



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Friday 15th October, 2021**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Murad Gassanly (Chairman), Jim Glen and Aicha Less

1. MEMBERSHIP

1.1 There were no changes to Membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

2. PROUD EMBANKMENT 8 VICTORIA EMBANKMENT LONDON WC2R 2AB

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.5 ("Committee") Licensing Review Decision

Friday 15 October 2021

Membership: Councillor Murad Gassanly (Chairman), Councillor Jim Glen,
Councillor Aicha Less

Proud Embankment, 8 Victoria Embankment, WC2R 2AB ("Premises")

The Metropolitan Police Service (Police) submitted an application for a Summary Review of the above Premises pursuant to Section 53A of the Licensing Act 2003 (the "Act") on 16 September 2021 as the Police considered the Premises are associated with serious crime and serious disorder. The Premises Licence Holder (PLH) of the Premises is Proud West End Limited

The Interim Steps Hearing took place on 21 September 2021, when the Committee imposed the Interim Steps specified in the Schedule attached to this Decision. The

purpose of today's hearing was to review the Interim Steps taken and to determine the full review by deciding whether it was appropriate and proportionate to take any steps to promote the licensing objectives.

Persons attending the hearing:

For the Police: Mr James Rankin (Counsel)
PC Adam Deweltz
PC Reaz Guerra

For the Premises Licence Holder (PLH):
Mr Philip Kolvin QC (Counsel)
Mr Alex Proud, the PLH and the Designated Premises Supervisor
James Daghish and Niall McCann of Keystone Law

For Licensing Authority:
Karyn Abbott – Licensing Officer
Glyn Franks – City Inspector

For Castlebrooke Investments Limited (Castlebrooke):
Gary Grant (Counsel)
Jack Spiegler – Thomas and Thomas
Simon Gibbs and Liam Burns of Castlebrooke

Other Officers present:
The Presenting Officer – Jessica Donovan;
The Legal Adviser – Heidi Titcombe;
The Committee Officer – Kisi Smith-Charlemagne

Activities and Hours

The Premises is a venue which provides cabaret and other regulated entertainment, including music and dancing.

The permitted hours for licensable activities are as stated in the committee report.

The opening hours are Sunday to Thursday 09:00 to 04:00
Friday and Saturday 09:00 to 05:00

Prior to the Interim Steps hearing the Premises was permitted extended opening hours on New Year's Eve and when British Summer Time changes.

REVIEW DECISION

In reaching its decision the Committee has had regard to the relevant legislation, the Secretary of State's Guidance ("Guidance") particularly in relation to reviews and the Council's Statement of Licensing Policy ("SLP").

Having carefully considered the review application, the representations and submissions made by all the Parties involved, both verbally and in writing, the Committee has decided that in relation to its review of the Interim Steps that it is appropriate, necessary and proportionate to take the following steps: -

Review of the Interim Steps Decision

1. Not to continue to reduce the hours to Core Hours for the licensable activities or the opening hours.
2. To modify paragraph 2 of the Interim Steps Decision¹ by stating that no private Events booked by individuals shall be permitted to take place at the Premises save that the pre-booked “all-star” events specified in the Letter from Keystone Law dated 20 September 2021 shall be permitted to take place provided such licensable activities are ancillary to a substantial table meal and a cabaret performance on Wednesday, Thursday, Friday and Saturday up to and including 26 October 2021 for the hours specified in the Letter.
3. To modify the Interim Steps by removing Mr Proud as the Designated Premises Supervisor on Monday 18 October 2021 at 5pm.
4. To modify condition 3 of the Schedule to replace it with the following condition, namely:

“The licensable activities authorised by this licence and provided at the Premises shall be ancillary to the main function of the Premises as a Cabaret Venue, except that the following category of Events shall be permitted, namely:

Category 1: Events at which the sale and consumption of alcohol is ancillary to a Substantial Table Meal and live performance-based entertainment.

For the purpose of this condition ‘Substantial Table Meal’ means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Category 2: Events at which the sale and consumption of alcohol is ancillary to the use of the Premises for patrons attending live performance-based entertainment and which are not Category 1 events.

Category 3: Corporate Events booked by registered companies, charities, statutory bodies, trade organisations and educational institutions.

5. To add the following condition to the existing licence:

For all category 3 Events, the Premises Licence Holder shall be responsible for overseeing the Event and shall provide written approval of each risk assessment for each Event before they are able to take place. Such approval shall be retained at the Premises and available for inspection by the Licensing

¹ See Schedule One of this Decision

Authority and the Police.

6. Conditions 54 and 15(b) of the existing licence shall no longer be suspended.
7. In view of the seriousness of this case, it is necessary and proportionate for these Interim Steps to continue to take immediate effect.

Full review of the Premises

Further, the Committee has decided that it is appropriate and proportionate for the promotion of the licensing objectives for the following steps to be taken in relation to the full review of the Premises, namely:

8. Mr Proud shall continue to be removed as the Designated Premises Supervisor from 18 October 2021 at 5.pm.
9. To modify the conditions on the existing licence by confirming that the following conditions shall remain and be attached to the Licence once the review Decision takes effect, as agreed by the Premises Licence Holder:-

Condition 1

“The licensable activities authorised by this licence and provided at the Premises shall be ancillary to the main function of the Premises as a Cabaret Venue, except that the following category of Events shall be permitted, namely:

Category 1: Events at which the sale and consumption of alcohol is ancillary to a Substantial Table Meal and live performance-based entertainment.

For the purpose of this condition ‘Substantial Table Meal’ means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Category 2: Events at which the sale and consumption of alcohol is ancillary to the use of the Premises for patrons attending live performance-based entertainment and which are not Category 1 events.

Category 3: Corporate Events booked by registered companies, charities, statutory bodies, trade organisations and educational institutions.

Condition 2

For all category 3 Events, the Premises Licence Holder shall be responsible for overseeing the Event and shall provide written approval of each risk assessment for each Event before they are able to take place. Such approval shall be retained at the Premises and available for inspection by the Licensing Authority and the Police.

Condition 3

No private Events booked by individuals shall be permitted to take place at the Premises. For the avoidance of doubt this condition shall not preclude Temporary Event Notices to be submitted for events for individuals.

10. To add the following conditions to the existing licence as specified below:-

A. Conditions proposed by the Police and agreed by the Premises Licence Holder

Condition 4 - (MC99)

A copy of the Premises' dispersal policy shall be made readily available at the Premises for inspection by a police officer and/or an authorised officer of Westminster City Council immediately upon request.

Condition 5 – (MC 96)

From 23:00 hours each day:

(a) All customers entering the Premises shall have their ID scanned on entry, save for when a biometric scanning system is in operation. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.

(b) The requirement in (a) above is subject to the following exceptions, namely that a maximum number of 10 guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:

(i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.

(ii) A legible record (the signing in sheet) of those guest's name shall be retained on the Premises and available for immediate inspection upon request by the licensing authority and/or Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager.

(iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.

(iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.

Condition 6 - This condition shall replace condition 13 on the licence.

Save for patrons going out to smoke in the secure and sterile designated smoking area, from 22:30 hours each day when the Premises are open for licensable activities all patrons attempting to gain entry or re-entry to the Premises shall be subject to a search before entry/re-entry as follows:-

- a. All customers must go through a metal detector arch.
- b. All searchers must wear a metal detector mitt.
- c. All bags must be opened and searched thoroughly.
- d. Any sharp objects must not be allowed into the Premises.
- e. Male and female door supervisors must be available to and dedicated to carrying out the search duties specified in this condition and the searches shall be monitored by the Premises CCTV system until the end of the permitted hours or until there are no further admissions.

Condition 7 - MC92

In the event that a serious assault is committed on the Premises (or appears to have been committed) the management will immediately ensure that:

- (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
- (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the Premises.

Condition 8 - MC6

The Premises Licence Holder shall ensure that:

- (a) All licensed SIA door staff on duty at the Premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team.
- (b) All recordings shall be stored for a minimum period of 31 days with date and time stamping, and
- (c) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

Condition 9

Patrons shall not be permitted on the stage in the main room of the Premises at any time unless receiving an award at a bona fide awards ceremony.

B. Conditions proposed by Premises Licence Holder and where appropriate amended by the Committee

Condition 10

The Designated Premises Supervisor shall be employed full time at the Premises.

Condition 11 – MC03

There shall be a personal licence holder on duty on the Premises at all times when the Premises are authorised to sell alcohol.

Condition 12

The Premises shall be subject to a full safety and security audit by an independent adviser at least once per quarter starting on 1st November 2021. The audit shall include all matters of security including but not limited to risk assessment, search, identification, handling and reporting of incidents and ejection. The result of such audit shall be retained at the Premises and available for immediate inspection by an officer of Westminster City Council or the Metropolitan Police.

Condition 13

The Premises shall not use any external promoters, and there shall be no externally promoted events, for any event extending beyond core hours being Monday to Thursday: 10:00 to 23:30 hours; Friday and Saturday: 10:00 to Midnight; Sunday: 09:00 to 22:30 hours.

Condition 14

All staff at the Premises shall receive Welfare And Vulnerability Engagement (WAVE) training which shall be refreshed at least annually. Evidence of the training taken, and names of the trainer and participants shall be recorded. These records shall be available for inspection by an authorised officer of the Council and the Metropolitan Police.

Condition 15 - MC92

In the event that a serious assault is committed on the Premises (or appears to have been committed) the management will immediately ensure that:

- (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
- (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

(c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

(d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the Premises.

Condition 16

At all events extending beyond Core Hours, there must be a dedicated member of staff monitoring the CCTV cameras at the Premises at all times.

11. The Committee added the following condition as condition 16(d) to the existing licence:-

The Premises Licence Holder shall ask all organisers of Events to confirm in writing when the booking is made whether the Event is to be externally promoted.

12. The Committee decided that the steps taken above are appropriate and proportionate to promote the Licensing Objectives.

Reasons

Preliminary Matters

13. At the start of the hearing the Chair introduced the Members of the Committee, identified the Parties attending the hearing who wished to speak and outlined the procedure for the hearing. No declarations of interest were made and all Parties in attendance were given ample time to present their submissions.
14. The Chairman noted that the committee agenda consisted of the application for review together with a large bundle of crime data in support of the Police review; a further bundle of evidence of approximately 200 pages submitted by the Premises Licence Holder; an additional statement of PC Guerra and further CRIS data; a report from Shield; an additional statement from PC Deweltz and an extract from the incident record.
15. The Committee recognised that the Interim Steps Hearing took place on 21 September 2021 and the Committee reviewed the Interim Steps specified in Schedule One of this Decision. The full decision appears at pages 2068-2077 of the Committee papers.
16. The Committee was mindful that this hearing was a two stage process, namely:-
- (1) To review the Interim steps and to decide whether it considers any of the steps should be modified or remain in any way, and
- (2) To take such other steps as the Committee considers appropriate and proportionate to promote the licensing objectives.

17. Ms Donovan, Licensing Officer, outlined the summary review application which has been brought by the Metropolitan Police Service (Police) on the grounds that the Premises are associated with serious crime or serious disorder or both.
18. Ms Donovan confirmed that since the review had been requested representations have been received from the Licensing Authority (Ms Abbott), supporting the review and Castlebrooke Investments Limited, who purchased the lease of the Premises on 5 October 2021. The Premises are situated in the St James' Ward and do not fall within the cumulative impact zone.

Submissions on behalf of the Police

19. Mr Rankin confirmed that the Police position had not changed since the Interim Steps hearing which took place on 21 September 2021. In summary, the Police are seeking the following steps:
 - that the permitted hours for licensable activities be cut back to the core hours, as specified in paragraph 1 of the Interim Steps Decision; and
 - a condition be placed on the licence that the licensable activities shall be ancillary to the main function of the Premises as a Cabaret Venue;
 - that no pre-booked events shall be permitted to take place at the Premises; and
 - that nine conditions should be added to the licence, as specified on pages 1963 and 1964 of the Committee papers.
20. Mr Rankin stated that Proud is a stand-alone Premises. The Police contend that the Premises have been run in a way which has given rise to serious concern to the Police for some time. The lease was granted to the Premises Licence holder in 2018 and it was not long until serious incidents started to occur. For example, on 1 June 2019, there was an incident of Grievous Bodily Harm (GBH) which was followed by another fight on 2 July 2019 when there was a stabbing; six customers were arrested for violent disorder and several robberies took place. At this stage, the Police threatened to review the Premises unless its behaviour changed. Mr Proud acknowledged that he had to do something and he advised PC Hunter that he would cancel some urban nights even though this would result in a financial loss to the business. Mr Proud also accepted that the vast majority of hip hop and grime events would no longer take place. This was two years ago, but these events are financially lucrative and they have continued to be held at the Premises.
21. The trigger incident for this review occurred on 2 September 2021 (Trigger event") and involved a drill artiste. This took place shortly after the Premises had been closed for 10 months due to the Covid-19 restrictions. A private birthday party had been arranged for Mr Harrison, a well-known drill music rapper. Mr Rankin stated that it would not have taken Mr Proud too much effort to google Mr Harrison's name and this would have instantly revealed lots of red flags about the artiste and music genre. PC Deweltz carried out this exercise and he found lots of YouTube videos showing him holding firearms, and promoting music videos referencing gang culture. Mr Rankin submitted that we either believe Mr Proud that he had no idea that Mr Harrison was this kind of person, or we conclude that he knew he was high risk and this is why he had arranged so many additional security for the night in question. The Police

consider that the PLH was unable to resist the easy money expected for holding this event even though there was a clear risk of trouble.

22. As it turned out Mr Harrison was arrested on the way to his own birthday party because he had a 6 inch knife secreted in his trousers and he has since been sentenced to 6 months in prison. This was the sort of person that Mr Proud wanted to entertain in his Premises.
23. A dispute occurred about 2:30.am over when the bar should close. 20 to 30 people started fighting with the security staff inside the Premises. They grabbed bottles from the tables and used them as weapons during the fight. A security guard was hit on the top of the head with a bottle and another got thrown off the stage and tables were also used as weapons. The management waited 15 minutes until they called the Police, by which time the situation had escalated. The Police arrived quickly within 8 minutes when they found the situation was out of control. PC Dweltz describes at page 1994 the scene that he was faced with. He found the crowd to be very drunk, he recognised a number of gang members from his time in Brixton and Clapham. He regarded the management performance as poor and dangerous. There was a 6-inch lock knife found in the Premises. Mr Kolvin has said previously that the knife was not found inside. However, the Police have spent several hours checking the CCTV and they can clearly see that a SIA doorman picked up the knife from the stage inside the Premises and then handed it to the Police outside the Premises. This CCTV was viewed by the Committee, who accepted that the knife was found inside the Premises.
24. Following the trigger incident, the Police requested a meeting with Mr Proud the following morning at 8.am. However, Mr Proud failed to attend even though his managers did manage to turn up, despite many of them working the night of the incident. The Police found the lack of Mr Proud's attendance disappointing. The Police also consider there were clear failings on the night in question. Bottles should not have been left on tables and this was in breach of condition 12 of the existing licence; CCTV confirmed that not everyone was ID scanned. The second request for detailed CCTV was not produced as quickly as it should have been..
25. It was correct to say that the Management provided a certain amount of CCTV on 2 September 2021. However, the Police submit that there was a delay in producing the CCTV requested on 11 September, which the Management initially promised to provide by 13 September. The latter was not produced on that date, the Police chased on 14 and 15 September and it was not produced until 16 September. The PLH states they were acting on legal advice not to produce the CCTV until a justification had been provided for Data Protection purposes. However, the Police say it was perfectly clear what the CCTV was needed for as they were investigating this incident and a subsequent allegation from a woman that there was a gun on the Premises. When the CCTV was finally provided the Police were able to confirm that the allegation about the gun on the Premises was a hoax call. The Statements of PC Guerra and PC

Deweltz explain the problems encountered.²

26. In terms of the management of the Premises, the Police have serious concerns that the Premises are being run badly and they felt the management had not learnt from the previous problems which occurred in 2019, when a review has been considered.
27. The Police also submitted that a number of conditions on the licence had been breached and this has not been disputed by Mr Proud nor the PLH, these breaches relate to:-
 - Condition 12 failing to remove bottles from tables, which enabled them to be used as weapons on 2 September and the CCTV shows many patrons drinking from bottles and smoking inside the Premises;
 - Condition 13 the failure to search patrons properly, which enabled a knife to be brought into the Premises;
 - Condition 14 which requires all staff at the entrance, supervising or controlling the queues to wear high visibility jackets/vests; whereas a number of staff were not wearing these jackets;Condition 52 – all incidents were not recorded in the incident book.
28. The CCTV also showed that on 11 September 2021, after the Trigger incident, patrons were drinking on the stage area, dancing with bottles in front of security. Again, many patrons were drinking from bottles and rolling cigarettes and smoking. Patrons were not being searched on entry, this was despite what happened at the Trigger incident.
29. Mr Rankin advised that the Police have no issue with the Premises continuing as a cabaret club as such events are generally low risk. However, the Police do not agree that the four category of Events³ proposed by the PLH should be permitted as these types of conditions and events are complicated to manage and enforce against. The Police contend that cabaret nights should be permitted until core hours only and that no promoted events should be allowed. The Police also consider the nine conditions it has suggested in the papers should be attached to the licence in order to promote the licensing objectives. The Police consider this is an appropriate and proportionate response to the issues which need to be addressed.
30. The Police stated that of the eleven private events which were allowed until 1am as specified in the interim steps decision; four were openly advertised online and yet the PLH did not provide Police Officers with a risk assessment, as required by condition 16(b) of the Licence. This was another breach. Mr Proud's friend had a birthday party on 13 October 2021. The Police have produced a statement which indicated that a couple left the Premises at 1:10 hours (after the 1am closing hour permitted at the time). They had a domestic argument outside the Premises and the wife alleged that her husband put his hand around his wife's throat. This incident occurred pending the determination of this review and the Police would have expected Mr Proud to have ensured

² The CCTV timeline is at pages 1920 and 1938 of the committee papers.

³ Pages 36 of the Additional Committee papers

that no more issues would have occurred pending this review hearing.

31. The Police showed CCTV footage of the fight breaking out on the night of the Trigger incident. The footage showed a member of the SIA security staff being repeatedly kicked on the floor and patrons hitting people with bottles. A member of staff picks up the knife from the stage and puts it into his pocket. He then hands it to the Police outside.
32. Mr Rankin stated that at the interim steps hearing it was alleged that some members of Police commended the management for their handling of the incident. However, the Police have made enquires and PC Deweltz confirmed that the Police did not commend the management on the night in question.
33. In summary, Mr Rankin confirmed that the Police's position has not changed from the Interim Steps hearing. The Police :-
 - Want the hours for licensable activities cut back to core hours;
 - Want the Cabaret condition to limit the activities permitted;
 - Don't want any pre-booked events at all;
 - Want the conditions requested to be imposed on the licence.
 - Although after discussing the conditions at the end of the hearing the Police made once concession by confirming that they were willing to allow promoted events to continue up to the end of core hours.

Submissions of the Licensing Authority

34. Ms Abbott of the Licensing Authority confirmed that they have submitted a representation in support of the review because they have concerns about how the Premises are managed and whether the PLH was able to promote the licensing objectives.
35. Mr Franks gave evidence as a witness. He is a Senior City Inspector who has responsibility of investigating enforcement issues. Mr Franks submitted a statement dated 30 September 2021⁴, explaining that he interviewed Mr Proud on 26 May 2021, following a breach of Covid regulations on 23 May 2021. He explained that the interview did not go well and Mr Proud reacted badly and the meeting had to be terminated. Two penalty notices were served and £1,500 was paid in fines. On 3 June 2021 a letter was served on Mr Proud about the incident and his behaviour. Mr Franks confirmed in his statement that he does have concerns about the management of the Premises as a result of the interview of Mr Proud. Mr Franks also confirmed that Mr Proud subsequently contacted the Council to apologise for his behaviour at the interview. Mr Franks felt that Mr Proud was under some pressure, and suggested that Mr Proud should step back from his role as DPS. At the time of requesting the review, the Police were not aware of the Covid breach and Mr Franks submitted a further statement dated 5 October 2021 as part of their evidence.
36. The evidence produced by the Authority shows that there was another allegation of breach of the COVID regulations in 2020, which was investigated

⁴ page 2055 of the committee papers.

and a written warning was issued to the PLH. That breach was evidenced by mobile footage and Mr Proud confirmed that grime music would not be allowed. However, these types of events have continued to take place as demonstrated by the incident on 2 September 2021.

37. In answer to questions from the Committee about how widespread breaches of COVID regulations were, Mr Franks stated that during Covid, the rules were changing frequently. Some premises followed them completely and some pushed the boundaries. Mr Franks confirmed that this Premises was not particularly unusual in the way it dealt with the COVID regulations. However, he did regard Mr Proud's behaviour in response to the breach as unusual. Having said that, the cabaret events held at the Premises did not attract any sort of problem. He never found any failings in terms of observance of conditions and there was rarely a noise nuisance issue because this Premises was not near to residential properties, although patrons can cause traffic congestions when dispersing in the early hours of the morning.

Submissions by Castlebrooke

38. Mr Grant confirmed that his clients are the Landlords of the Premises as they purchased the Headlease from the Council on 5 October 2021, having exchanged on the lease in the middle of August 2021. Mr Grant advised that his Clients were attending the review hearing to assist the Committee as Castlebrooke believe they can better supervise this Premises acting as landlords. Mr Grant confirmed that Castlebrooke are concerned about the incident which occurred on 2 September 2021. Mr Proud, as the Tenant, has admitted a number of errors and breaches of the conditions and Castlebrooke welcome him stepping down as the DPS. Castlebrooke did not wish to praise or condemn Mr Proud, they simply want to help to put steps in place to avoid any issues of this nature, occurring in future.
39. Mr Grant advised that Castlebrooke do not consider it is necessary, nor appropriate for the permitted hours to be cut back to core hours, because they do not consider the late hours are the problem, but rather the type of high-risk events which have been taking place. Mr Grant submitted this approach would be in line with paragraph 11.20 of the Secretary of State's Guidance which says when deciding what remedial action to take the Licensing Authority :-
- “.....should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review. “*
40. Mr Grant stated that there are no significant noise nuisance issues; there are few Premises in Westminster in this type of location which are better suited to having later hours as the Premises are away from residents; they are not located in the Cumulative Impact Zone and they are near transport hubs which aides dispersal without impacting on the licensing objectives. If the hours were to be reduced this would have a financial impact on the viability of the Premises and Mr Grant encouraged the Committee to take these matters into

consideration.

41. Mr Burns of Castlebrooke emphasised that his company have 15 years' experience of running licensed Premises in the Covent Garden area. They have a hands on approach to monitoring operational management and meet regularly with their tenants to discuss this. Castlebrooke always balances the objectives of the tenants as against their obligations to promote the licensing objectives and to prevent any nuisance. They want to engage with Mr Proud and hold monthly meetings to understand all his upcoming events and discuss whether they feel there are any concerns. In response to questions from Members Mr Burns confirmed that there is no operational management plan in place at the present moment but they are keen to rectify this as soon as possible. Mr Grant also confirmed that whilst recognising some conditions will need to be amended, Castlebrooke support the general principal of additional conditions being imposed as suggested by Mr Kolvin. Castlebrooke would also be willing to check risk assessments of events, if this were thought to be helpful.

Submissions on behalf of the Premises Licence Holder (PLH)

42. Mr Kolvin QC acknowledged that there was much to criticise about the risk assessment which had been carried out and how the Trigger event on 2 September 2021 was managed. Mr Proud apologised profusely about what had happened and recognised that when violent disorder takes place, the public, staff and the Police are endangered. Mr Proud has tried to put things in place since that time. He referred to his written submission.⁵

43. Mr Kolvin explained that this is a mixed use premises which was opened by Mr Proud in March 2018. He has been trying to focus on a top end entertainment facility and he has invested a lot of his own money to promote this. It has to offer a range of entertainment in order to survive financially. Mr Proud has held approximately 1,000 events and entertained over 350,000 people. The events were varied in nature from cabaret brunches, late night cabaret events, private parties, charity events and externally promoted events. Mr Kolvin submitted that of those 1,000 events, some 98% were trouble free. 2% of these (22) have involved some sort of violence. Such violence ranges from very low level common assault up to large scale violence. Of those 22 events; 18 occurred at externally promoted music events. Of the remaining 4; one was the Trigger event which was a private birthday and the others were externally promoted events, where the Premises turns into a night club with an external DJ. He accepted that the PLH needs to look at these externally promoted events where they bring their own DJ and entourage with them as they are often more high risk events.

44. Mr Kolvin contended that the hours should not be cut back to core hours but rather he wanted to target the nature of events where problems were more likely to occur. In order to do this he has proposed conditions to be attached to the licence which would allow four categories of events to take place, namely:-

⁵ In the additional papers

- Category 1 - cabaret lunches and dining – where the sale of alcohol is ancillary to a substantial table meal and performance-based entertainment - which he regards at low risk events;
- Category 2 - late night cabaret events – where alcohol is ancillary to performance based entertainment (with no meal);
- Category 3 – corporate/charity events or for trade organisations, statutory bodies and educational establishments;
- Category 4 – events booked by private individuals.

45. Mr Kolvin submitted the Category 1 events are low risk and have not caused a problem in the past and included cabaret and dining events which include a whole host of all star cabaret star turns including Denise Van Outen, Bill Bailey and burlesque performances. Category 2 events do not necessarily involve dining but this is where patrons watch performance-based entertainment. He considers these categories should be allowed to continue for the entire licensable hours.

46. In terms of Corporate and charity events, these are varied in nature including corporate fund raisers, charity events, award ceremonies and drinks parties which he considered were low risk events. However, he acknowledged that some of these events are externally promoted. However, fund raisers for cancer charities etc would be regarded as low risk even if they are externally promoted. However, Mr Proud recognised that externally promoted events do pose greater risk so the key would be to properly risk assess the event to see whether or not it should be permitted. He suggested that the Police could even be given notice of the event but it was acknowledged that this would involve a lot of extra work for the Police as these events are common.

47. Next were Category 4 events – which could include private parties for a young person or an elderly person. There would be different risks depending on the nature of the event. For example Mr Kolvin suggested that one would not consider a birthday party for a 70-year-old to be a risky event. He considered these events should be permitted to take place, subject to a proper risk assessment being carried out and subject to the Police not objecting. It was generally recognised that externally promoted events are more high risk depending on the nature of events which are proposed and Mr Proud is proposing to reduce these events but he wants to be able to allow some. In addition to risk assessing the events, Mr Kolvin stated that the PLH is offering a number of additional conditions which he considers will address the issues raised and promote the licensing objectives as set out on pages 36 to 39 of the additional papers. This includes a condition that the events will be cabaret focused apart from for the four categories mentioned above.

48. Mr Kolvin analysed the criminal incidents produced by the Police and he contended that these types of incidents have been reducing from 2019 when there were 17 to two in 2021. The first relating to the Trigger incident on 2 September 2021 and the second, being an allegation of a sexual assault (a

lady was slapped on the bottom) which could not be substantiated.

49. Mr Kolvin advised that Mr Proud operates three licensed venues. They are all well-maintained Premises accommodating a mix of uses including entertainment, dining and late night licensable activities. Mr Kolvin outlined the support and contribution Mr Proud had made to the community. That he has spent his own money to ensure the businesses survive, particularly during the pandemic and Mr Kolvin referred to the Committee to the history of the Premises as stated in the additional papers. The high-risk events have been reduced and the levels of crime have dropped. Mr Proud has ceased his involvement with a list of promoters in July 2019. He removed more promoters in May 2021. In July 2021 he made the move to remove these kinds of events with Proud Lates.
50. Mr Kolvin explained what happened regarding the COVID breach of the regulations in May 2021. Mr Proud fully accepts that he reacted badly at the time of the interview with Mr Franks. Mr Kolvin stated he was not making any excuses for that behaviour. The business had been locked down until 19 July and was on its knees. The public wanted to go out and enjoy themselves but breaches did occur. At the time Mr Proud was facing the loss of his venue and insolvency. In truth he just snapped but within 90 minutes of Mr Franks leaving he had written an apology and did not contest the notice of penalties. He accepts that the officers were just doing their job. Since that incident the PLH has moved away from promoted events and was focusing on cabaret-led events. Proud Lates was also introduced and the venue was offering more charity or corporate events and this approach was largely successful.
51. Turning to the Trigger incident which caused this review and which took place on the evening of 2 September 2021. Mr Kolvin explained that the event was risk assessed and extra security was provided but it wasn't considered to be high risk because they did not discover that this was an externally advertised event. It was a birthday party for a well-known artiste. They were expecting 300/350 guests but 380 patrons attended. 30 SIA security staff were engaged to cover this event, which was more than required by the Licence which required 4 to be provided. The PLH arranged a guard dog to be provided that night. There were about 40 staff on duty on the Premises as well as the DPS himself. It was accepted that the security team did not carry out searches properly and that the knife which was handed to the Police after the fight could have got into the Premises. The management was also deficient in allowing patrons to congregate on stage and allowing bottles to be left on tables.
52. The whole event ran off without incident until the music was turned off. Just after 2:30/3:00 hours when a large fight occurred, as evidenced by the social media clip. Mr Kolvin submitted that the security did their best, but the Police were required, and the management called the Police who came and restored order. Mr Proud accepts that mistakes were made and that he has to change the profile of the events held at the Premises to more cabaret-led entertainment and low risk events. This is why the PLH has offered conditions that the Premises can only be used for the four categories of events in its conditions.⁶ It

⁶ Proposed Condition 2 on page 36 of the additional papers

has also offered a condition that the Premises shall not run any events which promote drill or grime genres.⁷

53. Mr Kolvin also referred to the incident which occurred after his friend's private party on Wednesday 13 October 2021, stated that the private birthday party which took place for a friend did proceed quietly. This event finished at 12:48 hours. The organisers were collecting up belongings and a couple left. Unfortunately, they had a big argument on the pavement and the woman called the Police as she said that the man put his hands around her throat. The lady was allowed back in the Premises to wait for the Police to arrive. This was an unfortunate incident but could happen at any late night venue.
54. Mr Kolvin submitted that this review offers the opportunity to improve security and the safety of the venue. Mr Kolvin said the Committee must take a proportionate response and he invited the Committee to:-
- (1) remove Mr Proud as the DPS, as Mr Proud recognises that a different DPS should be appointed;
 - (2) attach a number of additional conditions to the licence as specified in the additional papers to promote the licensing objectives, as may be amended by the Committee as it considers appropriate⁸; and
 - (3) to give a strong written warning to the PLH that if this sort of thing happens again more severe steps will be taken.
55. In support of these suggestions Mr Kolvin asked the Committee to have regard to the following factors:-
- Mr Proud has voluntarily decided to step down as DPS as he recognises that the venue needs to adopt a new focus of events.
 - There was no concealment of the incident, the management called the Police as soon as they realised that they could not control the incident. This is what venues are supposed to do.
 - The DPS also reported the incident to the Licensing Authority before 7.am on the morning of the incident and offered to provide CCTV.⁹
 - The PLH invited the Police to review the CCTV at the Premises.
 - The PLH made diligent disclosure of the additional CCTV requested.
 - Mr Proud unilaterally cancelled "Proud Lates" once the incident occurred which meant a loss of £100,000 pending determination of this review.

⁷ Proposed condition 5 on page 37 of the additional papers

⁸ Pages 36 to 39 of the additional papers

⁹ Page 128 pf the committee papers

- The PLH produced an action plan by 16 September 2021 to ensure no further incident occurred which was intended to be for discussion with the Police.
 - The PLH repeatedly asked the Police for a further discussion to improve their action plan.
 - The PLH appointed a new security company.
 - The PLH appointed the Shield Association for an independent review of the operation.
 - Proper risk assessments and policies will be carried out and they will agree to a condition to that effect.
56. Mr Kolvin does not consider it is necessary or proportionate to reduce the hours to core hours or to prohibit all externally promoted events from taking place. Mr Proud proposes to risk assess the different category of events, to promote more cabaret and entertainment events and to steer clear of certain types of music genres whilst applying all the proposed conditions offered by the PLH, which he considers should promote the licensing objectives.
57. *The Committee and Mr Kolvin had a long discussion about the conditions which it was proposed should be attached to the licence in order that they are not inconsistent with the existing conditions on the licence. Mr Kolvin was grateful for the conditions list provided by the Committee's Legal Adviser, which incorporates all the various conditions proposed by the parties and possible amendments needed to the existing conditions which was circulated by the Committee's Legal Adviser prior to the hearing.*

Conditions discussion

58. Mr Rankin advised that the Police do not agree the conditions proposed by the PLH, apart from the conditions which are the same as those requested by the Police. The Police maintained their view that the hours should be limited to core hours because the later the hour, the more likely that crime and disorder problems will occur as has been demonstrated by the trigger event. Mr Proud has made a series of promises going back to August 2019 and it has transpired that they were empty promises. The Police's view is that Mr Proud knew full well that the trigger birthday party was potentially a problem but he still allowed the event to take place at the Premises. The Police consider there should be no promoted or private events and any events which do take place should be cabaret led. The Police consider that the 4 categories condition is too complicated to enforce. The Police would be prepared to allow cabaret with a substantial table meal until 1:00 hours. Further, after some discussion the Police agreed that as there is a mixture of events, some of which might be low risk they would be prepared for appropriate promoted events to take place up to core hours.
59. In terms of the conditions proposed by the Police, Mr Kolvin stated that :-
 - the PLH agreed the licensable activities should be ancillary to the main

function of the Premises as a cabaret venue except that the PLH wanted this condition to be subject to the Premises being able to offer the four category of events specified in paragraphs 44 to 49 above.

- the PLH agreed to providing a dispersal policy in the form of Model Condition 99.

- Proposed condition 3 in relation to ID scanners and identification was agreed from 23:00 hours, which may require an amendment to existing condition 12 of the Licence.

- conditions 4 and 5 were not agreed as the PLH would like the ability to have private events, including birthday parties and some externally promoted events.

- Condition 6 in relation to assaults was also agreed, which is condition MC92.

- condition 7 (MC07) was not agreed.

- the use of body cams for SIA staff was agreed, which is similar to MC6.

- the PLH agrees with the Committee's Legal Advisers suggestion concerning condition 9.

60. With regard to the conditions proposed by the PLH, Mr Kolvin stated that:-

- they want the DPS to be employed full time at the Premises, as opposed to at another premises owned by the PLH company;

- the PLH is happy to offer a condition that a personal licence holder shall be on duty at all times the alcohol is sold;

- after some discussion the PLH agreed that their proposed condition would be amended and amalgamated with condition 1 proposed by the Police to allow different category of events to take place as specified in paragraph 4 of this Decision;

- proposed condition 3 would be amended as suggested by the Committee's Legal Adviser;

- externally promoted events shall be permitted up to core hours and proposed condition 4 shall be amended accordingly;

- The Committee indicated that proposed condition 5 (prohibiting drill and grime artistes) was potentially discriminatory so this was not a condition which the Committee would impose;

- Proposed condition 6 (requiring patrons to pass through a metal searching arch) was agreed as amended;

- Proposed conditions 7, 8, and 9 were agreed as drafted;

- Proposed conditions 10 (body cams); 11(no patrons on the stage); 12 (ID scanner) and 13 (monitoring CCTV) were agreed as amended;

- proposed conditions 14 and 15 were no longer relevant in light of the changes to the above conditions.

61. Mr Kolvin also confirmed that the PLH would agree to a condition that they would be responsible for overseeing and approval of all category 3 events and that the PLH will be required to ask all organisers of events whether the event will be externally promoted at the time the booking is made.

62. In summary Mr Kolvin contended that category 1 events (Cabaret and dining events which take place up and until 2:00 hours and category 2 late night cabaret events (called Proud Lates) where patrons are not required to have food but must listen to a live performance-based entertainment are not high risk events and these should be permitted for the permitted hours on the licence . The category 3 events (corporate and charity events – fundraisers,

award dinners, conferences) and category 4 events (private bookings/parties) can be low risk such as a fundraiser for charity but if they are externally promoted they can become more high risk so this is why Mr Kolvin suggested that effective risk assessments should be carried out to determine which ones should proceed as it will depend upon the nature of the events taking place. Mr Kolvin even suggested that the PLH would be open to the Police being served with notice of such events and to have the right to veto the events. However, the Police confirmed that a large number of these events would be planned every week and it would be wrong to put the onus on the Police (who have limited resources) to check each and every event on a weekly basis when the PLH should have the responsibility to do this.

63. Mr Kolvin stated that the Police do not want any category 3 and 4 events to continue. However, he emphasised that the category 3 events (charity and fund raising events etc) have posed no problems over the last three and a half years and in his submission there is no reason why they should not be able to continue. The income from Proud Lates and corporate events make up about 50% of the income of the business, so these events are needed to make the business viable. To lose the income from these events, would push Mr Proud into insolvency and this would cause the loss of 150 jobs. By taking a more targeted approach by removing high risk events rather than cutting hours would promote the licensing objectives. Mr Kolvin contended that rather than banning these category 3 and 4 events completely, they should be properly risk assessed to determine whether they can proceed or whether it is thought they could involve violence/disorder, in which case they should not be allowed to proceed but he wants the PLH to make that decision.
64. The Committee were concerned that private parties (category 4 events) should be considered low risk bearing in mind that the Trigger event happened at a private party. After lengthy discussion Mr Kolvin confirmed that the PLH would be prepared not to have category 4 private events if the Committee felt that would be more appropriate, on the basis that parties could still take place with a TEN, where the Police and Environmental Health would have the ability to object if they were concerned about an event.

Conclusions of the Committee in relation to the review of the Interim Steps and the full Review

65. The Committee adjourned the hearing to make its determination and resumed the hearing to announce its Decision and to summarise its reasons which are more fully set out below.
66. The Committee recognised that the purpose of today's hearing was twofold: -
 - (1) Firstly, to review the interim steps taken on 21 September 2021 at the Interim Steps hearing and decide whether it is appropriate for any of the steps to remain in place or to be modified and if so, whether such steps should continue to have immediate effect; and
 - (2) Secondly, to consider what appropriate and proportionate steps should be

taken for the promotion of the licensing objectives in respect of the review.

67. The Committee recognised that the proceedings set out in the Act for reviewing premises licences represent a key protection¹⁰ for the community when problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. The Act provides the Licensing Authority with a range of powers on determining a review that it may exercise where it considers them appropriate and proportionate for the promotion of the licensing objectives.¹¹ In deciding which of these powers to invoke, the Licensing Authority should so far as possible seek to establish the cause or causes of the concerns which the representations identify.¹² The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response. Each case has to be determined on its own merits, on the balance of probabilities.”

The Committee also recognised that paragraph 11.24 of the Guidance advises that :-

When dealing with reviews in connection with crime, “ Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority’s role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.”

Interim Step Review Decision

68. The Committee reviewed the interim steps and decided that Mr Proud should be removed as the DPS as he is not promoting the licensing objectives for the reasons explained in this Decision. The Committee also **decided** that as there is clear evidence that this Premises is not promoting the licensing objectives, particularly in relation to crime and disorder, that it is necessary, appropriate and proportionate for the promotion of the licensing objectives to attach and modify the interim Steps as specified in this Decision.
69. The Committee recognised that the Trigger event was serious and they were very concerned about the failures in management, particularly regarding the breaches of conditions which allowed bottles to be used as weapons and a knife to be brought into the Premises. The Committee concluded it was appropriate and proportionate to remove the DPS for the reasons specified in the paragraphs below and to attach these stringent conditions to the Licence. The Committee decided on this occasion not to reduce the hours of the licence. The Committee was very concerned about promoted and private events as these can be high risk and the Committee decided that no promoted events should proceed beyond core hours and no private events should take place. In view of the seriousness of Trigger event and the Committee’s

¹⁰ Paragraph 11.1 of the Secretary of State’s Guidance

¹¹ Paragraph 11.16 of the Secretary of State’s Guidance

¹² Paragraph 11.20 of the Secretary of State’s Guidance

concern about the management of the Premises it considers that the Interim Steps should be modified as set out in this Decision and such steps should take immediate effect.

Review Decision

70. Having carefully considered the large volume of evidence from all the parties involved in this case the Committee concluded that the Police were right to bring this review because the fight which broke out on 2 September 2021 at a private birthday party was an incident of serious disorder and serious crime which does not promote the prevention of crime and disorder licensing objective.
71. The Committee also concluded that the event was not properly risk assessed by the DPS or the PLH and noted that this was accepted by Mr Kolvin on behalf of the PLH. The Committee further concluded that there were failings in the management and the security team on the night in question as it was clear that patrons were not properly searched, as required by conditions on the existing Licence. This allowed someone to bring in a knife which the Committee agreed was found on the stage of the Premises. Patrons were also allowed on the stage and it was clear from the CCTV evidence that patrons were drinking from bottles and the management did not attempt to recover the bottles from patrons. Bottles were also left on tables which enabled them to be used as weapons, causing one member of the security staff to be badly injured by being hit over the head with a bottle. These failures in management also amounted to breaches of conditions 12 (bottles to be removed); condition 13 (patrons to be searched from 22:30 hours); condition 16(b) (requiring risk assessments to be carried out for promoted events and notice given to the Police). Mr Proud was at the Premises on the night of the Trigger event and he had overall responsibility for ensuring conditions on the licence were met, as did the PLH.
72. Mr Proud has volunteered to step down as the DPS immediately as a result of the problems which occurred and the Committee welcomed this approach. The Committee was mindful that the removal of the DPS may be sufficient to remedy some of the problems where poor management has been identified¹³ and as both Mr Kolvin and Mr Grant consider the interim steps can be modified as part of this review process, which can have immediate effect, the Committee decided to remove Mr Proud as at 5pm on 18 October 2021 with immediate effect. The delay of three days will give the PLH an opportunity to make an application to appoint a new DPS so that the Premises does not have to close completely.
73. However, simply removing the DPS does not address all the issues highlighted in this review. The Committee recognised that the issues raised do not tend to arise when the Premises operates as a cabaret-led venue, with celebrity stars performing and patrons eating a substantial table meal. However, as explained by Mr Kolvin the Premises allows all sorts of events to take place ranging from cabaret lunches and evening dining events, to late night cabaret

¹³ Paragraph 11.21 of the Secretary of State's Guidance

events, fund raisers by well-known charities and other types of corporate events and award ceremonies. However, it also allows private parties, including the one when the Trigger event occurred on 2 September 2021. The Committee agreed that the “nature” of the events need to be properly risk assessed, as does publicly promoted events which may attract the wrong crowd and not promote the licensing objectives. It was clear from the evidence provided that birthday parties, corporate and charity events may well be publicly promoted whereby members of the public can simply apply for tickets online. These types of events can be low risk but where they are publicly promoted they are more likely to be higher risk events. The Committee does have sympathy for the Police stance that they do not want any publicly promoted events to be permitted. However, even the Police recognise that a charity event which takes place in early evening may well be classified as a low risk event and on reflexion the Police were willing to allow publicly promoted events to take place up to core hours, which the Committee has permitted.

74. Having said that the Committee agreed that private events should not be permitted as these can be too high risk as shown from the incident which occurred on 2 September 2021, which was a private birthday party. The Committee also recognise that over the last three years the PLH has not had serious crime and disorder problems at most of its late night cabaret nights which can terminate at 2 or 3 in the morning have not been running. Similarly, there have been no problems with “Proud Lates” events so the question arises as to whether such events should be curtailed in any way. It is clear that when events are booked, the PLH needs to find out whether the event will be externally or publicly promoted so it has attached a condition on the licence to ensure that the PLH properly assesses the event and notifies the Police. The Committee agrees with the Police that the onus lays with the PLH and not the Police to check each event which will be taking place.
75. In terms of the full review the Committee would reiterate its concerns about the Trigger event, the breaches of conditions and the failure of management and it considers the steps it has taken in relation to the full review are appropriate and proportionate, indeed, are necessary to promote the licensing objectives especially in relation to the prevention of crime and disorder. The Committee was mindful that the Police wanted all events to be banned apart from cabaret performance-based events or those with a substantial table meal, however the review was caused by one incident where the PLH did call the Police and it has to take a proportionate response in view of the financial impact of other steps which were proposed. The PLH made mistakes and but going forward the PLH and his management team must take carry out proper risk assessments to make sure that the PLH proactively ensures which events can or cannot take place. The Committee also hopes that Castlebrooke will monitor the operation more carefully.
76. Having carefully considered the application and the evidence before it the Committee decided it was appropriate to take the steps specified in this Decision including removing the DPS and modifying the conditions on the licence to address the concerns raised and to promote the licensing objectives. The Committee considered that the steps taken were appropriate and

proportionate for the reasons set out in this Decision. The Committee has sought to strike a proportionate balance, whilst fully recognising the severity of the Trigger event and the implication in terms of promoting the licensing objectives. The Committee are also supporting businesses during the COVID recovery.

The reviewed Interim Steps shall take immediate effect.

The Committee's determination in relation to the full Review do not have effect until the end of the period given for appealing against the reasoned decision, or if the decision is appealed against, until the appeal is disposed of.

**Licensing Sub-Committee
15 October 2021**

Schedule One – details of the Interim Steps taken on 21 September 2021

INTERIM STEPS DECISION

Having carefully considered the application for an expedited review and the evidence presented by the Police and the Premises Licence Holder, both verbally and in writing, the Committee has concluded that the Premises are associated with serious crime and serious disorder and it is necessary to take the following steps: -

1. To reduce the permitted hours for the sale of alcohol (both on and off the Premises), all permitted licensable activities and the opening hours to :-

Monday to Thursday	10:00 hours to 23:30 hours
Friday and Saturday	10:00 hours to 24:00 hours
Sunday	09:00 hours to 22:30 hours.
2. That subject to paragraph 1 above, the terminal hours for all licensable activities and the opening hours shall be no later than 01:00 hours on Wednesday, Thursday, Friday and Saturday for pre-booked "all-star" events provided such activities are ancillary to dinner (a table meal) and a cabaret performance. For the avoidance of doubt all licensable activities must cease and all patrons must have left the Premises by no later than 01:00 hours on these days and for these events.
3. To modify the conditions on the existing licence by adding the following condition to restrict the operation of the Premises, namely:

"The licensable activities authorised by this Licence and provided at the Premises shall be ancillary to the main function of the Premises as a cabaret venue."
4. To modify the conditions by suspending condition 54 of the existing licence with immediate effect. Condition 54 states :-

"Alcohol shall be ancillary to the provision of regulated entertainment and or

substantial food”.

5. To modify the conditions by suspending condition 15(b) of the existing licence with immediate effect to prevent the extension of hours for licensable activities and the opening hours for British Summer Time. Condition 15(b) states :-

“Seasonal variations and/or non-standard timings:

(b) Occasional extended hours is permitted for British Summer Time. Police to be notified in advance”.

6. To add a condition to the existing Licence stating that :-

“No private events shall be permitted to take place at the Premises save that the Premises shall be permitted to have the eleven private pre-booked events listed in the letter dated 20 September 2021 from Keystone Law provided the terminal hour for licensable activities and the opening hours shall cease no later than 01:00 hours. For the avoidance of doubt all licensable activities must cease and all patrons must have left the Premises by no later than 01:00 hours at these private events.”

In view of the seriousness of this case, it is necessary and proportionate for all the Interim Steps and for this Interim Decision to take immediate effect.