and noted the proposed surrendering of the non-lapsed licences. However, the Licensing Authority had maintained their representation due to the location of the Premises within the West End CIZ. Under Policy CIP1 –

“It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to vary the hours within core hours under policy HRS1, and/or vary the licence to reduce the overall capacity of the premises.”

Mr Jackaman stated it is for the Applicant to demonstrate that there are exceptions to Policy CIP1.

In response to questions from the Sub-Committee:

- (a) Mr Jackaman said he considered the surrender of the two licences means that policy D15 can apply and override Policy CIP1 but that is a matter for the Sub Committee to determine as to whether it does.

PC Bryan Lewis appearing on behalf of the Metropolitan Police Service addressed the Sub-Committee and stated his concern is that the Premises looks like a nightclub and nightclubs are high risk. PC Lewis advised his colleague dealt with the 2018 licence which is being surrendered but has never been operated. The applicant is now seeking an additional hour and PC Lewis stated the conditions sought are less restrictive. PC Lewis said the ratio of security on the 12th floor has been reduced from 1:50 to 1:100. This is particularly important because the lifts mean the Premises is high risk. PC Lewis stated that in his experience lifts are very taxing on security measures.

PC Lewis stated the two main conditions not agreed, apart from relating to lifts, are searching and ID scan. PC Lewis explained that searching was in fact agreed on the current licence. PC Lewis stated that in his experience search policies do not work – the licence gets granted and then there is no search policy in place. In his view, the condition needs to state what is required on arrival. The other condition not accepted is the model condition relating to ID scanning. PC Lewis stated ID scan is important in that it provides a huge deterrent, checks the age of a customer to ensure they can lawfully purchase alcohol (or have it purchased for them), as well as being able of feeding into a database and also checks ID is legitimate.

In response to questions from the Sub-Committee:

- (a) Ms Sharkey stated that the Applicant would be using ID scan but didn't want to have to ID every single guest as that would slow down entry. She noted ID scan was requested by the Police for the previous licence but not imposed by the Sub Committee;
- (b) Ms Sharkey stated the Applicant had offered a condition that from 21:00 hours the lobby will be monitored by a security guard. The lifts will be covered by CCTV. In high-risk times door staff will ride the lifts. Ms Sharkey said there is a burden in having a staff-member in a lift at all times which the Applicant did not think would be appropriate;
- (c) PC Lewis noted that it didn't need to be SIA staff in the lift, and it could be a member of staff. PC Lewis further stated that a variation could be sought if such a condition were imposed;
- (d) Ms Sharkey explained the previous licence had different searching conditions. What the Applicant were expecting and hoping to agree with the Police was a general search policy based on a number of factors. If they have to search every guest it gives the Applicant no flexibility, will slow down access and could cause upset and annoyance.

In response to further questions from the Sub-Committee:

- (a) Ms Sharkey stated the Applicant had offered a condition with regard to 70% seating on the 12th floor. This would be a reduction in seating from 90% as provided for by the licence in place;

- (b) Ms Sharkey confirmed the 12th and 13th floors will be operated as a separate premises from the hotel but it is the only part of the hotel which will be licenced;
- (c) Ms Sharkey did not have information on the number and type of events.

Conclusion

The Sub Committee considered an application for a premise that intends to operate as a hotel with bar, restaurant and entertainment facilities and is located within the West End Cumulative Impact Area. The 12th floor is proposed to operate as a lounge bar and restaurant. The 13th floor is sought to incorporate an entertainment space with a separate private booking space room. The proposed maximum capacity of the premises is 1000 persons. The premises currently benefits from a premises licence (reference 18/00656/LIPN) granted in 2018 with the following licensable activities and operating times:

Playing of recorded music:

Monday to Sunday: 10:00 to 02:00 (12th and 13th floors)

Late Night Refreshment:

Monday to Sunday: 23:00 to 02:00

Sale by Retail of Alcohol (on the premises):

Monday to Sunday: 10:00 to 02:00

As part of this application, the Applicant proposed to surrender premises licences 15/02410/LIPT, 14/11478/LIPDPSR and 18/00656/LIPN. As accepted by the Applicant during the course of the hearing, Licence 14/11478/LIPDPSR lapsed on 18 June 2019 and is therefore incapable of being surrendered as part of the application.

The Premises is within the West End Cumulative Impact Zone. Under Policy CIP1, applications within the West End CIZ will be refused unless they are to vary hours or to reduce capacity. Other applications will be subject to other policies and must not add to cumulative impact. Accordingly, the application is contrary to Policy CIP1. Similarly, the Sub Committee considered the application to be contrary to Policies PB1 (public Houses and Bars) as it is located within the Cumulative Impact Zone. The Sub Committee did not consider the application could be considered under the hotels policy due to the fact, as made clear during the Hearing, the 12th and 13th floors are operated independently of the Hotel. Finally, the Sub Committee concluded the application was contrary to Policy HRS1 as the terminal hours applied for are beyond the Core Hours for a pub / bar or music and dancing venue.

Having regard to the policy presumption of refusal unless the applicant can demonstrate a true exception to policy paragraphs D15 and F87 of the SLP the question the Sub Committee had to determine was whether the applicant had demonstrated that they have proved this application to be an exception.

Accordingly, the Sub Committee had to consider whether there were exceptional reasons which meant that the premises licence should be granted in light of the fact that the application was contrary to Council policy and within the West End CIA. The sole reason the application should be considered 'exceptional' by the Applicant was

this application would cause less detrimental impacts than the operation of the licences the Applicant was offering to surrender. The Sub Committee accepts the principle that surrendering licences can constitute exceptional circumstances.

However, in this instance the Sub Committee concluded that this offered surrender did not constitute exceptional circumstances. The Sub Committee considered it clear that the premises licence for One London (15/02410/LIPT) was offered by the applicant in 2018 and this was part of the reason why the Committee granted the original licence. Furthermore, the Penthouse Licence (14/11478/LIDPSR) had already lapsed and therefore could not be surrendered. Finally, there is a question whether the current licence could be used as condition 9a of the Trocadero licence 18/00656/LIPN required that the licence that has now lapsed be surrendered before the licence could be used.

Accordingly, the Sub Committee were of the view that the applicant cannot offer to surrender the One London premises licence again as the benefit of the licence being surrendered had already been considered as part of the 2018 grant – in other words, that exceptional circumstance had already been used to justify the grant of 18/00656/LI. The Sub Committee's view was that the only licence that can be offered for surrender is the current Trocadero premises licence 18/00656/LIPN.

However, as noted during the Hearing, the application before the Sub Committee would have greater impact on the West End CIA than the 2018 licence. The application sought additional licensable activities, a greater terminal hour, a considerably greater number of people able to vertically drink and it also sought to diminish some of the restrictions placed on the current licence. Therefore, even though the current licence is being offered up to be surrendered if this application were to be granted it could not be considered as exceptional. The current licence hasn't been used, the new licence would likely cause a greater detrimental impact and is unlikely to promote the licensing objectives. Accordingly, surrender of the 2018 licence itself was not sufficient to demonstrate exceptional circumstances and no greater cumulative impact on the West End CIA.

As such, the Sub Committee was not persuaded by the Applicant that an exceptional to policy had been proven and that the application would not add to negative cumulative in the West End Cumulative Impact Zone leading to the undermining of the licensing objectives in particular the public nuisance public safety and crime and disorder licensing objectives.

The Sub Committee decided in all the circumstances of the case that the Applicant had *not* provided sufficient reasons as to why the granting of the application would promote the licensing objectives and therefore **refused** the application.

This is the Full Decision reached by the Licensing Sub-Committee.

This Decision takes immediate effect.

**The Licensing Sub-Committee
22 April 2021**

