



**Ballie Ballerson**  
**53-54 Berwick Street, London W1F 8SP**

### **Introduction**

1. I, Mike Owens-Brookes, of Licence Consultants Limited, Suite 843, 19-21 Crawford Street London W1H 1PJ make this statement to provide additional relevant information in regard to an application for a full variation of a Premises Licence.
2. I have been an associate consultant with Licence Consultants since 2018. Licence Consultants is a licensing consultancy service with a respected reputation amongst the Police, local authorities, and our private clients.
3. My full-time employment is as Group Quality & Compliance Manager for KM Facilities Management Group Ltd, which has a trading company of KM Security Ltd. I am responsible for managing SIA accreditations and legislative compliance.
4. I have over 25 years operations, management, training and auditing experience. I hold the qualifications of a professional trainer through the CIEH and been delivering regular NCPLH and APLH licence training through BIIAB and Highfield with a range of companies for over 15 years.

### **Instructions and Scope of Work**

5. I have been engaged by Ballie Ballerson and asked to conduct independent licensing observations whilst the premises is trading to assess any impact by the use of the entrance and exit on Berwick Street.
6. I confirm that, notwithstanding that I am engaged as a consultant by Ballie Ballerson, I have prepared this Witness Statement together with all opinions expressed herein, as an independent professional licensing consultant.

### **Observations**

7. I conducted four observations of the premises on the 1<sup>st</sup>, 8<sup>th</sup>, 14<sup>th</sup> and 21<sup>st</sup> December 2019. The observations took place between approximately 01:00 – 04:00 hours.
8. The purpose of the observations was to see Ballie Ballerson operating during trading hours on both a Friday and Saturday night. I noted numbers of customers and any noise levels that might be considered a nuisance. I also observed activity in the street during those times.
9. The observations were 'covert' and staff at the premises were unaware that observations were taking place.
10. The observations were conducted by walking past on several occasions and from a vehicle parked in a space a short distance from the venue.

### General Notes

11. Berwick street is a one-way street (north to south) leading off from Oxford Street. The venue is approx. 100 yards from the junction with Oxford Street. Berwick street is a narrow road with two and three story buildings on either side of the road. There is parking on the west side of the road opposite the venue. The green man pub is located directly opposite the venue and is licensed until 1am. The road is heavily used as a cut through to Soho by pedestrians and vehicles.

### Observation 1<sup>st</sup> December 2019 (Saturday trading night)

12. My observation started at 01:00hrs and ended at 04:10hrs.
13. The weather conditions were clear, calm and chilly. In a built-up area in current weather conditions, the acoustics will generally be enhanced.
14. I carried out this observation from my vehicle in a parking space opposite the venue and on foot to observe footfall
15. A group of customers or staff members were seen outside the green man pub until approx. 2am and then dispersed. During the observation the road was constantly busy. There were many vehicles with loud sound systems playing as they traversed through.
16. Most of the nearby venues appeared quiet on Berwick Street. Venues on Wardour Street adjacent to Berwick Street had queueing customers at 12:55am at Simmons- approx. 25 customers.

1:10 hours 6 people queuing and searched upon entry by security staff

1:30 hours 8 people entering premises- normal conversation levels.

1:40 hours 4 people enter venue – 6 smokers. Security friendly with customers and asked group of female smokers to lower noise levels.

2:00 hours Group of 10 people leave and head toward oxford street – noise levels not excessive or cause for nuisance

2:30 hours Group of 6 people leave venue

3:0 hours 10 Smokers no excessive noise

3:15 hours Loud music from taxi passing by

3:30 hours Public on the corner of oxford street can clearly be heard – not venue customers

3:30 hours Entrance doors closed, and pedestrian barriers taken inside venue.

3:34 hours Fire alarm set off in nearby venue - unsure which premises.

3:38 hours 4 people in doorway area - normal conversation levels.

3:55 hours Staff leaving venue.

4:10 hours Completed observation

### **Observation 8<sup>th</sup> December 2019 (Saturday trading night)**

17. My observation started at 01:00hrs and ended at 04:10hrs.
18. The weather conditions on the night of the observation were cold and very wet with heavy downpours of rain.
19. I carried out this observation walking past on several occasions and parked in a space within distance to the venue to observe numbers of customers and noise levels associated with Ballie Ballerson.
20. During the observation the road was constantly busy. There were many vehicles with loud sound systems playing as they traversed through.
21. There was heavy rain during the observation.

01:00 hours All other surrounding venues closed in Berwick Street; Simmons in Wardour Street had a queue of 20 approx. customers.

01:05 hours Green man pub 15 patrons outside smoking

01:10 hours venue has 8 in queue and 4 smoking. Level of noise audible but not at nuisance level.

01:15 hours observed Customer level in Wardour Street. People walking around area quickly to avoid the rain.

01:35 hours venue has 1 smoking - 10 queuing. venue has customers left heading towards oxford street

01:45 hours moved car parked outside venue.

01:55 hours constant traffic few public walking to Oxford street

02:00 hours 8 smokers noise level laughter and conversation

02:10 hours 4 smokers and 4 queue, normal conversation levels

02:24 hours 6 males' loud conversation and laughter traverse past venue from Oxford street.

02:30 hours 10 smokers noise level not excessive

02:40 hours large group leave venue x10

02:45 hours taxis pick up leaving customers

03:00 hours loud motorbike in parked bay police drive pass and arrest driver

03:14 hours 6 smokers loud conversations and laughter

03:20 hours group re enter

03:30 hours rubbish collected from outside green man pub. Audible glass waste moved.

03:40 hours 7 passers by

03:45 hours barriers taken in doors closed.

04:05 hours rubbish put outside venue.

**Observation 14<sup>th</sup> December 2019 (Friday trading night)**

22. My observation started at 01:10hrs and ended at 04:00hrs.
23. The weather conditions on the night of the observation were cold and raining.
24. I carried out this observation walking past on several occasions and parked in a space within distance to the venue to observe numbers of customers and noise levels associated with Ballie Ballerson.
25. During the observation the road was constantly in use by pedestrians and vehicles.
26. Parked opposite venue in Berwick Street at 01:10 outside the Green Man pub. Walked past venue and inspected and round to Wardour street to access general levels of customers around the area.
27. All other surrounding venues closed in Berwick Street; Simmons in Wardour Street had a queue of 10 approx. customers.
28. Three door staff observed on duty.

01:10 hours Ballie Ballerson has no one in the queue and 4 smokers standing in doorway to the let on the venue out if the rain. Note: Scaffolding removed from right hand side of venue. This was previously used by smokers and public queueing to enter venue.

01:15 hours Green man pub 5 patrons outside smoking talking and laughing at a loud level.

01:20 hours Motorbike revving loudly at the crossroads of Noel Street and Berwick Street.

01:45 hours People standing outside Misan Textiles No.52 (adjacent to venue) approx. 6 males exit door from what appears to be a private gathering. Quite loud levels of conversation and then they re-entered address.

02:15 hours Observed 8 customers queueing all ID checked and searched by door staff

02:19 hours 10 customers in queue. Normal noise level. 6 Smokers.

02:20 hours Loud sports cars revving travelling down the street from Oxford Street

02:30 hours 10 customers leave noise level acceptable

02:35-03:00 hours Road sweeper very noisy collected rubbish from Berwick Street

02:38 hours People standing outside Misan Textiles No.52 (adjacent to venue) approx. 4 males exit door quite loud levels of conversation and then they re-entered address.

0:240 hours large group leave venue x10 – Taxis pick up. Noise level not a nuisance

02:45 hours taxis pick up leaving customers

02:50 hours Loud group of females shout and scream traversing toward Oxford street. Not associated with venue.

03:00 hours Police sirens loudly travel through Oxford Street. 8 customers leave and head toward Oxford Street.

03:20 hours Ashtrays taken in and doors closed.

03:30 hours Rubbish put in doorway of venue.

03:35 hours Door staff leave venue.

04:00 hours Drove around surrounding roads to ascertain noise levels. Oxford street with passers-by but low levels of footfall compared to previous observations. Small number of smokers standing outside Simmons.

### **Observation 21<sup>st</sup> December 2019 (Friday trading night)**

29. My observation started at 01:45 hrs and ended at 04:15hrs.

30. The weather conditions on the night of the observation were cold and raining.

31. I carried out this observation walking past on several occasions and parked opposite to the venue, to observe numbers of customers and noise levels associated with Ballie Ballerson.

32. During the observation the road was constantly in use by pedestrians and vehicles and peddle cabs.

33. Parked opposite venue in Berwick Street at 01:35 outside the Green Man pub. I walked past the venue on several occasions and inspected and round to Wardour street to access general levels of customers around the area.

34. All other surrounding venues closed in Berwick Street; Simmons in Wardour Street had a number of customers smoking outside their venue.

35. Three door staff observed on duty.

01:45 hours Ballie Ballerson has no one in the queue and 4 smokers standing in doorway to the left of the venue out if the rain.

02:00 hours Observed 4 customers queueing all ID checked and searched by door staff

02:20 hours approx. 8 customers leave - noise level acceptable

02:30 hours 6 smokers standing outside café to the left of venue speaking loudly in Spanish – unsure if they were connected to venue

02:40 hours 4 customers queuing and 6 smokers outside – noise level acceptable

02:45 hours Taxis beeping other taxi attempting to park in Berwick Street

02:50 hours ID check 6 customers entering venue

03:00 hours 8 customers leave venue shouting at door staff as they had a bottle removed upon exit

03:10 hours 10 customers leave – noise level acceptable – heavy rain

03:15 hours 2 customers re-enter and 3 customers leave – noise level acceptable.

03:20 hours 10 customers leave venue; group of males descend from Oxford Street and get into parked car in Berwick street. – noisy conversations.

03:35 hours Delivery lorry pulls up and outside premises with stock delivery.

03:55 hours Hoardings and ashtrays taken inside. Group of males shout loudly at pedicab drivers over prices. Not associated with venue.

04:05 hours Doors closed.

04:15 hours Staff leave.

### **The Four Licensing Objectives**

36. In my professional opinion, based on the observations I carried out, the premises does promote the Four Licensing Objectives

#### Prevention of Crime and Disorder

37. The premises have a professional and proactive security team who all wore SIA badges.
38. I did not witness any incidents of crime and disorder associated with Ballie Ballerson during the observations.
39. Guests are properly vetted, searched and ID checked before being admitted to the premises.

#### Public Safety

40. I could see clear signage for fire exits at the entrance.
41. Barriers were in place to ensure customers did not obstruct the pavement and cause pedestrians to have to walk on the road to pass.

#### Prevention of Public Nuisance

42. Staff were proactive in asking customers reduce noise levels when smoking.
43. Guests were encouraged to leave the premises quietly.
44. I did not see any rubbish or waste from the premises that would constitute a nuisance.

#### Protection of Children from Harm

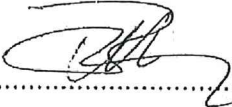
45. Guests appearing under 25 were ID checked before being permitted entry.

### **Conclusions**

46. The maximum number of people queuing at any one time during the four observations was 10 customers. The maximum number of customers smoking was 8.

47. Noise levels that may constitute a noise would mainly be attributed to passing vehicles through Berwick Street and public passing through toward Oxford Street.
48. The noise level from traffic and general public passing through the street increased significantly between 02:00 and 03:00 hours.
49. Door supervisors at the venue controlled the entrance and ensured customers entering and leaving were dispersed effectively.
50. Taxis stopped briefly outside the venue whilst collecting passengers.
51. Dispersal is well organized and effective.
52. The premises is serious about preventing noise and nuisance to its neighbours.
53. Based on my observations, I would assess that Ballie Ballerson is operated in a professional manner.
54. I did not witness anything associated with Ballie Ballerson that might be considered nuisance.

This statement is to the best of my belief and understanding true and accurate.

Signed:  ..... Dated: 23<sup>rd</sup> January 2020

Mike Owens-Brookes