



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday 21st April, 2016**

Time: **10.00 am**

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

Members: **Councillors:**

Angela Harvey (Chairman)
Jan Prendergast
Rita Begum

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. BASEMENT TO FIRST FLOOR 1A CHESTERFIELD STREET W1

(Pages 1 - 66)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / not in cumulative impact area	Basement to First Floor, 1A Chesterfiel d Street, W1	New	16/01480/LIPN

2. RAW AND BBQ BASEMENT AND PART GROUND FLOOR 11 BERKELEY STREET W1

(Pages 67 - 192)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / not in	Raw And BBQ Basement	New	16/01829/LIPN

	cumulative impact area	and Part Ground Floor, 11 Berkeley Street, W1		
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3. THE CLIFTON 96 CLIFTON HILL NW8

(Pages 193 - 286)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Abbey Road Ward / not in cumulative impact area	The Clifton, 96 Clifton Hill, NW8	New	16/01702/LIPN

4. LADBROKES 25 ARGYLL STREET, W1

(Pages 287 - 454)

App No	Ward	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward	Ladbrokes 25 Argyll Street, W1	Review Betting (Other) Premises Licence under Gambling Act 2005	16/00086/LIRE VG

**Charlie Parker
Chief Executive
15 April 2016**

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

POLICY CONSIDERATIONS

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

GUIDANCE CONSIDERATIONS

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

LIVE MUSIC ACT 2012

The Live Music Act amends the Licensing Act 2003 by:

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

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

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

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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Item No:	
Date:	21 st April 2016
Licensing Ref No:	16/01480/LIPN - New Premises Licence
Title of Report:	Private Members Club Basement To First Floor 1A Chesterfield Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Steve Rowe Senior Licensing Officer
Contact details	Telephone: 020 7641 7816 Email: srowe@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	5 February 2016		
Applicant:	Experimental Worldwide Limited		
Premises:	Private Members Club		
Premises address:	Basement To First Floor 1A Chesterfield Street London W1J 5JG	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	The premises operated as a private members club under a Club Premises Certificate. The applicant has advised that the premises will now operate as a private proprietary members club on the basement, ground and first floor.		
Guidance on Proprietary Clubs:	Paragraph 6.5 of the Home Office Guidance gives a definition of a proprietary club as a club which is run commercially by individuals, partnerships or businesses for profit and therefore requires a premises licence under the LA2003.		
Premises licence history:	<p>The premises operated as a private members club under a Club Premises Certificate 06/06353/WCCMAC. The hours for Certificate are:</p> <p>Regulated Entertainment:</p> <ul style="list-style-type: none"> - Playing of Recorded Music: - Monday to Saturday - 11:00 to 01:00 - Playing of Recorded Music: - Sunday - 12:00 to 23:30 - Private Entertainment: - Monday to Saturday - 11:00 to 01:30 - Private Entertainment: - Sunday - 12:00 to 00:00 - Sale by Retail of Alcohol: - Monday to Saturday - 11:00 to 01:00 - Sale by Retail of Alcohol: - Sunday - 12:00 to 23:30 <p>As the annual fee was not paid in 2014 the Club Premises Certificate has been suspended.</p>		
Applicant submissions:	<p>The applicant has provided the following submissions and proposed conditions in support of their application:</p> <ul style="list-style-type: none"> • Consultation Letter • Applicant Presentation Pack • Sample Menu 		

	<ul style="list-style-type: none"> • Reviews • Pre App report • Appendix 11 Submission
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1-B Proposed licensable activities and hours							
Regulated Entertainment (Recorded Music):				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations:		None					
Non-standard timings:		<ul style="list-style-type: none"> • From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day • Until 1am on Sundays immediately before bank holiday Mondays 					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations:		None					
Non-standard timings:		<ul style="list-style-type: none"> • From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day • Until 1am on Sundays immediately before bank holiday Mondays 					

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations:		None					
Non-standard timings:		<ul style="list-style-type: none"> • From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day • Until 1am on Sundays immediately before bank holiday Mondays 					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	00:00
Seasonal variations:		None					

Non-standard timings:	<ul style="list-style-type: none"> • From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day • Until 1am on Sundays immediately before bank holiday Mondays
Adult Entertainment:	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Mr Dave Nevitt
Received:	4 th March 2016
Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	19 th February 2016
With reference to the above application the Police, as a Responsible Authority, object to the application for a new Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives.	
Our objections relate to the following:	
There are insufficient conditions proposed by the applicant	

2-B Other Persons	
Name:	Sir Nicholas Goodison
Address and/or Residents Association:	14 Chesterfield Street London W1J 5JN
Received:	21 st February 2016
We have received your letter of 8 February about the application from Experimental Worldwide Ltd for a new premises license for a 'private members' club' at the above address. I have looked at the documents on your website.	
My wife and I are extremely concerned about this application. Chesterfield Street is a mostly residential street and, despite some war damage, is one of the best preserved Georgian residential streets in London. In our view it is wrong in principle to allow such	

public commerce to infiltrate it. It would spoil much of the character of one of Westminster's finest streetscapes.

The commercial nature of this license application is clear from the use of the word 'customer' instead of 'member' in the provisional 'Operational Management Statement' submitted by the applicant. Indeed the whole application implies a fairly public restaurant and bar – with apparently easy membership applications and access for the public

More specifically we are very concerned about the disturbance which the proposed 'private members' club' is likely to cause, both by day and particularly night. Our experiences of the Rags' Club and the Games Room, which successively operated at these premises until about 2005, were unacceptable and must not be repeated.

Any new license should respect the residential nature of the street and the rights of its residents' to undisturbed sleep during the night and peace and quiet on Sundays and special days of the year such as Christmas and Easter. It should also insist on a visually acceptable streetscape by day. Our detailed comments on the application therefore are:

1. The Club should not be permitted to operate on Sundays. The Rags Club and the Games Room when they operated in the premises until a decade ago did not open on Sundays and this new club, which has based its right to operate at 1a Chesterfield Street on those predecessors, should do the same. Sundays are days of rest and residents should not be subjected to noisy disturbance.
2. The Club should not operate on Christmas Day or Easter Day. To operate commercially in a street of this character on these special days of the year is both disrespectful of their meaning and an intolerable infringement of the rights of residents.
3. [Throughout the application] The extension of the proposed opening times for music, sale of alcohol etc. to 1am in the morning is too late. It is a serious threat to residents' quality of life. There should be no permissions after midnight.
4. [Throughout] Extension throughout the night of New Year's Eve will be intolerable and should not be permitted.
5. [Section J] The sale of alcohol for consumption off the premises implies drinking on the street and should not be allowed. Section 1.3.2.4 of the provisional 'Operational Management Statement and Appendix 1 Submission' speaks vaguely of 'restrictions on customers drinking on the street' without explaining what this means. Drinking on the street or on the pavement outside the club should not be permitted at all.
6. [Section L] Why does the application specify times of access for 'the public'? A 'Private Members' Club' by definition should not be open to the public. The aim seems to be to make it possible for the club to draw in non- members to its restaurant and bars, and to hire out its premises to public revels which are not consistent with being a private members' club. There should be no access for 'members of the public'.

7. There should be a clear framework of qualifications for membership and clear conditions, including rules of behavior, of membership.

Name:	Mrs Valentina Gupta
Address and/or Residents Association:	2 Chesterfield Street London W1J 5JF
Received:	29 th February 2016

Dear Sirs,

I am the owner of 2 Chesterfield Street London W1J 5JF. The property most likely to be adversely affected by this application if granted.

I wish to make the most strenuous objections to the licensing application for a club at 1A Chesterfield Street (No 16/01480) ("the Premises") made by Experimental Worldwide Limited.

As you will be aware Chesterfield Street is primarily a residential area. The history of No 1A is irrelevant to the present application. Its former history as a club prior to its lapse some years ago was in times when public behaviour was very different to that encountered today. There is a current lack of social awareness and social responsibility because this is the age of the individual feeling they have a right to do whatever they like irrespective of the effect on others.

I have noted the comments in the Operational Management Statement & Appendix 11 Submission about

(A) Preventing

- (i) Noisy or anti-social behaviour by customers leaving the Premises;
- (ii) Large numbers of people leaving the Premises at the same time;
- (iii) Loitering or any disturbance whatsoever outside the Premises.
- (iv) Restrictions on customers drinking on the street.

(B) Expecting customers to be welcomed straight into the Premises by members of staff to avoid queuing or loitering outside;

(C) Reminding customers when arriving by private car or taxi and their drivers not to leave engines running unnecessarily, to keep conversation to a minimum and avoid slamming car doors;

(D) That the unnecessary sounding of car horns will not be tolerated under any circumstances whatsoever;

(E) That black cabs are readily available right through the day and night in the area and that Customers will be encouraged to go directly into a waiting taxicab when leaving the

Premises and at if there are no available black cabs, customers will be asked to wait inside the Premises until a cab becomes available. This avoids customers waiting outside on Chesterfield Street unnecessarily.

The fact remains that these are merely statements of their wishes but in practice it will undoubtedly be difficult if not impossible to enforce. Staff have no power to make customers wait inside, to talk quietly etc. The staff certainly have no power to police outside the Premises to give effect to these aims if a customer leaves the Premises. There is no point in saying the errant customer will not be admitted to the Premises as the trouble is simply pushed outside the Premises and causes exactly the type of nuisance to the residential neighbours that they would wish will not happen.

In addition the Premises will be a non-smoking establishment which immediately leads to congregations of smokers outside the Premises and the inevitable nuisance of smokers' detritus littering the street.

As said above this is a primarily residential street. The Club will be open from 10:00 to 01:00 Monday to Saturday and 12:00 to 23:30 on Sundays. Why is there a need for another club this time in a quiet residential street when in the surrounding area there are numerous existing clubs (let alone restaurants and hotels) For example

Arts Club - 10 Dover Street, Mayfair

Bucks Club - 18 Clifford Street, Mayfair

Eccentric Club - 69 Brook Street, Mayfair

Savile Club - 69 Brook Street, Mayfair

Flyfishers' Club - 69 Brook Street, Mayfair

Lansdowne Club - 9 Fitzmaurice Place, Mayfair

Naval Club - 38 Hill Street, Mayfair

Morton's - 28 Berkeley Square, Mayfair

Annabel's - 44 Berkeley Square, Mayfair

George - 77-78 Mount Street, Mayfair

Harry's Bar - 26 South Audley Street, Mayfair

Mark's Club - 46 Charles Street, Mayfair

5 Hertford Street - 2-5 Hertford Street, Mayfair

Aspinall's - 27-28 Curzon Street, Mayfair

The Colony Club - 24 Hertford Street, Mayfair

Coya - 118 Picadilly, Mayfair

Playboy Club, 14 Old Park Lane, Mayfair

KPMG Private Members Club - 19-20 Grosvenor Street, Mayfair

Sketch - 9 Conduit Street, Mayfair

In addition to problems with customers the issue of deliveries also needs to be considered. The Operational Management Statement & Appendix 11 Submission claims "Deliveries and collections will be arranged carefully and sympathetically to the local amenity. Where possible, multiple deliveries and/or collections will be combined to avoid high numbers of vehicles servicing the Premises. Delivery and collection times will not be scheduled late at night or early in the morning to avoid disturbing local residents. Refuse and recyclable waste will be stored in a designated refuse storage area until it is due to be collected. Immediately prior to collection, refuse will be taken outside ready for collection." This is simply the statement of an aim not something which can be guaranteed. The important words are "where possible" not that it will happen. How will the club know when refuse collections will occur? Inevitably there will be a period when refuse will be left outside (piled up?) prior to collection. This is unhygienic and there is a risk that rubbish is scattered around in the street leading to danger and unsanitary conditions to pedestrians on the street let alone worries about rats and disease etc. Why does the application specify times of access for "the public"? A private members club by definition should not be open to the public. The aim seems to be to make it possible for the club to draw in non-members to its restaurant and bars, and to hire out its premises to public revels which are not consistent with being a private members club, effectively making it a bar and a restaurant in a largely residential street.

I strongly urge a rejection of this application.

Mrs. Valentina Gupta

Name:	Mr Naeem Tyab
Address and/or Residents Association:	4 Chesterfield Street London W1J 5JF
Received:	3 rd March 2016

In response to your letter on February 8th, I would like to voice my concerns about license application reference 16/01480/LIPN.

Currently, Chesterfield Street is a beautifully well-preserved and historic residential street. Opening a 'members club' on the street would, without doubt, ruin its charm.

As a recent resident to this street, the attraction is location and proximity to central London with a prestigious address while affording a quiet and personal neighbourhood. This would be totally disrupted if these plans move forward.

Establishing a club at 1a Chesterfield Street would be a nuisance to its neighbours in terms of traffic and noise. Residents have a right to secure, quiet and relaxing times in their homes; especially on the weekends and holidays. A club at this location with such lax membership requirements could easily attract the wrong crowd and pose a security threat.

Chesterfield Street is a one way street, therefore the proximity of the club would add the traffic of its members and staff coming from the north. There would also be an issue of parking.

Additionally there should be a rule that prohibits members from drinking outside of the venue. If there is not something in place to prevent this, the excess of pollution by way of noise and garbage would be a further threat to the residents quality of life.

In terms of noise, the club should not be open for music or liquor sales after midnight. Prior to midnight, the club shall hold a reasonable threshold of music levels such as no louder than 60 decibels measured from the edge of the property line.

I've noticed within the application there are opening hours listed for 'the public'. As a 'private club' there should be no access to 'members of the public'.

Sincerely,

Naeem Tyab

Name:	Mr Naim Gov
Address and/or Residents Association:	14 Manchester Square London W1
Received:	4 th March 2016

Historically, this building was used as a social club but has been out of use for many years. More recently the nature of the properties and their use on Chesterfield Street has changed. The property in question is now flanked by 2 residential properties (single family homes) and their use has changed recently. The hours in which the club is seeking to operate are unsociable for a residential street and the closing time raucous will negatively affect the surrounding residents.

Name:	Elizabeth Phillion
Address and/or Residents Association:	14 Chesterfield Street London W1
Received:	4 th March 2016

I live in 14 Chesterfield Street and I object to a premises license being granted for 1a Chesterfield Street under application no 16/01480/LIPN on the following grounds as applicable to two out of four of Westminster's licencing objectives:

- Public Nuisance
- Public Safety

The proposed premises license will be at cross purposes with the objectives for the following reasons:

Opening times

Chesterfield Street is a quiet residential street inhabited by families

The proposed opening times until 1.30 MONDAY to SATURDAY and 23.30 on SUNDAY are excessively too extensive for a narrow listed residential street and will cause great disturbance and upset to the occupants of the street.

As council tax payers and permanent residents, we are owed a duty of care by our local authority.

Noise/pollution nuisance

Chesterfield Street is a quiet very narrow grade 2 listed street. The listed nature of the street means that residents are by law not allowed to install double glazing or take any measures to reduce exposure to noise or its impacts. The extreme narrowness of the street and the solid nature of the construction creates an enclosed area that traps sound-waves and car and taxi pollution which further exacerbates the effects that noise will have on the local residents.

As such the noise created by recorded music, entrance and exit to the proposed venue, pavement smoking and drunken conversation, increased taxis and motor vehicles, late night rubbish disposal, opening and closing of car doors will be of greatly considerable impact both to the residents of Chesterfield Street but also to the Embassy of Saudi Arabia whose garden 1a Chesterfield Street backs onto.

The OMS & Appendix 11 states that the proposed venue will ensure no noise or vibrations will emanate from the building - given the nature of the 17th Century construction how is this possible?

Further, given the excessively late hours of the proposed closing times, how will the operators ensure that no noise nuisance will be made during dispersal? Clearly given the observations above this is impossible and calls into question the rest of the logic behind the OMS & Appendix 11 submission.

Increased Traffic

Chesterfield Street is a narrow one-way street with parking on both sides of the street.

Charles Street and in particular Chesterfield Street are already extremely busy and suffer traffic jams frequently. Increased traffic caused by taxis and delivery vehicles creates not only a noise nuisance but also an access nuisance to the residents and any drivers. Additional traffic may also threaten public safety in the following ways:

Crossing the road (especially to customers of the proposed establishment who may be intoxicated)

Parking in residential bays (which is very hard and dangerous on a very busy street).
Parking for residents will be prohibited by waiting cars and taxi's.

The transit of any emergency vehicles attending a medical or fire emergency. This is of special importance given that number of embassies clustered around Charles Street and Chesterfield Street and the frequency of public protests outside of those buildings.

Pollution. Cars/taxi's parked whilst waiting for customers in this narrow street will create further air pollution

Traffic congestion in Chesterfield Street is already a problem. This is going to make it yet worse

Rubbish Disposal

Unlike offices or residential buildings, entertainment venues generate very large amounts of rubbish. Chesterfield Street being very narrow already has an issue with excess rubbish being piled high in the evenings. Any addition to this is a further nuisance to the residents, and eyesore in a street that is listed for its charm and by further inviting pests and impeding progress along the street by foot and frequently by car (trash bags in the road) is a threat to public safety.

Other observations:

All of the points above need to be considered in the light of how the area is already serviced by entertainment venues, the noise and traffic nuisance impact that those venues currently have on the lives of residents and local stake-holders and the great impact that another venue will have.

Charles Street has at least four busy licensed venues. Queen Street also has at least three. Curzon Street on the corner with Chesterfield Street has numerous and is greatly impacted by Mamounia and the entrance to 5 Hertford Street. In the evenings, Chesterfield Street and surrounding streets, are plagued by taxi's and drivers waiting for their employers. Frequently residents will have to cajole idling taxis and drivers to vacate the resident parking spaces in which they are waiting and at closing time the sound of high performance sports cars revving their engines is already a great nuisance. This is a real noise and traffic nuisance and in such a confined environment a public health risk due to the potential for accidents. To allow the licensing of yet another venue will greatly add to the nuisance caused in an area that is already over capacity.

I would like to further add that whilst the applicants of the license are using the past history of the building as precedent to obtain a license it is clear that the at the time this building previously held a license the number of licensed establishments in the directly surrounding area were greatly fewer meaning that the amalgamated impact was less than what is being proposed so the use of precedence will I hope have a lower weighting in any decision than it otherwise would be.

There is no limit proposed on the number of bona fide guests of a member.
There is no limit proposed on the numbers attending/frequency of private functions.
Kind regards,

Elizabeth Philion

3. Policy & Guidance

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

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy MD1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

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

Report author:	Mr Steve Rowe Senior Licensing Officer
Contact:	Telephone: 020 7641 7825 Email: srowe@westminster.gov.uk



Experimental Worldwide Ltd
14 David Mews
London
W1U 6EQ

16 February 2016

Dear Sir or Madam

**Application for a Premises Licence
1a Chesterfield Street, London**

We are writing to let you know about our plans for the above Premises, and as you may have already seen, a new Premises Licence. The Premises, albeit already licensed, has been empty for some time and is in need of urgent renovation and improvement.

The Premises is currently licensed under Club Premises Certificates by Westminster Council and has been so for many years. The Certificates allow licensable activities until 1.00 am. Following pre-application discussions with Westminster, we have recently applied for a Premises Licence for a private members' club, with the same hours as the historical Certificates. The Licence would replace the existing Certificates with updated and tighter conditions in line with Westminster's licensing policy. We enclose a summary of the proposed licensable activities, hours and conditions. You will note that licensable activities are only provided to members of the club and their bona fide guests.

Our company is called Experimental Group. We are a global hospitality collective with sixteen establishments in London, Paris, New York and Ibiza. We aim to bring unparalleled expertise in running high class licensed premises around the world, built on a foundation of exceptional service and professional management. We enclose some images of our proposals at the Premises and our existing premises for your reference. For more information about our business, please visit our hotel's website: <http://www.grandpigalle.com/en>.

We aim to sympathetically refurbish the Premises into one of London's finest private members' clubs, sympathetic in both appearance and use. In particular, we are committed to operating responsibly alongside local residents and businesses.

We hope we meet to discuss this in more detail. Could you let us know when might be convenient please.

Yours faithfully

Romée de Goriainoff, Pierre-Charles Cros, Olivier Bon, and Xavier Padovani

Encl.

1a Chesterfield Street London W1J 5JG
Application for a Premises Licence

Proposed Licensable Activities:

	Alcohol & Recorded Music	Late Night Refreshment
Monday – Saturday	10.00 – 01.00	23.00 – 01.00
Sunday	12.00 – 23.30	23.00 – 23.30

Proposed Conditions:

1. Licensable activities may only be provided to:

a) Members of the private members' club and their bona fide guests. No person shall be admitted to membership of the said club without an interval of at least 24 hours between application and admission

b) Persons attending a pre- booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.

2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

4. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

5. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
6. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regarding crime disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and businesses and leave the area quietly.
9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the need of local residents and use the area quietly.
10. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.
11. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel; at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
12. No collection of waste or recycling materials (including bottle) from the premises shall take place between 23:00 and 07:00 on the following day.
13. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
14. All waste if to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

15. The licence shall have no effect until the works as set out in drawings appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team, and this condition has been removed from the licence.

Indicative images of the new private members' club:



Compagnie des Vins Surnaturels Covent Garden:



La Grand Pigalle Hotel Paris:



Experimental Group

April 2016

Our Team

Romée de Goriainoff, Olivier Bon and Pierre-Charles Cros are the young entrepreneurs and restaurateurs who co-founded some of the most influential cocktail bars, wine bars & restaurant establishments in Paris, London, Ibiza and New York. A friendship rooted in childhood, the group decided eight years ago to hatch the concept for the Experimental Cocktail Club in Paris, an establishment that has since become a legend on the global cocktail bar scene.

Romée de Goriainoff, equipped with a dual masters degree in Finance and Economics (Paris Dauphine and Bocconi School of Management, Milan) and Pierre-Charles Cros, with a masters in International Commerce (Concordia University, Montreal) bring business acumen to the group. Olivier Bon, with a background in styling and design, brings a keen eye into the restaurant and service industry, having gained invaluable field experience from Paris' top restaurants.

In 2010, the group added a fourth partner, Xavier Padovani, with the addition of London's Experimental Cocktail Club Chinatown. Xavier's education is founded in travel & hospitality. Xavier has partnered with the likes of Philippe Starck & the Trigano Family on various projects including Paris' Mama Shelter. Until 2012 Xavier served as the Hendrick's Gin Global Brand Ambassador. Most recently he launched the London based agency Orfeus.



Over the years, through new contacts and travels around the world, the founders have diversified the group going beyond just the original cocktail bar concept. The latest openings for the group include Experimental Beach Ibiza - the first beach bar & restaurant for the French collective and Compagnie des Vins Surnaturels in London and New York. In 2015, Experimental Group expands beyond bars and restaurants to open its first hotel in Paris, a concept noted by *Bloomberg* as a new category: Bed & Beverage.

Dorothee Meilichzon, now a well-established bar, restaurant and hotel designer, joined the team as Director of Interior Architecture and Graphic Design. Julie Padovani acts as the Director of Communications and Events looking after the global marketing for the group, and Madeleine Grötsch oversees marketing & events for the group's Paris operations. The newest additions to the team are Nic Smith, Sommelier & Wine Director overseeing the wine selection Paris, Julia Oudill, sommelier at London's Compagnie des Vins Surnaturels Seven Dials and Caleb Ganzer alongside Fabien Suquet overseeing the wine selection in New York's Compagnie des Vins Surnaturels.

EXPERIMENTAL *group*

Our Awards & Press

Over the years, Experimental Cocktail Club in Paris and Experimental Cocktail Club in London were placed in the top ten bars in Europe (Cocktail & Spirits Awards, June 2012). Experimental Cocktail Club New York was listed as one of the World's 50 Best Bars (Drinks International, October 2012, October 2013) and shortlisted for the Paper Magazine Nightlife Awards (October 2012). It has also been shortlisted to win Best New Bar at Tales of the Cocktail's Spirited Awards in July 2013. In 2014, Fay Maschler put Compagnie des Vins Surnaturels Seven Dials in her Top 10 Restaurants of the year.

The group has also been featured in *Financial Times' How to Spend It*, *New York Times' T Magazine*, *Wall Street Journal*, *GQ*, *Vogue*, *Elle*, *Condé Nast Traveller* and *Wallpaper**



PARIS MATCH
Late-night London cocktail club
Paris Match: The unexpected pleasures of Haikidiki



EXPLORE THE BAR as Prescription...
Before 2005, Paris had no real cocktail scene...
page 22



le shake, c'est chic
A cocktail bar combining old-world service with new-school mixing in...
le shake, c'est chic

EXPERIMENTAL

group

PARIS

EXPERIMENTAL COCKTAIL CLUB

The start of an era in Paris. Opened at the end of the summer of 2007, hidden off a tiny street, barely perceptible, the Experimental Cocktail Club is where the start of the New-Parisian Cocktail scene began. The bar has since been cited as one of the World's Top 20 Bars by Bartender Magazine (UK), has often been featured in the New York Times and has been seen in prestigious publications including Vogue, Elle, Travel + Leisure, GQ and Condé Nast Traveller.



PRESCRIPTION COCKTAIL CLUB

The Prescription Cocktail Club, or Px as it's affectionately referred to, is located on the bustling rue Mazarine, at the epicenter of the hip left bank. The Px, after a smashing debut, has become the darling of Parisian cocktail aficionados, foodies and journalists. The press coverage has been enormous with the bar featured in the Wall Street Journal, Financial Times, New York Times, GQ and Elle. Here, the management team ensure the space exudes effortless perfection, true elegance and a touch of eccentricity.

LE BALLROOM DU BEEF CLUB

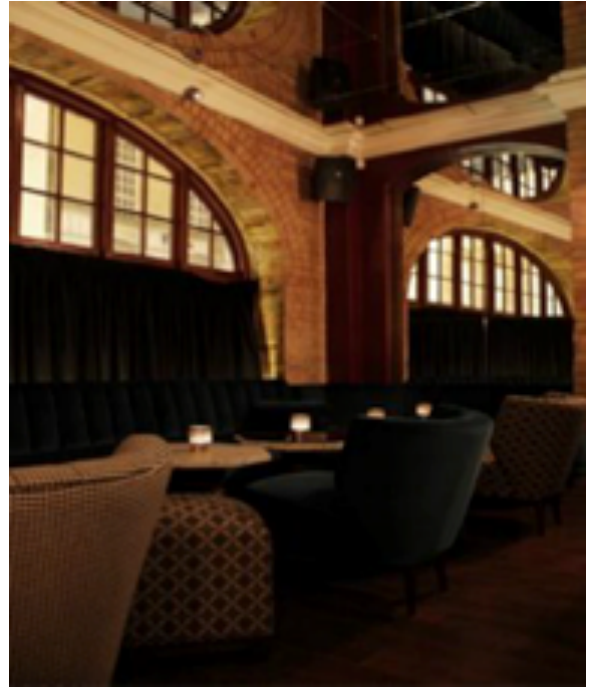
Settled just below The Beef Club with an entrance all its own is Le Ballroom du Beef Club featuring amazing cocktails in the continuum of our cocktail savoir-faire. The room is designed by the one and only Dorothée Meilichzon. Cocktails here are enjoyed surrounded by rich reds, mahogany and bordeaux - a reminder of the steakhouse above. Frequently graces the pages of New York Times, Elle, Vogue and Wallpaper, Ballroom plays host to some of Paris' best parties.



LONDON

EXPERIMENTAL COCKTAIL CLUB CHINATOWN

In December 2010, The New York Times asked “Where do you go when you’ve opened what has been called the best bar not only in Paris, but also the world?” For Experimental Group, the answer was London. Hidden in the depths of Chinatown, the venture is a collaborative effort with business partner Xavier Padovani, former Hendrick’s Gin Global Brand Ambassador. Mere weeks after opening, the press file boasted top publications including New York Times, Wallpaper* & The Guardian. Four years old, the bar hasn’t stopped since and is often noted as one of the best bars to visit in London.



JOYEUX BORDEL

Opened in April 2015, Joyeux Bordel is in the heart of Shoreditch. The focus will once again be cocktails with an emphasis on music. The Clove Club’s Daniel Willis will consult on the music and the sound system will be a custom designed vintage analogue system designed to play primarily vinyl. The cocktail menu will focus on the best ingredients and spirits, and guests will sip drinks into the wee hours. Early press reviews from Time Out, ES and Urban Junkies promise its the place to be in East London.

PARIS

RESTAURANT BACHAUMONT

The ground floor restaurant has been restored to its former glory with large spaces, an open kitchen and large glass roof. Harking back to the main door, the large arches play on perspectives to bring the spaces together with comfortable seating and a large backgammon-inspired dining table forming the nerve centre of the restaurant. Moody walls play on black and white with extensive carpentry and countless wooden mouldings and tilted mirrors.

True to her style, Dorothée Meilichzon has used countless patterns and fabrics on the chairs and seating. Handmade designs adorn the marble mosaic floor around the counter with the same pattern as the Montorgueil cobbles and gold tiles to catch the light.

The effortlessly simple menu with seemingly “standard” dishes (devilled eggs, leeks vinaigrette etc.) and a new take on brasserie style put a fresh and modern spin on the most iconic and classic dishes in the French repertoire. Simple dishes made with a passionate, clear and modern touch with a signature dish of the day on a weekly menu. A selection of prime French produce, Maine-Anjou cattle, suckling lamb and more showcase the beautiful meat cooked in the rôtisserie.

Behind the large copper door to the wine cellar next to the dining room lies a selection of very reasonable French wines and the best Grands Crus for amateurs and connoisseurs to sip and try new flavours. The idea is to be able to choose your wine “just like at home”.



EXPERIMENTAL

group

PARIS

BEEF CLUB

The Beef Club & Ballroom opened its doors at the end of March 2012 on rue Jean Jacques Rousseau in Paris' first arrondissement. The restaurant is an authentic Anglo-Saxon inspired steakhouse that steers away from they typical 'restaurant de viande' found in the French capital. Everything, from the cattle to the oven, is the result of the a laborious effort to find the best on every level. The star of the show is the beef, sourced from Tim Wilson's farm in Yorkshire, just south of Scotland. Wilson is the man behind UK's famed 'Ginger Pig' and has since become a household name. The wine list boasts 200 references.



IBIZA

EXPERIMENTAL BEACH

Experimental Beach Ibiza is situated in southern Ibiza's Las Salinas national reserve. The new venue brings a youthful nostalgia mixed with the innocence of summer love to Ibiza. From the golden, hazy sunrise to the striking beachfront sunset, Experimental Beach is the place to escape to for fresh local food, marvellous cocktails and sumptuous sunbeds. The new location pays homage to Baudelaire's *Invitation au Voyage* with an air of luxe, calme and volupte, or luxury, peace and pleasure.

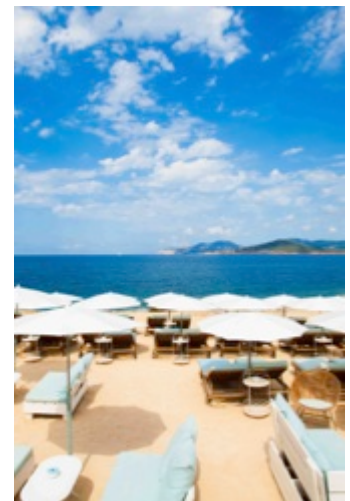
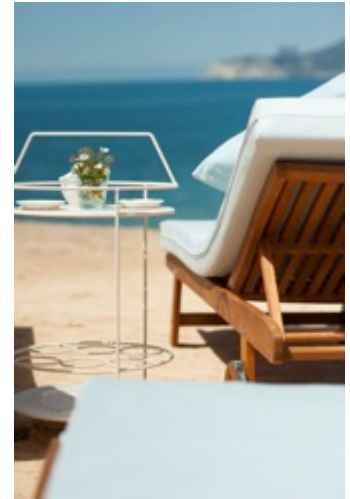
The restaurant features locally sourced ingredients with a nod to the group's French roots. The menu is unique to the island featuring a combination of local wisdom with Spanish and Mediterranean undertones. The wine list is extensive yet accessible, boasting 200 references with many from Spain. The list is hand selected by the sommelier of Compagnie des vins Surnaturels and is the product of extensive research into local Spanish wines.

The cocktail menu is the creation of the ECC bartenders and combines our signature style with a twist. The cocktails are inspired by the groups' travels and experiences behind bars all over the world. Expect beautifully giant conch shell punch bowls perfect for sharing with friends as the sun sinks into the horizon.

The interior & exterior is an inspiration of bohemian vibes with a return to the understated '60s Ibiza bursting with hippy chic and hedonistic undertones. A blend of pastel and muted hues envelops the location with warmth.

The entertainment at Experimental Beach is a twist on electro vibes with undertones of rock, jazz, bossa nova and reggae. Sets play for the incredible sunset every evening while guests lounge at Experimental Beach enjoying the best view on the island, punch bowl at hand and rosé flowing.

Experimental Beach opened in May 2013.



NEW YORK

LA COMPAGNIE DES VINS SURNATURELS

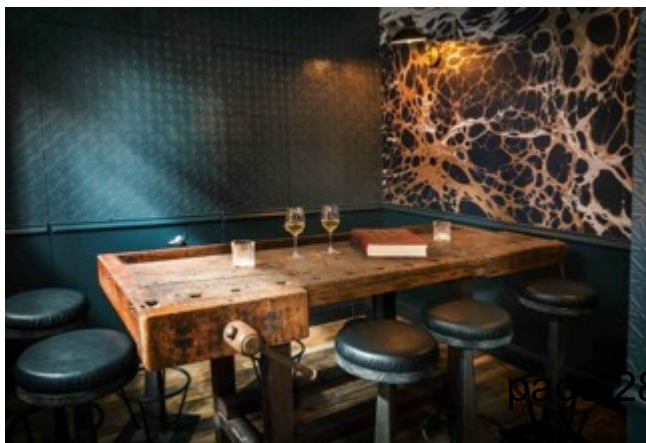
La Compagnie des Vins Surnaturels Centre Street is nestled between Nolita, Soho and Little Italy. The third iteration of the iconic Parisian wine bar, features 600+ wines from around the world plus 30 wines by the glass.

Sommeliers Caleb Ganzer (formerly of Eleven Madison Park & Daniel) Fabien Suquet (formerly of the three Michelin Star-awarded Auberge Du Vieux Puits) have compiled a wine list culled from their favorite producers around the world. Nearly 70 percent of the list is French in origin Suquet also includes many of his favourite small growers from more unheralded regions such as Lebanon, Israel, Greece, Hungary, and Brazil.

A menu of small plates complement Suquet & Ganzer's wine choices. Dishes such as *Marinated Seabream with orange citrus*; a *Beef Tartare with tomato confit and Savora mustard*; *Braised Octopus with pickled pearl onions and pink peppercorn*; *Toad in a hole with truffle butter, mushrooms and cured ham*; and a *Shellfish & Parsley Royale* provide a savory balance to the menu.

The design is an inspiration from the original Paris location. Vibrant blues, reds, and whites, complemented by brass fixtures fill the room with New York and Italian-inspired elements. Marble-printed wallpapers from Brooklyn, Blanca Carrera marble tables, and rich, dark greens provide a subtle tribute to Rome, while the piano, so emblematic of La Compagnie experience, is highlighted in marble at the front of the bar. A large selection of wall sconces provide the room with a warm, amber glow, while an antique finished ceiling, brass cart, and classic ceiling crowns round out the room.

Compagnie des Vins Surnaturels has been noted as one of the most anticipated spring / summer openings for 2014 (Eater) and opened to rave reviews from Eater, Grub Street, Time Out and Zagat.



LONDON

LA COMPAGNIE DES VINS SURNATURELS

Compagnie des Vins Surnaturels Seven Dials is the latest opening from Experimental Group, the collective minds behind iconic cocktail bars, wine and restaurant establishments in New York, Paris, London and Ibiza, including Experimental Cocktail Club, Experimental Beach and Beef Club & Ballroom. The new location opened in December 2013 and is situated in the heart of London's Covent Garden. In addition to a stunning wine list, the new location will also serve a breakfast, lunch and dinner menu.



The idea behind the wine bar follows the same ideology that has brought much success to Experimental Group's other establishments. Staying away from mainstream wines, the team, led by sommelier Julia Oudill, has selected and continues to scour the globe for original wines made by small producers. The wines on the menu work in harmony with nature to bring clean and tantalising wines from hand laboured vineyards to the glass. The dynamic wine list offered at Compagnie des Vins Surnaturels will change frequently due to the limited supply from small producers. One can expect new and interesting references on a weekly basis, sufficient to keep even the most discriminating wine aficionados curious and asking for more.



Shortly after opening, Evening Standard's Fay Maschler gave the bar & restaurant four stars, and by the end of 2014, Fay had noted Compagnie des Vins was noted as one of her top 10 openings of the year. It has also been featured in the Guardian Weekend Magazine, Conde Nast Traveller, Wallpaper, ES Magazine and many more.



EXPERIMENTAL
group

PARIS



LA COMPAGNIE DES VINS SURNATURELS

Opened in September 2011, La Compagnie des Vins Surnaturels is a wine bar very different from those in Paris' Saint Germain area. Located at 7, rue Lobineau, the wine bar has become an address for foodies, epicureans and wine enthusiasts. 400 references of wine from Bordeaux, other regions in France and abroad, the menu boasts a selection of grand crus by the glass and top wines from small producers. A scrupulously sourced menu of small plates includes truffle ham, foie-gras pâté, truffle steak tartare, fresh burrata and bread from Poujauron. The press coverage has been a global success with features in Wallpaper*, Condé Nast Traveller and L'Express among others.

[GRAND angle] Paris, capitale des cocktails ?

Deuxième de droite

Une bar à vins très différent de Paris. Une sélection de vins bordelais, de la région bordelaise, de la région bordelaise, de la région bordelaise... (text continues with a list of wine names)

page 30

Circulez, y'a tout à boire

Une bar à vins très différent de Paris. Une sélection de vins bordelais, de la région bordelaise, de la région bordelaise... (text continues with a list of wine names)

page de la suite

Un bar à vins très différent de Paris. Une sélection de vins bordelais, de la région bordelaise, de la région bordelaise... (text continues with a list of wine names)

page 30





EXPERIMENTAL
group

PARIS

GRAND PIGALLE HOTEL

South Pigalle, SoPi, a neighborhood in full metamorphosis, now has a hotel in its image. Although their windows open onto the trees of the Villa Frochot, the private residence where Toulouse-Lautrec lived, the 37 rooms of the Grand Pigalle Hotel are not encumbered by the mythology of this Parisian icon. Rather, the focus is on the contemporary history evoked by the decor created by Dorothee Meilichzon. From the beautiful eaves suites to the ground floor, the harmonies of deep colors conjure the Experimental Group's unique style. The same goes for every detail considered for the guest's comfort, details that illustrate the knowledge gained by seven years of hospitality dedicated to quality service and the client's pleasure. A Parisian address par excellence, the Grand Pigalle Hotel seeks to open itself to the city. This is why the ground level, a space for reception, taking a drink, transforms throughout the day to capture the city's moods, desires, incomparable energy, and cosmopolitanism; its unrivaled hedonism. Each guest, either businessmen or romantic traveler, is at the center of attention and becomes the hero of a story lived and constructed in real time.

A unique concept of bed & beverage



Our Global Network

PARIS

Experimental Cocktail Club

Prescription Cocktail Club

Beef Club

Le Ballroom du Beef Club

La Compagnie des Vins Surnaturels

Grand Pigalle Hotel

Restaurant Bachaumont

Night Flight

Le Mathis

NEW YORK

La Compagnie des Vins Surnaturels

LONDON

Experimental Cocktail Club Chinatown

La Compagnie des Vins Surnaturels

Joyeux Bordel

SPAIN

Experimental Beach Ibiza

Treasure Chest at Experimental Beach

BOOKS

The Beef Club (*English & French*)

Experimental Cocktail Club (*October 2015*)

COMPAGNIE DES VINS SURNATURELS

CENTRE

ST

SNACKS

FRESH POPCORN
Toasted Milk, Lime, Espelette 6.

• • •

MARINATED OLIVES
Castelvetrano & Niçoise
with citrus & herbs 7.

• • •

SPICED MARCONA
ALMONDS
Szechuan Peppercorn,
Coriander, Aleppo 7.

• • •

WATERMELON RADISH
Black & Bolyard Brown Butter 8.

• • •

PORK FRITES
Balsamic Vinegar,
Calabrian Chile 10.

GREENS

TUSCAN KALE
Shaved Beets, Pistachio,
Raisin Aigre-Douce 14.

• • •

CHARRED BRUSSELS
Sauce Verte & Cured Egg Yolk 11.

APPS & MAINS



BURRATA

Roasted Grape, Treviso, Hazelnut 14.



BUFFALO CHICKEN RILLETTES

Schmaltz Baguette 11.



SCALLOP CRUDO

Blood Orange, Pickled Fennel,
Brown Butter 15.



COD BRANDADE

Whipped Local Potato 13.



RAW HUDSON VALLEY BEEF

Spicy Basque Relish 15.



CASSOULET

Boudin Noir & Lapin Confit 19.



SALT-BAKED PARSNIP

Almond Milk
& Green Apple 14. / 20.



BRAISED OCTOPUS

Polenta & Sauce Noire 17. / 24.



LAMB SHANK

Toasted Couscous, Pistachio,
Ras El Hanout 26.

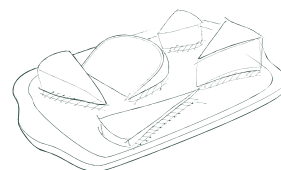
page 33

CHEESE & MEAT BOARD CHEF'S SELECTION 40.

• • •

CHEESE PLATE

selection of 1 (7.), 3 (18.)
or 5 cheeses (29.)



Mothais sur Feuille
Ekiola Pyrénées Brebis
Boerenkaas Grand Cru
Charmoix
Blue d'Auvergne

CHARCUTERIE



Soppressata Piccante 9.
Black Truffle Saucisson 10.
Petit Jesu 10.
Bresaola 10.
Wild Boar Cacciatorini 11.
Duck Prosciutto Fait Maison 11.
Iberico Jamón de Bellota 36.



CHICKEN LIVER
MOUSSE Quince
Marmalade 12.

• • •

DESSERT

MORGENSTERN'S
BOURBON VANILLA
ICE CREAM
Cold-brew Reduction,
Smoked Chocolate 9.

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COVENT GARDEN

BEST RESTAURANTS

172	THE IVY
177	BARRAFINA
168	CLOS MAGGIORE
178	THE DELAUNAY
215	HAWKSMOOR SEVEN DIALS
168	J SHEEKEY
170	L'ATELIER DE JOËL ROBUCHON
167	RULES
179	SMOKING GOAT
172	SPRING

SQUARE MEAL STARS

★ GOOD ★★ VERY GOOD ★★★ EXCELLENT
★★★★ OUTSTANDING

British

GREAT QUEEN STREET ★

32 Great Queen Street WC2B 5AA ☎ 020 7242 0622

££

Mon-Sat 12N-2.30pm 5.30-10.30pm Sun 1-4pm

Part of a notable gastropub stable (The Anchor & Hope, Canton Arms, etc), Great Queen Street is a cosy evening bolthole, with a "very down-to-earth" feel aided by bare wooden tables, wine in tumblers and chalkboard specials. The menu goes back to basics too, showcasing carefully sourced British ingredients in a twice-daily selection of seasonal dishes – expect memorable flavours to match the list of well-priced wines, craft brews and cordials. Sharing feasts such as seven-hour lamb shoulder with gratin dauphinoise are a real highlight, alongside "lovely pies", roasts and other hearty choices ranging from rich pigeon and foie gras pasty to a beautifully seasoned seafood and saffron risotto. Lighter options could include a textured salad of pomegranate, pistachio and pecorino, while crispy beignets with crab apple jelly and clotted cream make a decent finale. The Cellar Bar dispenses decent cocktails too.

HAWKSMOOR SEVEN DIALS ★★★

11 Langley Street WC2H 9JG ☎ 020 3589 3951

££££

Mon-Sat 12N-3pm 5-10.30pm (Fri-Sat -11pm) Sun 12N-9.30pm

There may be a few lone dissenters, but most readers agree that Hawksmoor "lives up to its billing as *the* steak venue" while many rate the Seven Dials site as "best of the whole chain for

atmosphere". With branches across London (plus one in Manchester), Hawksmoor has certainly found a recipe for success. A key element is "great cuts of meat" from The Ginger Pig, aged for 35 days, cooked to order and served with a range of tempting sides, from mash and gravy to huge roast field mushrooms with a dollop of Stilton hollandaise. Bookend the beef with Brixham crab on toast and sinful peanut butter shortbread for the full Hawksmoor experience. As well as the handsome brick-vaulted dining room, Seven Dials boasts a buzzy bar with a separate menu of lobster rolls and burgers, plus "fabulous cocktails" – we can never resist the gin-beer mix of Shaky Pete's Ginger Brew. "Excellent service" is always on the money too.

HOLBORN DINING ROOM ★

Rosewood London, 252 High Holborn WC1V 7EN

☎ 020 3747 8633

£££

Mon-Sat 7am-11.30pm (Sat 8am-) Sun 8am-10.30pm

Boasting an all-day menu that stretches from filling hot breakfasts to late-night suppers, this versatile brasserie within the smart Rosewood London receives generous praise for "amazing ambience, very good food and great service" – although we'd expect nothing less from Des McDonald, former CEO of Caprice Holdings. The grand, marble-pillared room previously housed the underwriters at Pearl Assurance, and Martin Brudnizki's makeover captures that sense of

heritage with a clubby look both traditional and on-trend: warm russet leather, reclaimed oak, antique mirrors and plenty of cosy booths. Recent highlights from a crowd-pleasing menu included a juicy shrimp burger lifted with zesty jalapeño tartare, rich short-rib cottage pie and indulgent sticky toffee pudding, all preceded by exemplary White Negronis. Elsewhere, you'll find classic seafood dishes, steaks and burgers, and a decent wine list to boot.

RULES

★★

35 Maiden Lane WC2E 7LB ☎ 020 7836 5314

££££ Private Room 10,18

Mon-Sun 12N-11.45pm (Sun-10.45pm)

TV viewers lamenting the end of period drama *Downton Abbey* can console themselves with a visit to Rules: several scenes were filmed here and the setting transports diners back in time with its "old school elegance". Established by Thomas Rule in 1798, London's oldest restaurant has a splendidly antiquated dining room, all wood panels and plush carpets, and a resolutely traditional menu of "really good and classic food". Autumn is our favourite time of year to visit, when seasonal game from the restaurant's Lartington Estate in Yorkshire features in many dishes – from a robust broth with duck rilette on toast to partridge with bread sauce or hare with celeriac and chestnuts. Delectable puds (spiced sponge with fig compote) and a cracking selection



HAWKSMOOR SEVEN DIALS

and the bar itself stands on The Savoy's former cabaret stage where George Gershwin once sang 'I Got Rhythm' – the tradition of live music continues every evening, and there are monthly cabaret and burlesque nights. We adore the pop-up cocktail book, a list of sophisticated sips ranging from the spiced rum-based Rhyme & Reason to fruitier La Fée Anglais (Grey Goose vodka, rhubarb, raspberry and citrus). At the top end, cocktails inspired by some of the hotel's most famous guests are served from the trolley in vintage glassware. Our pick is Blue Angel – a homage to Marlene Dietrich (Bombay Sapphire gin, vermouth, homemade botanical cordial, lemon sorbet and Dom Pérignon) presented on a laminated copy of Dietrich's original check-in card. Simply impeccable.

BYOC ★

28 Bedfordbury WC2N 4BJ ☎ 020 3441 2424
Mon-Sat 6-11pm

It's a juice bar by day and a cocktail den by night, but don't descend the stairs of this bijou bar without some hooch in hand: BYOC stands for 'bring your own cocktails' and you'll need to contribute a bottle of spirits to this particular party. £25 per person buys two hours' drinking time, and there's something deliciously illicit about taking your own booze. The Prohibition vibe is reinforced by the bare-brick decor in this tiny, candlelit cellar, where a vintage drinks trolley is loaded up with cordials, syrups, bitters and tinctures. Whether you're a Negroni nerd



or prefer to keep things fun and fruity, just tell your friendly bartender who will then use his expertise to conjure up as many tailor-made cocktails as you can decently down in two hours. A "fantastic time" is had by all.

COMPAGNIE DES VINS SURNATURELS ★

8-10 Neal's Yard WC2H 9DP ☎ 020 7734 7737
Mon-Sun 12N-12M

From the team behind Soho's Experimental Cocktail Club, this chic little wine bar boasts a Parisian sibling in St-Germain-des-Près – and its brilliant list is a love song to regional French oenology (with a few detours to Spain and Italy). We have fond memories of a textured Sardinian white from Cantina Poderosa and a rustic Côtes du Roussillon – made even better with charcuterie and a bowl of perfectly crisp baby squid with zingy esepette pepper from the pitch-perfect menu. Elsewhere, the drinks list features a mystery glass (guess the wine and win a bottle) as well as interesting grower Champagnes, wild cards from Corsica and the Jura, plus big-hitting Bordeaux and Burgundies. The cosy interior is spread over two floors (upstairs is more airy) with plump cushions, divans, low tables and sparkling candlelight conjuring the feel of an elegant modern salon.

DIRTY MARTINI ★

The Piazza, 11-12 Russell Street WC2B 5HZ
☎ 020 7632 2088
Mon-Sat 5pm-1am (Thurs-Sat -3am)

With daily happy hours running until 10pm during the week (and 8pm at weekends), the original branch of the Dirty Martini mini chain has become a magnet for birthday bashes and hen parties wanting a rocket-fuelled night out. Whether you like it dirty, classic or modern, the Martini menu aims to please. Choices run from strawberry and black pepper to exotic dragon fruit and pomegranate via chocolate, espresso and French. Classic Mojitos, Mai Tais and Bellinis are also on offer, plus original mixes such as a pistachio and toasted pineapple sour – a *Pirates of the Caribbean*-meets-Mexico bandito mix of mezcal, vodka, coconut water, caramel and pineapple syrup. Platters, skewers and hot dogs act as sustenance. On the downside, this tiny basement can get unpleasantly rammed and service is often variable.

THE DIVE BAR ★

POLPO at Ape & Bird, 142 Shaftesbury Avenue WC2H 8HJ
☎ 020 7836 3119
Mon-Sun 12N-11.30pm (Sun-10.30pm)

Hidden away beneath one of Russell Norman's many branches of Polpo, this dark drinking den lives up to its name – though the unremarkable setting hides a secret. Back in the 1970s, this site was The Marquis of Granby pub and played host to iconic bands such as The Sex Pistols and

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Glen Moray
GLEN MORAY MASTER DISTILLER



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29/02/2016

8 must-stay design hotels that make city breaks affordable

Planning a city break? Alice Tate rounds up the most stylish options for design-conscious travellers without cash to burn



12/12 Grand Pigalle in Paris

Gerber Communications limited

35 Inverness Street, London, NW1 7HB United Kingdom

T: +44 (0) 20 3178 3981 M: +44 (0) 776 605 0192 www.gerbercomms.com

Registered Office: 23 The Business Exchange, Rockingham Road, Kettering, Northants NN16 8JY, United Kingdom

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Grand Pigalle, Paris

Once upon a time scoffed at for its seedy goings-on, Pigalle is now one of the trendiest districts in Paris, and home to a characterful new boutique hotel-come-bar-come-restaurant, Grand Pigalle. It's the sister hotel to the Experimental Cocktail Club bars in London, Paris, and New York, which goes some way to explain the appeal and undoubtedly helps to attract the suave, sophisticated crowd. The 37-rooms guestrooms ooze bohemian Parisian flair, from the use of traditional door keys to the boldly printed geometric wallpapers and rich mahogany furniture. Downstairs, fine martinis flow in well into the early hours in the rez-de-chaussée, and nearby, there are plenty of independent bookstores and bakeries to pick up your artisan croissant come breakfast.

From £117/night; grandpigalle.com/en

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EveningStandard.

22/10/2015

The best French restaurants in London: crème de la crème

Ben Norum finds the capital's crème de la crème when it comes to French fancies



French food might not dominate the capital's dining scene to the extent it once did but it's still going strong, both in its traditional form - in excellent brasseries and bistros - and as the backbone of almost every other cuisine du jour.

Ben Norum picks out the capital's finest French fancies - from le cordon bleu to the casual - to make you go ooh la la.

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Compagnie Des Vins Surnaturels

Occupying an idyllic spot in picturesque Neal's Yard and with a luxuriously wallpapered boudoir interior, Compagnie Des Vins Surnaturels couldn't feel much more Parisian. While it's the plentiful and excellent wine that is the biggest draw, the food carries just as much appeal. Tuck into cheeses, cured meats and crispy squid along with gutsier mains such as hearty cassoulet and – quite possibly best of all – the Posh Madame: a croque madame with truffle ham and a quail egg.

Find it: 8-10 Neal's Yard, WC2H 9DP; cvssevendials.com

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City of Westminster

Office Name: Dave Nevitt
 Designation: EHO
 Date: 14.4.2015
 Contact number: 020 7641 3188
 Email: dnevitt@westminster.gov.uk
 Uniform Reference: 15/03522/ECPALM

Trading name of business and Address: The Games Club 1A Chesterfield Street		
Reference Number if Applicable: 15/03522/ECPALM		
Licence: 06/06353/WCCMAC	Applicant: Jack Spiegler JSpiegler@tandtp.com	Stress Area: NO
Type of Business: Members Club		
<p>Current timings: NOT OPERATING AT PRESENT</p> <p>Current areas: BMT, GF, FF</p> <p>Current activities: AS PER CURRENT CLUB PREMISES CERTIFICATE 06/06353/WCCMAC (EXPIRED/SUSPENDED)</p> <p><u>PROPOSED:</u> The premises formerly operated as the 'Rags Club' under a Club Premises Certificate.</p> <p>The applicant provisionally proposes to reopen a private members club and restaurant at the Premises under a <u>Premises Licence</u>.</p> <p><u>EH COMMENTS:</u></p> <p>THE PREMISES OPERATED AS A MEMBERS CLUB FOR MANY YEARS BUT HAS NOT TRADED FOR SOME CONSIDERABLE TIME. THE BUILDING IS IN NEED OF REPAIR AND WOULD BENEFIT FROM SIGNIFICANT REFURBISHMENT AND MODERNISATION. THIS IS LIKELY TO INCLUDE SIGNIFICANT CONSTRUCTION WORKS, E.G. NEW STAIRCASES.</p> <p>THE APPLICANT SEEKS TO UPGRADE THE FACILITIES AND SAFETY FEATURES TO MODERN STANDARDS AND APPLY FOR A PREMISES LICENCE. THE MAIN BUSINESS IS TO BE THAT OF A 'MEMBERS CLUB'. THE SCHEME MAY INCLUDE MAKING USE OF THE CURRENTLY DISUSED UPPER FLOORS. THE APPLICANT IS ADVISED TO SEEK ADVICE FROM THE PLANNING DEPARTMENT PRIOR TO COMMENCEMENT OF WORKS.</p> <p>THERE ARE LOCAL RESIDENTS AND BUSINESSES IN THE VICINITY AND THE APPLICANT WILL NEED TO DEMONSTRATE THAT THEY HAVE ARRANGEMENTS IN PLACE IN ORDER TO MINIMISE PUBLIC NUISANCE, ESPECIALLY LATE AT NIGHT.</p> <p>THE APPLICATION IS LIKELY TO SEEK HOURS WHICH ARE BEYOND THE 'CORE HOURS' AS DEFINED BY THE CITY COUNCIL'S LICENSING POLICY. THIS WILL INEVITABLY BE THE SUBJECT OF AN EH REPRESENTATION (AND PROBABLY THE POLICE). AS SUCH, THE</p>		

APPLICATION WILL NEED TO BE DETERMINED AT A HEARING OF THE LICENSING SUB-COMMITTEE. THE PREMISES IS NOT IN A STRESS AREA AND THE APPLICANT WILL NEED TO DEMONSTRATE THAT SUITABLE CONTROLS WILL BE IN PLACE TO ENSURE THAT THE LICENSING OBJECTIVES ARE PROMOTED. THE APPLICATION WILL BE JUDGED AT COMMITTEE ON ITS MERITS. THIS IS ESPECIALLY IMPORTANT IN RELATION TO DISPERSAL OF PATRONS LATE AT NIGHT. ONE OF THE CHALLENGES WITH THIS PROPOSAL IS THAT LOCAL RESIDENTS HAVE BECOME ACCUSTOMED TO THE PREMISES BEING CLOSED (AND THEREFORE VERY QUIET) FOR SOME CONSIDERABLE TIME.

THE BEST APPROACH IS TO OPERATE THE PREMISES WITH A DETAILED AND RESTRICTIVE MEMBERSHIP SCHEME IN PLACE IN ORDER TO LIMIT THE PROVISION OF LICENSABLE ACTIVITIES, ESPECIALLY IF THE OPERATORS INTEND TO ALLOW NON-MEMBERS TO ATTEND THE PREMISES FROM TIME TO TIME OR IF THERE ARE PRIVATE PARTIES OR EVENTS HELD AT THE PREMISES. I RECOMMEND THAT THE APPLICANT SEEKS HOURS THAT ARE BROADLY SIMILAR TO THE EXISTING CLUB PREMISES CERTIFICATE.

THE APPLICANT IS ADVISED TO INCLUDE SOME APPROPRIATE CONDITIONS FROM THE CITY COUNCIL'S LIST OF 'MODEL CONDITIONS' AS PART OF THE OPERATING SCHEDULE AND DETAILS OF THE PROPOSED MEMBERSHIP SCHEME. THE APPLICANT SHOULD BE AWARE THAT THE POLICE AND EH WILL BE SEEKING TO PROPOSE A NUMBER OF CONDITIONS IN ORDER TO ENSURE THAT LICENSING OBJECTIVES ARE PROMOTED.

IN TERMS OF THE LAYOUT AND ARRANGEMENT OF THE PREMISES THE APPLICANT IS ADVISED THAT EH WILL ASSESS THE TOILET PROVISION FOR PATRONS USING BS6465. THE APPLICANT IS ALSO ADVISED THAT FOOD HANDLING/CATERING STAFF SHOULD BE PROVIDED WITH THEIR OWN SEPARATE/ADDITIONAL TOILET FACILITIES AND CHANGING FACILITIES. THE APPLICANT SHOULD, IF POSSIBLE, SEEK TO DESIGN THE LAYOUT OF THE PREMISES SO THAT TOILETS ARE NO MORE THAN ONE FLOOR DISTANT FROM WHERE PATRONS ARE ACCOMMODATED.

THE APPLICANT IS ADVISED TO DISCUSS DETAILS FLOOR PLANS, FIRE STRATEGIES, AND MEANS OF ESCAPE ARRANGEMENTS WITH ALAN LYNAGH (DISTRICT SURVEYOR) AND THE LONDON FIRE BRIGADE (DAVID DOYLE) AT AN EARLY STAGE.

FINAL CAPACITY FIGURES WILL BE DETERMINED ON COMPLETION OF THE WORKS BUT A REASONABLY RELIABLE INDICATION OF CAPACITY CAN BE ASCERTAINED WHEN A SET OF AGREED FLOOR PLANS ARE FINALISED FOLLOWING DISCUSSIONS WITH EH AND DISTRICT SURVEYOR.

THE APPLICANT SHOULD OBTAIN SPECIALIST ADVICE ABOUT NOISE CONTROL MEASURES FOR ANY NEW MECHANICAL PLANT (ESPECIALLY KITCHEN EXTRACT VENTILATION SYSTEMS) IN ORDER TO AVOID CAUSING NUISANCE TO NEARBY RESIDENTS.

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

1a Chesterfield Street

London

W1J 5JG



Operational Management Statement

&

Appendix 11 Submission

February 2016

Contents

Preface: Introduction & Purpose of Statement.....	3
1 General Operational Controls	6
2 Dispersal Policy	8
3 Closing Procedure.....	11
4 Servicing & Deliveries.....	12
5 OMS Summary & Effect	13



Introduction and Purpose of Statement

The premises will operate as a private proprietary members' club at 1a Chesterfield Street (the "Premises"). The application is consistent with the recently granted planning consent reference: 15/11026/CLEUD and pre application advice reference: 15/03522/ECPALM.

The Premises has a long history of private members' club use. There are two Club Premises Certificates in place with reference: 06/06353/WCCMAC and 05/11394/LICC. The Premises is best known for operating as the 'Rags Club'. Ringo Starr and actress Barbara Bach held their wedding reception at the Premises on 27 April 1981.



The current application seeks a premises licence to regularise the proposed proprietary club. The proposed hours and licensable activities are:

	Alcohol & Recorded Music	Late Night Refreshment	Opening Hours
Monday – Saturday	10.00 – 01.00	23.00 – 01.00	10.00 – 01.30
Sunday	12.00 – 23.30	23.00 – 23.30	12.0 – 00.00

The premises licence application proposes the same terminal hours for licensable activities as historically authorised by the Club Premises Certificates. In addition, a comprehensive schedule of model licence conditions is appended to the application. The conditions restrict the provision of licensable activities to members of the club and their bona fide guests.

The provisional layout and use of the Premises is as follows:

- Basement: kitchen, toilets, back of house areas
- Ground floor: entrance, dining room and bar
- First floor: bar and dining area

This Operational Management Statement (“OMS”) is submitted in support of the application for a premises licence. The OMS sets out a number of controls to ensure the Premises provides a valuable asset to the local area, with a commitment to a high standard of professional and responsible management. The implemented management systems will ensure that the Premises is operated successfully, sympathetically and without adversely affecting the local amenity.

The Premises will be operated by the Experimental Worldwide Group. The company is a global hospitality collective with sixteen establishments in London, Paris, New York and Ibiza. The group was founded in 2007 by Romée de Goriainoff, Pierre-Charles Cros and Olivier Bon, with a fourth partner, Xavier Padovani, joining in 2010. Together, the collective brings unparalleled expertise in running highly acclaimed Premises, bars and restaurants around the world with a foundation rooted in exceptional service and quality products.

The Premises is located outside the City Council's Cumulative Impact Areas on Chesterfield Street in Mayfair. There are mixed and wide ranging commercial uses including numerous offices, retail uses and licensed premises in the area. In addition, residential units are located within the vicinity of the Premises. The primary objective of this OMS is to protect the amenity of the Premises' local residents and address Appendix 11 of the City of Westminster Statement of Licensing Policy 2016.

Please note that at the date of drafting this OMS the proposed controls are provisional and indicative only. Amendments may be made in due course. Proposed licence conditions are included in the operating schedule appended to the application.

1 General Operational Controls

1.1 The Premises' management takes their responsibilities as a neighbour very seriously. This is demonstrated by the company's proven complaint free trading record at its existing licensed premises, including:

1.1.1 Experimental Cocktail Club – 13a Gerrard Street, Chinatown, London W1D 5PS (licensed by Westminster City Council until 3am).

1.1.2 Compagnie des Vins Surnaturels (wine bar, bistro and delicatessen) – Neals Yard, Covent Garden London WC2H 9DP.

1.3 The Premises' management controls include:

1.3.1 Extensive employee induction and on-going refresher training, covering inter alia:

1.3.1.1 The rules of the club and requirements of entry to the Premises.

1.3.1.2 Responsibilities in the local area and towards local residents.

1.3.1.3 Customer care and hospitality.

1.3.1.4 Complaint handling.

1.3.1.5 Food Safety.

1.3.1.6 Health & Safety.

1.3.1.7 Fire Safety.

1.3.1.8 Team working skills and regular team meetings.

1.3.1.9 Obligations under the Licensing Act 2003.

1.3.2 Operational procedures to prevent any sources of nuisance whatsoever in the local area, covering inter alia:

1.3.2.1 Responsible management of customers in and outside the Premises.

1.3.2.2 Controlled management of the arrival of customers.

1.3.2.3 Preventing loitering or any disturbance whatsoever outside the Premises.

1.3.2.4 Restrictions on customers drinking on the street.

1.3.2.5 Controlling and supervising customer smoking. The following controls will be in place:

1.3.2.5.1 Smokers not permitted to take drinks outside at any time.

1.3.2.5.2 Smokers monitored at all times by front of house staff.

1.3.2.6 Sympathetic servicing of the Premises, including quiet and minimal waste refuse and deliveries (see below).

1.3.2.7 Private car/taxi service (see below).

1.4 The above operational controls are maintained to ensure all employees understand and promote a responsibility to ensure the operation of the Premises has no adverse affect on local residents.

Operating Hours

1.5 The proposed hours are consistent with the historical operation of the Premises and other similar uses in Westminster. The proposed hours for licensable activities are as follows:

1.5.1 10.00 to 01:00 (the following day) on Monday to Saturday;

1.5.2 12:00 to 23.30 on Sunday;

Capacity

1.6 The capacity limits will be regulated by the relevant regulations following a fire risk assessment and agreed with the Environmental Health Consultation Team and the District Surveyor.

2 Dispersal Policy

- 2.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers, particularly at night.
- 2.2 The Dispersal Policy promotes a professional and responsible management of customers as they leave the Premises. This is to ensure customers make their journey home without any adverse impact on local residents.
- 2.3 The Policy prevents nuisance caused to local residents from the following risks:
- 2.3.1 Noisy or anti-social behaviour by customers leaving the Premises.
 - 2.3.2 Large numbers of people leaving the Premises at the same time.
- 2.4 Despite the Premises' central London location, employees will be made aware that local residents live close by.

Hours of Operation

- 2.5 The proposed hours for licensable activities are as follows:
- 2.5.1 10.00 to 01:00 (the following day) on Monday to Saturday;
 - 2.5.2 12:00 to 23.30 on Sunday;
- 2.6 This OMS and Dispersal Policy will be followed throughout the opening hours, although particular attention will be paid to customers leaving at night.

Entrances and Exits

- 2.7 The entrance and exit of the Premises is on Chesterfield Street. This entrance is monitored by staff at all times with entry restricted to members and their bona fide guests.

Dispersal

- 2.8 The point of dispersal is the main Chesterfield Street exit. From this exit customers will disperse directly to the local area's numerous transport links, or straight into a waiting car (see below).
- 2.9 Towards closing time, the following measures will be taken to ensure a gradual and quiet closure of these areas:
- 2.9.2 Raised lighting levels.
 - 2.9.3 Music levels lowered.
 - 2.9.4 Politely reminding customers the Premises is about to close.

Transport

- 2.10 Customers will be expected to arrive and depart by various modes of transport. Customers will be welcomed straight into the Premises by members of staff to avoid queuing or loitering outside.
- 2.11 When arriving by private car or taxi, customers and drivers will be reminded not to leave engines running unnecessarily, to keep conversation to a minimum and avoid slamming car doors. Unnecessary sounding of car horns will not be tolerated under any circumstances whatsoever.
- 2.12 The Premises is also well serviced by public transport links, as set out below. Staff will be familiar with the transport links so they can advise customers where required.

Tube

- 2.12.1 The following tube stations are located within walking distance of the Premises:
- a. Green Park Underground Station.
 - b. Hyde Park Corner Underground Station.
 - c. Piccadilly Circus Underground Station.

2.12.2 Where necessary customers will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

2.13 Rail

2.13.1 The Premises is within walking distance to Victoria rail station.

2.13.2 Other rail stations, for example Charing Cross, Waterloo, Paddington, Liverpool Street, Euston and Kings Cross St Pancras are easily reached by tube or taxi.

2.14 Buses

2.14.1 The Premises is well serviced by public buses. TFL bus services, including night buses, are accessible by bus stops on Piccadilly or Park Lane, which go to a variety of destinations throughout London.

2.14.2 Bus routes include: C2, 2, 9, 14, 19, 22, 38, 74, 137, N19, and N22 and N38.

2.14.3 Staff will be familiar with the local bus services and will advise customers accordingly.

2.15 Taxi

2.15.1 Black cabs are readily available right through the day and night in the area. Customers will be encouraged to go directly into a waiting cab when leaving the Premises.

2.15.2 If there are no available black cabs, customers will be asked to wait inside the Premises until a cab becomes available. This avoids customers waiting outside on Chesterfield Street unnecessarily.

2.15.3 Staff will assist customers calling a taxi if required.

Private Car/Taxi Service

2.15 The Premises will operate a private car/taxi booking service. In the event a customer wants to book a car home, they must wait inside the Premises until their car has arrived to ensure a quick and quiet exit.

2.16 Staff will remind drivers to keep noise to a minimum and avoid waiting with engines running.

3 Closing Procedure

- 3.1 Management controls will be implemented to ensure that the closing procedure of the Premises has no adverse impact on local residents. The procedure promotes a quick and quiet closure of the Premises.
- 3.2 Management controls include:
- 3.2.1 Ensuring all customers will be off the premises by the authorised closing times. There are no exceptions to this rule whatsoever.
 - 3.2.2 A prompt clean and clear up of the Premises as soon as possible after closure.
 - 3.2.3 Employees must leave the Premises quickly and quietly, at all times following the Dispersal Policy set out above.
 - 3.2.4 Employees are not permitted to loiter outside the Premises or smoke on Chesterfield Street after closing.

4 Servicing and Deliveries

- 4.1 Deliveries and collections will be arranged carefully and sympathetically to the local amenity. Where possible, multiple deliveries and/or collections will be combined to avoid high numbers of vehicles servicing the Premises. Delivery and collection times will not be scheduled late at night or early in the morning to avoid disturbing local residents.
- 4.2 Refuse and recyclable waste will be stored in a designated refuse storage area until it is due to be collected. Immediately prior to collection, refuse will be taken outside ready for collection.

5 OMS Summary & Effect

- 5.1 The applicant seeks to revitalise the historical club use to an otherwise derelict building. The proposed members' club use is appropriate to the local area, which is outside the City Council's Cumulative Impact Areas.
- 5.2 The applicant hopes the high class members' club use will provide a valuable asset to Mayfair and the City of Westminster. The management controls will safeguard a sympathetic operation of the Premises alongside Mayfair's residents and businesses. The measures set out in this OMS will supplement the premises licence conditions to ensure the promotion of all Four Licensing Objectives.

Licence & Appeal History

The premises were licensed under the LA 2003 by a Club Premises Certificate (06/06353/WCCMAC)

Application	Details of Application	Date Determined	Decision
Club Premises Certificate (05/11394/LICC)	Conversion of Club Premises Certificate	02.09.2005	Granted under Delegated Authority

There is no appeal history

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

1. Licensable activities may only be provided to:

a) Members of the private members' club and their bona fide guests. No person shall be admitted to membership of the said club without an interval of at least 24 hours between application and admission

b) Persons attending a pre- booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.

2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

4. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

5. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.

6. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received regarding crime disorder
- (d) any incidents of disorder
- (e) any faults in the CCTV system
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance

20

8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and businesses and leave the area quietly.

9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the need of local residents and use the area quietly.

10. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.

11. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel; at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

12. No collection of waste or recycling materials (including bottle) from the premises shall take place between 23:00 and 07:00 on the following day.

13. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.

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

15. The licence shall have no effect until the works as set out in drawings appended to the application have been assessed as satisfactory by the Environmental Health Consultation Team, and this condition has been removed from the licence.

Conditions proposed by the Environmental Health

None

Conditions proposed by the Police

None

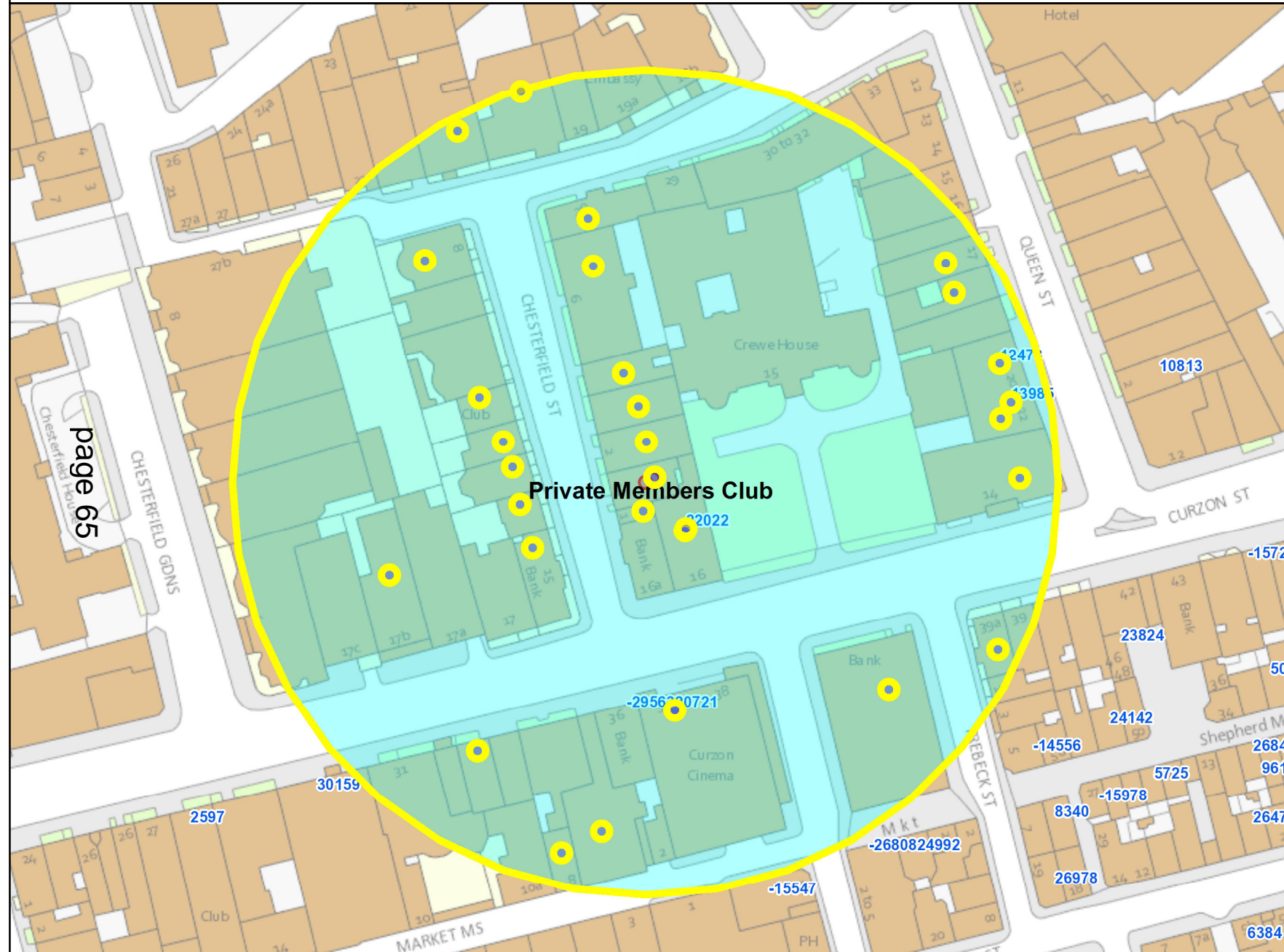
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	EH Representation	
5	Police Representation	
6	Sir Goodison Representation	
7	Mr Gov Representation	
8	Mr Tyab Representation	
9	Mrs Gupta Representation	
10	Mrs Phillion Representation	
11	Application Form	



Private Members Club, 1A Chesterfield Street, W1J 5JG



page 65

Private Members Club

Residential / Proposed Residential	84
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

10 Meters

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Data Source: Uniform Database
Date: 05/04/2016

Premises within 75 metres of: Private Members Club, 1A Chesterfield Street, London, W1J 5JG

p / n	Name of Premises	Premises Address	Licensed Hours
13985	Tamarind Restaurant	Basement And Ground Floor South Meadows House 20 - 22 Queen Street London W1J 5PR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-29563	Mamounia Lounge	37A Curzon Street London W1J 7TX	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
12473	Murano	Ground Floor North Meadows House 20 - 22 Queen Street London W1J 5PR	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
20721	Curzon Mayfair Cinema	Basement And Ground Floor 38 Curzon Street London W1J 7TU	Monday to Saturday 09:00 - 02:30 Sunday 10:00 - 02:30
22022	Noura	Basement And Ground Floor 16 Curzon Street London W1J 5HP	Monday to Friday 10:00 - 00:30 Saturday 10:00 - 01:30 Sunday 12:00 - 00:00

Item No:	
Date:	21 April 2016
Licensing Ref No:	16/01829/LIPN - New Premises Licence
Title of Report:	Raw And BBQ Basement And Part Ground Floor 11 Berkeley Street London W1J 8DS
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	15 February 2016		
Applicant:	Berkeley Eats Ltd		
Premises:	Raw And BBQ Basement And Part Ground Floor		
Premises address:	11 Berkeley Street London W1J 8DS	Ward:	West End
		Cumulative Impact Areas:	None
Premises description:	The premises are to be operated as a restaurant in the basement and ground floor levels with a holding bar on the ground floor.		
Premises licence history:	The premises has no licence history		
Applicant submissions:	See Appendix 2		

1-B Proposed licensable activities and hours							
Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations:		To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					
Non-standard timings:		09:00 – 00:00 on Sunday before Bank Holiday Mondays					

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:15	01:15	01:15	01:15	01:15	01:15	23:30
Seasonal variations:		To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					
Non-standard timings:		23:00 – 00:00 on Sunday before Bank Holiday Mondays					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations:		To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					

Non-standard timings:	09:00 – 00:00 on Sunday before Bank Holiday Mondays
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Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	01:15	01:15	01:15	01:15	01:15	01:15	23:30
Seasonal variations:	To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day						
Non-standard timings:	09:00 – 00:00 on Sunday before Bank Holiday Mondays						
Adult Entertainment:	Not applicable						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Anil Drayan
Received:	9 March 2016
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted plans of the premises showing the Ground Floor and Lower Ground Floor, drawing no 2921-111; rev B, dated Dec 2015.</p> <p>An operating schedule and an 'Appendix 11' assessment have also been submitted with the application.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> 1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Saturday from 08:00 to 01:00 hours and Sunday from 09:00 to 23:30 hours. 2. Provision of Late Night Refreshment 'Indoors' , Monday to Saturday from 23:00 to 01:15 hours and Sunday, 23:00 to 23:30 hours 3. Provision of Recorded Music 'Indoors' from 08:00 to 01:00 hours and Sunday from 09:00 to 23:30 hours. 4. For all of the above activities Non- Standard timing extensions of midnight on Sundays before Bank Holiday Mondays and on New Year's Eve permitted hours extended until the start of permitted hours on New Year's Day. <p>I wish to make the following representations based on the plans, operating schedule and appendix 11 assessment submitted:</p> <ol style="list-style-type: none"> 1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested may have the effect of increasing Public Nuisance in the area. 2. Provision of Late Night Refreshment may have the effect of increasing Public 	

Nuisance in the area.

3. Provision of Recorded Music and for the hours requested may have the effect of increasing Public Nuisance in the area.
4. The Non- Standard timing extensions requested may have the effect of increasing Public Nuisance in the area.

The hours requested for the licensable activities are also beyond the 'core' hours as stated in Westminster's Statement of Licensing Policy.

Extensive lists of conditions have been offered in the operating schedule and undertakings in the appendix 11 assessment. These are under consideration after which Environmental Health may propose additional conditions to allay its concerns.

A pre-application site visit was carried out showing the premises have not yet undergone refurbishment for the proposed use. A post completion inspection will therefore need to be carried out for Public Safety prior to commencement of licensing activities.

The applicant should be advised that Environmental Health will also need to be satisfied that any plant and machinery employed must have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise from its use.

The applicant is further advised that Environmental Health will base any proposed capacity to be set by whichever gives the lower figure based on the following considerations:

- provision of sanitary accommodation being in line with British Standard 6465, as amended, or
- safe figure as determined under the District Surveyor's Technical Standards for Places of Entertainment

Please contact me if you require further advice or information.

2-B Other Persons			
Name:		Mr Victor and Diana Arbulu	
Address and/or Residents Association:		Flat 10 10 Berkeley Street London W1J 8DP	
Status:	Resident	In support or opposed:	Opposed
Received:	6 March 2016		
We would like to object to this licence application. When the sun goes down, quality of life for residents at Berkeley Street changes completely. We have Novikov restaurant, The Mayfair bar, Palm Beach Casino, Cafe Pushkin, Bocconcini pizzeria & restaurant, Park Chinois, Funky Buddha, Nobu and Cafe Fratelli, and this is all within 50 yards of each other. We would assume that no other street in			

Mayfair has this concentration of licensed premises and clubs in such a short distance. Berkeley St has now reached saturation point with restaurants and bars. The amount of litter and noise pollution this has brought to the street is now a real problem. These issues are making life for residents extremely unpleasant.

10 Berkeley Street is a residential building, no offices, and we also have The Arts Club facing the back windows (with a share of noise).

If it is irrelevant for Westminster that one of the few resident buildings in Mayfair could disappear, then, grant another license... otherwise we beg the committee members on behalf of all the residents on Berkeley Street to not grant another Licence that will increase noise and litter in Berkeley Street.

Name:	Mr Ahmad Reza Salar Boroumand		
Address and/or Residents Association:	10 Berkeley Street London W1U 3RF		
Status:	Resident	In support or opposed:	Opposed
Received:	2 March 2016		

I live at 10 Berkeley Street and am managing the building. I would like to object to this application since Berkeley Street has now reached saturation point with restaurants and bars. There are 2 hotels, one casino and at least 7 restaurants and cafe. The street has become dirty, unsafe, traffic congested and filled with undesirable people due to these establishments in general and, Novikov in particular. It has become intolerable for the residents and opening another restaurant is unnecessary and I believe that granting such licence is disrespect for the resident's human rights and welfare.

Name:	Louise Wirth		
Address and/or Residents Association:	Flat 11, 10 Berkeley Street London W1J 8DP		
Status:	Resident	In support or opposed:	Opposed
Received:	11 March 2016		

I am a resident of Flat 11, 10 Berkeley St, W1J 8DP

I would like to object to this application for the following reasons:

I have a direct line of vision into the proposed area from two windows of the flat.

There is already considerable noise from the Arts Club at the rear of the building and Novikov restaurant at the front of the building, especially late at night.

Chauffeurs of clients dining in this area regularly park on the nearby resident parking spaces and often will not move on even if asked politely.

There is already a number of high end restaurants on this street.

Name:	Mr Dimitrios Los		
Address and/or Residents Association:	17 Berkeley Street London W1J 8EA		
Status:	Resident	In support or opposed:	Opposed

Received:	4 March 2016		
11:53 AM on 04 Mar 2016 Berkeley str. is already packed with traffic from restaurants clubs and other establishments. Kindly refrain from adding to that problem. The noise and garbage is bad enough as it is.			
Name:	Mrs Julia Scholar		
Address and/or Residents Association:	Flat 19 10 Berkeley Street London W1J 8DP		
Status:	Resident	In support or opposed:	Opposed
Received:	7 March 2016		
<p>I don't think I can find the words to say how strongly I object to this application. In the same way as I have objected to other applications in Berkeley Street, all of which go ahead with no regard for the residents, this one particularly concerns me as it is right next door to us.</p> <p>I already have to suffer smells first thing in the morning from the coffee shop below baking their wares and now it looks like there will be added problems with a "Raw and BBQ" restaurant on the other side.</p> <p>I cannot believe that another eating establishment will not mean even more late night parking and noise issues, especially as this restaurant is asking for a Licence until the early hours of the morning. Driving down Berkeley Street at night (and during the day) is a virtual impossibility with the double parked taxis and Uber drivers and private chauffeurs, hardly any of whom respect the law. The sounding of car horns is a common cause of being woken up in the early hours.</p> <p>Berkeley Street is full-up and is turning into the worst part of Mayfair. Despite efforts to keep things under control, the noise of people leaving these establishments and their behaviour, which includes vomiting and urinating in our doorway, has never improved, so another restaurant with late hours can only spell more problems for the long suffering residents.</p> <p>If this Licence is granted, it will mean even more people hovering outside the doorway to 10 Berkeley Street (especially during the summer months), which can be intimidating at the best of times. At least whilst 11 Berkeley Street remains offices, there is a gap between the noise generated from Nobu, Mayfair Bar, Funky Buddha one end and Novikov over the road on the other - and even they are already too close for comfort!</p> <p>Once again, I object in the strongest possible terms.</p>			
Name:	Mr Frank Salvoni		
Address and/or Residents Association:	Flat 2 10 Berkeley Street London W1J 8DP		
Status:	Resident	In support or opposed:	Opposed
Received:	1 March 2016		

I would like to object to this licence application. Berkeley Street has now reached saturation point with restaurants and bars. It seems that every office and retail space is now trying to be converted into restaurant/licensed use. The amount of litter and waste and noise pollution this has brought to the street is now a real problem. These issues are making life for residents very unpleasant. The last thing we need in Berkeley Street is the granting of another licence. Every morning when i exit 10 Berkeley at 6am, I am confronted with broken glass, vomit, urine, spit and some mornings usually Friday or Saturday, human excrement. This is no exaggeration. You can check with your street cleansing team. We have Novikov restaurant, The Mayfair bar, Palm beach casino, Cafe Pushkin, Bocconcini pizzeria & restaurant, Park Chinois, Funky Buddha, Nobu and Cafe Fratelli, and this is all within 50 yards of each other. I would assume that no other street in Mayfair has this concentration of licensed premises and clubs in so short a distance. So I implore the committee members on behalf of all the residents on Berkeley Street to not grant another Licence for Berkeley Street.

Name:		Miss Irena Timofeeva	
Address and/or Residents Association:		Flat 1 10 Berkeley street London W1J 8DP	
Status:	Resident	In support or opposed:	Opposed
Received:	13 March 2016		

Berkeley street is an extremely busy area filled with restaurants, bars and clubs. The amount of waste and noise pollution had reached extreme levels. Growing number of entertainment facilities attract a lot of people, including numerous homeless people who crowd Berkeley street days and nights. Addition of the new restaurant on 11 Berkeley street would make situation unbearable.

The venue is located right next to my home. Mild construction works have already taken place in the venue, which caused a significant amount of noise. Majority of work was taking place on Saturday early mornings. As an occupant of the neighbouring building, those works made it impossible to spend any time at home. In addition the workers behaviour was extremely inconsiderate. They would constantly open windows in the venue and not only create a lot of noise, but would shout all the time.

As an occupant of 10 Berkley street, the windows of my flat share similar windows with 11 Berkeley street. Given it is impossible to spend time a t home while any works are taking place, granting the license to change the venue unto a restaurant would potentially deteriorate the situation significantly. With venue on operation almost all day long, and opened till late, would be a source of constant noise. I am currently pursuing a PhD degree in finance, which requires long hours of work, often from home.

Having a restaurant as a neighbouring venue, with expected late night opening would have a strong negative impact on the living conditions. In addition, it would generate a constant high amount of people who would gather outside of the venue as well as increase amount of cars, which create extra noise. With regard to all these points, I entreat the committee members on behalf of all the residents of the Berkeley Street not to grant a licence to 11 Berkeley street.

Name:		Mr Ron Whelan	
Address and/or Residents Association:		29A Brook Street Mayfair London W1K 4HE	
Status:	Residents Association	In support or opposed:	Opposed
Received:	25 February 2016		
<p>The Mayfair Residents Group wishes to ensure the hours of trading for this new eaterie are restricted to 12.00 at night Monday to Saturday and 11.00PM on Sunday. We would also like to request that (a) there are always door staff in the evening, and (b) there should be no more than five smokers at a time outside the restaurant, and (c) absolutely no consumption of alcohol outside the restaurant.</p> <p>Chairman Mayfair Residents Group</p>			
Name:		Mr Gordon Yeoman	
Address and/or Residents Association:		10 Berkeley Street London W1J 8DS	
Status:	Resident	In support or opposed:	Opposed
Received:	29 February 2016		
<p>I reside at number 10 Berkeley St and am most concerned at the impact of yet another source of nuisance in traffic , noise ,crime and disorder in Berkeley Street.</p> <p>Public Nuisance</p> <p>Traffic</p> <p>Most nights of the week the South end of Berkeley St is reduced to one lane only, due to the number of taxis, chauffeurs etc that double park outside NOVIKOV . Although 4 taxi spaces have been created for taxis only, at their door , there are often 10 to 12 taxis waiting for customers .</p> <p>Number 11 Berkeley St is opposite NOVIKOV and I cannot imagine the chaos when taxis are dropping off guests at this proposed new restaurant , blocking the one remaining lane</p> <p>Park Chinoise, new to Berkeley Street, seem to run a busy restaurant but there is little disturbance outside their premises . Why are Novikov allowed to flaunt the rules Without addressing the parking issues there is not much point in opening at No 11 as Berkeley Street would be permanently blocked .</p> <p>Noise / pollution</p> <p>There is a wealthy clientele in this area who drive expensive noisy cars. Showing off how loud the engine revs will reach is a common pastime. Heaven knows the lead levels in such a condensed narrow street. The noise of hooting horns rises in line with</p>			

the frustration felt by drivers inching towards the traffic lights. Crossing Berkeley St at night is dangerous when busy, as normal rules of the road do not seem to apply.

New premises will do nothing to make the area quieter. Potential noise caused when customers leave has to be tightly managed and protection from music or that arising from 100 plus diners, suitably muffled so that it cannot disturb residents in neighbouring buildings.

Crime and Disorder

Berkeley Street is now a disgrace in the evenings. The number of unsavoury people on the street has increased substantially in the past year or so. Pimps, prostitutes pickpockets and beggars prey on locals and passers by. After dark it is unnerving having strange people threatening you, on your doorstep and wandering up and down up to various forms of mischief.

Another restaurant will draw more of the wrong people as well the law abiding citizens. Consideration has to be given to the residents. The revellers go back home at night. We have to live in the middle of it!!

I note that representatives from Berkeley Eats Ltd (No 11) are attending the meetings set up by Park Chinois with the aim of making the street safer cleaner, etc. There needs to be a commitment from them to buy into a joined up approach from all the late licence holders to provide a form of security that will make a real difference in giving back the street to the residents and chase out those who are causing the distress.

Name:	Mrs Jaleh Zand		
Address and/or Residents Association:	17 Berkeley Street London W1J 8EA		
Status:	Resident	In support or opposed:	Opposed
Received:	25 February 2016		

17 Berkeley Street Residents Association strongly objects to this application.

This is not our first objection to such licence, but WCC continuously ignores the situation in Berkeley Street. The street is totally saturated with bars and restaurants and yet we have to deal with another licence and a new opening. I won't go into details of all the problems residents are facing, I know all the panel is aware and we are just repeating ourselves. No solution has been achieved and our calls to make Berkeley Street a stress area has not been taken into account despite all RAs in the street requesting this.

Re: 'Raw and BBQ', 11 Berkeley Street, London W1J 8DS

Application for new premises licence ref: 16/01829/LIPN

Hearing listed for 21 April 2016

Statement of Jaleh Zand, 17 Berkeley Street Residents Association

1 Introduction

1.1 I have made a representation on behalf of 17 Berkeley Street Residents Association, objecting to the grant of a premises licence for 11 Berkeley Street.

1.2 My representation referred to the saturation of Berkeley Street and its immediate environs with late night licensed premises. The number of premises operating late in the evening has increased rapidly in recent years, to the extent that late night licensed premises have cumulatively given rise to serious problems of crime, disorder and nuisance. Local residents have to bear the brunt of this.

1.3 The licensing authority will be aware that this view is shared by others in the area. Accordingly, I did not feel the need in my representation to go into further detail. However, I have been advised that it may assist the Sub-Committee if I do set out in more detail why residents believe that the number of late night or drink-led premises in the area has given rise to a cumulative impact which is having such a disproportionate effect on residents. It may also assist the applicant in trying to address the issues I raise.

2 Late night licences in Berkeley Street and its immediate vicinity

2.1 See table below.

Premises	Premises type	Terminal hour	Capacity	Points to note
Palm Beach Casino, 30 Berkeley St	Casino	7am	840	-
Mayfair Bar, (part of the Mayfair Hotel) 17 Stratton Street*	Bar	1.30am	250	Licence reviewed by residents in 2014 on public nuisance grounds
Charlie Berkeley (formerly Funky Buddha), 15-16 Berkeley Street	Nightclub	3am	220	Licence currently under review by the police
Nobu, 15 Berkeley	Restaurant	2am	460	-

Street				
Novikov, 50 Berkeley Street	Restaurant/bar/club	2am	520	-
Bocconcino, 19 Berkeley Street	Restaurant	12.30am	127	Started operating in 2015. Previously offices.
Café Pushkin, 20 Berkeley Street	Restaurant	Core Hours	125	New licence granted in 2013, not yet operating.
12 Hay Hill	Private Members Club with bar	Midnight Mon-Thurs, 1.30am Fri-Sat	250	Started operating in 2015.
Park Chinois, 17 Berkeley Street	Restaurant	2am	450	Started operating in 2015. Previously licensed but premises had not operated for some years.
Sexy Fish, 1-4 Berkeley Square	Restaurant	2am	220	Started operating in 2015. Was previously a Bank.
Fifty9, 59 Berkeley Square	Bar/club	3.30am	295	-
Rififi, 15a Hay Hill	Private Members Club	3.30am	75	-

* Mayfair Bar entrance and exit is on Berkeley Street

3 Comments on licensed premises in vicinity

3.1 This table does not include the numerous licences for Dover Street.

3.2 An analysis of the table clearly shows how the number of licensed premises operating and the total capacity has increased alarmingly in recent years.

3.3 Bocconcino, Cafe Pushkin, 12 Hay Hill, Park Chinois, Sexy Fish and Riffifi have all either been granted an entirely new licence (i.e. for a premises with no previous licensed history) or have started operating again after lying empty, in the last couple of years. By my calculations, the grant of licences/licences coming back into use amounts to an increase of over 1000 in licensed capacity, putting further strain on an infrastructure that is already down to the bone. Yet another licensed premises, particularly one operating past 11pm, will undoubtedly exacerbate these problems.

3.4 The licence for Mayfair Hotel (specifically the public bar) was reviewed successfully in 2014. The licence for 'Charlie Berkeley' (formerly 'Funky Buddha') is currently under review.

4 Effect of the existing late night licensed premises and the more recent premises

4.1 Almost every number or every other number on the upper part of Berkeley Street is now a licensed late night operator. At the same time the upper part of Berkeley Street is very residential. On one side of the street is 10 Berkley Street with 19 flats, 17 Berkeley Street with 12 flats, 18 Berkeley Street with 20 flats and Berkeley House has 42 flats and goes all the way through Hay Hill. On the other side in front of these residential buildings, is the Mayfair Hotel with 400 guest rooms, of which 100 face Berkeley Street. On the lower part of Berkeley Street there are plans to add additional residential units, which were previously offices. There is also the Holiday Inn London Mayfair with guest rooms facing Berkeley Street.

4.2 Below is a list of problems that the residents are currently facing from the cumulative impact of licensed premises. These problems have intensified hugely in recent years.

4.2.1 The residents have been experiencing shouting, screaming and other antisocial behaviour from the clients of these operators late at night to early hours of the morning.

4.2.2 There is vomit, dried urine outside our door steps and this has become more frequent with the increase in the number of operators

4.2.3 There is waste and garbage left on both sides of the street and the council seems unable to deal with the current load.

4.2.4 There is massive amount of traffic during the night, with double and triple parking on parts of the street. We experience cars honking, people showing off with their sport cars with loud engines creating very significant high decibel low frequency noise, which can't be tackled with any acoustic

system, waking up the residents late at night.

4.2.5 The characteristics of our street have changed in the recent years and in general in south Mayfair. Car show rooms, and galleries leaving the area and being replaced by bar, restaurants, and clubs.

4.3 As a result of the recent saturation there has been an increase in crime in Berkeley Street and the area around. The Mayfair Hotel is now using a privately funded scheme to provide extra policing around their premises.

4.4 One of the most agonising problems for the residents is the extreme noise. The situation has worsened in the recent years. We believe that residents have been failed by the number of licences which have continued to be granted. We would like to further point out that at least as far as 5 years ago the problem of noise was not to this extreme extent.

4.5 In short, all current four licensing objective are failing at Berkeley street. This can be demonstrated by the fact that two premises licences (Mayfair Hotel and 'Charlie Berkeley') have been reviewed since 2014. The 'Charlie Berkeley' review has been initiated by the police, and is on-going at the time of writing.

4.6 We are actively involved in trying to bring about positive change to Berkeley Street. We applied for a licence review for the Mayfair hotel in 2014. We have supported the police's review of 'Charlie Berkeley'. We were also involved in setting up the Berkeley Street Monitoring Group, which aims to promote good practice for licensed premises, chaired by Councillor Glanz.

5 Economic Impact of the change in nature of Berkeley Street

5.1 While we understand the arguments in favour of the night time economy, the balance has to be maintained. The night economy should not jeopardise the successful day economy that Mayfair enjoys.

5.2 We believe that such a massive number of late night operators so close to one another, are not in line with the character of this area. Mayfair has a very strong day time business economy. Both Berkeley Street and Berkeley Square are home to some of the most renowned hedge funds, trading companies, family offices, wealth managers, and consulting firms. These companies have chosen Mayfair due to its location but also the prestige that the area has historically offered. Mayfair is further known for galleries, car show rooms and art houses. In the light of the recent move by the biggest players in the financial industry from the City to Canary Wharf, the Council has to protect this area and prevent the flight of these smaller boutique firms based in the heart of London. Dirtier streets, piled with garbage, building materials and hard core detritus, urine and vomit are not conducive to attracting and maintaining legitimate business operations.

5.3 Many local residents are of the view that this part of Mayfair has reached a

tipping-point. It is saturated with late night and drink-led premises, and residents suffer a range of noise nuisance and criminal behaviour well into the small hours. It is extremely difficult to pinpoint specific problems to specific premises, although clearly some have the potential to cause more nuisance than others. Because of this, it is difficult for residents to initiate effective reviews of licensed premises. This is precisely the sort of situation which makes a stress area necessary for Berkeley Street – the range of nuisance is so all-encompassing that it arises from the cumulative impact of all the premises taken together, as much as any individual problematic premises.

6 The current application

6.1 A terminal hour of 1.15am is sought from Monday – Saturday. We feel that this is manifestly inappropriate for the area.

6.2 We have considered the content of the 'Appendix 11 Submission' provided by the Applicant's solicitors. Although we appreciate that the measures proposed are intended to demonstrate that the Applicant has considered the nature of the local area and proposed measures to mitigate any adverse impacts, the fact remains that the hours proposed are at a level where a significant addition to the cumulative impact of the other premises is inevitable.

6.3 This is not to cast any aspersions on the Applicant; we are sure that they are experienced in running well-managed premises. The point we make is that this cannot be sufficient to overcome the problems which residents experience at the moment, which would be added to by their customers leaving the premises late at night.

6.4 The premises is very close to Novikov and Charlie Berkeley. Both these premises have later licences. There is therefore the danger that the existence of another restaurant directly adjacent will lead to customers migrating from this premises to either Novikov or Charlie Berkeley rather than departing the area. Charlie Berkeley has a terminal hour of 3.30am. Rififi, which is in the same ownership as Novikov, is only a short distance away and has a terminal hour of 3.30am.

6.5 The lawful planning use of the property is as offices (Class B1a), although a change of use application has been submitted. There is therefore no Licensing Act 2003 'footprint' unlike, for example, with 17 Berkeley Street, the ground floor and basement of which had the benefit of a LA03 premises licence prior to the application for a new licence submitted by Park Chinois.

7 Conclusion

7.1 Berkeley Street is not currently included within a designated Cumulative Impact Area (CIA). However, the s182 Guidance is clear that it is nevertheless open to residents to raise the issue of cumulative impact. I hope to persuade the licensing authority that because Berkeley Street has all the characteristics of a

CIA, albeit one not officially designated, the stricter Policy approach for areas of 'cumulative impact' should be applied to this application.

7.2 When determining licence applications, the focus should be on evaluating what is 'reasonably acceptable' in a particular location (*R (on the application of Hope & Glory Public House Ltd) v (1) City of Westminster Magistrates' Court & Ors* [2011] EWCA Civ 31). The scope of the licence and conditions should be looked at in a local context (*Matthew Taylor v (1) Manchester City Council (2) TCG Bars Ltd* [2012] EWHC 3467 (Admin)).

7.3 For the reasons given, we would ask that the application is refused. If the licensing authority is minded to grant a licence, it should be to a much earlier terminal hour, with strict conditions to address the issues which residents face.

7.4 I am not able to attend the hearing as I am abroad on 21 April. I will be represented by Richard Brown.

Thank you for taking the time to consider the content of this statement.

Yours sincerely,

Jaleh Zand

17 Berkeley Street

3. Policy & Guidance

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

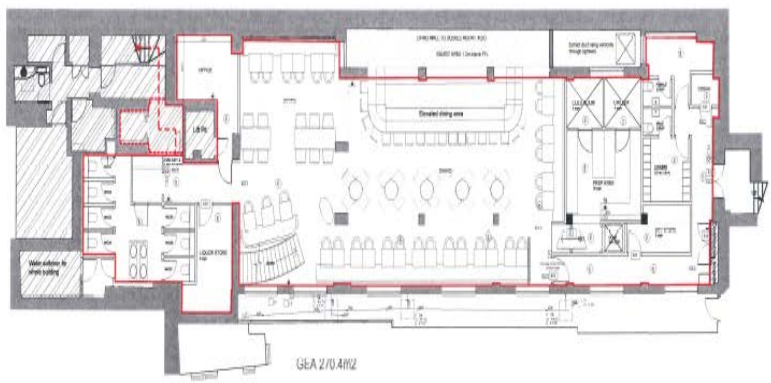
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

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

Report author:	Mr Ola Owojori Senior Licensing Officer
Contact:	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

For completion by the contractor for the installation of the fire alarm system in accordance with the current regulations.
 Franklindesign
 2015



- m Fire Blanket
- 2Kg CO2 fire extinguisher
- 9 Litre foam extinguisher
- Emergency lighting
- Call Point
- Sounder
- Fire door keep closed sign to both sides of door
- Recessed exit luminaire for 3 Hr maintained operation with running man legend - white trim
- Wall mounted exit luminaire for 3 Hr maintained operation with running man legend - white trim

NOTES:
 New fire detection system installed to current regulations and BS5839 1 2002. Linked to the Landlords fire alarm system.

PROJECT
 11 Berkeley Street
 London

TITLE
 Fire plan 2

DATE: 1.10.2015
 DISE: Dec 2015
 DRAWN BY: [Name]
 OPERATED BY: [Name]
 2921-111 8

Franklindesign
 ASSOCIATES

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Your ref:
Our ref: AT/SAM.14.3

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Licensing Service
City of Westminster
64 Victoria Street
London
SW1E 6QP

15 February 2016

Dear Sirs

11 Berkeley Street, W1

We act for the applicant in the above matter and enclose our client's application for a new premises licence.

The application follows both pre-application advice with the district surveyor and the environmental health consultation team, together with a public exhibition and meetings with local stakeholders.

The application is for a strictly controlled restaurant use, with alcohol only being sold to customers in accordance with the City Council's model condition 66. Bearing in mind the location of the premises, the opening times and conditions have also been structured to recognise concerns pertaining to other licensed premises and the need for customers to depart the restaurant at an appropriate time and in an appropriate manner.

A detailed appendix 11 submission also accompanies this application setting out our client's proposals in relation to access and egress and by reference to appropriate conditions in the operating schedule, for example dealing with smokers.

Yours faithfully



Thomas & Thomas Partners LLP

tel: 020 7042 0412

email: athomas@tandtp.com

11 Berkeley Street

Application for a Premises Licence

City of Westminster

Statement of Licensing Policy 2016

APPENDIX 11 SUBMISSION

1 Introduction

1.1 This document is submitted in support of the application for a new Premises Licence in respect of 11 Berkeley Street London (the "Premises").

1.2 The Application seeks a Premises Licence authorising the following licensable activities:

	Sale of Alcohol & Recorded Music	Late Night Refreshment	Opening Hours
Monday to Saturday	08.00 – 01.00	23.00 – 01.15	08.00 – 01.15
Sunday	09.00 – 23.30	23.00 – 23.30	09.00 – 23.30

1.3 The applicant is an extremely experienced operator with a proven track record. The applicant has managed some of the world's most popular restaurants.

1.4 This document addresses Appendix 11 of the City of Westminster's Statement of Licensing Policy. In doing so the applicant can demonstrate the Premises will:

1.4.1 Promote the licensing objective of the prevention of public nuisance; and

1.4.2 Be professionally and responsibly managed alongside nearby local residents.

1.5 The premises are situated in a busy one way street running North to South through Mayfair. The area has mixed uses, with restaurants, bars and casinos in the close vicinity. There are excellent transport links nearby.

2 Planned Management Measures for Control of Noise

2.1 The proposed hours of operation are:

	Sale of Alcohol & Recorded Music	Late Night Refreshment	Opening Hours
Monday to Saturday	08.00 – 01.00	23.00 – 01.15	08.00 – 01.15
Sunday	09.00 – 23.30	23.00 – 23.30	09.00 – 23.30

- 2.2 The main entry and departure points are located on Berkeley Street. A double set of fitted self-closing doors will be installed at the main entrance to prevent internal noise carrying out to the street.
- 2.3 An SIA registered doorman will be on duty every day. Customers will be welcomed by a staff immediately upon arrival at the Premises. During busy periods, additional staff will supervise the entry of customers to prevent any queuing. All customers will be supervised and managed by staff to ensure they cause no nuisance.
- 2.4 The departure of customers will be managed in accordance with the dispersal policy at section 4 of this document. The management controls set out in the dispersal policy will ensure all customers leave the area as quickly and as quietly as possible.
- 2.5 The dispersal policy includes arrangements for taxis. These procedures will ensure taxis are managed so as to mitigate possible nuisance.
- 2.6 The applicant will implement comprehensive servicing and delivery procedures to ensure this activity has minimal, if any, impact on the local amenity. The relevant procedures are set out in section 5 of this document.

3 Noise Criteria

3.1 The criteria set out in policy PN1 are addressed as follows:

Noise and Vibration

3.2 Music will be played at modest levels in accordance with the restaurant use.

3.3 The double self-closing entrance doors will act as an acoustic lobby to prevent noise outbreak.

3.4 Management controls are included in the dispersal policy at section 4 and the servicing and delivery procedures at section 5 of this document. The objective of these procedures is to ensure residents are not disturbed by noise from the Premises in accordance with Policy PN1. In addition, the following model condition is proposed with the application:

3.4.1 *“No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance”.*

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

Eating, Drinking and Smoking Outside Premises

3.5 The Application does not propose authorisation for any external drinking or eating.

3.6 The following model condition is proposed with the application:

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

3.7 Smokers will be limited to a maximum of 10 at any one time and will be carefully supervised to ensure they do not obstruct the highway and do not cause a nuisance.

Other Environmental Impacts

3.8 The applicant will implement a number of measures to ensure no adverse impact to the local environment, including but not limited to:

3.8.1 Model condition proposed with the application as follows:

3.8.1.1 *“During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and/or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business”.*

3.8.2 A dispersal policy at section 4 of this document.

3.8.3 A deliveries, collections and servicing procedure at section 5 of this document.

4 People Arriving, Departing & in the Vicinity

Dispersal Policy

- 4.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers.
- 4.2 The Dispersal Policy promotes a professional and responsible management of customers as they leave the Premises to ensure they make their journey home without any adverse impact on local residents.
- 4.3 Despite the Premises' central London location, employees are made aware that local residents live close by.

Hours of Operation

- 4.4 The proposed operational hours of the Premises will be:
 - 4.4.1 Monday to Saturday: 8am to 1.15am.
 - 4.4.2 Sunday: 9am to 11.30pm.
- 4.5 This Dispersal Policy will be followed throughout the opening hours, although particular attention will be paid to customers leaving at night.

Entrances and Exits

- 4.6 The main entrance/exit of the Premises is on Berkeley Street. This entrance will be managed at the front door and by SIA and reception staff inside the Premises at all times.

Dispersal

- 4.7 The exit is on Berkeley Street. There will be a gradual dispersal of patrons throughout the evening. The sale of alcohol will cease at 1am (11:30pm on Sundays), with customers leaving the premises in a gradual and controlled manner until close.
- 4.8 Towards closing time the following measures are taken to ensure a gradual and quiet closure of the Premises:
 - 4.8.1 Raised lighting levels.
 - 4.8.2 Politely reminding customers the Premises is about to close.
 - 4.8.3 Asking customers if they require a taxi and advising customers to wait inside the Premises.

Transport

- 4.9 Customers will arrive and depart by various modes of transport, including by foot and private car. Customers are welcomed straight into the Premises by members of staff. There will be no queuing or loitering on Berkeley Street.
- 4.10 When arriving by private car, customers and drivers will be reminded not to leave engines running unnecessarily, to keep conversation to a minimum and avoid slamming car doors.
- 4.11 The Premises will be well serviced by public transport links, as set out below. All staff will be familiar with the transport links so they can advise customers when required.

Tube

- 4.12 The following tube stations are located within walking distance of the Premises:
- 4.12.1.1 Green Park Underground Station.
 - 4.12.1.2 Hyde Park Corner Underground Station.
 - 4.12.1.3 Piccadilly Circus Underground Station.
 - 4.12.1.4 St James's Park Underground Station.
 - 4.12.1.5 Victoria Underground Station.
- 4.12.2 Where necessary customers will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

4.13 Rail

- 4.13.1 The Premises is within walking distance of Victoria rail station.
- 4.13.2 Other rail stations, for example Charing Cross, Paddington, Liverpool Street, Euston and Kings Cross St Pancras are easily reached by tube or taxi.

4.14 Buses

- 4.14.1 The Premises is well serviced by public buses. TFL bus services, including night buses, are accessible by bus stops on Piccadilly, which go to a variety of destinations throughout London.
- 4.14.2 Bus routes include: C2, 9, 14, 19, 22, 38, N9, N19, N22, N38 and N97.

4.15 Taxi

4.15.1 Black cabs are readily available right through the day and night in the area. Customers will be encouraged to go directly into a waiting cab when leaving the Premises.

4.15.2 If there are no available black cabs, customers will be asked to wait inside the Premises until a cab becomes available.

4.15.3 Staff will assist customers calling a taxi if required.

Private Car Service

4.16 The Premises will have a valet parking service and an agreement with a private car booking service. In the event a customer wants to book a car home, they must wait inside the Premises until their car has arrived to ensure a quick and quiet exit.

4.17 Customers will be asked if they need transport home at the time they request their bill.

5 Deliveries, Collections & Servicing

5.1 Deliveries and collections will be arranged carefully and sympathetically to the local amenity. Where possible, multiple deliveries and/or collections will be combined to avoid high numbers of vehicles servicing the premises. Delivery and collection times will not be scheduled late at night or early in the morning to avoid disturbing local residents. The servicing and delivery schedule is expected to be:

5.1.1 Servicing and deliveries will take place between 07:30 and 12:00 (midday) Mondays to Saturdays

5.1.2 Waste collection will take place between 08:00 and 09:30

5.2 The following model licence conditions are proposed with the Application:

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

5.2.2 *"No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day."*

5.2.3 *"Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays."*

Raw And BBQ - 11 Berkeley Street London W1J 8DS

Proposed Conditions:

1. The premises shall operate as a restaurant:
 - i) In which customers are shown to their table
 - ii) Where the supply of alcohol is by waiter or waitress service only,
 - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv) Which do not provide any take away service of food or drink for immediate consumption,
 - v) Which do not provide any take away service of food or drink after 23:00, and
 - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

2. Notwithstanding condition [1], alcohol may be sold to and consumed by persons in the holding bar area hatched red on the plan, during, prior to or after their meal.
3. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
5. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
6. A Challenge 21 or 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.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons

- (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol any visit by a relevant authority or emergency service.
 - (h) any visit by a relevant authority or emergency service.
8. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
 9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 10. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
 11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 12. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
 13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
 14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
 17. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
 18. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.

19. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
20. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.
For the purpose of this section,
'Directly' means:- employ, have control of or instruct.
'Indirectly' means allowing / permitting the service of or through a third party.
'Specified' Area' means the area encompassed within (insert name of boundary roads.)
21. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:
- Basement [x – to be determined by the Environmental Health Consultation Team]
 - Ground floor [x – to be determined by the Environmental Health Consultation Team]
- Subject to an overall maximum of [175] persons at any one time.
22. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Your ref:
Our ref: AT/SAM.14

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

Licensing Service
City of Westminster
64 Victoria Street
London
SW1E 6QP

13 April 2016

Dear Sirs

Licensing Act 2003
Raw & BBQ, 11 Berkeley Street, W1

We refer to our client's application for a new premises licence scheduled to be determined on 21 April 2016.

Please find enclosed:

1. Report of Adrian Studd.
2. Statement of Community Involvement.
3. Schedule of representations.
4. Acoustic report.
5. Berkeley Street Monitoring Group Best Practice conditions.
6. Consolidated schedule of conditions.
7. Concept presentation.
8. Site photographs.

Introduction

Raw & Barbecue is a new restaurant concept spirited and executed by Executive Chief Daniel Doherty. The unique food offer will highlight the very best of contrasting raw and barbecued ingredients. The concept is jointly developed with Samba Brands, who have highly acclaimed restaurants throughout the world, including in the City of London, New York and Miami.

The Proposal

The restaurant will operate in accordance with conditions consistent with the City Council's Statement of Licensing Policy. This includes Model Condition 66, save for a small holding bar where alcohol can be sold only ancillary to a customer's meal. The proposed hours for the sale of alcohol are between 8.00 am and 1.00 am (9.00 am and 11.30 pm on Sundays). There is no external seating and no drinks may be taken out of the premises. Smoking is limited to a small number of persons and supervised.

Recorded music is proposed although this is deregulated in any event before 11.00 pm. After 11.00 pm, it is proposed that the music would be of background level, consistent with the recommendations of the acoustic report.

The proposed hours for late-night refreshment on the premises and opening times are 15 minutes later, so as to allow a controlled and gradual dispersal from the premises.

Statement of Community Involvement

551 local residents were consulted by the applicant, which included a public exhibition attended by 21 residents and local stakeholders over two days. There was also a meeting with the Ward Councillor, the Residents' Society of Mayfair and St James's and the Berkeley Street Monitoring Group. More recently, a further meeting was attended with the Berkeley Street Monitoring Group and an additional presentation was made to local residents during the week commencing 11 April 2016.

The responses to that consultation are set out in the Community Involvement Statement. There was broad support for the proposals, with an ongoing commitment to provide contact details and a pathway for communication. One of the key reasons for the support was the proposed use of the premises as a high quality restaurant. The Berkeley Street Group has proposed Best Practice and Model Conditions, many of which are already included in the application. There is an unequivocal commitment to be a part of and contribute to that Group.

The restaurant is on two floors with a holding bar on the ground floor and with a small service bar with some seating around the ground floor floor void. The lower ground floor consists of a seated servery with more formal seating arrangement throughout the area.

Pre-application advice has been sought and given in respect of the proposed capacity of the premises being 150 persons, plus 25 maximum in the holding bar. Appropriate sanitary accommodation, servicing conditions have been discussed and agreed.

There are self-closing doors in the entrance, where there will also be staff supervision to ensure customers do not leave the premises with drinks. These staff, including an SIA registered door supervisor, will also monitor the number of persons smoking outside the premises and manage their activities.

The Representations

Representations have been received from local residents and are summarised in the attached schedule. Essentially, those representations relate to:

1. Cumulative impact.
2. Taxis, traffic and noise from cars and customer dispersal.
3. Dispersal of customers.

The Appendix 11 statement proposes measures to deal with car parking and taxis. These can be summarised as:

- *Black cabs are readily available right through the day and night in the area. Customers will be encouraged to go directly into a waiting cab when leaving the Premises.*
- *If there are no available black cabs, customers will be asked to wait inside the Premises until a cab becomes available.*
- *Staff will assist customers calling a taxi if required.*
- *The Premises will have a valet parking service and an agreement with a private car booking service. In the event a customer wants to book a car home, they must wait inside the Premises until their car has arrived to ensure a quick and quiet exit.*
- *Customers will be asked if they need transport home at the time they request their bill.*

Adrian Studd (retired police chief inspector) deals in his report with the potential impact of customers leaving the premises. In addition, this element of the operation is also dealt with in the noise report. Mr Studd's evidence was given and accepted in the application for Park Chinois and he therefore has a good knowledge of the issues arising in this particular location.

He concludes that the proposed use and hours of the premises are very different to other premises in the area which are, without doubt, contributing to noise, nuisance and crime and disorder. He makes further recommendations for conditions to promote the licensing objectives further. All of those recommendations are proposed as conditions.

The Berkeley Street Group

In 2015, a multi-agency group was established to investigate and address some of the issues relevant to licensed premises in Berkeley Street. That group is chaired by Councillor Jonathan Glanz and is attended by Councillor Roberts, local residents, businesses and licence holders.

The Group has proposed Best Practice and Model Conditions for premises operating in the street to reduce existing crime and nuisance. The last two meetings have been attended by the Applicant. Further study is being undertaken into the best method of providing extra security and visible re-assurance. Such proposals include own premises SIA staff and/or a paid-for policing type of model. There is also a local radio scheme and growing membership. The Applicant has undertaken to be a member of and support the group.

Cumulative Impact and the Statement of Licensing Policy

The applicant recognises the significance of the Statement of Licensing Policy. Indeed, the application has been made not only with appreciation of it but also with conditions appropriate to it.

The premises **are not** situate within a Cumulative Impact Area ('CIA'), although conditions have been proposed which would be appropriate to premises in a CIA and indeed promote the licensing objectives.

Restaurant policy RNT1 applies, which provides "*applications will generally be granted and reviews determined, subject to the relevant criteria in policies CD1, PS1, PN1 and CH1*".

Paragraphs 2.5.12 to 2.5.15 are relevant in respect of the proposed use and the proposed hours. Whilst there are residents in the vicinity, the acoustic attenuation ensures no outbreak of sound from the restaurant and the plant. In respect of customers smoking and leaving the premises, Mr Studd's report provides appropriate recommendations which will be complied with to manage persons leaving or smoking. The noise report provides further assurances in this regard.

The Appendix 11 statement sets out both the availability of public and private transport, and of course the extension of the late-night tube network bearing in mind the immediate approximately of Green Park Underground Station. Having spoken to Mr Brown of the CAB, further measures are being considered and addressed as regards dispersal.

Conclusion

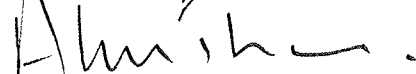
The applicant has carried out extensive consultation with local stakeholders. The submitted proposals and conditions are consistent with the proposed use of a high quality restaurant. There is a commitment to work with local stakeholders to improve the area and not to add to existing problems caused by late-night bars and poorly managed premises.

There is a recognition in the Statement of Licensing Policy that restaurants (particularly those selling alcohol only to 1am) do not add to crime and disorder and public nuisance in the same way as public houses and bars. This is corroborated in the applicant's submissions and also from the representations.

The recent consultation on the Statement of Licensing Policy found there was insufficient evidence to justify the extension of the Cumulative Impact Area to Berkeley Street and that existing issues were isolated and related to a small number of drink-led premises.

Mr Kieran Terry of the applicant company, Mr Alun Thomas of this firm and Mr Stephen Walsh QC will be in attendance at the hearing to answer any further questions that Members have. Evidence may also be given by Mr Adrian Studd.

Yours faithfully



Thomas & Thomas Partners LLP

tel: 020 7042 0412

email: athomas@tandtp.com

11, BERKELEY STREET, W1.

An independent licensing report on the proposal for a fine dining
restaurant at 11 Berkeley Street, W1J 8DS .

By Adrian Studd, Independent Licensing Consultant.

*Clubsafe
Services Ltd.*

Adrian Studd, Independent Licensing Consultant.

Introduction.

I have been instructed in relation to the application for a restaurant licence at 11 Berkeley Street, W1. The location is currently unlicensed and it is now proposed to operate a fine dining restaurant with full restaurant conditions.

In order to consider what impact, if any, this application will have on the promotion of the licensing objectives I have conducted observations in the vicinity and surrounding areas including the Berkeley Street and Dover Street area, until the early hours to identify the issues that currently take place around the existing licensed premises.

These observations enable me, using my experience as a former senior police officer with responsibility for licensing in London, to contrast the fine dining operation proposed at 11 Berkeley Street with existing licensed premises in Berkeley Street and Dover Street such as Novikov and Mahiki, highlighting the differences and the potential impact on the licensing objectives.

Personal summary – Adrian Studd.

I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games.

In addition to leading my team I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the

reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.

Providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified in order to address these problems through the use of action plans in order to raise their standards. Where this failed I would support the Boroughs with evidence for use at review hearings if required. I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team to identify best practice and ensure this was used, both within London and nationally, by police and local authorities.

I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs implement the initiative. I am a trained Purple Flag and Best Bar none assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I have attended a large number of internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for

Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

Following my retirement I set up a consultancy service to provide independent analysis, reporting and advice for premises requiring a local authority licence. Since then I have provided evidence gathering services and advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers, age related products, betting and gaming. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences and late night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.

Observations.

- 1) I conducted observations in the vicinity of the proposed restaurant in Berkeley Street and in Dover Street on the night of Friday 22nd January 2016 between 22.00 and 02.00. The area was very busy with people using the licensed premises and with pedestrians moving through the area.
- 2) I considered the impact of premises such as Mahiki in Dover Street and Novikov in Berkeley Street, assessing the impact of these premises on the area and any differences or similarities to the proposed premises at 11 Berkeley Street. I observed The Wolseley in Piccadilly as this premises also operate as high end restaurant.
- 3) I am familiar with the Dover Street and Berkeley Street area and the licensed premises there both as a Police Inspector and Chief Inspector in the Clubs and Vice unit and through work I have done since leaving the police service and working as an independent licensing consultant.
- 4) Both streets have a mix of licensed premises that include a pub, casino, restaurants, bars and nights clubs. Some of the premises, such as Novikov, are promoted as restaurants but stop serving food hours prior to closing and are then essentially operated as a night club appealing to a younger crowd with dance music and DJ's.
- 5) When considering the type of premises that reflect the proposed premises in operating style high end restaurants such as The Wolseley provide comparison. The Wolseley was busy during my visit, however as a fine dining, food led premises it does not generate the issues

seen in the vicinity of some of the drink led premises in the area.

- 6) I found that both Dover Street and Berkeley Street were very busy with pedestrian and vehicle traffic up to about 1am. After this time Berkeley Street in particular remained busy until I left the area at about 2.30am. Dover Street had become quieter by then with isolated pockets of pedestrians and fewer vehicles on the road.
- 7) The number of premises that operate as drink led nightclubs, the style of operation of those premises and the instances of poor management are the direct cause of the noise, nuisance and disorder that I observed in the area. In particular the following premises have a significant, negative impact on the area due to the night club style of operation.
 - Funky Buddha, 15 Berkeley Street – Nightclub Premises licensed until 3:30am Monday to Saturday, Sunday until 23:00.
 - ‘Fifty 9’ 59 Berkeley Square – Bar/Club licensed until 3am Monday to Saturday and 00:30 Sundays.
 - Palm Beach Casino – Casino licensed until 7am Monday to Sunday.
 - Mahiki, 1 Dover Street – Nightclub licensed until 3:30am Monday to Saturday and Sunday until 00:30.
 - Novikov, 50a Berkeley Street - Restaurant and Nightclub licensed until 2am Monday to Sunday.
- 8) The contrast between genuine, food led restaurants such as The Wolseley and premises such as Funky Buddha, Mahiki or Novikov is clear. The pavement outside is quiet with only an occasional smoker. Customers arriving are admitted straight into the premises and on leaving they make their way away quickly reducing the risk of being touted.
- 9) At restaurant premises it is unusual to see more than 2 or 3 smokers outside and those that do go to smoke tend to be older than at the nightclub style premises, have consumed food and come from a quieter more relaxed atmosphere; they consequently speak and behave in a more restrained manner that does not cause noise or nuisance in the area.
- 10) The proposed restaurant at 11, Berkeley Street will operate as a high end, fine dining restaurant in a style similar to other premises operated by the same company such as Sushi Samba in Heron Tower, Bishopsgate. It will therefore not attract the problems associated with nightclub style premises.

Preventing Nuisance, Crime and Disorder.

11) The causes of the nuisance, crime and disorder in and around nightclub premises are well documented and include;

- A concentration of drink led premises in a small area,
- Queuing outside premises by large numbers of people with queues often containing customers who have been pre-loading alcohol due to high prices inside the premises,
- Customers encouraged to consume large quantities of alcohol without food,
- Vertical drinking with limited seating and loud, high intensity music,
- Poor management of queues and smoking area, permitting nuisance, drunkenness and, on occasion, drinking in smoking area.
- Smokers mixing with queuing customers.
- Drunken customers leaving the premises through the early hours and remaining in the vicinity causing noise and nuisance,
- Customers taking part consumed open drinks with them when leaving the premises,
- Touting of customers leaving a premises,

12) In contrast, at restaurant premises such as that proposed, not only is queuing not encouraged but it does not take place as customers who have booked a table and arrive with friends for a meal are not willing to queue to get into the restaurant. The use of a bar or holding area ensures customers are admitted on arrival.

13) Restaurants do not rely on selling high volumes of alcohol to maintain the business; this makes a significant difference as it ensures that behaviour in and around the premises is moderate rather than drunken, loud and boisterous.

14) As highlighted in the Westminster statement of licensing policy at para 2.4.8 customers who have been seated and not overcrowded behave differently to those who have been in high

energy, drink led premises with limited seating. They are less likely to talk loudly and leave more quietly.

15) While nightclubs attract a younger clientele the customer base at a restaurant tends to be older and more responsible, enjoying the food offering but also a high level of service. This includes managing their arrival and departure without queuing or being accosted by touts and does not include drinking to excess.

16) Premises such as Mahiki and Novikov deliberately queue customers outside to create an 'exclusive' atmosphere, which together with the drink led operation appealing to a younger customer base inevitably leads to excessive alcohol consumption and problems of nuisance, crime and disorder.

Conclusions.

17) A study of crime reports in Westminster from April 2009 to March 2010 identified that for every 10 restaurants there were just 3 violent crimes reported in the year, this compares to 37 violent crimes for every 10 nightclub premises (WCC statement of licensing policy 2011. Para 2.5.8). The proposed restaurant will be a genuinely food led, high quality restaurant.

18) The proposed operation is very different to a nightclub; this will ensure that the premises do not create the problems associated with some of the drink led, nightclub premises. I am familiar with the issues prevalent in the area and have made recommendations that will ensure that the premises operate as a genuine restaurant that enhances the area.

19) In addition to standard conditions such as those relating to age related sales, CCTV and incident logs, the following points are to be considered alongside the conditions offered with the application to ensure that the premises operate as a restaurant. Implementation of these recommendations will ensure that the premises does not have a negative impact but positively enhances the area:

- i. At least one SIA registered door supervisor to be employed at all times when the premises are open to the public. They will supervise entry to the premises, the smoking area and customers leaving the premises.
- ii. It is recommended that after 21.00 a smoking area shall be established outside the premises using rope barriers and used to accommodate no more than 10 people at

any one time. No drinks will be permitted to be taken into the smoking area and customers not smoking will be encouraged to return inside the premises. Smoking area will be supervised by door supervisor at entrance to premises.

- iii. A full restaurant condition that the sale of alcohol shall be ancillary to a substantial table meal or to persons in the holding bar who are attending the premises for a substantial table meal. The premises to close when licensed activity ends at 01.00. No off sales permitted except the taking away of resealed, part consumed bottles of wine purchased ancillary to a table meal.
- iv. Capacity of the premises to be agreed but will be approximately 175 across ground floor and basement, excluding staff.
- v. No queuing to be permitted outside the premises and the front doors to be kept closed except when admitting customers. Customers will be admitted to the premises on arrival and if their table is not ready they will be accommodated in the bar or a holding area.
- vi. Customers will be advised when booking that parking is limited and public transport, private hire car or taxi is preferable. Valet parking will be available for those arriving by car.
- vii. The premises will have an arrangement with a licensed private hire car company who will provide vehicles on request. Customers will be encouraged to wait inside the premises until their car or taxi arrives to minimise the opportunity for touts to approach them when leaving the premises.

20) I consider that the proposed new premises will promote the licensing objectives and have a positive impact on the area by adding to the diversity of premises and therefore the diversity of the people visiting the area. Having a varied range of premises and customers coming to an area is important to reduce the potential for crime and disorder and public nuisance and to promote public safety.

I understand that my duty is to the sub-committee and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and

true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

Adrian Studd,
Independent Licensing Consultant,
29/01/16.

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Statement of
Community
Involvement
11 Berkeley Street

Samba Brands Management

February 2016

Contents

- 1.0 Executive summary
- 2.0 Statement of community involvement
- 3.0 Stakeholder meetings
- 4.0 Pre-submission public consultation
- 5.0 Summary and conclusions

Appendix I Letter to neighbours

Appendix II Public exhibition boards

Appendix III Public exhibition feedback form

1.0 Executive Summary

- 1.1 In September 2015, Samba Brands Management (“The Applicant”) appointed Four Communications, a specialist public affairs company, to handle the community consultation and stakeholder relations for their proposals to change the use from B1 (offices) to A3 (restaurant) on the ground and basement levels of 11 Berkeley Street.
 - 1.2 The ground and basement levels will undertake an internal refurbishment to provide a new, high-quality restaurant operated by Samba Brands Management, who operate a variety of renowned brands in the City of London, New York and Miami.
 - 1.3 The consultation process was carried out in conjunction with the planning team’s pre-application discussions with Westminster City Council’s planning officers.
 - 1.4 The brief was to develop and implement an engagement strategy with Westminster City councillors, local stakeholder groups, immediate neighbours, in addition to residents and businesses in the surrounding area.
 - 1.5 Activities undertaken as part of the consultation process have included:
 - A meeting with the Cabinet Member for the Built Environment;
 - A meeting with a West End ward councillor;
 - A meeting with the Resident’s Society of Mayfair and St James’s;
 - A meeting with the Berkeley Street Management Group;
 - A letter distributed to approximately 551 local residents and businesses inviting them to a public exhibition of proposals;
 - A public exhibition held over 2 days with 21 attendees.
 - 1.6 The responses to the consultation suggest that there is support for the proposals to change the use of the ground and basement levels to introduce a new high-quality restaurant providing up to 150 seated and 25 standing covers, as long as this is accompanied by a robust Operational Management Plan to safeguard local amenity. In addition, a meeting with the Berkeley Street Monitoring Group and a further presentation for local residents took place during the week commencing 11 April 2016.
 - 1.7 Throughout the consultation process a telephone number, e-mail and FREEPOST address were supplied and managed by Four Communications, providing further information to residents, businesses and stakeholders on request.
 - 1.8 The Applicant is committed to ongoing consultation and providing further information as the application progresses.
 - 1.9 This report has been informed by Central Government Guidance within the National Planning Policy Framework (NPPF) 2012 on community involvement in planning. It forms part of the supporting documentation informing the planning application.
-

2.0 Statement of Community Involvement

2.1 The table below provides a record of all the meetings held with local and political stakeholders since the outset of the consultation in October 2015:

date	stakeholder activity	attendees
26 October 2015	A meeting with the Cabinet Member for the Built Environment	Cllr Robert Davis MBE DL
26 November 2015	A meeting with a member of the West End ward	Cllr Jonathan Glanz
21 January 2016	A meeting with the Resident's Society of Mayfair and St James's	Lois Peltz
2 February 2016	A meeting with the Berkeley Street Management Group	Cllr Jonathan Glanz Cllr Glenys Roberts Lois Peltz Debra Bertoni Ron Whelan
22 January 2016	A letter distributed to approximately 551 local residents and businesses inviting them to a public exhibition of proposals	-
1 February and 3 February 2016	A public exhibition of proposals held over three days.	21 attendees

2.2 Working with and on behalf of the Applicant, Four Communications developed a consultation strategy with key stakeholders and local residents in conjunction with the Applicant's agents' ongoing pre-application dialogue with Westminster City Council's planning officers.

2.3 A programme of consultation with the wider community began in January 2016 with the sending of approximately 551 letters to households and businesses in the area surrounding the site, introducing the scheme and publicising a public consultation exhibition. The exhibition provided an opportunity for residents, local workers and businesses to view the proposals and discuss key local issues with leading members of the development team.

2.4 The Applicant will maintain contact with local councillors, amenity groups, and the wider community up until the point when the planning application is determined.

3.0 Stakeholder meetings

3.1 In advance of the public consultation exhibition, Four Communications initiated meetings with a number of local stakeholders. The following tables outline these meetings and the key issues discussed:

date	stakeholder activity
26 October 2015	A meeting with the Cabinet Member for the Built Environment;
26 November 2015	A meeting with a member of the West End ward;
21 January 2016	A meeting with the Resident's Society of Mayfair and St James;
2 February 2016	A meeting with the Berkeley Street Management Group

Key issues

3.2 The following table outlines the relevant comments raised during the stakeholder meetings:

topic	comments	response
Existing site	<ul style="list-style-type: none"> <i>This site is an appropriate size for a restaurant.</i> <i>There are relatively few planning-based issues to address.</i> 	
The Proposals	<ul style="list-style-type: none"> <i>You will need to be sensitive to the needs of the local residents.</i> <i>How many covers are you proposing?</i> 	The scheme proposes there be up to 150 covers, with an internal Ante room with space for 25 standing for those waiting for a table.
Operational Management	<ul style="list-style-type: none"> <i>What will be your proposed hours of operation?</i> <i>The crucial issue will be the management of the premises.</i> <i>How and when will the restaurant be serviced?</i> <i>I would welcome a doorman and two-double self-closing doors to protect amenity.</i> <i>Where will smokers go?</i> <i>I would suggest you seek to be part of the Berkeley Street Management Group and respond to their proposed conditions.</i> 	<p>The venue's proposed operating hours will be Mon-Sat (08.00-01.15) and Sun (09.00-23.30). It is not proposed that the restaurant will be serving breakfast.</p> <p>All servicing will take place between 07:30 and 11:30 on Mondays to Saturdays. Servicing includes loading and unloading goods from vehicles, putting rubbish outside the building, and will be supervised to ensure its smooth running.</p> <p>There will be no servicing on Sundays.</p>

	<ul style="list-style-type: none"> <i>The critical thing will be the operation of the premises and having a robust operational management statement.</i> 	Smoking is not permitted within the demised areas of each restaurant. The number of guests smoking will be limited to a maximum of 10 at any time on the private highway and will be managed to ensure they do not block the highway and that portable ashtrays are used for any butts.
Noise	<ul style="list-style-type: none"> <i>Will there be a bottle / glass crusher?</i> <i>How will you safeguard against noise coming from the smoking area?</i> 	<p>There will be an internal bottle crusher to safeguard against any noise.</p> <p>There will be a security team to manage the flow of traffic and the noise coming from the smoking area.</p>
Design and Layout	<ul style="list-style-type: none"> <i>What will be the size of the bar area?</i> <i>The décor isn't to my taste.</i> <i>I like the mix of industrial architecture and high-quality marble.</i> 	<p>The proposed restaurant will have a floorspace of less than 500 sq.m, will provide 150 covers with a 25 person standing area for those waiting for a dining table and a small bar.</p> <p>The air-conditioning and kitchen extract will be fully operational during trading hours and will then be switched off once all staff have left and full clean down of all kitchen/bar spaces has occurred. These will be located to the rear of the site.</p>
Flues and Mechanical Plant	<ul style="list-style-type: none"> <i>Where will the venting be located for the primary cooking?</i> 	The plant equipment will be located on the roof and the flat roof to the rear of the first floor. This will directly replace the existing office plant equipment.
Parking	<ul style="list-style-type: none"> <i>How will you manage parking?</i> <i>Will there be a taxi pick up and drop off point?</i> 	There will be a valet parking system at a local NCP car park, offering a single black taxi firm and limousine hire firm for guests leaving the property and the provision of a telephone line manned by the duty manager to local residents living within 100m of the premises.

4.0 Pre-submission Public Consultation

- 4.1 The Applicant held a public consultation exhibition to display the proposals for the site on Monday 1 February and Wednesday 3 February. Invitations were sent to approximately 551 local addresses, within a distribution area agreed by Westminster City Council. A copy of the invitation letter has been incorporated into this document as *Appendix I*. Out of the **551 recipients** of the invitation letter, **21** attended the public exhibition.
 - 4.2 The purpose of this exhibition was to explain the Applicant's vision for the site, identify key local issues and provide an opportunity for residents to communicate their feedback to leading members of the development team, including representatives from the Applicant, CgMs and Four Communications.
 - 4.3 The scheme was presented on 9 A1-sized display boards, providing local residents with a clear overview of the scheme to date. Copies of the boards have been incorporated into this document as *Appendix II*. Members of the development and design team were available to explain the information presented and answer any questions.
 - 4.4 Exhibition attendees were given the opportunity to make comments on the feedback forms provided. A copy of the feedback form has been incorporated into this document as *Appendix III*. At the time of writing **2 responses** have been received.
 - 4.5 Overall, the majority of consultees were broadly supportive of the scheme and welcomed the introduction of a high-quality restaurant provided this was accompanied by a robust Operational Management Plan.
 - 4.6 The high-quality design was generally greeted with approval. Attendees indicated that the combination of high-quality materials with post-industrial architecture was an exciting new concept; something which will actively contribute to the restaurant offer in the area.
 - 4.7 Attendees at the public exhibition, particularly nearby residents, had been concerned with the intensification of the street and the noise coming from some of the establishments on Berkeley Street. Therefore, the Applicant agreed that a stringent Operational Management Plan will be a primary condition of the planning application and residents were pleased that this features heavily in the planning application.
 - 4.8 Consultees were pleased with the proposals to keep noise disturbances to a minimum, particularly the use of the self-closing double doors at the front of the site and the presence of a security team, including a valet and door staff.
 - 4.9 One neighbour was concerned that the restaurant would increase anti-social behaviour in the area through the sale of alcohol. The Applicant, however, reassured the neighbour that the sale of alcohol was completely ancillary to food.
 - 4.10 The majority of attendees at the public exhibition agreed that the existing site was an appropriate size for a restaurant.
 - 4.11 Some neighbours questioned the servicing of the restaurant and how this might affect the traffic flow on Berkeley Street. They were satisfied when they were informed that there would be a stringent servicing plan, with deliveries and rubbish collections taking place between 07.30 – 11.30 every day, with no servicing on Sunday or Bank Holidays.
 - 4.12 Neighbours who visited the exhibition were pleased with the Applicant's efforts to consult them and look forward to being kept up-to-date on proposals for the site. Addresses supplied at the exhibition have been logged and securely retained by Four Communications, who will keep neighbours informed as the scheme progresses through the application process.
-

Exhibition Methodology

Publicity

- 4.13 The exhibition was publicised through a letter, mailed or delivered to approximately 551 households and businesses in the area surrounding the application site. The delivery area is shown on the distribution map below:

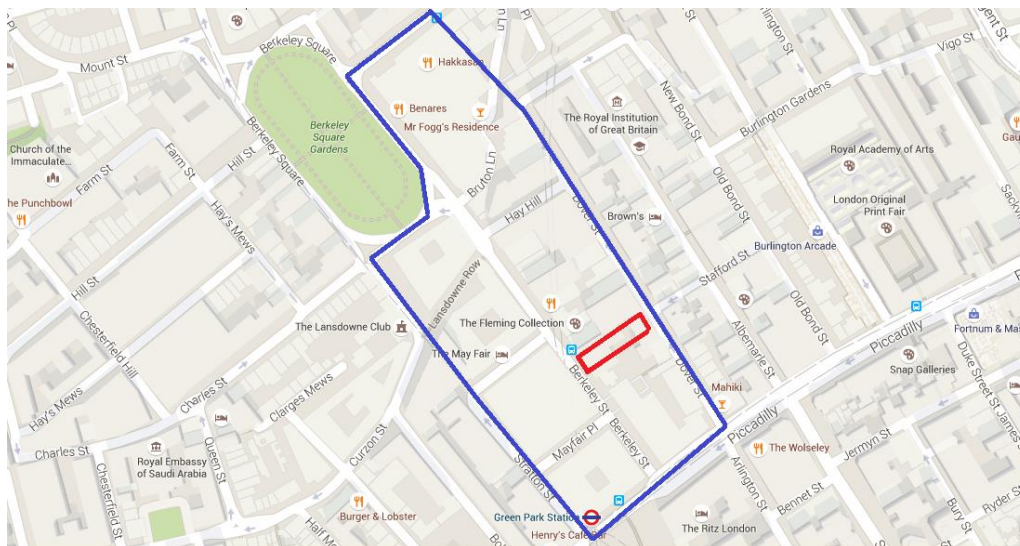


Figure 1 Distribution area: Addresses within the **blue**, line received a letter of invitation to the exhibition. The site is marked in **red**.

- 4.14 The same invitation letter was also sent to local stakeholders, including ward councillors, amenity societies and resident groups.

Venue

- 4.15 The exhibition was displayed onsite at 11 Berkeley Street.

Opening times

The public exhibition was open from:

- **Monday 1 February** from **3pm** to **7pm**
 - **Wednesday 3 February** from **3pm** to **7pm**
-

Written feedback

- 4.16 21 people attended the exhibition. All exhibition attendees were encouraged to complete a feedback form. Attendees could complete the feedback form at the exhibition or, alternatively, take the form away and return it to the FREEPOST address provided. At the time of writing, **4 attendees** had completed and returned feedback forms.
- 4.17 The addresses of feedback form respondents have been securely logged and retained by Four Communications. They will be added to the Applicant's mailing list and will be kept informed as the application progresses and invited to future consultation events (unless expressed otherwise by the respondent).

Feedback form responses

- 4.18 The responses to the feedback form are documented in tabular form below:

statement	strongly agree	agree	neutral	disagree	strongly disagree	no answer
Mayfair is an appropriate area for well-managed, fine dining restaurants.	4					
The introduction of two self-closing double doors will help protect local amenity.	4					
The provision of a doorman outside the premises is important to prevent disruption from guests arriving or leaving the premises.	4					
A stringent operational management statement will help protect neighbours' amenity.	4					

5.0 Summary and Conclusions

- 5.1 The public consultation strategy sought to engage with political and community stakeholders, including local amenity societies, local businesses and neighbours living in close proximity to the site.
 - 5.2 The pre-application public consultation exhibition provided an opportunity for local residents and businesses to voice their opinions on the development proposals and to engage with leading members of the development team, including representatives from the Applicant, CgMs and Four Communications.
 - 5.3 Overall, there is a broad level of support for the change of use of 11 Berkeley Street, to provide a high-quality restaurant at ground floor and basement level.
 - 5.4 The majority of consultees agreed that the existing site was appropriate for a new concept restaurant such as this; although Berkeley Street is becoming renowned for late night premises, many feel that these designs will actively contribute to the area provided it is robustly managed.
 - 5.5 An issue which was prevalent throughout the community engagement was the Operational Management Statement. As Samba Brands is an established high quality operator, with the highest standards of operational procedure, the proposals are felt to be sensitive to neighbour amenity.
 - 5.6 Some nearby residents were concerned with the noise levels coming from the proposed restaurant, but were satisfied when shown the measures taken to prevent this, particularly the self-closing double front doors, the internal bottle crusher, and the presence of a security team.
 - 5.7 The designs of the proposed restaurant were welcoming, with many attendees at the public exhibition enjoying the eclectic mix of post-industrial architecture with high-quality materials.
 - 5.8 The project team remains committed to consulting with the local community and will continue to ensure that local residents and businesses are kept informed as the application progresses through the determination process.
-

Appendix I – Letter to Neighbours



Name
Address
Address
Address
Address

22 January 2016

Dear Neighbour,

Planning Application for 11 Berkeley Street

I am writing to let you know that Samba Brands intend to submit a planning application to Westminster City Council in due course for the change of use from B1 (office) to A3 (restaurant and café) of the ground floor and basement at 11 Berkeley Street.

Samba Brands is an established and long standing operator who have a record in providing fine dining. The application is being submitted with the intention of introducing a high quality 'Raw and Barbecue' restaurant concept, providing up to 175 covers. Through our extensive experience Samba Brands would also seek to introduce the new restaurant with the highest operational procedures, so we can offer a fine dining experience whilst safeguarding the needs of our surrounding residents and businesses.

We would be delighted to present our emerging plans to our neighbours, and would like to invite you to view images, operational procedures and meet the team on Monday 1st February and Wednesday 3rd February, from 3pm – 7pm, on site at 11 Berkeley Street.

The exhibition will be accessed through the front door of 11 Berkeley Street, will be clearly sign-posted and members of Samba Brands will be present at the exhibition to answer any questions or queries about the development you may have.

I do hope you will be able to visit the exhibition. However, if you are unable to make these dates and would like further information or would wish to organise a separate briefing on the proposals, please do not hesitate to contact us on 020 3697 4295 or via email at 11berkeleystreet@fourcommunications.com.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Keiran Terry', with a stylized flourish at the end.

Keiran Terry
Project & Business Development
UK and Europe
+44 7880 346 083

Samba Brands Management

17 East 16th Street

2nd Floor New York 10003

Welcome



Welcome to the public exhibition which outlines the proposals to change the use and undertake an internal refurbishment of 11 Berkeley Street.

- The proposals seek to provide a new, high quality restaurant which encompasses the principles of the world renowned Samba Brands Management.
- The owners of the property will shortly be submitting a planning application to Westminster City Council. You are invited to view the boards on display, which outline our proposals for the site. We would be grateful if you could then complete a feedback form to let us know your views on the scheme.
- Members of the development team are on hand to answer any questions you may have and can provide further information on the proposals.



The team

Samba Brands Management

- Samba Brands operate a variety of renowned brands across the globe, with Sushi Samba restaurants in the City of London, New York and Miami.
- The group also operate Duck & Waffle in the City of London, Sugarcane Raw Bar Grill and Bocce in Miami.
- With over 15 years' experience the company continues to expand their cutting edge concepts, with leading venues and visionary food offerings. Their restaurants are sought after destinations for cuisine, culture and design, and have garnered great critical acclaim. They have a reputation for having the highest operational management procedures.

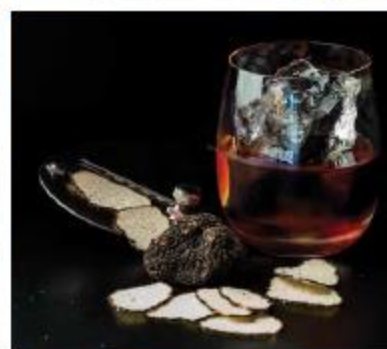


Franklin Design Associates

- Franklin Design Associates undertake commissions for a range of clients from private individuals to multi-national companies. With all clients the service provided is bespoke to suit their needs and the specific brief. A wide range of experience, a professional approach and a commitment to excellence are the key elements that define the approach FDA adopt.



The restaurant



Executive Chef - Daniel Doherty

- Native Brit Daniel Doherty is well on his way to becoming one of the most prominent chefs on London's culinary scene. Born and raised in Shrewsbury, Doherty started his career while enrolled in The Royal Academy of Culinary Arts at an apprenticeship with Michelin starred 1 Lombard Street in London.
- With experience in some of London's most prized restaurants, including The Ambassador and The Old Brewery, Doherty accepted the executive chef role at Duck & Waffle, London's first 24-7 gourmet dining restaurant in 2012. He brings a rich and colourful past to the restaurant, and a rare zeal and vivacity manifested in the energy of his team and the flavours of his menu, which pays homage to classic British cookery.



Head of Spirit and Cocktail Development - Richard Woods

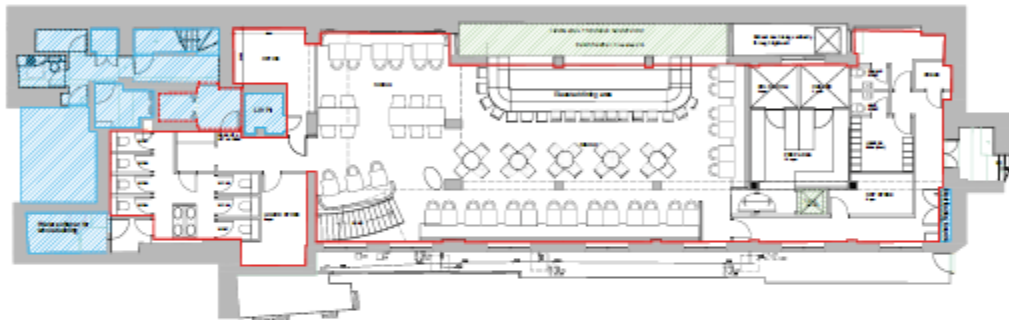
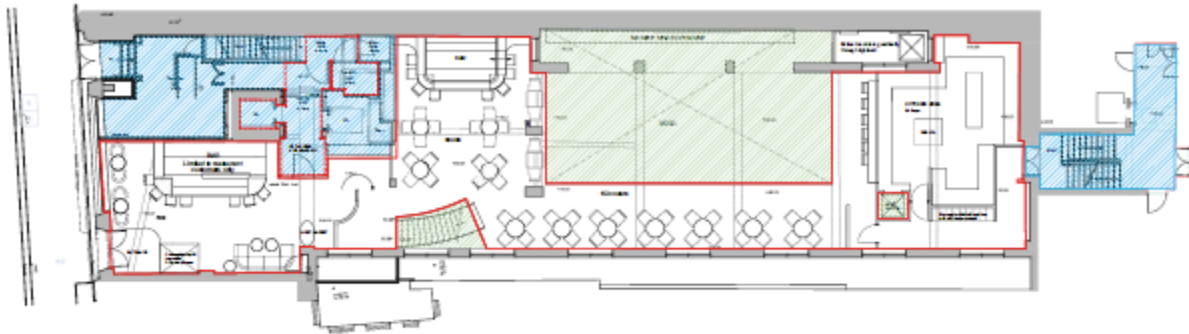
- Having experienced hospitality at every level, both in local and global operations, as well as in house on the floor of the restaurant, Woods' education in the industry had come full circle. Identifying his strong suit as mixology, Woods gravitated to bartending positions that would permit him to be innovative and spontaneous.
- Since joining Samba Brands Management in the summer of 2012 as Head of Spirit & Cocktail Development, Woods' confidence continues to translate in cutting-edge cocktails that have impressed critics, connoisseurs and media alike. Namely, in 2012, he won the Grey Goose 10 Cocktail Competition, vying with top mixologists from around the world; and in 2014, he earned first place in the UK and Ireland Bombay Sapphire's "World's Most Imaginative Bartender Competition" followed by second place in the world finals.

Objectives



- The proposed restaurant will be operated by Samba Brands who are proposing an innovative new dining experience: Raw & Barbecue, which will continue Samba Brand's tradition of providing a sophisticated dining experience with a cutting edge food concept.
- The proposed restaurant will have a floorspace of less than 500 sq.m, and will provide 150 covers with a 25 person standing area for those waiting for a dining table and a small bar. It will occupy the ground and basement levels of the building, and the existing office floorspace on the upper floors will be retained.
- The venue's proposed operating hours will be Mon-Sat (08.00-01.00) and Sun (09.00-23.30).
- As befitting Samba Brands' reputation for great cuisine, the service of alcohol will be wholly ancillary to food. As a result no one will be able to enter the premises solely for the consumption of alcohol.

Internal layout



- The proposal will create an intimate dining experience focused around an open kitchen, a seated bar and private dining room.
- The site's ground floor shopfront is framed by a canopy and incorporates two doorways, to the north and south of the façade. As part of the proposal the office entrance would move to the north doorway and the restaurant to the south, thereby introducing an active frontage to the street.
- As well as the open kitchen in the main dining area, there will also be food preparation and storage areas in the basement level, which will be equipped with state of the art odour-less fume-extract machinery

Internal ante-room



- The entrance to the restaurant will act as an ante-room for people waiting to be seated.
- It will be an intimate arrival space, before guests are led to the restaurant within.
- The concept of this room is set to evoke anticipation, sophistication and the unexpected.
- A double set of fitted self-closing doors will be installed at the entrance to prevent noise from this space carrying out to the street.

Bar and restaurant area



- From the ante-room the diner arrives in the main area of the restaurant. The design is based on post-industrial British architecture.
- The area will include a selection of sophisticated furniture which contrasts the raw industrial space.



Operational Management Statement



Samba Brands is an established high quality operator with the highest standards of operational procedures. The proposals are felt to be sensitive to neighbours.

An Operation Management Plan will be submitted to Westminster City Council as part of this application, to ensure neighbours' amenity is protected at all times.

Operation Management

- A double set of fitted self-closing doors will be installed at the main entrance to prevent internal noise carrying out to the street. These doors will not be left open except in an emergency or to carry out maintenance.
- A doorman and a security team shall be employed by the restaurant specifically to protect residential amenity, and maintain order and security at all times.
- There will also be a valet and concierge service to control the management of vehicles. They will prevent the waiting of cars on the street, with all taxis and drivers instructed to only drop off or collect, and not wait outside the restaurant.

Servicing Strategy

- All servicing will take place between 07:30 and 11:30 on Mondays to Saturdays. Servicing includes loading and unloading goods from vehicles, putting rubbish outside the building, and will be supervised to ensure its smooth running.
- There will be no servicing on Sundays.

Waste/Recycling

- A chilled refuse and storage area will be set up for waste on the lower ground floor of the premises.
- A private contractor shall be hired to collect and dispose of refuse between the hours of 08:00 and 09:30 hours on a daily contracted basis.

Smoking

- Smoking is not permitted within the demised areas of each restaurant. The number of guests smoking will be limited to a maximum of 10 at any time, ensuring they do not block the public highway and that portable ashtrays are used for any butts.

Thank you and next steps



Thank you for attending this public exhibition.

We hope that you have found this information useful.

To summarise, the proposals will:

- Introduce a food-led 'Raw & Barbecue' restaurant concept, providing 150 covers which will offer a high quality, fine dining experience at 11 Berkeley Street.

Next Steps

- The owners will shortly be submitting a planning application to Westminster City Council to seek permission to redevelop the site, and a period of statutory consultation will be carried out by planning officers.

Your views

- It is important that we understand the views of the local community. We would therefore be grateful if you could fill in our feedback form to let us know your thoughts on the proposals. They can be left with staff, or sent to us later using the freepost addressed envelopes provided.
- If you have any further questions or would like more information, please contact us on: 020 3697 4295, or via email: 11berkeleystreet@fourcommunications.com
- Westminster City Council will also consult residents, businesses and the local community as part of the application process. Westminster's officers will collate all feedback received to form part of their report.

Appendix III – Feedback Form

11 Berkeley Street

February
2016

Feedback form

Thank you for coming to our exhibition. We would be grateful if you would take a few minutes to fill out this feedback form. There is a space overleaf for any other comments you would like to make. If you give us your name and address we can keep you informed about the progress of this scheme. Your details will remain confidential. You can either leave this form in the box or take it away and post it to us (see details below).


Name	
Organisation	
Address	
Telephone	
Email	

	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
1. Mayfair is an appropriate area for well-managed, fine dining restaurants.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The introduction of two self-closing double doors will help protect local amenity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The provision of a doorman outside the premises is important to prevent disruption from guests arriving or leaving the premises.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. A stringent operational management statement will help protect neighbours' amenity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Are there any additional operational management measures you would like to see proposed?

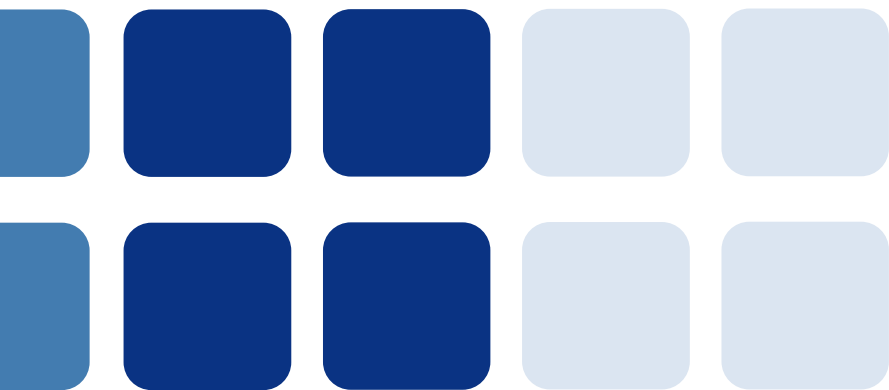
Do you have any other comments/suggestions on any details of the proposals?
Please write them overleaf if necessary.

If you have any further queries, please contact us on:
Telephone: 020 3697 4385
E-mail: 11berkeleystreet@fourcommunications.com

 Four Communications Ltd. will retain the information from the form on behalf of Samba Brands to allow you to receive regular updates on the development. If you do not wish to be kept informed please tick this box:

	Resident representation	Address	Invited to public consultation	Primary concerns
1.	Ahmad Reza Salar Boroumand	10 Berkeley Street (Resident & building manager)	Y	<ul style="list-style-type: none"> • Cumulative impact
2.	Gordon Yeoman	10 Berkeley Street	Y	<ul style="list-style-type: none"> • Traffic (taxi parking) • Noise (cars, patron's dispersal) • Crime & disorder
3.	Irena Timofeeva	Flat 1, 10 Berkeley Street	Y	<ul style="list-style-type: none"> • Noise from construction • Potential noise of patrons
4.	Frank Salvoni	Flat 2, 10 Berkeley Street	Y	<ul style="list-style-type: none"> • Cumulative impact • Street cleanliness • Noise
5.	Victor & Diana Arbulu	Flat 10, 10 Berkeley Street	Y	<ul style="list-style-type: none"> • Cumulative impact • Noise
6.	Louise Wirth	Flat 11, 10 Berkeley Street	Y	<ul style="list-style-type: none"> • Noise from other premises • Parking • Number of licensed premises
7.	Julia Scholar	Flat 19, 10 Berkeley Street	Y	<ul style="list-style-type: none"> • Noise from waiting taxis • Dispersal of patrons • Cumulative impact
8.	Dimitrios Los	17 Berkeley Street	Y	<ul style="list-style-type: none"> • Traffic • Noise • Waste
9.	Jaleh Zand	17 Berkeley Street	Y	<ul style="list-style-type: none"> • Cumulative impact

10.	Ron Whelan	Mayfair Residents Group	Y	<ul style="list-style-type: none">• Hours (suggested reduction)• SIA door supervisors• Limit of 5 smokers at a time• No off sales
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11 BERKELEY
STREET
LONDON W1

Noise Impact
Assessment

REPORT 7194/PNA
Prepared: 17 February 2016
Revision Number: 0

Arab Investments Ltd
11 Berkeley Street
London
W1J 8DS

Noise Impact Assessment



11 BERKELEY STREET
LONDON W1

REPORT 7194/PNA
Prepared: 17 February 2016

Revision	Comment	Date	Prepared By	Approved By
Zero	First issue of report	17 February 2016	Robert Barlow	Torben Andersen

Terms of contract:

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Contents

1.0	INTRODUCTION.....	1
2.0	ENVIRONMENTAL NOISE SURVEY.....	1
3.0	RESULTS.....	2
4.0	PLANT NOISE EMISSION CRITERIA.....	3
5.0	PLANT NOISE ASSESSMENT.....	4
6.0	EXTERNAL NOISE BREAK-OUT FROM PREMISES.....	7
7.0	FLANKING TRANSMISSION.....	8
8.0	PATRON ACCESS / EGRESS.....	9
9.0	SMOKING.....	10
10.0	SERVICING.....	11
11.0	CONCLUSION.....	11

1.0 INTRODUCTION

The change of use of the Ground Floor of the premises at 11 Berkeley Street to restaurant use is proposed. As part of the redevelopment works new mechanical services plant will be required.

In order to complete the planning application for the location of new mechanical services units at 11 Berkeley Street, London W1, Westminster City Council requires consideration be given to atmospheric noise emissions from the proposed equipment at the nearest noise sensitive property.

RBA Acoustics have been commissioned to undertake measurements of the prevailing noise conditions at the site and to determine the atmospheric noise emissions in accordance with Westminster City Council's requirements. This report presents the results of the noise measurements, associated criteria and provides the required assessment.

An assessment of noise from other sources associated with the operation of a restaurant is also provided.

2.0 ENVIRONMENTAL NOISE SURVEY

2.1 General

In accordance with the requirements of the Local Authority, monitoring of the prevailing background noise was undertaken over the following period:

Friday 8 January to Monday 11 January 2016

During the survey period the weather conditions were generally appropriate for the noise measurement exercise, it being mainly dry albeit with periods of rainfall (in particular on the night / early morning of Sunday 10 January / Monday 11 January). Adverse weather conditions are not considered to have affected the outcome of the measurements.

Measurements were made of the L_{A90} , L_{Amax} and L_{Aeq} noise levels over sample periods of 15 minutes duration.

2.2 Measurement Locations

Measurements were undertaken at the following positions:

Position 1

The microphone was positioned at roof level overlooking 11 Berkeley Street. This measurement position was considered as being representative of the noise climate as experienced at the closest residential receptors along Berkeley Street.

Position 2

The microphone was positioned at roof level overlooking the rear of the site. This measurement position was considered as being representative of the noise climate as experienced at the closest residential windows to the rear of the site.

The prevailing noise climate was noted to be quiet as the measurement position was generally screened from local traffic.

The measurement positions are also illustrated on the attached Site Plan 7194/SP1.

2.3 Instrumentation

The following equipment was used for the measurements.

Table 7194/T1 – Equipment Details

Manufacturer	Model Type	Serial No.	Calibration	
			Certificate No.	Expiry Date
Norsonic Type 1 Sound Level Meter	Nor140	1406258	471264946	17 March 2017
Norsonic Pre Amplifier	1209	20490		
Norsonic ½" Microphone	1225	225526		
Norsonic Sound Calibrator	1251	34397	CAL 022-2015-5252	9 April 2017
Norsonic Type 1 Sound Level Meter	Nor140	1406255	471219046	3 March 2017
Norsonic Pre Amplifier	1209	20491		
Norsonic ½" Microphone	1225	225529		
Norsonic Sound Calibrator	1251	34391	CAL 022-2015-5246	9 April 2017

The sound level meters were calibrated both prior to and on completion of the survey with no calibration drifts observed.

3.0 RESULTS

The noise levels at the measurement position are shown as time-histories on the attached Graphs 7194/G1 to G4.

In order to ensure a worst case assessment the lowest background L_{A90} noise levels measured have been used in our analyses. The lowest L_{A90} and the period averaged L_{Aeq} noise levels measured are summarised below (over the proposed restaurant operating periods).

Table 7194/T2 – Measured Levels

Measurement Period	Position 1		Position 2	
	L_{A90} [dBA]	L_{Aeq} [dBA]	L_{A90} [dBA]	L_{Aeq} [dBA]
Friday (08:00 – 01:00) *	58	63	53	55
Saturday (08:00 – 01:00)	55	63	53	56
Sunday (09:00 – 23:30)	53	60	52	54

* Measurements start at 11:00 hours

4.0 PLANT NOISE EMISSION CRITERIA

The requirements of Westminster City Council's Environmental Health Department regarding new building services plant are confirmed as follows.

Any noise generated by new building services plant should be designed to a level either 5dB or 10dB below the lowest background L_{A90} 15 minute sample during operational hours, as measured 1m outside the nearest affected residential window.

Whether the criterion is a 5dB or 10dB reduction is dependent on the existing external noise levels at the nearest noise sensitive properties, at the quietest time during which the plant operates. If the measured $L_{Aeq, period}$ is found to be above the World Health Organisation (WHO) criteria a reduction of 10dB is applied. A less stringent 5dB reduction is required where existing $L_{Aeq, period}$ noise levels are currently below WHO criteria.

The specific WHO guideline levels are detailed as follows:

- | | | |
|------------------------------|-----------------------------|-------|
| ▪ Daytime (07:00 - 19:00) | $L_{Aeq, 12 \text{ hours}}$ | 55 dB |
| ▪ Evening (19:00 - 23:00) | $L_{Aeq, 4 \text{ hours}}$ | 50 dB |
| ▪ Night-time (23:00 - 07:00) | $L_{Aeq, 8 \text{ hours}}$ | 45 dB |

The measured L_{Aeq} levels are above the WHO criteria. As such, a plant noise emission limit of 10 dB below the lowest measured L_{A90} level is applied.

In line with the above requirements we would propose items of mechanical services be designed so that noise emissions from the plant do not exceed the following levels when assessed at the nearest noise sensitive location:

	Position 1	Position 2
▪ Monday – Saturday (08:00 - 01:00)	45 dB	43 dB
▪ Sunday (09:00 – 23:30)	43 dB	42 dB

In accordance with BS 4142, should the proposed plant be identified as having intermittent or tonal characteristics, a further correction should be subtracted from any of the above proposed noise emission limits.

5.0 PLANT NOISE ASSESSMENT

Our assessment has been based upon the following information:

5.1 Proposed Units

The following equipment is proposed at the site:

Table 7194/T4 – Proposed Plant

Description	Manufacturers Info	Location
Lower Ground Floor Kitchen Extract Fan	Halton PST03	1 st Floor Roof Ducted to 2 nd Floor Roof
Ground Floor Kitchen Extract Fan	Halton PST06	1 st Floor Roof Ducted to 2 nd Floor Roof
Main Supply Fan	Hushon	1 st Floor Roof
Air Cooled Condenser	Searle 12 Pole	Roof Plant Enclosure

5.2 Noise Levels

Information regarding the noise levels of the proposed plant has been provided by the manufacturer of the unit. The octave band sound power levels of the units are detailed as follows:

Table 7194/T5 – Manufacturer's Noise Levels

System	Parameter	Sound Level (dB) at Octave Band Centre Frequency (Hz)							
		63	125	250	500	1k	2k	4k	8k
LGF KEF	Lw	82	86	91	88	86	81	77	72
GF KEF	Lw	84	91	88	90	90	88	82	77
Supply Fan	Lw	77	82	77	74	72	70	68	65
Air Cooled Condenser	Lw	66	70	65	62	59	54	46	41

Review of the octave band data concludes that there are no tonal characteristics associated with the proposed plant.

5.3 Attenuators

Attenuators with the minimum insertion losses identified in the Table 7194/T6 below are to be incorporated as part of the building services detailed design.

Table 7194/T6 – Manufacturer's Noise Levels

System	Indicative Details	Insertion Loss (dB) at Octave Band Centre Frequency (Hz)							
		63	125	250	500	1k	2k	4k	8k
LGF KEF	35% Free Area / 1500mm	6	13	23	37	43	44	35	20
GF KEF	35% Free Area / 1500mm	6	13	23	37	43	44	35	20
Supply	35% Free Area / 1200mm	5	11	19	29	36	37	29	18

Note on Attenuators:

The attenuator details are currently indicative and are intended as a guide for the Building Services Engineer as to the extent of mitigation to be provided and as confirmation to the Local Authority that the atmospheric noise emission limits are achievable within the current scheme. Mitigation should be developed with a suitable supplier to ensure that the noise reductions outlined are achieved and the safe operation of the equipment is maintained.

Attenuators should also be positioned close to the fan but no closer than 1.5 x minimum duct dimension. This would help to limit noise break-out from the ductwork to the receptors. The requirements for any further acoustic treatment to the ductwork shall be assessed during detailed design of the duct runs. Acoustic panels should be fitted to the fan casing to protect against noise breakout from the fan itself.

5.4 Location of Nearest Residential Windows

The closest windows are located on the 1st – 6th floors of the adjacent buildings either side of 11 Berkeley Street as well as the Arts Club guestrooms to the rear of the Dover Street building.

5.5 Calculation of Noise Levels at Nearest Residential Window

Our calculation method for predicting noise levels from the proposed plant units at the nearest residential window, based on the information stated above, is summarised below.

- Source Term SPL / SWL
- Applicable Duct Losses
- 20LogR Distance Attenuation
- Directivity
- Reflections

The results of the calculations indicate the following noise levels at the nearest affected residential windows. The full calculations are included in Appendix B.

Table 7194/T7 – Predicted Levels

Plant Item	Predicted Noise Level (dBA)
Lower Ground Floor Kitchen Extract	35
Ground Floor Kitchen Extract	36
Supply Fan	33
Air Cooled Condenser	43

The predicted levels are within the criteria to allow operation during the proposed restaurant operating times when assessed at the nearest residential receptor to the individual item of plant.

The full calculations are included in Appendix B.

5.6 Vibration Control

In addition to the control of airborne noise transfer, it is also important to consider the transfer of noise as vibration to adjacent properties (as well as to any sensitive areas of the same building).

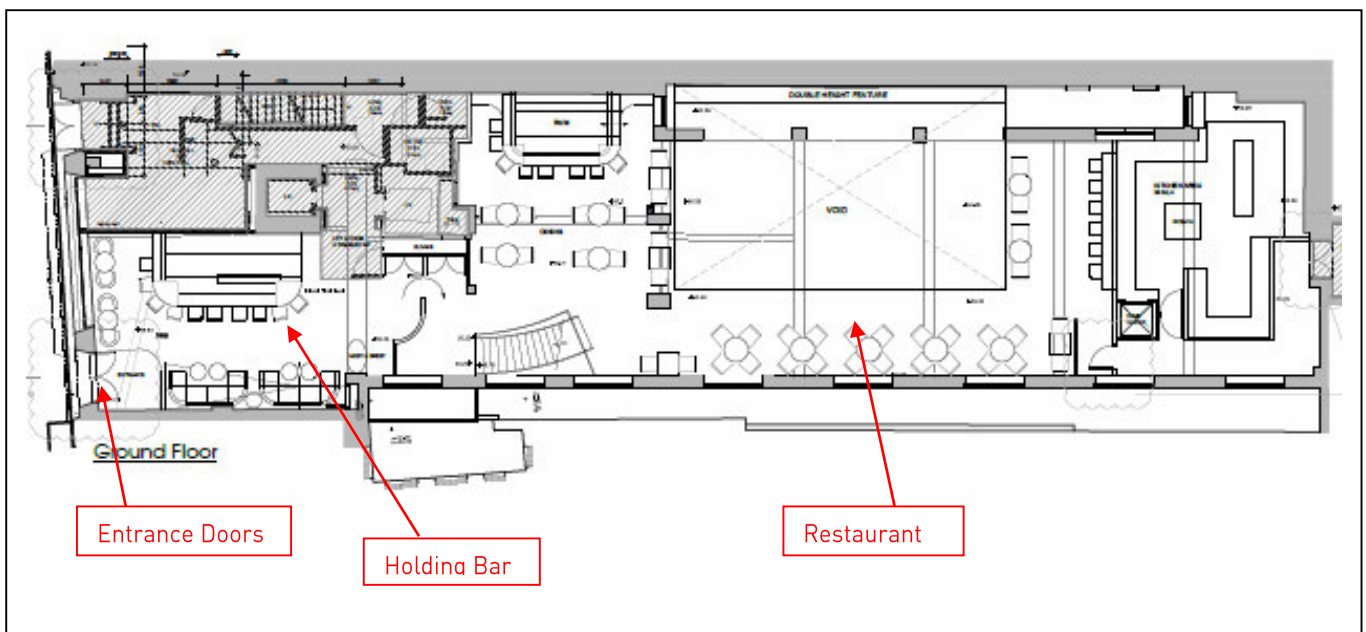
We would typically advise that plant be isolated from the supporting structure by means of either steel spring isolators or rubber footings. For particularly sensitive locations, or when on lightweight structures, the mounts should ideally have greater static deflection than the standard manufacturers' recommendations.

It is important the isolation is not "short-circuited" by associated ductwork, pipework or conduits. To this end, flexible connectors should be introduced between the plant and any associated pipework. ductwork. Pipework or ductwork should be supported by brackets containing neoprene inserts (as a minimum).

6.0 EXTERNAL NOISE BREAK-OUT FROM PREMISES

As part of the analysis, a desktop study has been undertaken to determine the predicted noise levels of noise breakout from the premises to the street.

The layout of the premises is such that the 'holding bar' is positioned within the entrance area. The main restaurant seating is located further inside the premises. There will be a double set of fitted self-closing doors installed at the main entrance to prevent internal noise carrying out to the street. These doors will not be left open except in an emergency or to carry out maintenance. A doorman shall be on duty every day to ensure the doors are not held open. The proposed Ground Floor layout is included below:



Noise is assumed to break-out of the entrance door only.

The octave band noise level assumed within the bar/restaurant is shown in Table 7194/T8. This is equivalent to an overall level of 90 dBA $L_{Aeq,T}$. This level assumes music is being reproduced within the bar/restaurant.

The most significant likely noise source is the entrance door. We have assumed a sound reduction index performance for the door based on library data.

The following Table 7194/T8 summarises the predicted noise levels due to breakout from the premises at the worst affected residential window (1st floor of 10 Berkeley Street) and compares the predicted noise with the lowest measured $L_{eq,15 \text{ minute period}}$ as recorded over the entire monitoring period.

Table 7194/T8 – Noise due to Breakout from Premises

Detail	Octave-Band Sound Pressure Level (dB)							
	63	125	250	500	1000	2000	4000	8000
Octave Band Sound Pressure Level within Bar $L_{eq, 5min}$	97	92	87	86	84	81	80	79
SRI of Entrance Door	-15	-18	-20	-24	-26	-28	-30	-30
Inside to Outside Correction	-6	-6	-6	-6	-6	-6	-6	-6
Distance Loss	-16	-16	-16	-16	-16	-16	-16	-16
Predicted Level at Nearest Noise Sensitive Window	60	52	45	40	36	31	28	27
<i>Minimum Measured Octave Band $L_{Aeq, 15min}$ Noise Level</i>	67	60	54	53	53	49	42	31
Difference in noise level at nearest residential window	-7	-8	-9	-13	-17	-18	-14	-4

There is no increase in the predicted $L_{Aeq,T}$ noise level at the nearest residential window; as such there is no noise impact, even in the 63Hz octave-band.

7.0 FLANKING TRANSMISSION

There are no residential receivers within the 11 Berkeley Street building. The closest residential properties are located at 1st floor level of the buildings directly adjacent. Consideration is therefore required to be given to sound flanking via the party walls.

It is believed that the walls that separate this development from adjacent properties comprise a substantial brick or dense block construction. These party walls should first be made good, with any holes in-filled and repaired before the installation of an independent wall lining system.

The independent wall lining should comprise 2 layers of 15mm dense plasterboard built off a stud independent of the continuous party walls, with a layer of 25mm mineral wool within the cavity created. The proposed internal wall finishes should then be installed as required.

PA Systems

It will be important to ensure that all music reproduction equipment associated with the venue is properly isolated from the building structure. This will prevent the transmission of vibration from the loudspeakers into the structural elements which may subsequently re-radiate into the residential properties above.

We would recommend sub-woofers or low frequency loudspeakers are avoided. Smaller mid-high frequency speakers may be mounted from the structural walls provided they are fitted on appropriate resilient pads/mounts.

8.0 PATRON ACCESS / EGRESS

In this section we set out a brief commentary of the potential noise which may be caused by customers arriving and leaving from the Premises.

The use of the proposed premises as a restaurant suggests that internal noise levels will not be as high as those within other vertical drinking establishments (including music venues and nightclubs). In premises where high noise levels are experienced, customers often 'become accustomed to' high internal noise levels and experience a phenomena known as temporary threshold shift. People who experience this will often not realise the effect and speak with louder voices than they otherwise would do in order to communicate.

As it is proposed to reproduce background music only, we do not consider customers of the premises to be influenced by temporary threshold shift and be required to further raise their voices in order to communicate.

Transport links around the proposed restaurant are good, with Green Park tube station in close proximity (120m). As such, we believe that customers leaving the premises will do so in an efficient manner as there are unlikely to be any large groups waiting for taxi services.

The Operational Management Plan states the following with regards to customer dispersal:

"The Owner and the Lessee shall ensure that each Guest will be greeted by the reception team and sat on confirmation of their reservation. The same team will wish all patrons farewell.

A single black taxi firm and single limousine hire firm shall be appointed by the Owner and the Lessee to provide taxi and limousine services for the benefit of Guests leaving the First Property and the Owner and the Lessee shall use its best endeavours to ensure that the said appointed firms shall comply with the following measure when collecting guests and (if appropriate) delivering patrons to the property.

After 11:00pm, except in an emergency, drivers:

- *Shall not sound their horns;*
- *Shall not leave their vehicles to collect guests from the restaurant;*
- *Shall only collect via the entrance on Berkeley Street; and*
- *Shall not double park their vehicles outside the First Property.*

At all operational times, a member of the reception team will be employed at the Berkeley Street entrance, for the purpose of supervising the appointed taxi and limousine companies and overseeing taxi allocation.

A member of the doorman team will be trained to offer a car valet system whereby customer's cars will be collected and returned to and from a local NCP car park.

Details will be provided to local residents living within 100 metres of the premises of a telephone line manned by the duty manager from opening to closing time of the restaurant (with authority to take appropriate action with regard to a complaint) and at other times (if appropriate) taking calls by a system operating a recorded message."

9.0 SMOKING

Potential for noise resulting in customers wishing to smoke is discussed as follows. Smoking is addressed in the Operational Management Plan with the following strategy identified:

“Smoking is not permitted within the demised areas of each restaurant. If guests would like to smoke we will limit the numbers to maximum of 10 guests at any time, ensuring they do not block the public highway and that the portable ashtray is used for any butts.”

The following Table 7194/T9 summarises the predicted noise levels due to persons smoking (and talking) at the worst affected residential window (1st floor of 10 Berkeley Street) and compares the predicted noise with the lowest measured $L_{eq,15\text{ minute period}}$ as recorded over the entire monitoring period.

Table 7194/T9 – Noise Levels Due to Persons Smoking

Detail	Octave-Band Sound Pressure Level (dB)							
	63	125	250	500	1000	2000	4000	8000
Sound Power Level of 1No. Person Speaking	61	61	65	69	63	56	50	45
5No. Persons speaking	7	7	7	7	7	7	7	7
Hemispherical Correction	-8	-8	-8	-8	-8	-8	-8	-8
Distance Loss	-16	-16	-16	-16	-16	-16	-16	-16
Predicted Level at Nearest Noise Sensitive Window	44	44	48	52	46	39	33	28
<i>Minimum Octave Band $L_{Aeq,15min}$ Noise Level</i>	<i>67</i>	<i>60</i>	<i>54</i>	<i>53</i>	<i>53</i>	<i>49</i>	<i>42</i>	<i>31</i>
Difference in noise level at nearest residential window	-23	-15	-6	0	-7	-10	-8	-3

The predicted $L_{eq,T}$ noise levels are at or below the lowest measured background noise level at the nearest residential window at all frequencies.

10.0 SERVICING

Servicing of the premises (including deliveries) is addressed in the Operational Management Plan with the following strategy identified:

“All servicing will take place between 07:30 and 11:30 on Mondays to Saturdays. Servicing includes loading and unloading goods from vehicles, putting rubbish outside the building, and will be supervised to ensure the smooth running of this strategy.

It is expected that all deliveries to the restaurant will be undertaken in transit van style vehicles or smaller. This is commonplace for central London locations to overcome restrictions currently in place for the use HGV's, the Low Emissions Zone and the sometimes unusual road layouts.

Servicing will take place from the front of the building with goods transferred inside before being brought down to the lower ground floor kitchen and store rooms and the ground floor kitchen.”

Given the type and proposed times of deliveries there is unlikely to be any noise impact associated with such events. It should also be noted that the C2 bus stop (24 hour) is located directly outside the 11 Berkeley Street premises which would result in much higher noise levels (and more frequent) than that of delivery vehicles to the restaurant.

11.0 CONCLUSION

Measurements of the existing background noise levels at 11 Berkeley Street, London W1 have been undertaken. The results of the measurements have been used in order to determine the required criteria for atmospheric noise emissions from the future plant installations.

The results of the assessment indicate atmospheric noise emissions from the plant are within the criteria required by Westminster City Council for both residential and commercial windows.

Appendix A - Acoustic Terminology

dB	Decibel - Used as a measurement of sound pressure level. It is the logarithmic ratio of the noise being assessed to a standard reference level.
dB(A)	The human ear is more susceptible to mid-frequency noise than the high and low frequencies. To take account of this when measuring noise, the 'A' weighting scale is used so that the measured noise corresponds roughly to the overall level of noise that is discerned by the average human. It is also possible to calculate the 'A' weighted noise level by applying certain corrections to an un-weighted spectrum. The measured or calculated 'A' weighted noise level is known as the dB(A) level. Because of being a logarithmic scale noise levels in dB(A) do not have a linear relationship to each other. For similar noises, a change in noise level of 10dB(A) represents a doubling or halving of subjective loudness. A change of 3dB(A) is just perceptible.
L_{eq}	L_{eq} is defined as a notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (1 hour).
L_{Aeq}	The level of notional steady sound which, over a stated period of time, would have the same A-weighted acoustic energy as the A-weighted fluctuating noise measured over that period.
L_{An} (e.g. L_{A10}, L_{A90})	If a non-steady noise is to be described it is necessary to know both its level and the degree of fluctuation. The L_n indices are used for this purpose, and the term refers to the level exceeded for n% of the time, hence L_{10} is the level exceeded for 10% of the time and as such can be regarded as the 'average maximum level'. Similarly, L_{90} is the average minimum level and is often used to describe the background noise.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during the measurement period, T. It is commonly used to measure the effect of very short duration bursts of noise, such as for example sudden bangs, shouts, car horns, emergency sirens etc. which audibly stand out from the general level of, say, traffic noise, but because of their very short duration, maybe only a very small fraction of a second, may not have any effect on the L_{eq} value.

Appendix B - Calculation

Predicted Noise Level at Residential Window

Detail	Sound Level (dB) at Octave band Centre Frequency (Hz)								dBA
	63	125	250	500	1k	2k	4k	8k	
LG KEF	82	86	91	88	86	81	77	72	-
Duct Losses	-8	-6	-3	-2	-2	-2	-2	-2	-
Attenuator	-6	-13	-23	-37	-43	-44	-35	-20	-
End Reflection	-8	-3	-1	0	0	0	0	0	-
Directivity	0	0	0	0	-4	-7	-7	-7	-
Distance	-14	-14	-14	-14	-14	-14	-14	-14	-
Hemispherical Radiation	-8	-8	-8	-8	-8	-8	-8	-8	-
Total	39	42	42	28	16	7	12	22	35

Detail	Sound Level (dB) at Octave band Centre Frequency (Hz)								dBA
	63	125	250	500	1k	2k	4k	8k	
GF KEF	84	91	88	90	90	88	82	77	-
Duct Losses	-8	-6	-3	-2	-2	-2	-2	-2	-
Attenuator	-6	-13	-23	-37	-43	-44	-35	-20	-
End Reflection	-5	-2	0	0	0	0	0	0	-
Directivity	0	0	0	0	-4	-7	-7	-7	-
Distance	-14	-14	-14	-14	-14	-14	-14	-14	-
Hemispherical Radiation	-8	-8	-8	-8	-8	-8	-8	-8	-
Total	44	48	40	30	20	14	17	27	36

Detail	Sound Level (dB) at Octave band Centre Frequency (Hz)								dBA
	63	125	250	500	1k	2k	4k	8k	
Supply Fan	77	82	77	74	72	70	68	65	-
Attenuator	-5	-11	-19	-29	-36	-37	-29	-18	-
End Reflection	-5	-2	0	0	0	0	0	0	-
Directivity	0	0	0	0	-4	-7	-7	-7	-
Distance	-14	-14	-14	-14	-14	-14	-14	-14	-
Hemispherical Radiation	-8	-8	-8	-8	-8	-8	-8	-8	-
Total	45	47	36	23	10	4	10	18	33

Detail	Sound Level (dB) at Octave band Centre Frequency (Hz)								dBA
	63	125	250	500	1k	2k	4k	8k	
Air Cooled Condenser	66	70	65	62	59	54	46	41	-
10 Fans	10	10	10	10	10	10	10	10	-
Radiation Correction	-8	-8	-8	-8	-8	-8	-8	-8	-
Flank Wall Screening	-6	-6	-7	-9	-12	-14	-17	-20	-
Distance	-14	-14	-14	-14	-14	-14	-14	-14	-
Total	48	52	46	41	36	28	17	9	43

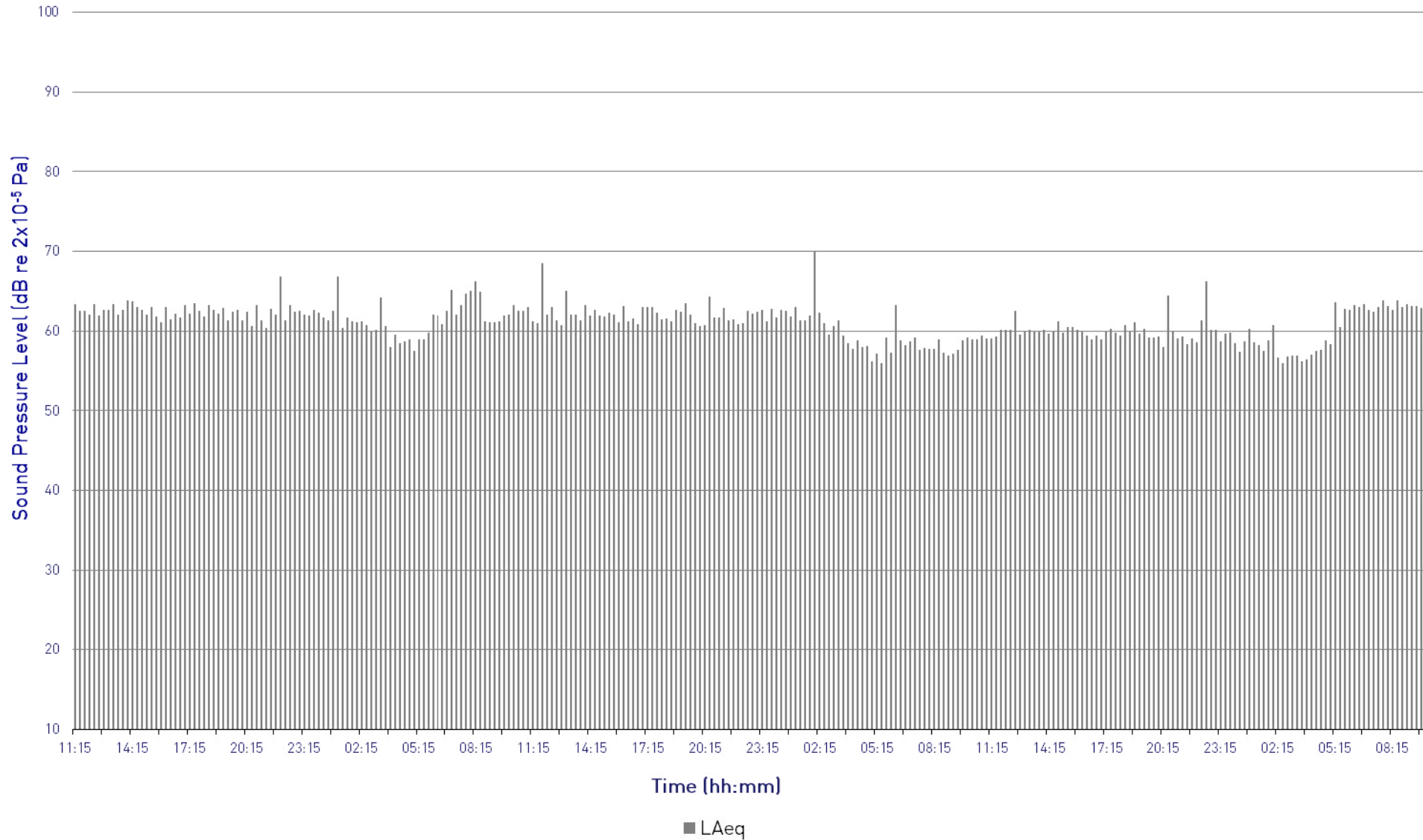
11 Berkeley Street, London W1

L_{Aeq} Time History

Measurement Position 1, Friday 8 January to Monday 11 January 2016



Graph 7194/G1



page 152

11 Berkeley Street, London W1

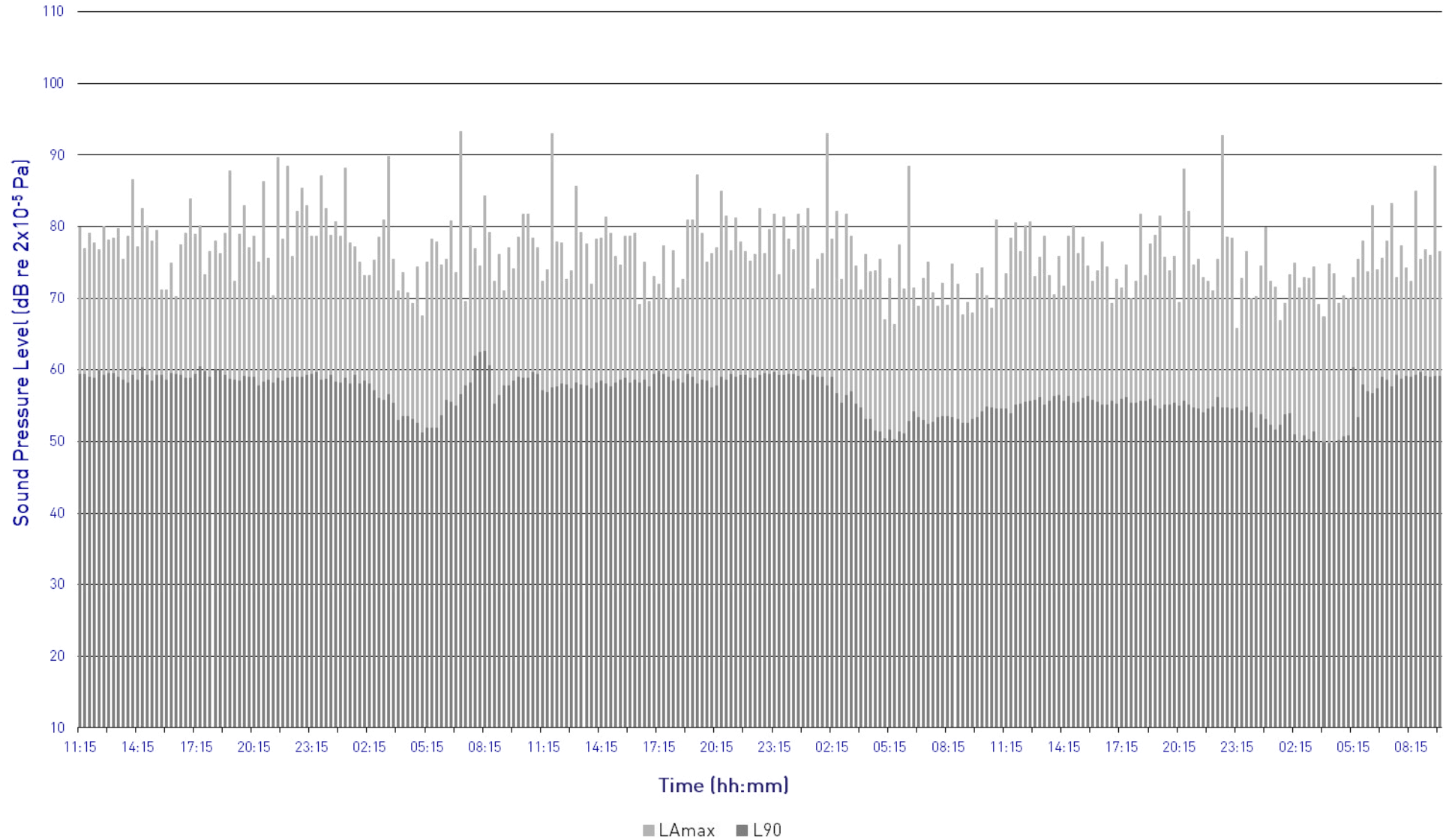
L_{Amax} and L_{A90} Time History

Measurement Position 1, Friday 8 January to Monday 11 January 2016



Graph 7194/G2

page 153



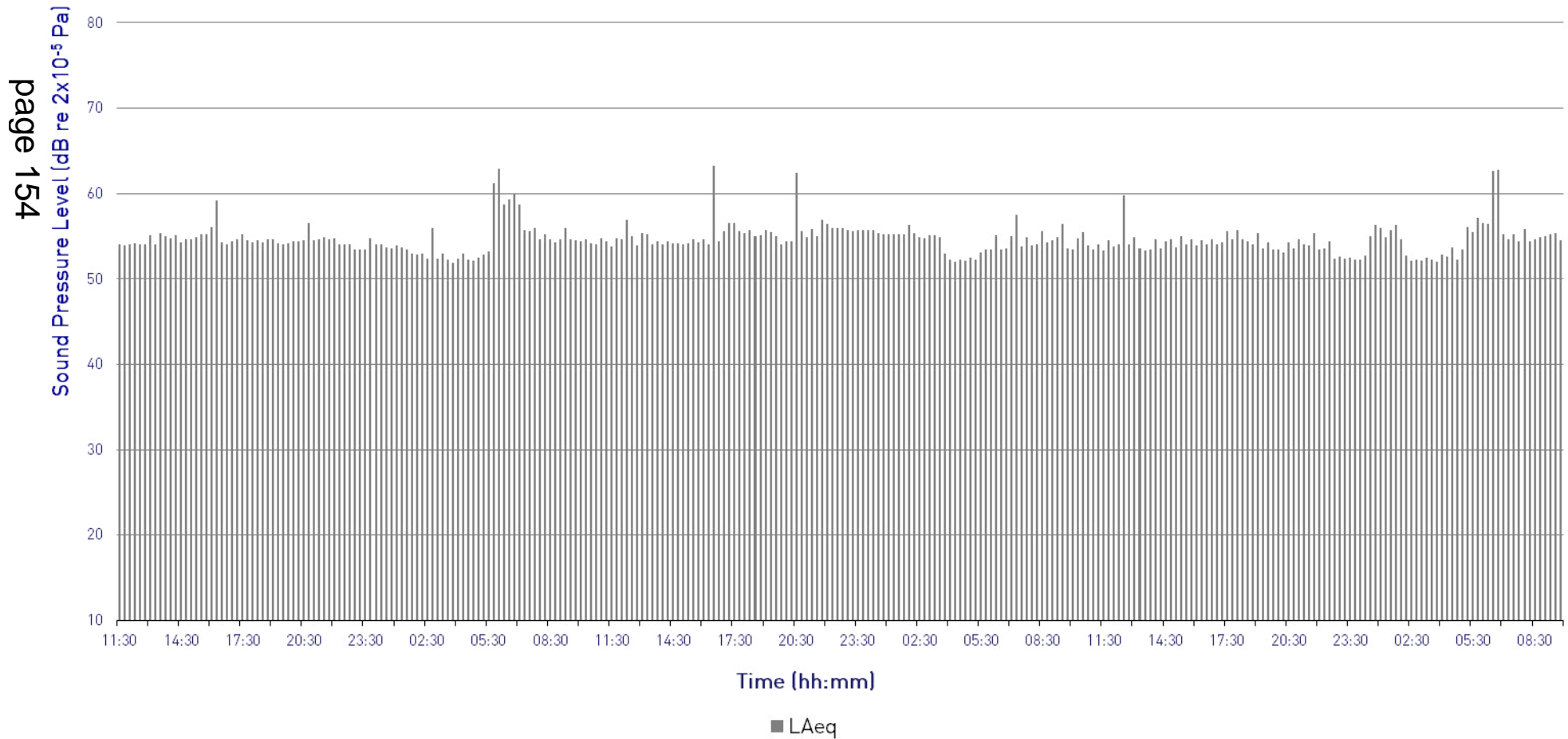
11 Berkeley Street, London W1

L_{Aeq} Time History

Measurement Position 2, Friday 8 January to Monday 11 January 2016



Graph 7194/G3



11 Berkeley Street, London W1

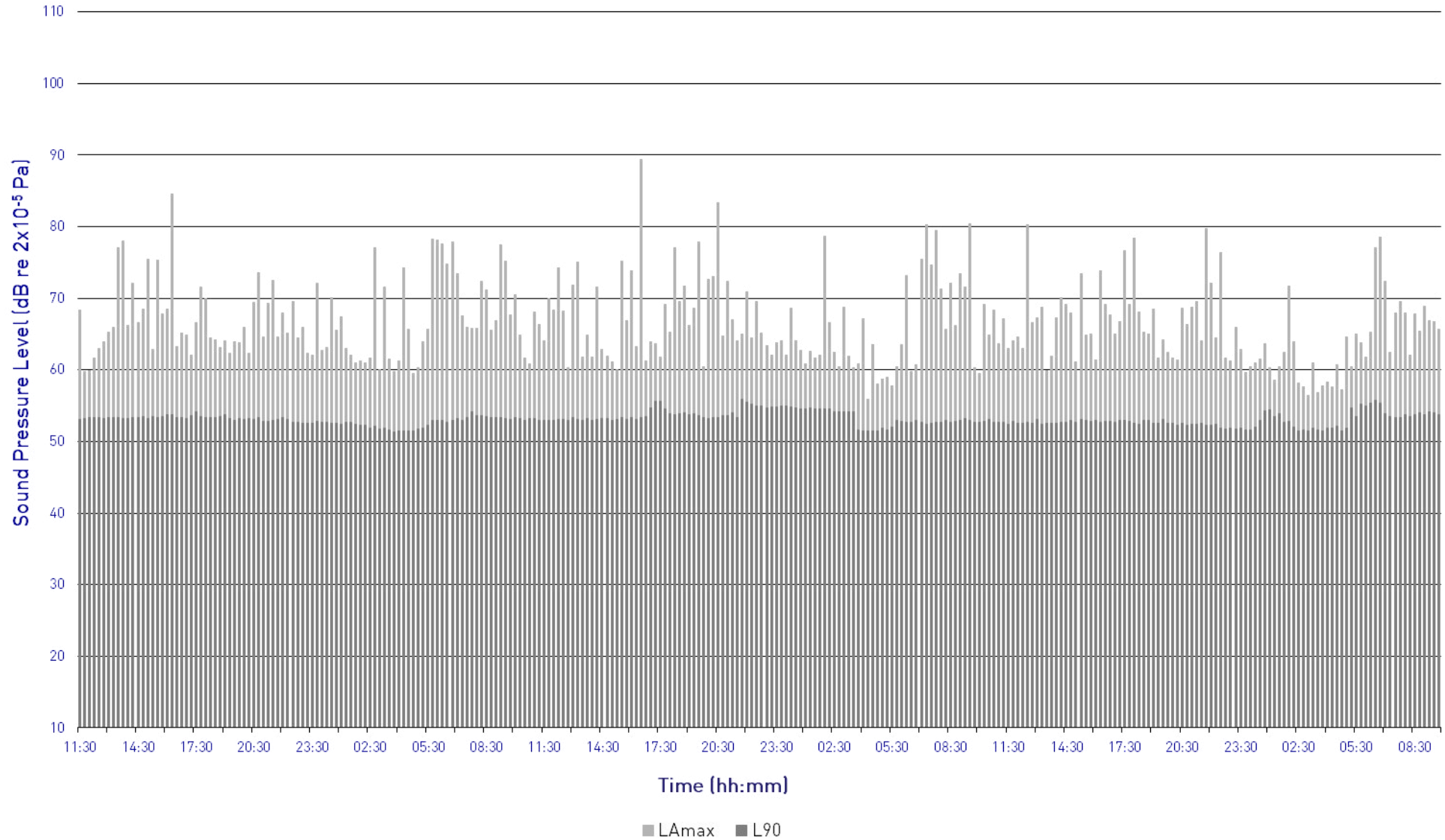
L_{Amax} and L_{A90} Time History

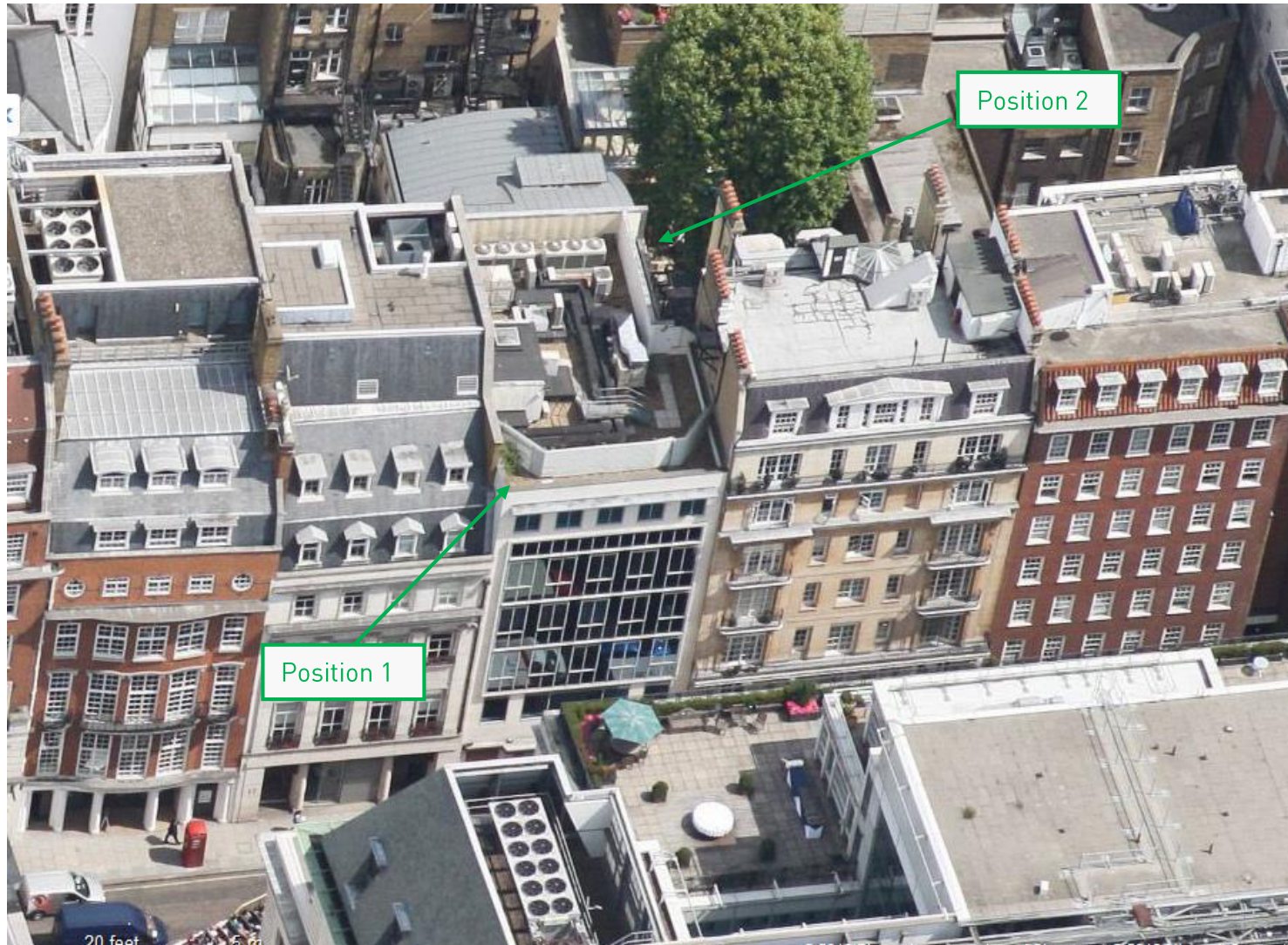
Measurement Position 2, Friday 8 January to Monday 11 January 2016



Graph 7194/G4

page 155





11 Berkeley Street, LONDON W1

Site Plan detailing Plant Location

Site Plan 7194/SP1

17February 2016

Not to Scale



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DRAFT

BERKELEY STREET

BEST PRACTICE MANAGEMENT PLAN

AIMS

The objective of the Best Practice Management Plan are to establish a set of agreed principles:-

- 1. To promote high standards of operations in all premises in or affecting Berkeley Street**
- 2. To promote ways of operating to prevent nuisance, noise, litter, traffic, parking problems and other antisocial behaviour**
- 3. To maintain good neighbourly relationships with all who live, work and visit Berkeley Street and the surroundings.**

Set out below are issues identified so far and are for discussions with proposed action points and conditions. The proposed actions and conditions below are not exclusive or to be seen as an exhaustive list. It does not restrict any local resident, applicant, responsible authority or other person from proposing any alternative conditions/principles and it will not affect any relevant committee from imposing any reasonable condition/principles they think fit. One of the key objectives that is to be encouraged is the need to support this monitoring group.

Current problems with proposed Actions for discussion

1. STREET RUBBISH

There appears to be a lot of rubbish put out onto the street for lengthy periods. This makes the street look untidy.

Action

- Invite all businesses to sign up and take pride in the street
- Rubbish should not be stored on the street until 30 mins before the due pick up time
- Agree a schedule of collection times and try to organise the times for collection as close to the Westminster allocated time slots without causing traffic congestion
- Establish if the Council collection times are the best for the street.
- Consider whether businesses should be responsible to clean there area of the street after their rubbish collection.

Proposed conditions/principles for all businesses

MC34	All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
------	---

MC35	No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
MC42	During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

2. CRIME

Berkeley Street is currently experiencing some serious crimes as well as antisocial behaviour. There are sometimes fights in the street and within premises. There are people who are sleeping rough and asking for charity, which is causing petty antisocial behaviour.

Action

- CCTV systems should so far as possible cover their businesses and the street provided compliance with the Data Protection Act
- This situation should be improved with the proposed new Berkeley Street Marshalls and businesses should seek to support the scheme
- Help should be given to those who are sleeping rough and information provided to help them
- Those asking for charity and touting should not be encouraged and should be moved on
- If the council has a number of a department that can assist in this area then this should be circulated.

Proposed Conditions/Principles for all businesses

MC01	The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
MC02	A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be

	able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
M58	No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section, 'Directly' means:- employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party. 'Specified' Area' means the area encompassed within (Berkeley Street insert name of boundary roads.)
NEW	Support shall be given to the Berkeley Street monitoring Scheme that may exist including contributing to any paid for policing scheme

3. TRAFFIC

The problem of traffic is the cause of a lot of late night disturbance. There is a lot of double parking sometimes triple parking. Traffic jams are appearing caused by taxi's stopping off, buses not being able to get through and car drivers/chauffeurs waiting for their guests and illegally parking.

Action

- Door supervisors should be trained to encourage to move people on. Guests should also understand that this is unacceptable behaviour
- Websites and booking policies should contain more information to encourage people nearest transfer facilities, parking information and a reminder of the local area
- All businesses including offices/other unlicensed businesses to schedule any rubbish collections away from peak hours
- Look at future plans of any traffic management schemes and recommending approvals
- Taxi companies that are signed up should have be sent "Terms of reference" setting out the standards expected of them.

Proposed Conditions/Principles for all businesses

M58	No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout
-----	--

	members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section, 'Directly' means:- employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party. 'Specified' Area' means the area encompassed within (Berkeley Street insert name of boundary roads.)
MC35	The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services

4. NOISE AND ODOURS FROM BUSINESSES

There are problems with noise coming from late night operations. Customers are also causing noise in the streets and the other associated noise problems mentioned above from traffic etc.

Action

- Businesses should review their procedures to look at ways of minimising noise and ensure that they have their own best practice policies
- They should remind customers that this Berkeley Street is a mixed use area with local residents that would not want to be disturbed.

Proposed Conditions/Principles for all businesses

MC12	No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
MC21	Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
MC22 Amended	Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (15) persons at any one time and shall be reminded that there are residents nearby and to keep their voices down.
MC24 Amended	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity. If the manager changes then the name and contact number shall be distributed as soon as possible

MC26	The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
MC87	No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

Raw And BBQ - 11 Berkeley Street London W1J 8DS

Proposed Conditions:

1. The premises shall operate as a restaurant:
 - i) In which customers are shown to their table
 - ii) Where the supply of alcohol is by waiter or waitress service only,
 - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv) Which do not provide any take away service of food or drink for immediate consumption,
 - v) Which do not provide any take away service of food or drink after 23:00, and
 - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

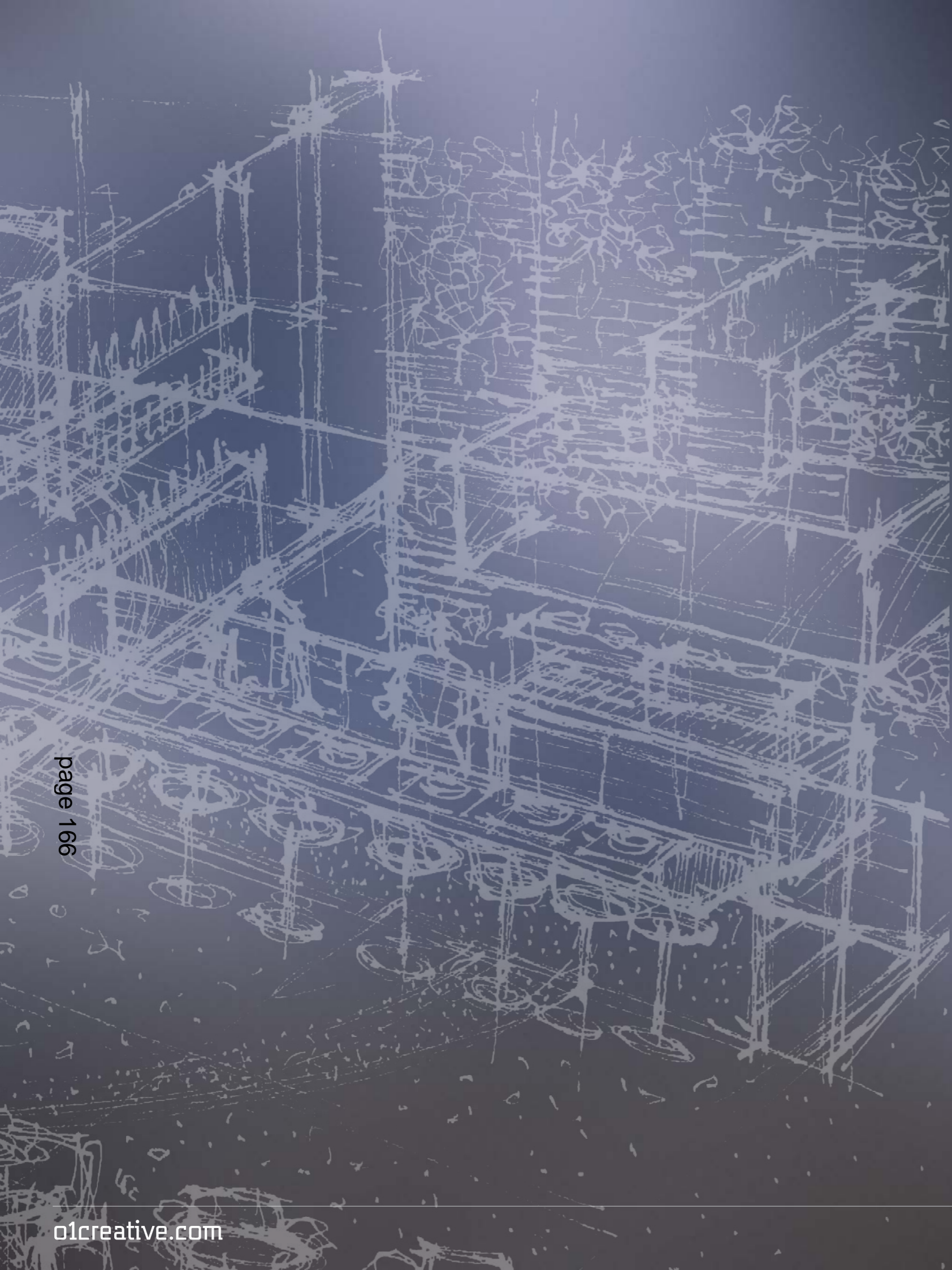
2. Notwithstanding condition [1], alcohol may be sold to and consumed by persons in the holding bar area hatched red on the plan, during, prior to or after their meal.
3. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
5. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
6. A Challenge 21 or 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.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons

- (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol any visit by a relevant authority or emergency service.
 - (h) any visit by a relevant authority or emergency service.
8. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
 9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 10. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
 11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 12. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
 13. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
 14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
 17. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
 18. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.

19. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
20. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.
For the purpose of this section,
'Directly' means:- employ, have control of or instruct.
'Indirectly' means allowing / permitting the service of or through a third party.
'Specified' Area' means the area encompassed within (insert name of boundary roads.)
21. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:
- Basement [x – to be determined by the Environmental Health Consultation Team]
 - Ground floor [x – to be determined by the Environmental Health Consultation Team]
- Subject to an overall maximum of [175] persons at any one time.
22. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Additional Conditions Proposed by the Berkeley Street Monitoring Group:

23. Support shall be given to the Berkeley Street monitoring Scheme that may exist including contributing to any paid for policing scheme.
24. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
25. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity. If the manager changes then the name and contact number shall be distributed as soon as possible.
26. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
27. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.



page 166

Raw and Barbecue

concept: work in progress

8th March 2016

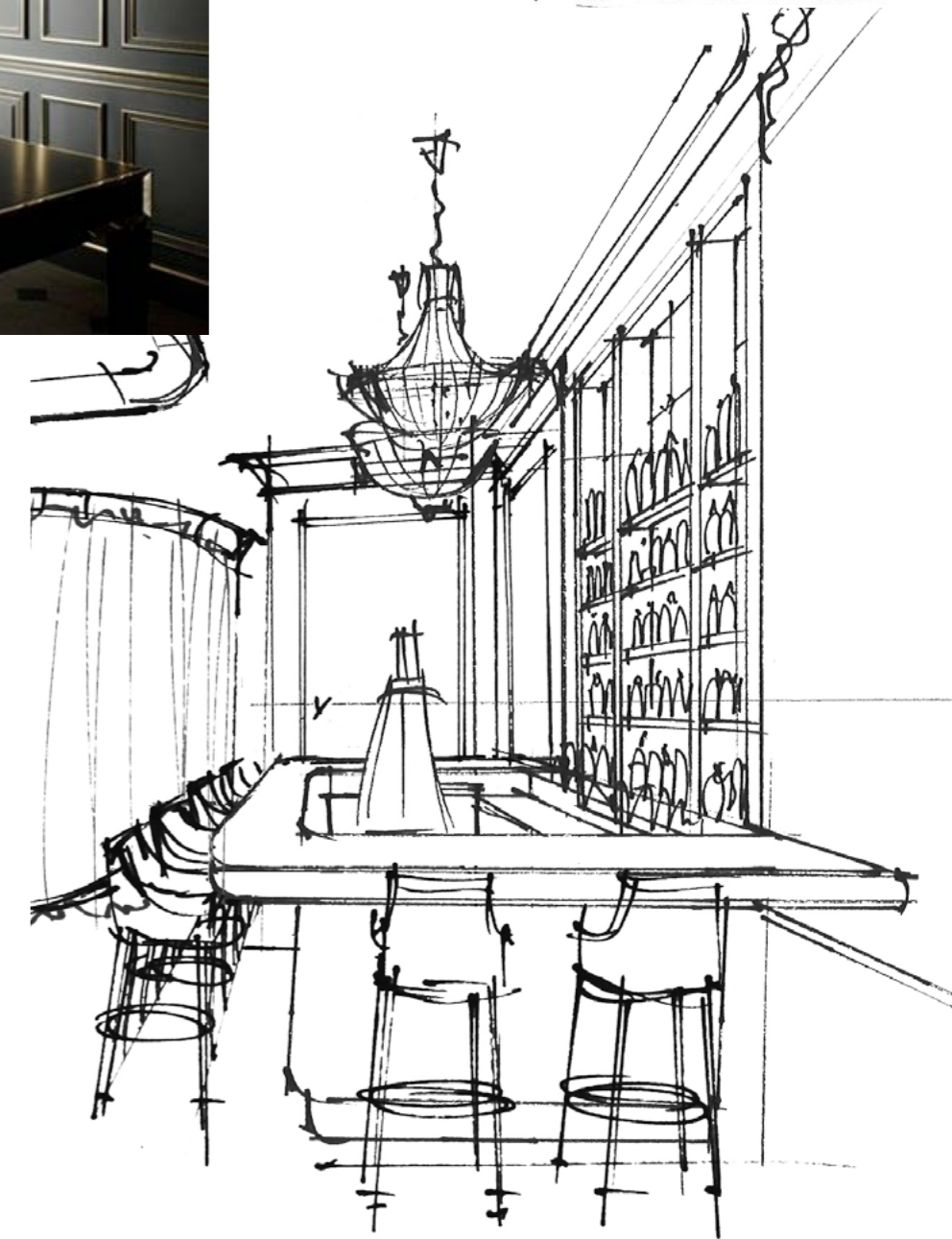
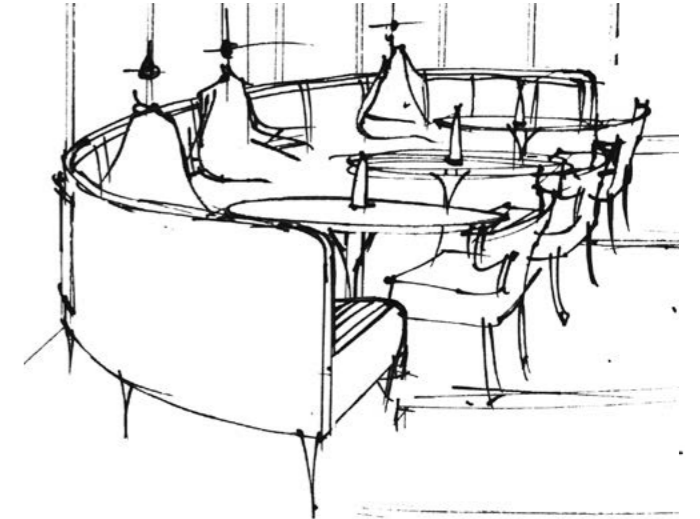






R+B CONCEPT - Anteroom : Sketches

A few sketches to illustrate our intent to refine the anteroom experience. From discussion with Shimon - reference taken from the movie Kingsman



R+B CONCEPT - Core Development : Glass Box

The glass core dramatically bisecting the space will be the central feature of the restaurant and the focal point around which primary activities will revolve

page 171

Living wall

Steel doors

Bright stainless steel cooker hood

High tech glass dumb waiter

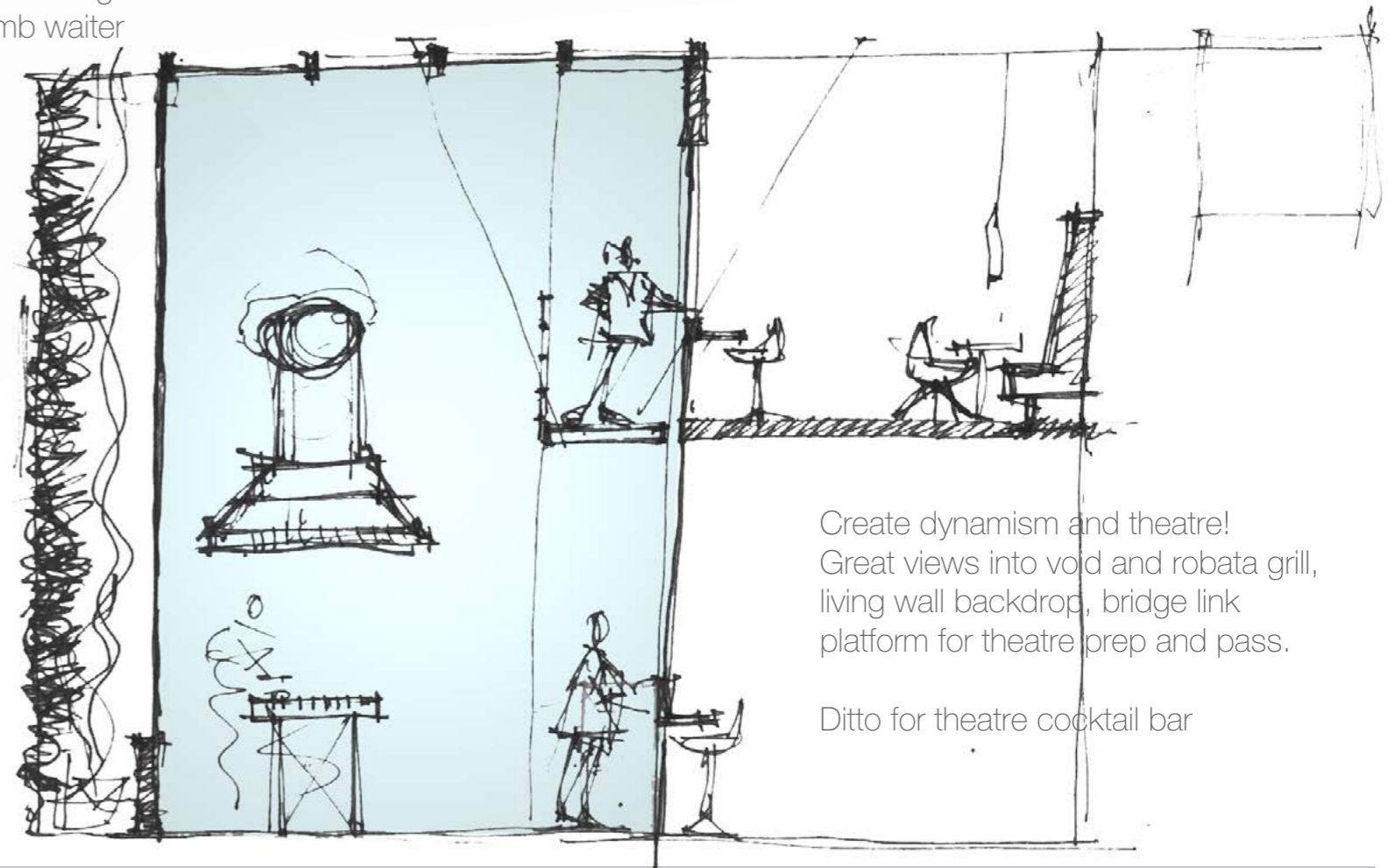
Centralised dining activities around the glass core at both ground and lower ground levels

Living wall

Glass core

Create a comparative parallax for the guest vertical flow - the core remains the focus

The finishes and styling of this central core totally in contrast to the raw state of the overall environment



Create dynamism and theatre!
Great views into void and robata grill,
living wall backdrop, bridge link
platform for theatre prep and pass.

Ditto for theatre cocktail bar

R+B CONCEPT - Core Development : Glass Box

The glass core dramatically bisecting the space will be the central feature of the restaurant and the focal point around which primary activities will revolve

Centralised dining activities around the glass core at both ground and lower ground levels

Living wall

Glass core

High tech glass dumb waiter

Bar dining

Bar drinking

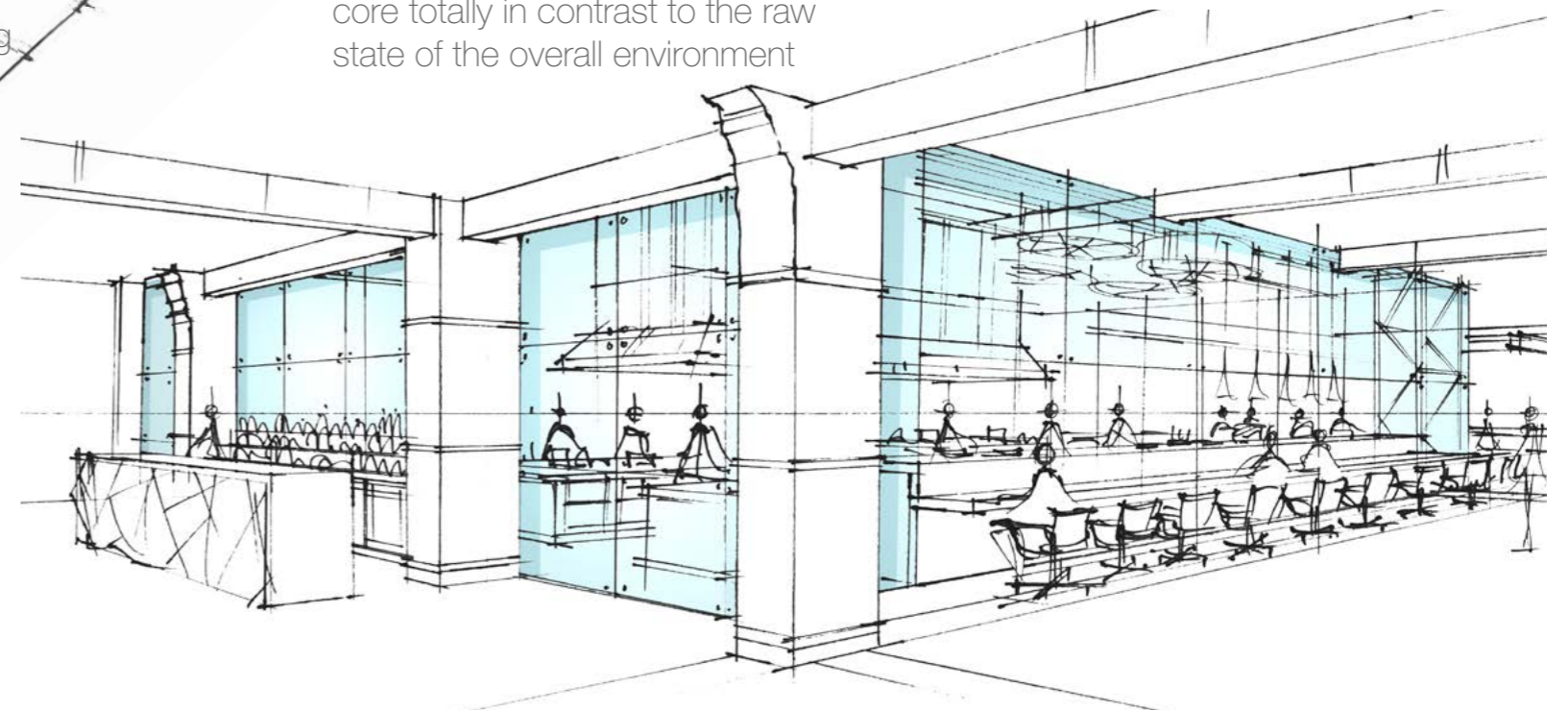
Steel panels

page 172



Create dynamism and theatre!
Great views into void and robata grill, living wall backdrop, bridge link platform for theatre prep and pass.

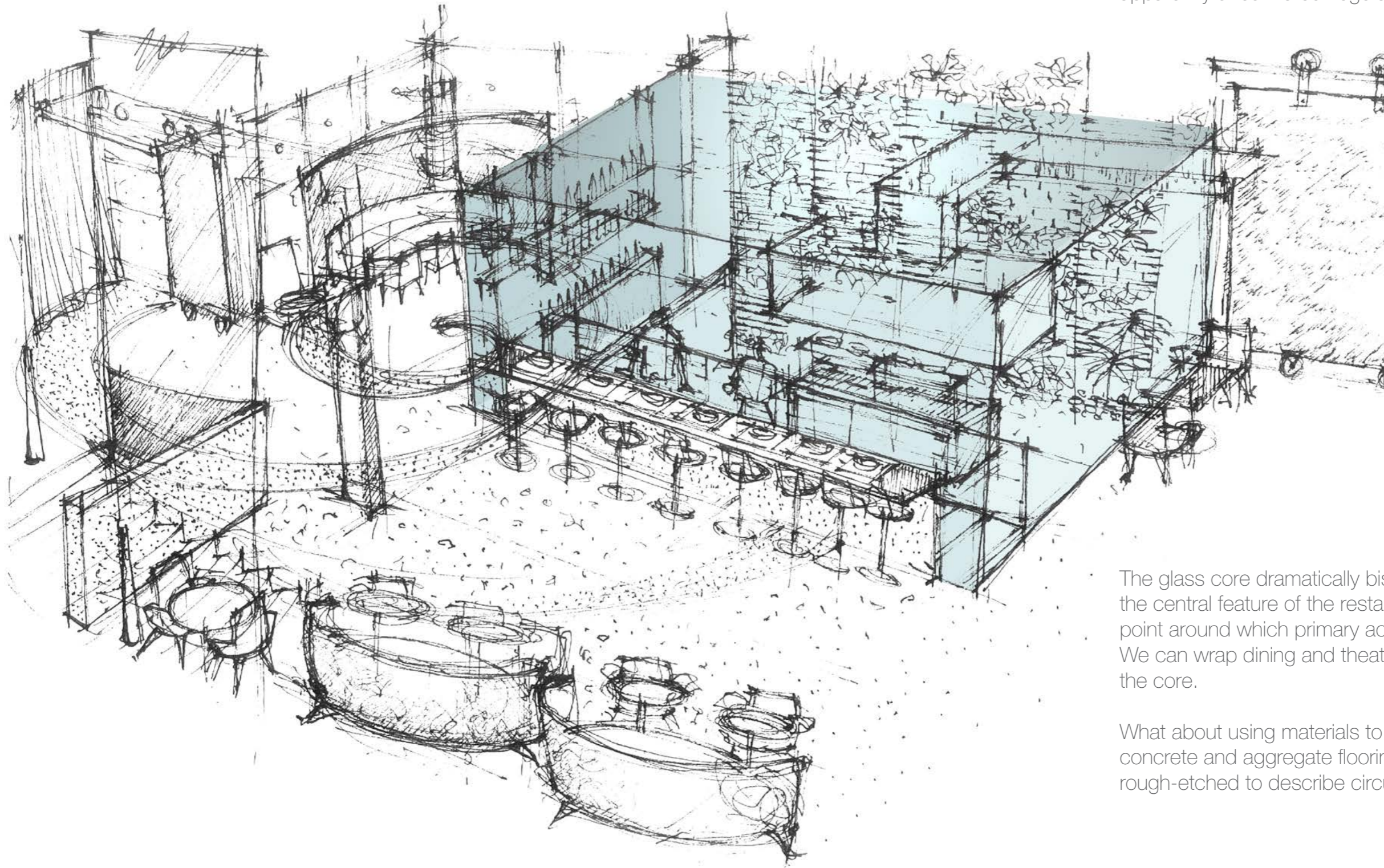
The finishes and styling of this central core totally in contrast to the raw state of the overall environment



R+B CONCEPT - Core Development Sketch :

The living wall as a backdrop to the theatre kitchen will provide massive visual interest - looking through all the highly polished stainless steel finishes to the apparently uncultivated vegetation behind.

page 173

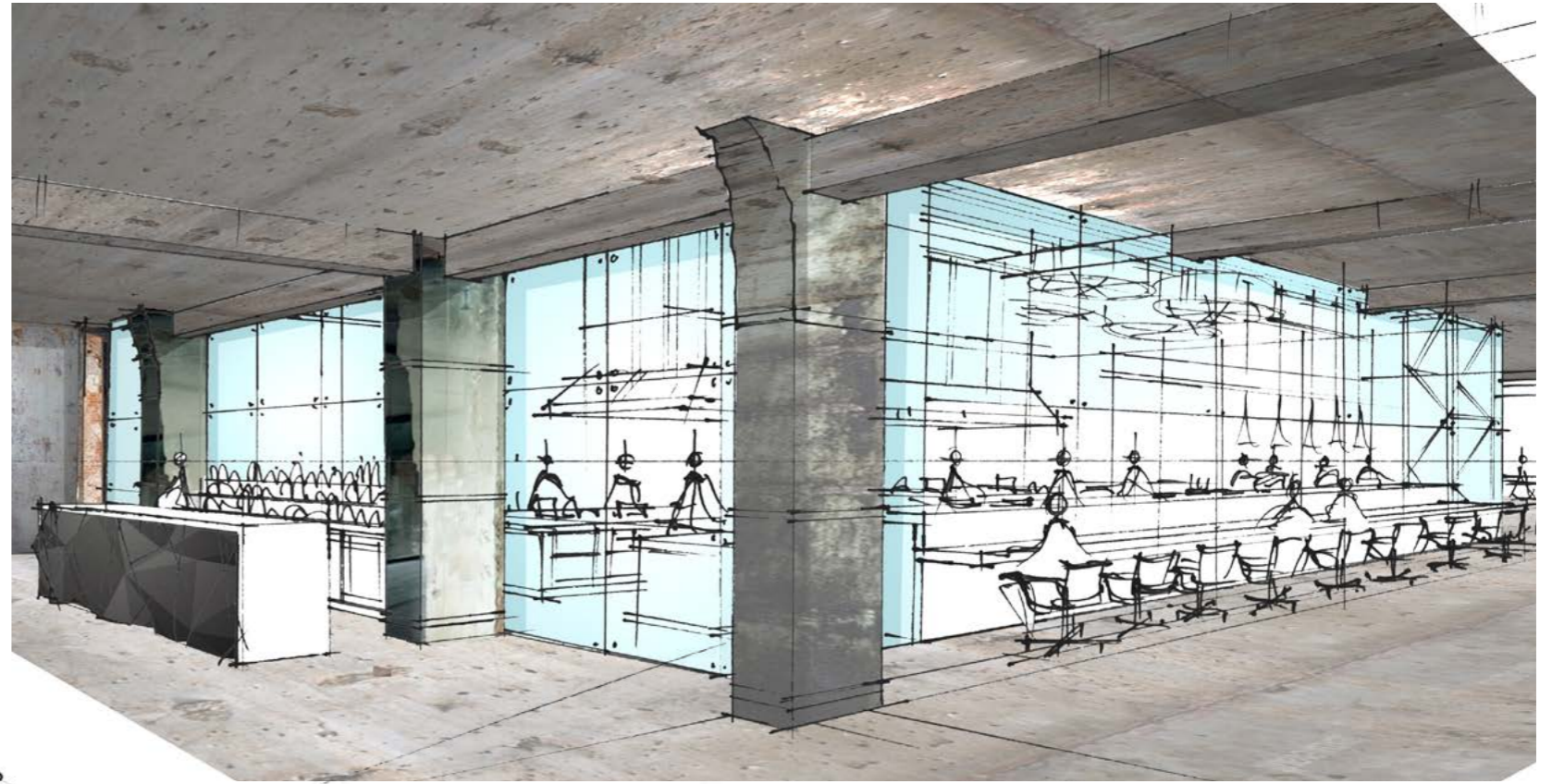


The glass core dramatically bisecting the space will be the central feature of the restaurant and the focal point around which primary activities will revolve. We can wrap dining and theatre cocktail bar around the core.

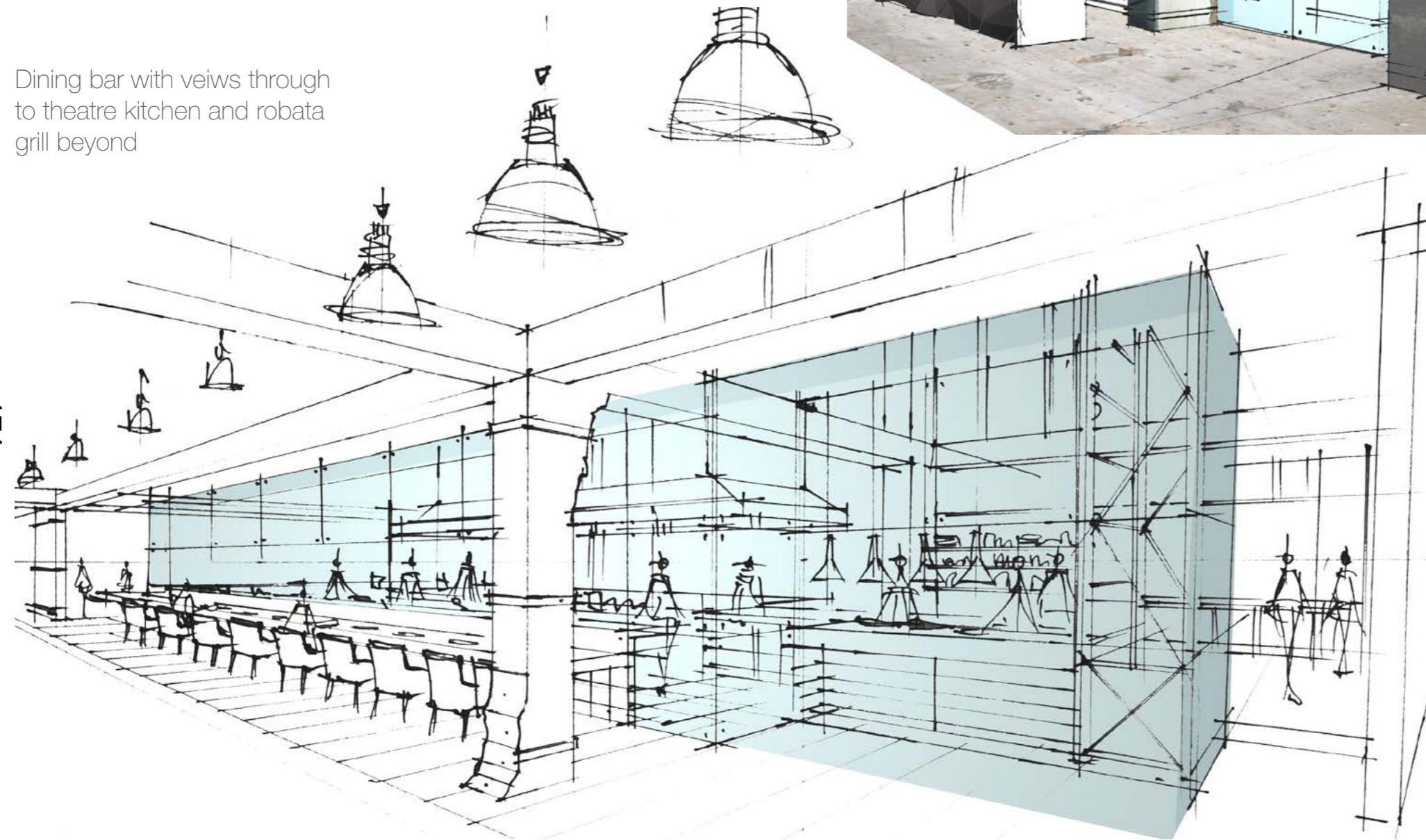
What about using materials to emphasise flow - concrete and aggregate flooring polished in areas but rough-etched to describe circulation

All furniture contemporary and stylish 'placed' within the space. The aesthetic principle we are working to is that anything architectural/fixed is 'decayed' or raw and anything decorative or 'placed' in the environment is highly finished. The dramatic exception being the glass core and kitchen - startling by its contrast.

R+B CONCEPT - Core Development : Glass Box Central Kitchen



Dining bar with views through to theatre kitchen and robata grill beyond

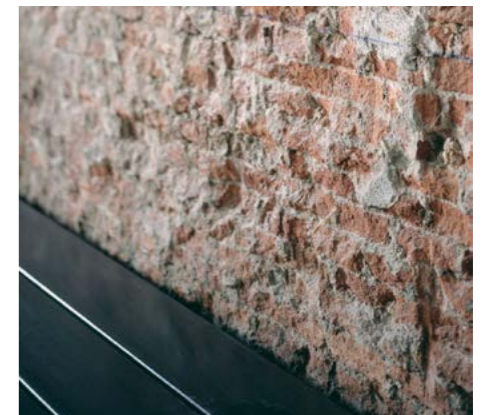


Central kitchen will provide a glow of activity with illumination contrasting that of the raw surroundings

Drinks bar with glass core as backdrop.
Theatre cocktail prep with good views across
to bar dining, down into kitchen grill and across
to living wall.



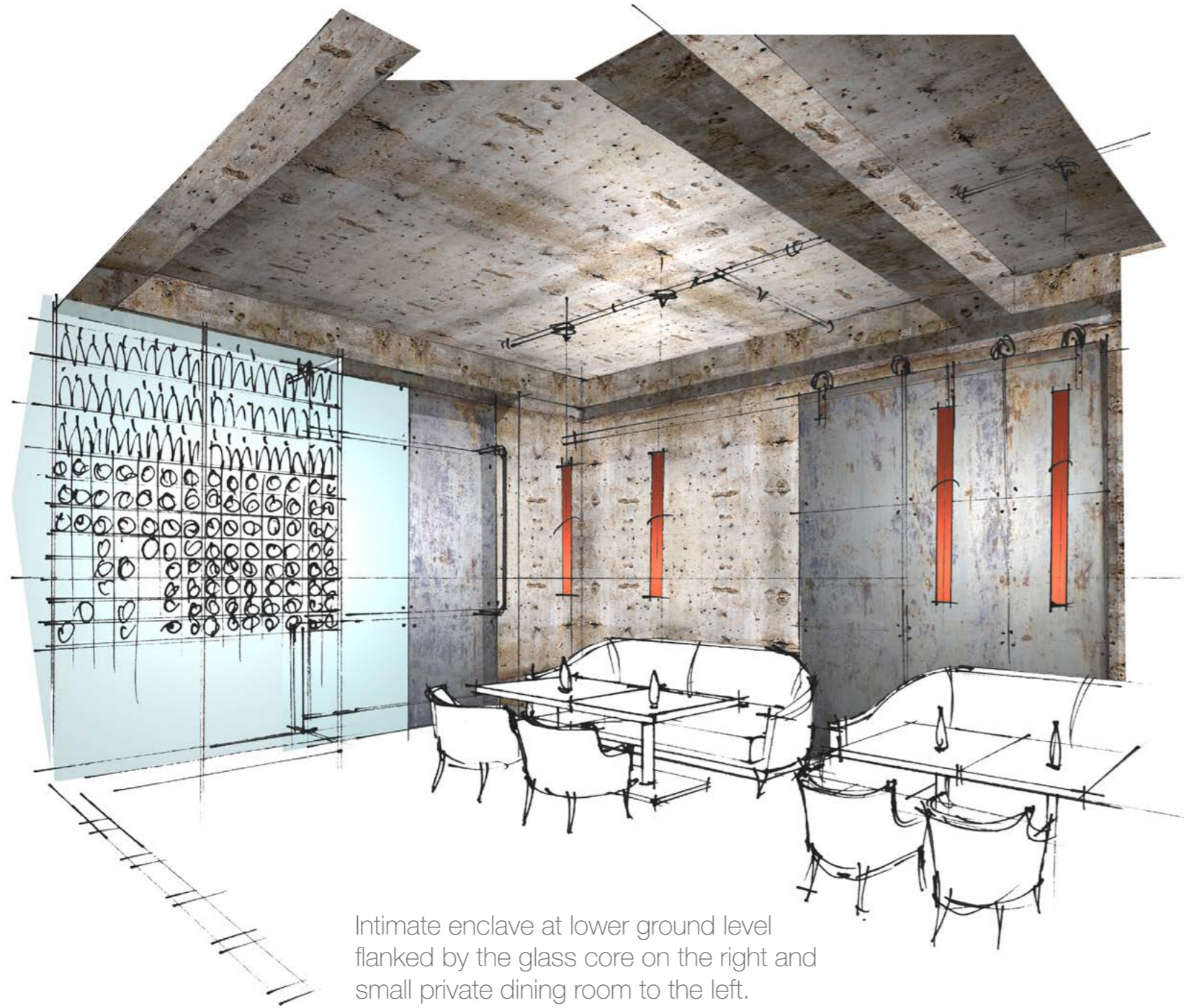
Radial planning emphasises
ciculation and commune



R+B CONCEPT - Core Development : Glass Box

Good opportunity to incorporate a wine wall adjacent to PDR entrance

page 176

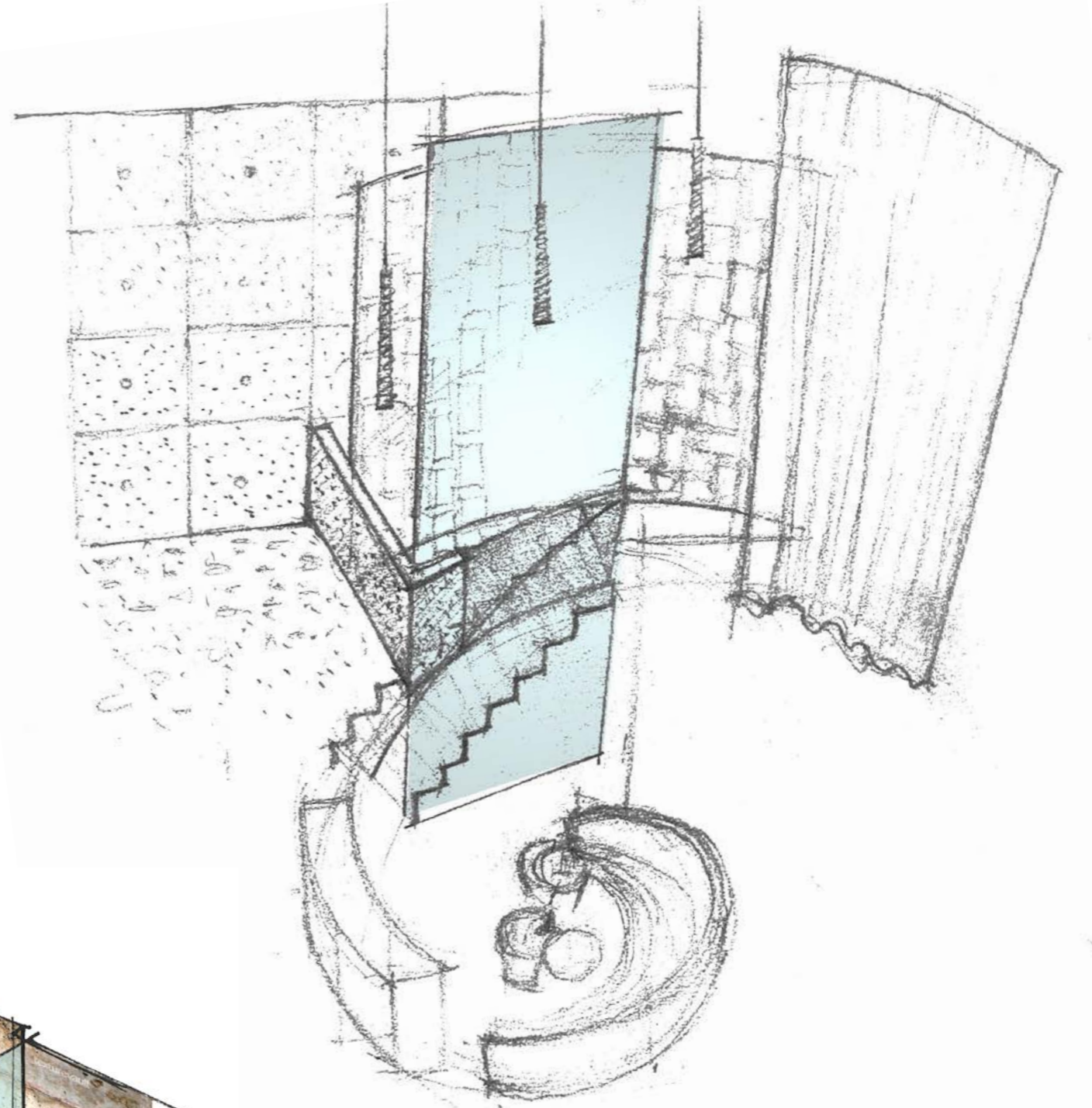
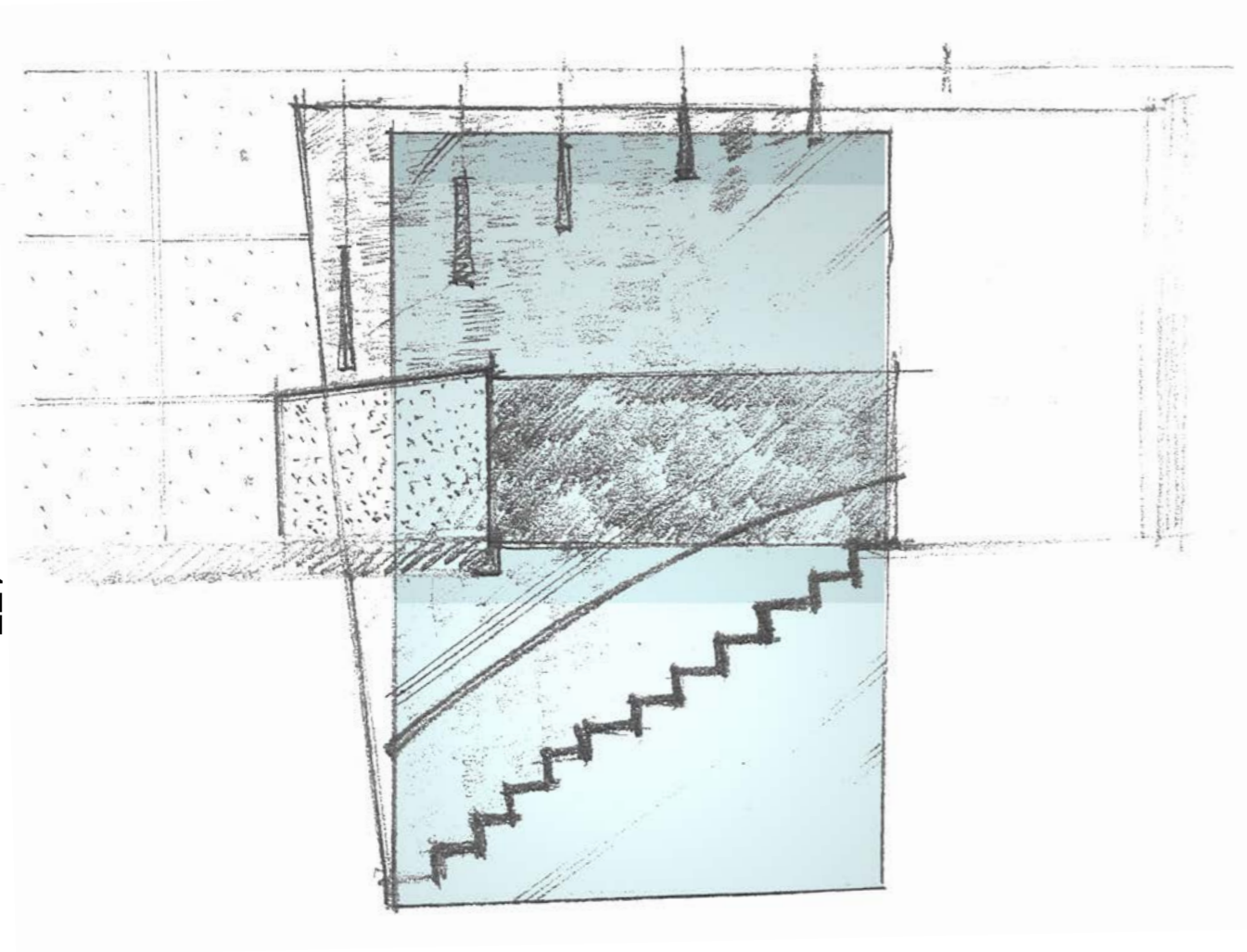


Intimate enclave at lower ground level flanked by the glass core on the right and small private dining room to the left.

Consider coloured glass to the PDR wall only.



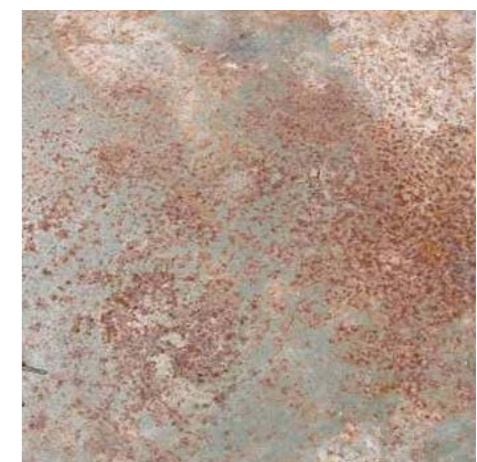
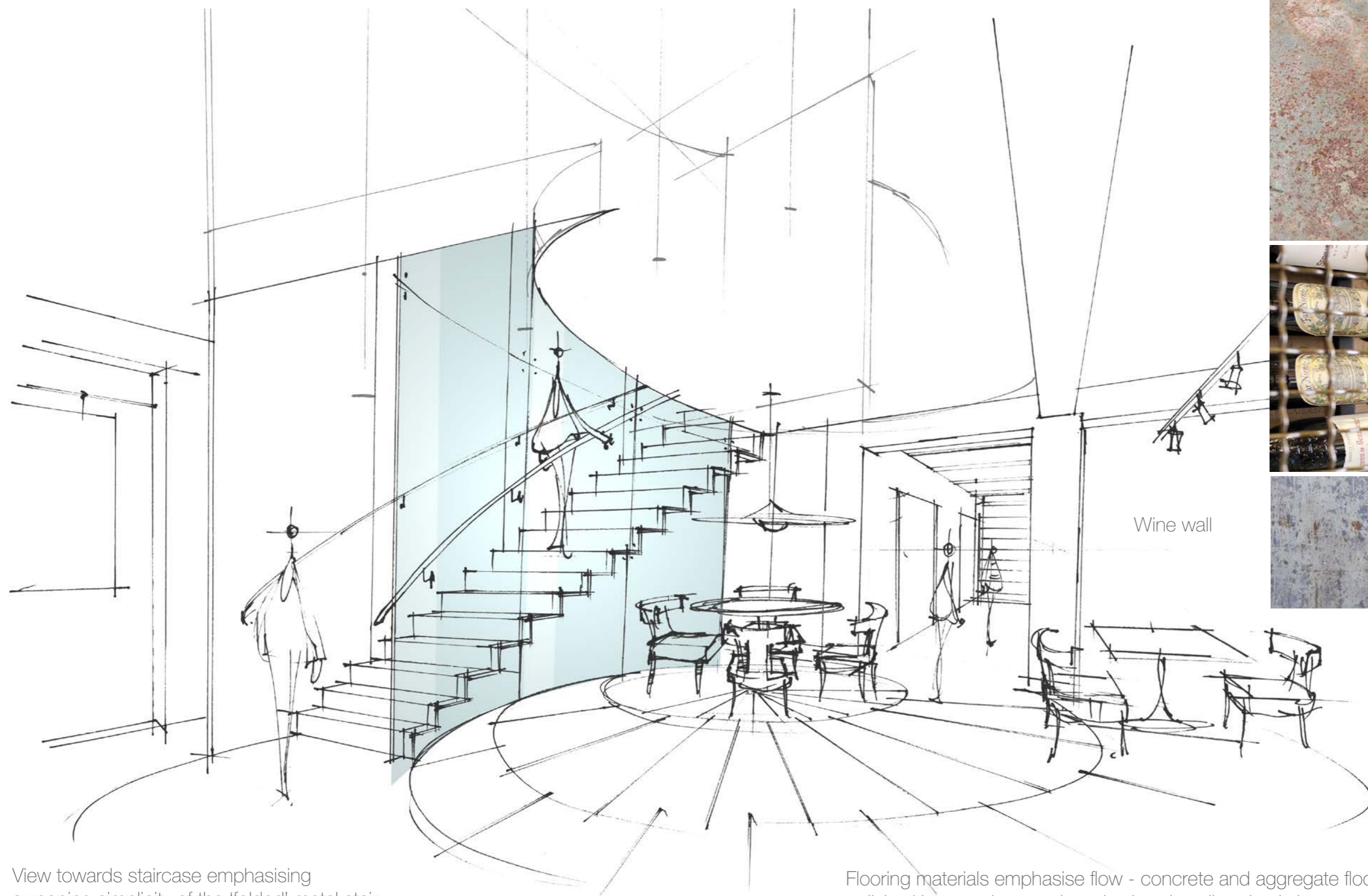
Juxtaposition/layering of materials will make this a unique space . . . raw concrete, clear glass, planting, coloured glass



Staircase elements need to be bold and incisive.
An elegant aesthetic derived from the simplicity and
cleanliness of line in contrast with materials used



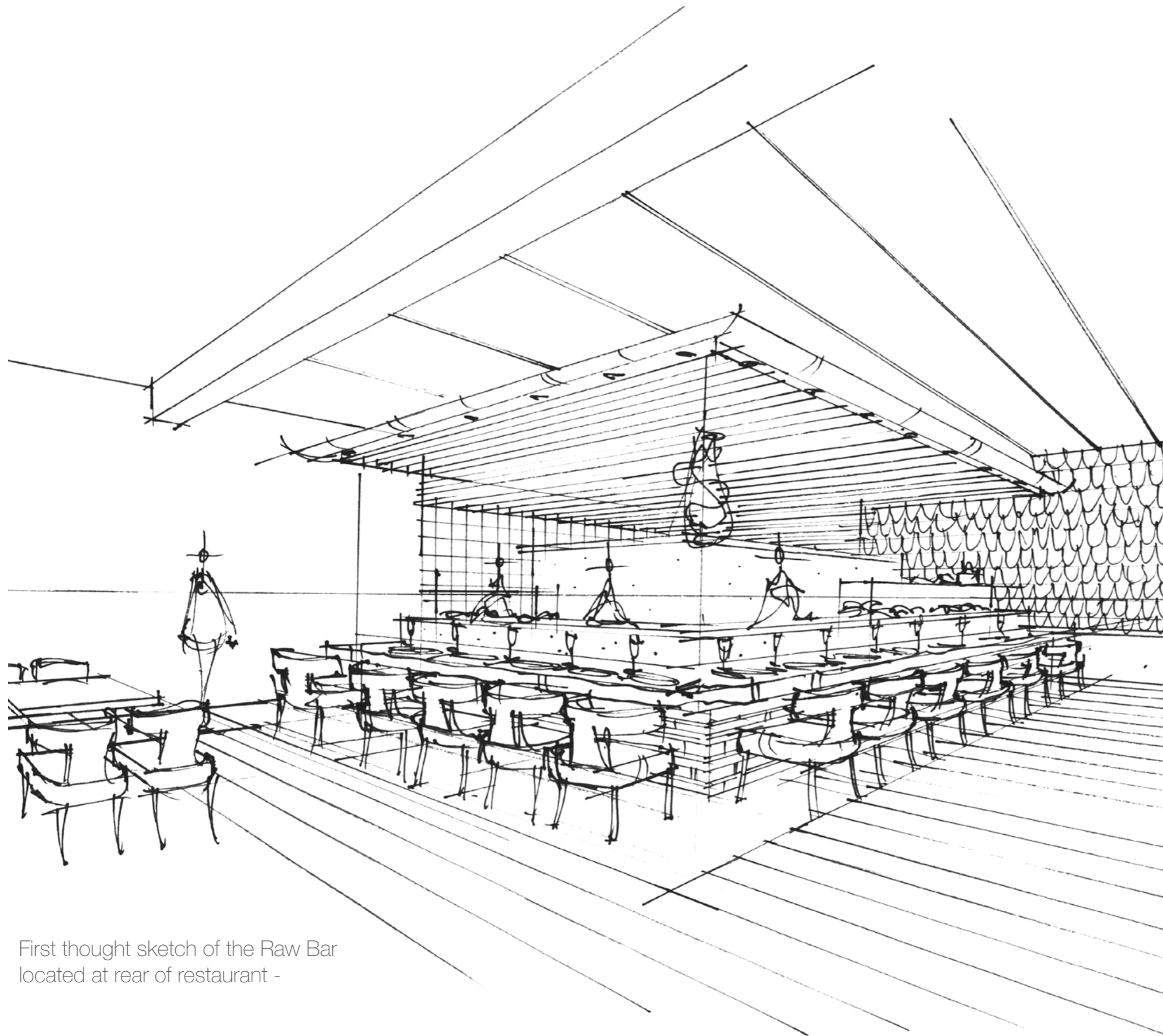
Elegant form of the staircase sweeping down
into the lower dining environment contrasts with
the urban materials its formed from . . . raw folded
steel, concrete etc but then an added twist setting
the stair against a wall of gold leaf



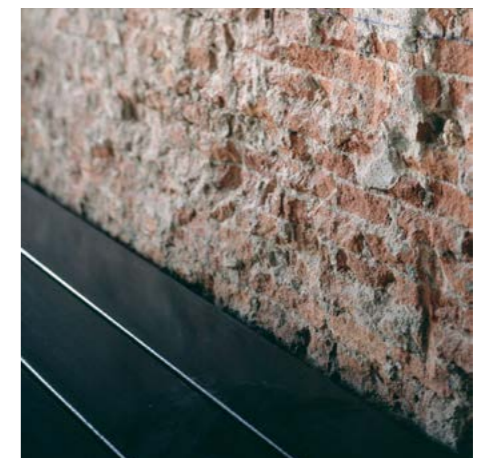
Wine wall

View towards staircase emphasising sweeping simplicity of the 'folded' metal stair

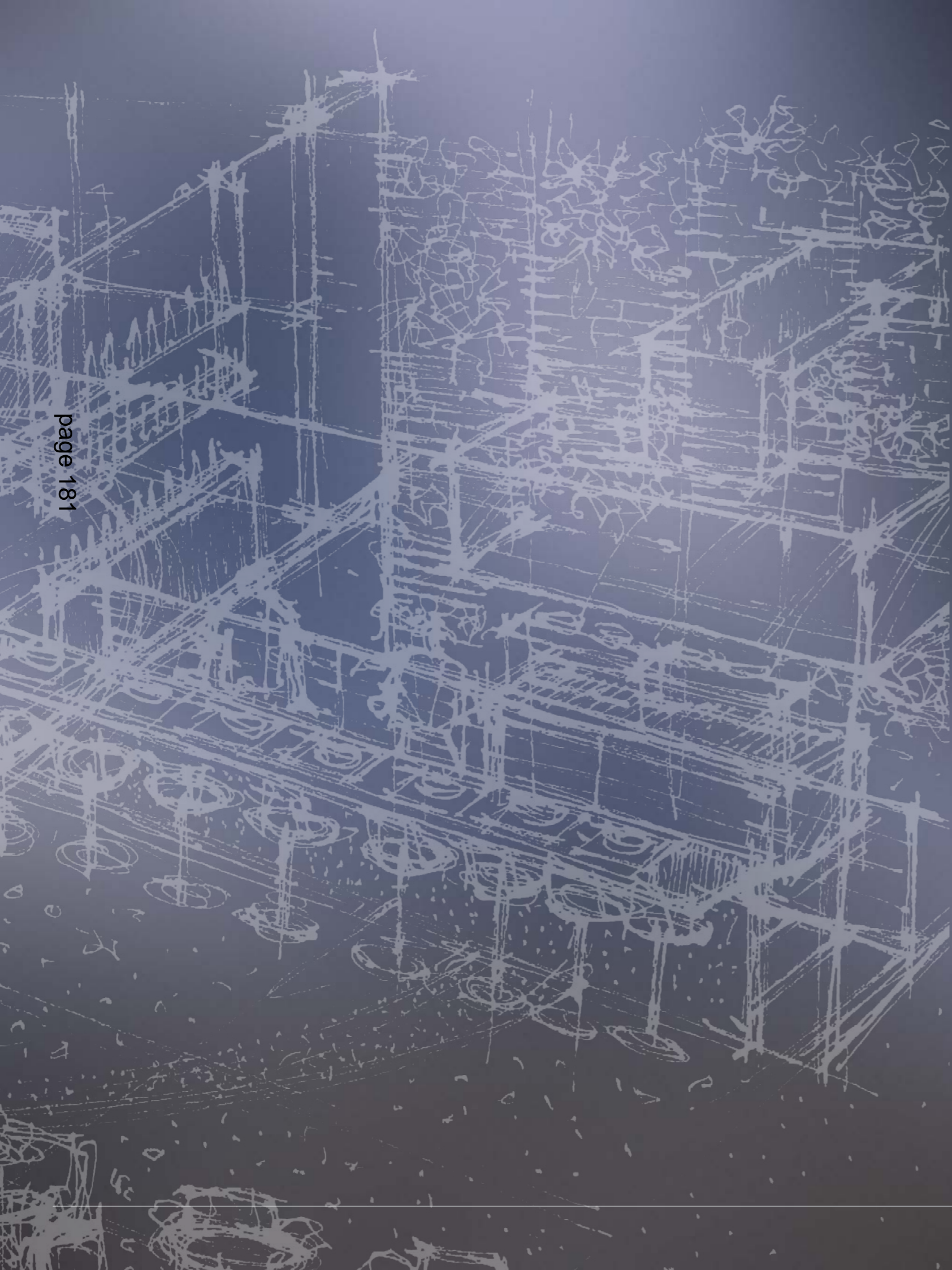
Flooring materials emphasise flow - concrete and aggregate flooring polished in areas but rough-etched to describe circulation



First thought sketch of the Raw Bar located at rear of restaurant -







end of document - thank you

There is no licence or appeal history for the premises

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions consistent with the operating schedule

10. The premises shall operate as a restaurant:
 - i) In which customers are shown to their table
 - ii) Where the supply of alcohol is by waiter or waitress service only,
 - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv) Which do not provide any take away service of food or drink for immediate consumption,
 - v) Which do not provide any take away service of food or drink after 23:00, and
 - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
11. Notwithstanding condition [10], alcohol may be sold to and consumed by persons in the holding bar area hatched red on the plan, during, prior to or after their meal.
12. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. A Challenge 21 or 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.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment

- (g) any refusal of the sale of alcohol any visit by a relevant authority or emergency service.
 - (h) any visit by a relevant authority or emergency service.
17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
 18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
 20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
 22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
 23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
 26. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
 27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
 28. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
 29. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly,

whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section,

'Directly' means:- employ, have control of or instruct.

'Indirectly' means allowing / permitting the service of or through a third party.

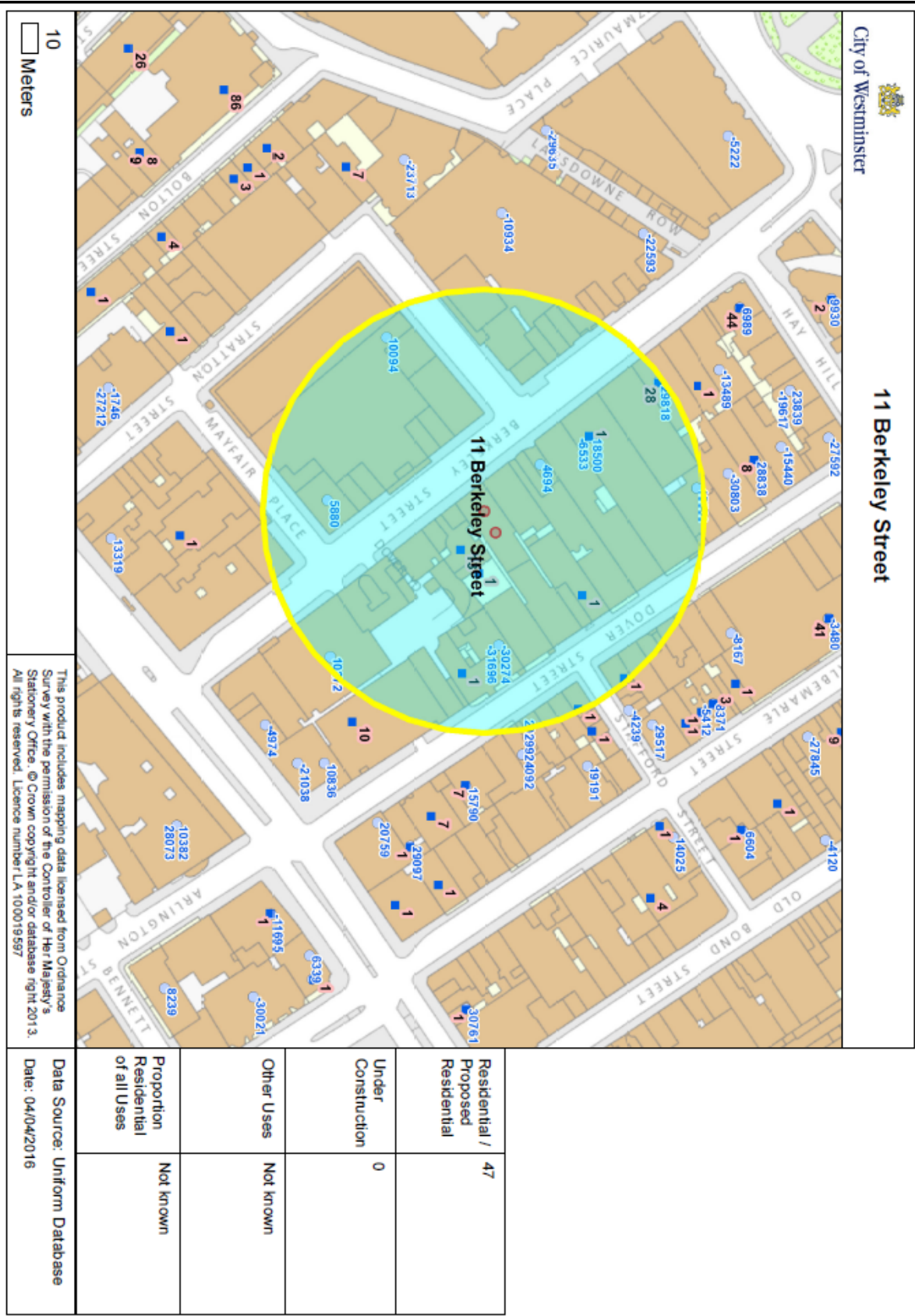
'Specified' Area' means the area encompassed within (insert name of boundary roads.)

30. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:

- Basement [x – to be determined by the Environmental Health Consultation Team]
- Ground floor [x – to be determined by the Environmental Health Consultation Team]

Subject to an overall maximum of [175] persons at any one time.

31. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.



Premises within 75 metres of: 11 Berkeley Street			
p / n	Name of Premises	Premises Address	Opening Hours
-30274	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Monday to Sunday 00:00 - 00:00 Monday to Sunday 08:30 - 03:30
-6533	Nobu Berkeley	Ground Floor 15 Berkeley Street London W1J 8DY	Monday to Saturday 09:00 - 02:30 Sunday 12:00 - 00:00
10094	Sainsburys Local	38-40 Stratton Street London W1J 8LT	Monday to Sunday 07:30 - 05:00
15563	Quattro Passi	Basement And Ground Floor Dover House 34 Dover Street London W1S 4NG	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:00
-31696	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Monday to Sunday 00:00 - 00:00 Sunday 08:30 - 00:00 Monday to Saturday 08:30 - 03:30
4694	The Fleming Collection	13 Berkeley Street London W1J 8DU	Tuesday to Saturday 10:00 - 17:30
18500	Charlie Berkeley Club	15 - 16 Berkeley Street London W1J 8DY	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
5880	Novikov	50A Berkeley Street London W1J 8DJ	Monday to Sunday 07:00 - 02:00
-29818	Park Chinois	Basement And Ground Floor 17 Berkeley Street London W1J 8EA	Monday to Saturday 08:00 - 02:00 Sunday 10:00 - 00:00
10272	Holiday Inn Mayfair	3 Berkeley Street London W1J 8NE	Monday to Sunday 00:00 - 00:00

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	16/2/16
5	Plan	16/2/16
6	Ron Whelan representation	25/2/16
7	Jaleh Zand representation	25/2/16
8	Gordon Yeoman representation	26/2/16
9	Frank Salvoni representation	1/3/16
10	Ahmad Reza Salar Boroumand representation	2/3/16
11	Dimitrios Los representation	4/3/16
12	Victor and Diana Arbulu representation	6/3/16
13	Julia Scholar representation	8/3/16
14	Environmental Health representation	9/3/16
15	Louise Wirth representation	11/3/16
16	Irene Timofeeva representation	13/3/16
17	Hearing notifications	15/3/16
18	Jaleh Zand additional information	7/4/16
19		
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Item No:	
Date:	21 April 2016
Licensing Ref No:	16/01702/LIPN - New Premises Licence
Title of Report:	The Clifton 96 Clifton Hill London NW8 0JT
Report of:	Director of Public Protection and Licensing
Wards involved:	Abbey Road
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	11 February 2016		
Applicant:	Robson Brothers Limited		
Premises:	The Clifton		
Premises address:	96 Clifton Hill London NW8 0JT	Ward:	Abbey Road
		Cumulative Impact Area:	No
Premises description:	The premises are to be operated as a public house on the basement and ground levels with outside seating		
Premises licence history:	<p>The premises were previously operated as a public house until 14 January 2014 when the licence holder (Convivial London Pubs PLC) went into liquidation and the licence lapsed.</p> <p>The following licensable activities were previously permitted by the lapsed licence.</p> <p>Recorded Music - Unrestricted Private Entertainment - Unrestricted Late Night Refreshment - Monday to Saturday: 23:00 to 23:30 Sale by Retail of Alcohol - Monday to Saturday: 10:00 to 23:00, Sunday:12:00 to 22:30 Opening Hours - Monday to Saturday:10:00 to 23:30 Sunday:12:00 to 23:00</p>		
Applicant submissions:	See Appendix 2		
Residents Submissions	<p>Photographs and video clips submitted by Clifton Hill Residents Group and their legal representative opposing the application will be made available at the hearing.</p> <p>The legal representative of the Clifton Hill Residents Group has set out their view on the list of conditions proposed by the applicant and agreed with the Environmental Health Officer. They have suggested alternative to some of the agreed conditions and proposed new conditions which are yet to be agreed by the applicant.</p> <p>The numbers referred to below are as set out in Appendix 4</p> <p>Conditions 9,10,11 – agreed</p> <p>- Condition 12 should be replaced by MC47 as proposed</p>		

	<p>by the residents.</p> <ul style="list-style-type: none"> - Condition 13 should be replaced by MC12 as proposed by the residents. - Condition 14 should be replaced by MC35 and MC43 and MC65 as proposed by the residents. - Condition 15 is agreed - Condition 16 should be replaced by MC01 as proposed by the residents so as to include the outside area. - Condition 17 is agreed - Conditions 18,19,20,21 are agreed - Condition 22 should be replaced by MC42 as proposed by the residents so as to ensure that this is carried out each day. - Condition 23 is agreed <p>Condition 24 should be replaced by MC18 and MC19 as proposed by the residents so that the terminal hour is 21.00.</p> <ul style="list-style-type: none"> - Condition 25 is agreed - Condition 26,27 are agreed - Condition 28 should be replaced by MC19 (2100 hours not 2200) - Condition 29 should be replaced by MC57 proposed by the residents. - Condition 30 is the same as Condition 22 and should be replaced by MC42 proposed by the residents. - Conditions 31 and 32 should be amended to read 21.00 and 09.00 hours on the following day and between 21.00 and 10.00 on a Saturday, Sunday and bank holidays as proposed in MC35 ,MC43 and MC65 by the residents. - Condition 33 is agreed - Condition 34 is agreed - Condition 35,36,37,38,39 and 40 are agreed. <p>The residents would also seek the following conditions which are not referred to in the operating schedule or proposed by the Environmental Health Officer.</p> <p>MC11, MC14, MC45, MC46, MC48 and MC80</p>
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	<p>Extra Conditions</p> <ol style="list-style-type: none"> 1. All food, alcohol and non-alcoholic beverages in the outside area will be served by waiter/waitress only and there shall be no self service and no serving hatch. 2. Food shall not be cooked, by way of barbeque, rack, grill or otherwise, in the outside area of the premises. 3. All music shall be played through the in house music system and be background music only. 4. No recorded music, live music, radio, television or other form of noise-producing device or noise producing activity or entertainment whatsoever shall be permitted in the outside area. 5. In the event of a major sporting event at Lords Cricket Ground the premises will have SIA registered door staff on duty whenever licensable activities are taking place
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1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	23:30	23:30	N/A
Seasonal variations:		Not applicable					
Non-standard timings:		Not applicable					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations:		Not applicable					
Non-standard timings:		Not applicable					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:00
Seasonal variations:		Not applicable					
Non-standard timings:		Not applicable					
Adult Entertainment:		Not applicable					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Maxwell Owusu Koduah
Received:	23 February 2016

I refer to the application for a new Premises Licence.

This representation is based on the operating schedule and accompanying plans by B&H Structures Ltd ref: 145.10.701 & 145.10.700

The applicant is seeking the following licensable activities:

- Late night refreshment indoors at the following times*
 - Monday to Saturday: 23:00 to 23:30
- Supply of alcohol for consumption on and off the premises at the following times:*
 - Monday – Saturday 10:00 – 23:00
 - Sunday: 12:00 - 22:30

I wish to make the following representation

- The provision and hours requested to permit the provision of Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area**
- The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area**

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The submitted plans indicate a total of 92 covers. This does not meet the minimum standard defined by BS6465-1:2006+A1:2009 **Table 11: *Minimum provision of sanitary appliances for licenced pubs, bars, nightclubs and discotheques***

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

Should you wish to discuss the matter further please do not hesitate to contact me.

The following conditions are proposed by Environmental Health in addition to those proposed by the applicant.

- All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
- Loudspeakers shall not be located in the entrance lobby or outside the premises

building.

3. All outside tables and chairs shall be rendered unusable by 22:00 hours.
4. After 22.00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
5. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
6. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
7. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
8. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
9. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
10. 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.
11. 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.
12. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
13. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
14. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and at which time this condition has been shall be removed from the Licence by the Licensing Authority.
15. Before the premises open to the public, the plans as deposited will be checked

by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

2-B Other Persons			
Name:		Reza Taylor	
Address and/or Residents Association:		3 Bradby House 77 Carlton Hill NW8 9XE	
Status	Resident	In Support or Opposed:	Support
Received:	7 March 2016		
I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.			
Name:		Julian Crush	
Address and/or Residents Association:		58 Carlton Hill St John's Wood NW8 0ES.	
Status	Resident	In Support or Opposed:	Support
Received:	7 March 2016		
I am writing to express support for the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill NW8 0JT.			
<p>The Clifton Pub has a long history (including Royal connections!) and a strong place within the St John's Wood community. It would be an absolute tragedy if it were to become yet another residential development. Once the pub is gone, it is gone and that would be most sad. There is currently only one pub in the close vicinity – The Salthouse and the area very much would benefit from a second pub.</p> <p>I sincerely hope that you are able to approve the licence application.</p>			
Name:		Amir Nadel	
Address and/or Residents Association:		90C Clifton Hill London NW8 0JT	
86 other residents have raised concerns similar to Amir Nadel by signing a copy of the representation below.			
Status	Residents	In Support or Opposed:	Opposed
Received:	9 March 2016		
We are writing to strongly object to the above application for a new premises licence at 96 Clifton Hill, London NW8 0JT.			

If the application is granted on the terms requested, this will inevitably lead to a breach of one or more of the Licensing Objectives which the Council is required to take into account when determining a licence application under the Licensing Act 2003:

1. The prevention of crime and disorder

The local residents breathed a sigh of relief when the previous premises (The Clifton) finally shut its doors for good in December 2013. Prior to the closure, there had been regular occurrences of crime and disorder with abusive language from revelers, urination and vomiting in the street and residents' cars being vandalised. There have also been occasions where single women, walking alone at night, have felt threatened by the abusive and disorderly conduct of patrons.

We now learn that, after two years without incident, a new licence is being requested for the sale and consumption of alcohol in a restaurant which (as shown by the plans) is intended to have 92 covers (24 of which will be outside). For the size of the property, this is an excessive amount of covers which will translate into the service of alcohol to an excessive amount of patrons. Clifton Hill is a quiet, narrow residential street in the backwaters of St John's Wood. If a licence is granted on the terms applied for, there will inevitably be a dramatic increase in crime and disorder, which will affect the lives of local residents. The social and economic effects of over-consumption of alcohol are well documented and we do not propose to repeat them here. We are in a better position than most to describe the inevitable effects of this application on the street and on the local vicinity because we have experienced the street both with a licenced premises and, over the past 2 years, without one. We, as local residents, want to lower crime and disorder in the area, not increase it.

The Council should also be aware that, in 2002, because of the rise in crime and antisocial behaviour in the area, the local residents clubbed together and set up the Clifton Hill and Springfield Road Residents Association, a self-funded company through which a team of private security guards was hired to patrol Clifton Hill and four other neighbouring streets daily, late into the evening. We have been lucky to have had 2 years of respite whilst the site was closed, which we hoped would have been permanent. However, we are now faced with a new application for the service of alcohol to a very large number of potential patrons which will give rise to the very real problems which we are trying to get rid of.

2. Public safety

There are also important issues of public safety which the Council needs to take into account. Prior to December 2013 (when the previous business closed down), there were often occasions where there would be patrons smoking and drinking in the street in large numbers. It seems that the applicant wishes to pack as many people as physically possible into these small premises (92 covers are proposed) and there will, without doubt, be crowds of drinkers and smokers spilling into the street if the application is granted on the terms applied for. We know this from bitter experience. Clifton Hill is a particularly narrow street and is further congested as a result of the lack of available parking spaces because there are not enough spaces even for the residents to park on the street. It is a 2-way street but, because it is too narrow for cars to pass each other, cars have to pull over or back up along the street to allow oncoming cars to pass. Patrons' cars parked in Clifton Hill and the surrounding streets will make matters particularly worse. This spells *danger*. However hard the management pretend

they will try, our direct experience suggests that it will simply not be possible to prevent patrons smoking and drinking in the street and this will again give rise to the public safety issues we have suffered in the past. These issues include danger to patrons from passing cars, and danger to members of the public attempting to walk past the premises, who are forced off the narrow pavement and into the street and risk being hit by a car.

Finally on the issue of public safety, we are also concerned about fire regulations being breached at the site with such a large amount of covers being sought by the applicant.

3. Prevention of public nuisance

From past and direct experience, we know that the granting of the application on the terms requested will result in serious and persistent public nuisance. The Council has a duty to protect us from the following which we have experienced in the past when the previous business was open, and which it is inevitable we will experience again if a new licence is granted on the terms requested:

- noise from inside the premises throughout the day and night. With 92 covers crammed into a small site, we believe there will be excessive noise escape from patrons, staff and music at such a densely occupied site. Many of the houses in the street are Grade II Listed having been built in the 1840s. The site in question was built around the same period. It is an old building with no sound-proofing or inbuilt noise limitation. It was not designed to contain modern levels of sound and vibration (in particular such levels which will result from 92 patrons tightly packed into the site), and noise will inevitably escape from the premises and affect the local residents.
- noise emanating from the outside garden area at the front of the premises (adjacent to the pavement) where it appears from the plans that there will be full food and drink service for "24 covers". The applicant has said that the front garden will not be used "after 22:00 hours", but this is far too late to be serving both drink and food every evening in full glare of the street and with the resultant direct external noise which the residents will suffer.
- damage to the health and well-being of local residents. The Council has a duty to comply with its own "Noise Strategy 2010-2015" (a policy published on 23 March 2010) by actively protecting its residents from noise pollution, particularly from licenced premises, and has committed itself to protecting noise sensitive and quieter areas.
- stench from the restaurant's kitchen permeating neighbouring properties and along the street.
- inevitable increase in rats and mice to the street caused by huge amount of rubbish and waste generated by a restaurant catering for such an excessive amount of covers.
- noise from patrons coming and going (including loud, drunken and antisocial behaviour late into the night).
- noise from patrons' car engines and car doors at all times of the day and night.
- abusive drunken behaviour in the street.
- urination and vomiting in the street.
- broken alcohol bottles, glasses smashed and discarded along the street and trails of other rubbish thrown along the street by patrons.
- danger to residents and their families and children from antisocial behaviour.
- noise-induced sleep issues suffered by local residents.

- disruption to family life caused by issues brought about by late night noise and antisocial behavior which will be a direct consequence of the grant of a licence on the terms applied for.
- severe (and dangerous) parking and traffic management issues for the local area as a direct result of a 92 cover restaurant intending to open throughout the day and night, 7 days a week, in an area where the controlled parking zone (Zone C) ends at 6.30pm on week-days and does not apply at week-ends.

4. The protection of children from harm

There are two aspects to this which we wish the Council to consider. First, the health and social impacts of underage drinking. The area has a lot of teenagers and, if past experience is anything to go by, it was always the younger people who drank excessively in the previously licenced premises and this is what results in some of the problems we experienced (noise, abusive behaviour, crime etc). The second issue relates to the children of local residents who we want to shield and protect from (a) antisocial behaviour and (b) the potential for injury or accident caused by the increase in cars and traffic which will consequently feed into this very narrow residential street.

In view of the above, we strongly oppose the granting of the licence on the terms requested.

Yours faithfully

Name:

Address:

Date:

Dear Ed and Ben,

Following on the chain of emails from versions residents I felt it is best that we coordinate and put all the points' raised and agreed in one note for purpose of clarity.

As John suggested having this points attached to the licence as a conditions seems a sensible way forward.

Obviously if there is any of these points you wish to discuss please do so.

Best regards
Amir

Agreed points

1) The Robson brothers acknowledge that there has to be a barrier down the left hand side of the front of the premises toward the new main entrance at the side. The black gate is staying and the walkway will be made wider to accommodate wheelchair access subject to planning. Therefore they are taking down the wooden fence between the private road and the entrance walkway and will replace it with a wall of some kind, at a height that will stop people jumping over or spilling over but not as high as the current fence and high enough to offer some privacy.

- 2) No serving hatch at the front and it was stated that food would be brought out/in through the main entrance at the side (similar to Cafe Med). There will be no service (food, drinks or otherwise) through the windows at any time now in or the future.
- 3) The frontage from the patio to the street has to be rebuilt as the hedge will be removed and the post have to be moved or replaced (the post at the side needs to be moved for wider access and the post on the right must be moved to allow access to the flats subject to planning. It was stated that the existing white dwarf wall will be rebuilt as needed then a replacement hedge of suitable height will be replanted. It was pointed out that a hedge takes a long time to grow up and get thick enough to form a barrier. This fact was accepted and the Robson brothers will seek a temporary solution if needed. They also confirmed that it would be high enough to offer privacy to the houses opposite and a barrier separation from the street. The only point of access to the outside patio section will be on the left hand side walkway not directly from the street. The new hedge on 3 sides will be mature evergreen planting with a solid fence if needed for privacy both out and in
- 4) We discussed the fact that the area at the front will have tables for patrons to sit and smoke but will not offer opportunity to lots of people to smoke standing .It was agreed that this will have to be monitored.
- 5) It was confirmed that the small space at the rear, outside the conservatory will not be used for smoking or by patrons but for storage, waste and the emergency exit and stairs for the flats and pub.
- 6) A suitable and modern extractor fan would be fitted to disperse smoke and smells high above the building. The Robson brothers confirmed that no smoke or smell will be experienced by the neighbours or outside the premises.
- 7) We were told that the premises would be air conditioned, limiting the need for open windows (noise). It is vital that no noise whatsoever will come out of the air-conditioning unit or heard outside the building. Air conditioning units at rear will be sited in an enclosure (acoustic) possibly on the lower flat roof area
- 8) No live music, no DJ, Singing or disco etc (they will host parties and rent the conservatory but for drinks and food lunch and dinner. They will also have quiz nights and recorded Music will be played inside only.
- 9) No barbecues, no outside TV and no outside speakers will be placed on the outside of the property at anytime now or in the future. External lighting at front will be low level. It was also agreed that the Robson brothers will look into installing acoustic umbrellas for the outside to mitigate the noise.
- 10) It was pointed out that the conservatory is quite old and doesn't hold the noise in very well and the Robson brothers agreed that they would talk to their builders about filling in the gaps and sound proofing to the best of their abilities.
- 11) The Robson brothers said that one of them will be on site most of the opening hours and that they ,and their management with "Manage Noise " "Restrict customers to opening hours " enforce last orders and people leaving in time for closing "Move people on from the street " "show no tolerance to fighting ,Urinating, loud behaviour ,hanging

around unnecessarily ,drunkenness, vomiting and so on". Brothers confirmed that the front outside area will be cleared of people by 10 pm

12) An undertaking to keep the street clean outside the pub (bottles, glasses, rubbish, etc)

13) Provide signage informing customers to respect the neighbours

14) There is no application for entertainment now and will never be one in the future.

15) The conflict between the floor plans and the application will be corrected. Given the fact that the outside area: (a) will not be used for regulated entertainment or entertainment facilities at any time, (b) will not be used for late night refreshment, and (c) will not be used at all after 10pm, the plans need to be amended to show this. It is suggested that a new colour should be used on the plan to denote the outside area and confirm these points. In addition, the word "pass" will be removed from the front right window to confirm that there will be no service hatch.

Points raised by residents but were not part of the discussion with the Robson brothers.

1) Bicycles parking – Parking bicycle on Clifton Hill, tie them to post or building gates or fences should not be allowed. You should arrange for parking inside the pub area or around the corner.

2) On the right hand side (No 94 side) where it is intend the planning to have entrance to the flats we need to ensure that the front wall will be raise and/or hedges will be planted to prevent from people seating and smoking there.

3) Any noise, parties, get together and other activities in the conservatory which might create noise must be stopped at 10 pm. There are children in the surrounding building.

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

From: amir nadel <amir.nadel@googlemail.com>

Date: 10 March 2016 at 17:11

Subject: Re: Clifton pub

To: Ben Robson <ben.robson@mail.com>

Cc: Ed Robson <ed@boopshis.com>, Simon Aron & Hinda Abbou <simon.aron2323@hotmail.com>

Dear Ed and Ben,

Thank you for your response.

Unfortunately we cannot agree about the version of the summary of the meeting. Despite both our affords we didn't managed to conclude this in time,

As you are aware by now a petition to object the current licence application was submitted to the City Of Westminster Licence Department supported by large number of residents in Clifton Hill and the near by area expressing their many corners.

We accepted that a pub will be opened in 96 Clifton hill. We want to ensure that the quality of life in the street and the area will not be badly affected.

As stated in the meeting this is a very quite residential street with elderly people, young families with children, toddlers to teen age, all must be protected together with their quality of life.

I was led to believe by the licence department that the hearing is schedule for the 21 April were we all will have the opportunity to state our positions. I think now it is best to wait till than and discuss it in the meeting and hopefully reach a positive outcome to all. I am sure that City of Westminster will send all of us an official notification.

I very much hope that we can reach an agreement and understanding and have the pub/restaurant operating smoothly.

Please note that a copy of this email was also sent to the City Of Westminster Licensing Department

Many thanks and kind regards

Amir

On 10 March 2016 at 12:17, Ben Robson <ben.robson@mail.com> wrote:

Dear Amir,

Thank you for your email, sorry for the delayed response we've been away for a couple of days.

I have re-attached the points from our previous email which we agreed to. As per our previous email you received confirmation of the licence plan change and added condition about the front windows not to be used for service, which I have attached. Beyond these points we won't be able to voluntarily add any further conditions as they would not leave us with a licence which is commercially viable. We really hope you can understand our position as we intend to work with the residents as much as possible to create an establishment everyone is happy with.

The points we agree to address:

- 1) The brothers acknowledge that there has to be a barrier down the side of the front of the pub toward the new main entrance at the side. The black gate is staying and the walkway will be made wider to accommodate wheelchair access. Therefore they are taking down the wooden fence between the private road and the entrance walkway and will replace it with a wall of some kind, not as high as the current fence but high enough to offer some privacy.
- 2) No serving hatch at the front and it was stated that food would be brought out/in through the main entrance at the side (similar to Cafe Med). There will be no service (food, drinks or otherwise) through the windows at any time now or the future.
- 3) The frontage from the patio to the street has to be rebuilt as the hedge will be removed and the post have to be moved or replaced (the post at the side needs to move for wider access and the post on the right must be moved to allow access to the

flats .It was stated that the existing white dwarf wall will be rebuilt as needed then a replacement hedge of suitable height will be replanted. It was pointed out that a hedge takes a long time to grow up and get thick enough to form a barrier. This fact was accepted and the brothers will seek a temporary solution if needed. They also confirmed that it would be high enough to offer privacy to the houses opposite and a barrier separation from the street. The only point of access to the outside patio section will be on the left hand side walkway not directly from the street.

4) We discussed the fact that this area out front will have tables for patrons to sit and smoke but will try and limit the amount of people standing and smoking .It was agreed that this will have to be monitored.

5) It was confirmed that the small space at the rear, outside the conservatory will not be used for smoking or patrons but for storage ,waste and the emergency exit and stairs for the flats and pub.

6) A suitable and modern extractor fan would be fitted to disperse smoke and smells high above the building .

7) .We were told that the pub would be air conditioned, limiting the need for open windows (noise) .

8) No DJ, No amplified live music (they will host parties and rent the conservatory but for drinks /lunch/dinner. They will also have a quiz night /sports night) Music will be played inside only.

9) No speakers or T.V will be placed on the outside of the property at any time now or the future.

10) It was pointed out that the conservatory is quite old and may not hold the noise in well, so the brothers agreed that they would talk to their builders about filling in the gaps and sound proofing to the best of their abilities.

11) The brothers said that one of them will be on sight most of the opening hours and that they ,and their management will “Manage Noise “ “Restrict customers to opening hours “ Enforce last orders and people leaving in time for closing “Move people on from the street “ “show no tolerance to fighting ,Urinating ,loud, behaviour ,hanging around unnecessarily ,drunkenness, vomiting and so on”

12) An undertaking to keep the street clean outside the pub (bottles, glasses, rubbish, etc)

13) Provide signage informing customers to respect the neighbours and leave quietly.

14) Music (prerecord music such as CD, Ipod etc) will be played inside the property but will not be heard outside.

15) There is no application for regulated entertainment now and will never be one in the future.

Kind regards

Ed

Sent from my iphone

On 8 Mar 2016, at 11:29, amir nadel <amir.nadel@googlemail.com> wrote:

Name:	Roger Bloomfield		
Address and/or Residents Association:	43 Hopefield Avenue Queens Park, NW6 6LJ London		
Status	Residents	In Support or Opposed:	Support
Received:	7 March 2016		

This is to support that Robson Brothers Ltd application for a premises licence at 96 Clifton hill, NW8 0JT.

Over the period of more than 30 years in which my wife and I have lived worked and worshipped in this locality The Clifton has provided the venue of a great deal of occasional pleasure for social and business purposes as a pub serving food. We are hopeful that with your approval it will be able to re-open soon with a licence on the same or similar terms to those before its closure around 3 years ago.

Name:	Nicholas Bax		
Address and/or Residents Association:	107 Hillsborough Court Mortimer Crescent NW6 5NT		
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		

I am sending this message to show my support regarding Robson Brothers Ltd application for a premises licence at: 96 Clifton Hill, NW8 0JT

Name:	Jillian And Themos Koukoullis		
Address and/or Residents Association:	87, Neville Court Abbey Road St Johns Wood NW8 9DB		
Status	Residents	In Support or Opposed:	Support
Received:	7 March 2016		

We should like to register our support for the application by the Robson Brothers Ltd. for a premises licence at 96, Clifton Hill, London NW8.

We have lived in St Johns Wood for more than thirty years and seen so many places close down. Robson Brothers Ltd seem highly professional in all matters regarding the Clifton and we are sure they will have a huge welcome and support.

Name:		Mr Richard Jones	
Address and/or Residents Association:		8 Abercorn Mansions 17 Abercorn Place St Johns Wood NW8 9DY	
Status	Residents	In Support or Opposed:	Support
Received:	5 March 2016		
<p>Delighted to hear this historic pub is to be returned to the community to which it belongs and by whom it is so greatly missed. This cynical sale should never been allowed to happen in the first place leading to a prolonged closure and a great deal of time and effort to save its existence. The people/person who signed the documents should be named and shamed and never granted a licence in the borough again. To turn this application down would be a betrayal of the local community and common decency.</p>			
Name:		Anthony Locke	
Address and/or Residents Association:		9 Abercorn Mansions London NW8 9DY	
Status	Residents	In Support or Opposed:	Support
Received:	5 March 2016		
I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.			
Name:		Rebecca Considine	
Address and/or Residents Association:		39F Warrington Crescent London W9 1EJ	
Status	Residents	In Support or Opposed:	Support
Received:	5 March 2016		
<p>I'm writing to express my support of the Robson Brothers Ltd application for a premises licence at 96 Clifton hill, NW8 0JT.</p> <p>The Clifton closed almost three years ago and since then our local community has greatly missed this former social hub in the heart of St John's Wood. All these potential new tenants require is the licence which would be the same as before, for the bar and restaurant, and I and my local choir greatly support their application.</p>			
Name:		John Kirkwood	
Address and/or Residents Association:		48 Lambourne House 100 Broadley Street London NW8 8DN	
Status	Residents	In Support or Opposed:	Support
Received:	8 March 2016		

I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.			
Name:		Stephen Lannon Et Al	
Address and/or Residents Association:		3 Linnell House Boundary Road NW8 0HS	
Status	Residents	In Support or Opposed:	Support
Received:	6 March 2016		
I and three other members of the household at 3 Linnell House strongly support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill NW8 0JT.			
We hope approval is the first step to restoring a much missed local amenity to an area which has lost countless pubs over recent years.			
Name:		Judy Lynn	
Address and/or Residents Association:		181D Lanark Rd W9 1NX	
Status	Residents	In Support or Opposed:	Support
Received:	5 March 2016		
I support the application by Robson Brothers Ltd for a premises licence at 96 Clifton Hill, NW8 0JT.			
Name:		Abby Thomas	
Address and/or Residents Association:		3 Bradby House Carlton Hill NW8 9XE	
Status	Residents	In Support or Opposed:	Support
Received:	3 March 2016		
I hear that an application has been lodged for a licence for the Clifton pub. As a very local resident who lives two minutes away from the site, I would like to add my support for their licence - we have all missed the pub enormously as it was a real focal point for the community.			
Name:		William And Michelle Morris	
Address and/or Residents Association:		28 Blenheim Terrace NW8 0EG	
Status	Residents	In Support or Opposed:	Support
Received:	5 March 2016		
I am writing in support of the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT. The loss to the neighbourhood of the Clifton as a pub almost three years has been profound. There is great support for the return of this neighbourhood favourite as a pub. We fully support the Robson Brothers application for a premises licence and look forward to the return of "our" pub.			

Name:		Rahul Sumarria	
Address and/or Residents Association:		A & H Brass 201-203 Edgware Road London W2 1ES	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		
I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.			
Name:		Suzanne Roux	
Address and/or Residents Association:		Flat 1A, 22 Netherhall Gardens Hampstead NW3 5TH	
Status	Residents	In Support or Opposed:	Support
Received:	5 March 2016		
I support the licence for the Robson Brothers LTD for the old pub at 96 Clifton Road, St John's Wood, NW6 0JT			
Name:		Cristina	
Address and/or Residents Association:		45 Clifton Hill London NW8 0QE	
Status	Residents	In Support or Opposed:	Support
Received:	5 March 2016		
This to say that I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.			
Name:		Colleen Rock Mueller	
Address and/or Residents Association:		3819 N. Claremont Avenue Chicago, IL 60618 (312) 848-2825 Cell (773) 754-8672 Home	
Status	Residents	In Support or Opposed:	Support
Received:	5 March 2016		
<p>My family lived in London from December 2007 to July 2013. During our years in St. John's Wood we had countless afternoons and evenings enjoying the company of family and friends at The Clifton. It became our favourite local pub very quickly and we soon attended the weekly quiz night befriending the staff and regulars.</p> <p>Leaving London was a sad day for our family. We cherish the memories we made at The Clifton. We were very sad to hear The Clifton closed and submitted a letter in support to not allow the premises to become a private residence. We happily support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT and hope to stop in for a pint and nibble when we return to St. John's Wood for a visit</p>			

Name:		Angela Gager	
Address and/or Residents Association:		Fairfax Place NW6 4EJ	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		
Please accept this email as confirmation of my extremely strong support for this application.			
Name:		Phillip Cohen	
Address and/or Residents Association:		Flat 3 49 Essendine Road London W9 2LX	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		
I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.			
Name:		Colin Gibbons	
Address and/or Residents Association:		531 Harrow Road London W10 4RH	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		
I would like to express my support for the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.			
It would be lovely to see these historic premises restored to their proper use.			
Name:		H. Heshmat	
Address and/or Residents Association:		Grove End Gardens London NW8 9LX	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		
I have been a resident of St. Johns Wood for the last 25 years and witnessed first hand the loss to the community caused by pub closures in the area. I am therefore supporting the licensing of the Clifton, so it can be what it has always been, a pub, and a place for the community to meet.			
Name:		Dave Koczan-Santiago	
Address and/or Residents Association:		136 Sutherland Avenue W9 1HP	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		

Please note that I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.

I have been living in the area for 8 years and I found the Clifton to be a valuable part of our community. I would welcome the reopening of a pub in that location.

Name:		David Matthews	
Address and/or Residents Association:		122A Hamilton Terrace NW8 9UT	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		

I support the Robson's application for a licence, as a local I look forward to the pub re opening.

Name:		Gillian Brasse	
Address and/or Residents Association:		63 Marlborough Place London NW8 0PT	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		

I support the Robson brothers application for a licence at the premises at 96 Clifton Hill. It was a wonderful local amenity, closed for too long

Name:		Alan Shortman	
Address and/or Residents Association:		34 Chandos Road Borehamwood Herts WD6 1UY	
Status	Residents	In Support or Opposed:	Support
Received:	10 March 2015		

I support the Robson Brothers Ltd application for a premises licence at 96 Clifton hill, NW8 0JT.

Very excited to see the pub returning to serve the community as I have been customer for over twenty years.

Name:		Antonia Moussaieff	
Address and/or Residents Association:			
Status	Residents	In Support or Opposed:	Support
Received:	10 March 2016		

I wholeheartedly support the Robson Brothers Ltd application for a premise licence at 96 Clifton Hill. NW8 0JN.

We used to live next door and now live opposite (a few doors down) and have missed the pub terribly as well as the safety and community value it brings to Clifton hill. Moreover, I am familiar with the pub in Hampstead that they ran. Which was a brilliant establishment with similar community spirit. If it is half as good as that pub we are all in for a real treat.

Name:		Mr Mark Reynolds	
Address and/or Residents Association:		8c Carlton Hill London NW8 0JY	
Status	Residents	In Support or Opposed:	Support
Received:	1 March 2016		

Delighted that the Clifton will be reinstated as a pub, after disturbing recent efforts to turn it into a residential dwelling. I look forward to raising a glass there again soon.

Name:		Mr David Japp	
Address and/or Residents Association:		19 Carlton Hill London NW80JX	
Status	Residents	In Support or Opposed:	Opposed
Received:	6 March 2016		

Whereas I would not object if the Clifton were returned to being a Pub I do not think it should be granted a licence to be a restaurant which I believe it's inappropriate use in such a small residential street.

Name:		Simon Blackford	
Address and/or Residents Association:		98 Clifton Hill	
Status	Residents	In Support or Opposed:	Opposed
Received:	9 March 2016		

I live at 98 Clifton Hill. I have signed the petition letter and wish to add the following observations.

The application

The application is poorly formulated and expressed. The result is that it is very difficult for those affected by the proposals to know what is really being planned. The attention of the licensing committee is drawn to the following particular features of the application.

There is reference in the application (Annex A item 16) to "the beer garden" but I cannot see any reference on the plan to a beer garden. The largest outdoor area – perhaps the only outdoor area – appears to be the area at the front of the building, i.e. on Clifton Hill adjacent to the pavement. However the term "beer garden" surely tends to suggest an area predominantly for drinking. By contrast, the area at the front of the premises has an indication of 24 covers. The majority of that area is occupied on the plan by tables and seats. It looks far more like an open air restaurant area than a beer garden. This is a matter of importance. The beer garden is to close at 10 pm. The remainder of the pub is to close at 11.30 pm (except on Sundays). It is surely likely to

be a matter of considerable interest to those living close to the premises – and particularly those on the other side of Clifton Hill – to know whether the front area is to close at 10 pm or at 11.30 pm (except Sundays 11 pm).

There is reference in the application to “6 internal covers (basement)” but I cannot see from the plan where those are to be situated. All the other covers are indicated.

A lot of the print is very difficult to read, particularly the red print. In the basement area there appear to be the words “MICRO BREW” in red capitals but I cannot see any indication of what that might mean”. It certainly has little meaning to me. After discussions with neighbours it appears possible that it is going to be an area of the premises where beer is going to be brewed. I find that worrying. There is no attempt to describe the extent of the operation and the effect in terms of smell, noise, et cetera. I have no idea of what will be involved but I would have thought a full description supported perhaps by an expert report would be required to put those affected by the proposal in the picture.

With the help of a magnifying glass one can see that one of the windows at the front of the building (i.e. looking out to Clifton Hill) has the word “pass” entered. The other window is left blank. At a guess, there must be a possibility that the word “pass” is intended to mean that that window will be used as a serving hatch to serve the 24 covers outside at the front of the building. That window is immediately adjacent to the bar area (the area behind the bar). I cannot see that the drawing notes give any explanation of the word “pass”. If that is intended to be a serving hatch it surely has considerable noise implications particularly for those living in the immediate vicinity on the other side of the road. A serving hatch to the front of the building presents a serious likelihood of noise nuisance and the plans should be amended to delete the word “pass”. I also suggest that a condition should be imposed so as to ensure that the ground floor windows at the front of the building are kept closed after 9:30 PM.

Surely those affected by the application are entitled to a proper description of the proposals and not have to resort to this sort of guesswork. It is difficult to resist the inference that the applicants are trying to keep communication of their plans as vague as possible so as to minimise the risk of objection – or of any allegation of failure to comply if the licence is granted.

It has been suggested to me that it is not clear that the applicants intend to retain the hedging between the front area (or beer garden if that is what it is) and the pavement. If that hedging is to go, its removal would appear to present an additional ground for concern in terms of noise.

The next aspect of the plan which is also important as regards noise concerns the kitchen. The kitchen occupies a very substantial part – perhaps a third – of the basement floor. There appears to be no indication of what plant will be required. There may well be extractors with the resultant smell and noise. Our garden at the back of our property is very close to the proposed kitchen and is highly likely to be affected by smell and noise emanating from the premises. Noise from a kitchen often takes two forms. There is the noise of kitchen business – clattering of bottles, plates and cutlery and there is also the noise from any plant such as extraction machinery.

We are about to build a terrace (planning permission granted) immediately above the raised ground floor at the back of our property and that terrace will be particularly

affected by any smell and noise coming from the kitchen. As part of the licensing process I am entitled to put before the licensing authority any concerns relating to nuisance. However in the present case I have little or no information regarding the likely level of emissions from the kitchen. I will propose a condition regarding the hours during which use may be made of the kitchen.

The Petition letter

As indicated above I have signed the petition letter and adopt its contents. It should be read together with this letter.

Additional observations

In addition to what is said in the petition letter in relation to parking there will be a very considerable effect on residents living close to the “pub” (with 92 covers it will be a restaurant in all but name – certainly more grub than pub).

This appears to be more than a mere terminological difference. 96 Clifton Hill has been designated as an “Asset of Community Value”. It is far from clear that to turn it into a restaurant is a permitted use of that asset.

The relevance of the parking situation that will result from the opening of the “pub” is that the pressure on parking in the immediate vicinity will be so serious as to cause a nuisance by reason of the inevitable competition for parking spaces, with attendant disputes and disagreements in this very narrow road in which cars are parked on both sides of the road.

There are a very few residents’ permit spaces within 100 yards each side of the “pub”. The operational period of the residents’ permit spaces runs from 8:30 am to 6:30 pm Monday to Friday. What that means is that people visiting the pub/restaurant will be able to park in the residents’ spaces if they come for an evening meal – or for lunch at the weekends. In addition to the residents’ parking spaces there are single yellow lines with restricted hours which mirror the residents’ parking hours. Whilst there are substantial areas of yellow lines, there are a number of dropped kerbs abutting the single yellow lines where parking is not allowed at any time.

The combination of available spaces in residents’ bays and on single yellow lines is woefully inadequate to accommodate diners at the “pub” if their numbers reach anything like the 92 covers. A significant difference between a pub and a restaurant is that people typically walk to a pub and typically drive to a restaurant. A pub typically makes its reputation by word of mouth. A restaurant typically makes its reputation – if it is good enough – by articles in magazines and newspapers and if successful is likely to draw diners from some distance away. It is by no means inconceivable that if the pub filled its tables the 92 diners would arrive in as many as 46 cars. It could of course be more if a party of individuals meets to dine at the pub. Even if it were only 30 cars the strain on parking in the vicinity would be very heavy indeed. One of the implications would be that residents of Clifton Hill returning home during the course of the evening – perhaps particularly between 8 pm and 11 pm – would find that they could not park near their own homes. Residents would have to think very carefully about going out for the evening and might well think on occasion that it was not worth going out because of the problems that would arise on their return. Such will be the pressure on parking that there is likely to be regular obstruction of off-street parking spaces. There is bound to be significant conflict. The inevitable problems are on such a scale that they are likely to amount to a nuisance and not a mere annoyance.

There is in principle an available solution to such a problem. There are many places in London where residents' bays operate until 10 pm or 10.30. However it is unlikely in the extreme that Westminster would contemplate introducing such a restriction in Clifton Hill. The reason is that the controlled parking zone in question is a very large zone (Zone C as a whole runs from Brent on the east to Camden on the west) and the chances of Westminster troubling to introduce a restriction within that large zone to deal with the problem that will be caused in the immediate vicinity of the pub approximates to zero. Even if Westminster were minded to introduce lengthier restrictions, it is surely inconceivable that they would employ an extra parking attendant to enforce the change.

Between the pub and Greville Road there are approximately 85 metres on each side of the road with a total of nine (four on the north side five on the south side) dropped kerbs each averaging around 3 metres – so a total of approximately 143 metres of evening/weekend parking space – i.e. single yellow lines and residents' parking spaces. This gives about 25¹ parking spaces to be shared between users of the pub and residents. This is the best area for parking because further away from Greville Road – i.e. north east of the pub – there tend to be more residents' cars parked. (There are also more and larger dropped kerbs and some areas restricted by double yellow lines). So the target area for those who dine at the "pub" – and for the residents who live in that stretch – will be the 25 spaces. Again, the contrast between the situation which will arise under the proposals and the situation which obtained when the Clifton was a real pub is all too clear. And it was difficult enough for residents then, as set out in the petition letter.

Clifton Hill is a great deal more secure for parking than Greville Road on account of the number of residential frontages on Clifton Hill. It has to be likely that people visiting the pub will have a high preference for parking in Clifton Hill itself. I suggest that this parking availability is woefully inadequate to cope with the likely pressure which will arise if the pub has any real success as a restaurant. I suggest that it is a recipe for all the fears expressed in the petition – and worse. The chances of shouted cheery farewells accompanied by the slamming of car doors are all too obvious.

There is a further problem which results from the extensive area covered by Zone C. It is that the "pub" will be an attraction to residents from further afield within Zone C. They are entitled to park in any residents' bays within Zone C. The result is that people who live as far afield as Avenue Road to the east and Ilbert Street and Fernhead Road to the west will be able to come to the pub on a weekday at lunchtime and occupy parking spaces which are normally occupied by the residents of Clifton Hill.

This entire parking situation is a marked contrast to the position as it was when the Clifton was a public house in the true sense. There were a number of tables but the service of food took second place to the service of alcohol. The extent to which that is to be changed under the present proposals can be seen not only from the number of covers but from the very large basement area which has been dedicated to use as a kitchen.

Proposed amendments/conditions

I oppose the granting of the licence for the reasons given above. However, if the licence is granted I propose the following amendments/conditions.

¹ It would be more but for the fact that the dropped kerbs are situated at irregular intervals.

Clearly, a good deal depends upon where the “beer garden” is situated. If it is at the front then the proposed closure at 10 pm is relatively acceptable.

If the beer garden is not at the front, then I propose that the front area be closed at 10 pm in any event so as to reduce noise emanating from the pub after that time.

Given the number of covers and the highly residential nature of the surroundings of the pub I propose that the hours should be restricted so that the finishing time for the supply of alcohol is 10.30 pm (10.00pm on Sundays). I propose that the hours for late-night refreshment are also curtailed by half an hour as against the applicants’ proposals. Please see the proposed amended tables below.

The “pub” is likely to attract particularly large numbers at the times of the Lord’s tests and I suggest the following condition:

‘A minimum of 1 SIA licenced door supervisors shall be on duty at the entrance of the premises during the hours of licensable activity on Lord's Cricket Ground match days’

(Please note that “entrance of the premises” may not be entirely clear. Again, this depends upon whether or not the front area constitutes the “beer garden”.)

In relation to the windows at the front (and particularly the window marked “pass”) I suggest the following condition:

The ground floor windows at the front of the building shall be kept fully closed after 9.30 pm.

In relation to the kitchen I propose the following:

No use is to be made of the kitchen (including any extraction or other kitchen machinery or plant) on any day before 9 am or after 10.30 pm.

That will make considerable demands upon the organisation of the kitchen but the condition is important in view of the lack of detail of kitchen operation/equipment supplied by the applicants.

Proposed amended tables

Late night refreshment		
Day	Start	Finish
Mon	22.30	23.00
Tues	22.30	23.00
Wed	22.30	23.00
Thur	22.30	23.00
Fri	22.30	23.00
Sat	22.30	23.00
Sun		

Supply of alcohol		
Day	Start	Finish
Mon	10.00	22.30
Tues	10.00	22.30
Wed	10.00	22.30

Thur	10.00	22.30		
Fri	10.00	22.30		
Sat	10.00	22.30		
Sun	12.00	22.00		
Name:			Tim Forrest	
Address and/or Residents Association:			48 Lambourne House, 100 Broadley Street, London NW8 8DN	
Status	Residents		In Support or Opposed:	Support
Received:	8 March 2016			
I am writing to support the application by Robson Brothers Ltd for a premises licence at 96 Clifton Hill, London NW8 0JT.				
The Clifton is an important part of local community life and also attracts non-residents to the area which is beneficial to local businesses.				
Name:			Shannon Miller	
Address and/or Residents Association:			NW8 0JA	
Status	Residents		In Support or Opposed:	Support
Received:	8 March 2016			
I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.				
Name:			Councillor Paul Dimoldenberg	
Address and/or Residents Association:				
Status	Residents		In Support or Opposed:	Support
Received:	8 March 2016			
I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.				
Reopening The Clifton will be of benefit to the local community.				
Name:			Adam Chataway	
Address and/or Residents Association:			12 Oxford Road London NW6 5SL	
Status	Residents		In Support or Opposed:	Support
Received:	8 March 2016			
As a local resident I wanted to email my support for the licensing application that has gone in from Robson Brothers Ltd for a premises licence at 96 Clifton Hill, NW8 0JT.				

Name:		Ben Shaw	
Address and/or Residents Association:		7 Clifton Hill London NW8 0QE	
Status	Residents	In Support or Opposed:	Support
Received:	8 March 2016		
I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.			
Name:		Joanna Watson	
Address and/or Residents Association:		51 Victoria Road Kilburn London NW 6 6TA	
Status	Residents	In Support or Opposed:	Support
Received:	8 March 2016		
I am writing in support of the Robson Brothers Ltd's application for a premises licence at 96 Clifton Hill, NW8 0JT.			
<p>These premises were the home of a dearly loved, popular and important community asset, which has been much missed.</p> <p>I urge you to award a bar/restaurant licence, as it was previously.</p>			
Name:		Juan Lopez-Valcarcel	
Address and/or Residents Association:		46 Townshend Road London NW8 6LE	
Status	Residents	In Support or Opposed:	Support
Received:	8 March 2016		
As local residents, we are delighted to support Robson Brothers Ltd in their application for a premises licence at 96 Clifton Hill, NW8 0JT. Reopening the Clifton pub will bring back much missed character and social fabric to the area.			
Name:		Salwa Marsh	
Address and/or Residents Association:		Grove End House, Grove End Road, NW8 9HP	
Status	Residents	In Support or Opposed:	Support
Received:	6 March 2016		
I am a resident of St John's Wood and was delighted to read about the Robson Brothers Ltd application for a premises licence at 96 Clifton hill, NW8 0JT. It sounds like a lovely community space where people can come together to break bread. I love the area and am very much in support of the development of new and innovative local businesses in the community. I sincerely hope that the licence is granted and I am very excited about the prospect of a new haunt in the neighbourhood.			
Please don't hesitate to contact me if you have any questions about me.			

Name:		Alexander Psaltis	
Address and/or Residents Association:		Grove End House Grove End Road St Johns Wood NW8 9HP	
Status	Residents	In Support or Opposed:	Support
Received:	6 March 2016		
<p>I write in support of the above application.</p> <p>As a resident of St John's Wood, I have read with interest Robson Brothers Ltd's plans for The Clifton and I am strongly in favour of them being granted a licence for a bar and restaurant. They propose to reopen a much loved community pub and provide a venue for the whole community serving brunch, lunch and dinner at reasonable prices. They have clearly given careful thought to their plans and this alone should be a strong indication of their fitness for a licence. I look forward to being able to support this venture with my patronage in the near future.</p> <p>Please contact me should you have any queries about this email.</p>			
Name:		Natasha Blair	
Address and/or Residents Association:		82 Maida Vale, London W9 1PR	
Status	Residents	In Support or Opposed:	Support
Received:	6 March 2016		
<p>I would like to register my support for the application by the Robson Brothers Ltd. for a premises licence at 96, Clifton Hill, London NW8.</p> <p>It will be wonderful to have this well-needed community facility back in our neighbourhood, particularly as I understand it will be a gastro-pub. Too many pubs have closed in this area.</p>			
Name:		Mr John Harrison	
Address and/or Residents Association:		97 Clifton Hill London NW8 0JR	
Status	Residents	In Support or Opposed:	Opposed
Received:	22 February 2016		
<p>I am writing to you to object to the above application for a new premises Licence at 96 Clifton Hill London NW8 0JT.</p> <p>We live opposite the premises at 97 Clifton Hill and I would inform you that the old Clifton pub has now been empty for over 2 years and the quality of life in the area has improved dramatically since it closed. I know this is not a Licencing issue but I felt it should be brought to your attention, as I am sure you can understand that licenced premises have many negative issues relating to them.</p> <p>I am very concerned that a Licencing of these premises will have a negative effect on</p>			

the neighbourhood and I strongly urge you to either restrict, condition or if possible refuse this Licence.

I am sure you are aware that the application is for a 92 seater, and to my mind looks to be a restaurant not a pub at all.

However, my main concern relates to the public safety and in particular children who play in the Street, especially in the summer. As stated above the proposed facility has 92 covers and will expect to be full on Fridays, Saturdays and Sundays during the day and in the evenings and customers who come for a meal have a habit of staying longer than those attending a pub for a drink. They also travel from further away so there will be more cars. Therefore we can expect a substantial increase in car-borne journeys to the premises which will fill the street up and cause traffic issues as there will be no pass areas on the street where the current yellow lines allow for pull-in of cars. As there are many young people and children in the area this will cause added safety issues in what is a very quiet residential location.

Unfortunately the management of such premises are unable to police their customers as you will be fully aware, and it also means that nuisance will return to the area significantly as the volume of customers expected to make this business viable will increase substantially and therefore not only will the traffic increase but the pedestrians will spill out on to the street and noise pollution will increase substantially.

It is proposed to Licence the external front area including entertainment and music and this must strongly be restricted. It would be sensible for you to restrict the Licence if you deem that it should be granted to the internal areas of the premises only. The outside area is at the front on the street adjacent to private residential properties and not at the rear of the property. The Licence has also been asked from 10:00 until 23:00 every day apart from Sundays when there is opening at 12:00 which is a substantial increase from when the premises were run as the Clifton pub. If you deem to grant this Licence please also restrict the hours.

I am not aware of your noise strategy but I am sure you have a duty of care to protect residents particularly from licenced premises. I would there re-emphasise the restriction of any Licence if you chose to grant.

I trust you will visit the premises prior to making any decision so you can see for yourself the residential nature of the area and how sensitive this matter is to the local residents.

I have signed the petition letter and in discussion with neighbours we wish to include some additional points to those highlighted to yourself a few weeks back. They are, in no particular order:-

- 1) Bicycles parking – Parking bicycle on Clifton Hill, tie them to post or building gates or fences should not be allowed. The operator should arrange for parking inside the pub area.
- 2) On the right hand side (No 94 side) where it is intend to have the entrance to the flats the operator needs to ensure that the barrier between the front garden and the residents entrance is secured by way of fence or mature hedges to avoid spill.
- 3) Any noise emulating from the conservatory area should cease at 22:00.

- 4) Doorman/security – it is suggested that during the busy hours, especially Fridays, Saturdays and Sundays that a credited security polices the outside area to ensure that customers enter and leave the premises quietly.
- 5) Closing of the outside area at 21:00. (to reiterate this is a quiet residential area).
- 6) Any outside air conditioning plant should be sited with an acoustic barrier keeping the noise level to a minimum.
- 7) Sound proof conservatory
- 8) Bin collection and deliveries – this is a very noisy activity (bottles) and therefore you should limit the hours of putting out and taking away including deliveries from 10:00 to 15:00.

We are led to understand that there will be a Hearing on 21st April but we have had no notification as yet – perhaps you would clarify if this meeting is scheduled to go ahead.

We also note that works have stopped on site as we understand that planning permission has not been granted for such works and we would also be pleased to hear clarification on this point as well.

Name:		Mr John Cryne	
Address and/or Residents Association:		10 Sneyd Road London NW2 6AN	
Status	Residents	In Support or Opposed:	Support
Received:	24 February 2016		

We welcome to news that The Clifton may be returned to the community as a pub. We support.

Chairman CAMRA North London

Name:		Mrs Wendy Jones	
Address and/or Residents Association:		8 Abercorn Place 17 Abercorn Place St Johns Wood NW8 9DY	
Status	Residents	In Support or Opposed:	Support
Received:	5 March 2016		

Excellent news that the Clifton's re-opening

I fully support this application and look forward to returning to a favourite haunt asap

Name:		Mr Vladimir Cara	
Address and/or Residents Association:		55 Belgrave Gardens London NW8 0RE	

Status	Residents	In Support or Opposed:	Opposed
Received:	9 March 2016		
<p>As a resident of a house directly in the back of 96 Clifton Hill, I would like to object to the issuance of a licence unless the following issues are resolved:</p> <ol style="list-style-type: none"> 1. The noise from the pub - the size of the premises and the fact that during the summer there is often people outside results (as experienced in the past) in quite a bit of noise for what is a very quiet, residential area. The premises would have to be redesigned/sound insulated and have a capacity limit whereby noise levels would be kept to a minimum. In the past we used to hear both music and people quite late into the evening. 2. They old location would frequently result in many smells coming from the kitchen. This was likely due to air extractors for the kitchen, but they would need to be further fitted with air purifiers and not emit any noise (as per point #1). 3. They site will likely require fitting with air conditioning units. These are usually large enough that they make a lot of noise. 4. Even though I don't live on Clifton Hill itself, visitors frequently would drive around looking for parking one street over, resulting in congested roads and my drive way being blocked despite clear marks that the area should be kept clear. Parking is open in the evening and weekends, so it is quite disruptive for those of us that live in the area and need to drive down these streets and park. 5. There are quite a few details missing from the application plans. 			
Name:		Mr Simon Aron	
Address and/or Residents Association:		93 Clifton Hill London NW8 0JN	
Status	Residents	In Support or Opposed:	Opposed
Received:	8 March 2016		
<p>If the application is granted in the terms requested, this will inevitably lead to a breach of one or more of the Licensing Objectives which the Council is required to take into account when determining a licence application under the Licensing Act 2003. If a licence is granted in the terms applied for, there will inevitably be a dramatic increase in crime and disorder, which will affect the lives of local residents. There are also important issues of public safety which the Council needs to take into account.</p> <p>On past and direct experience, we know that the granting of the application in the terms requested will result in serious and persistent public nuisance. The Council has a duty to protect us from the following which we have experienced in the past when the previous business was open, and which it is inevitable we will experience if a new licence is granted in the terms requested noise from inside the premises throughout the day and night. With 92 covers crammed into a small site, we believe there will be excessive noise escape from patrons, staff and music at such a densely occupied site. It was not designed to contain modern levels of sound and vibration (in particular such levels which will result from 92 patrons tightly packed into the site), and noise will inevitably escape from the premises and affect the local residents.</p>			

noise emanating from the outside garden area at the front of the premises (adjacent to the pavement) where it appears there will be full food and drink service for "24 covers". The applicant has said that the front garden will not be used "after 22:00 hours", but this is far too late to be serving both drink and food every evening in full glare of the street and with the resultant direct external noise.

Name:		HMB Fisher	
Address and/or Residents Association:		71A Clifton Hill London NW8 0JN	
Status	Residents	In Support or Opposed:	Opposed
Received:	25 February 2016		

71a, Clifton Hill,
London, NW8 0JN.

Tel: 020 7624 5492
Fax: 020 7624 5614

24 February 2016

Licensing Department,
Westminster City Council,
14th Floor, City Hall,
64, Victoria Street,
London, SW1 6EP.



Dear Sirs,

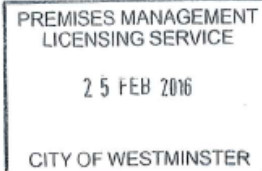
REFERENCE: 16/01702/LIPN.

Further to my previous objection to the above application for a licence for 91 hours per week, an additional thought has occurred to me and that is this:-

I do not, and cannot possibly, see how a restaurant seating nearly a hundred people and run for the sole profit of the owners, can, or could, by any stretch of the imagination, logical or illogical, be construed as being an "Asset of Community Value"; it is a contradiction in terms and is yet another reason why the application should be rejected out of hand and that the building should be allowed the change of usage to a private house, of which all of the nearby residents to whom I have spoken fully approve.

Yours truly,


H.M.B. Fisher.



**71a, Clifton Hill,
London, NW8 0JN.**

**Tel: 020 7624 5492
Fax: 020 7624 5614**

23 February 2016

Licensing Department,
Westminster City Council,
14th Floor, City Hall,
64, Victoria Street,
London, SW1 6EP.

Dear Sirs,

REFERENCE: 16/01702/LIPN.

We are writing to protest in the strongest possible terms against the application for a licence for a 90+ seat restaurant at the old Clifton Hotel. Our reasons are as follows:-

1. Clifton Hill is supposed to be a quiet residential road and the vast majority of the residents are of the opinion that we neither want nor need any commercial properties in it.

2. Peter Large, just before he retired, insisted on an A.C.V. order for the building in question, despite two petitions of no fewer than forty signatures each FROM PEOPLE WHO ACTUALLY LIVE IN THE ROAD, requesting that the change of usage to a private house should have been approved. An A.C.V. might be desirable or even necessary in the middle of the countryside but, with a constantly floating population like Clifton Hill, it is, frankly, ridiculous and unnecessary.

3. Although the premises have had a licence in the past, this was for a public house, NOT for nearly a hundred seat restaurant and there is a huge difference between the two usages.

4. The application asks for the restaurant to be allowed to be open for 91 hours per week, or 54% of the total of days and nights. This would be intolerable for the residents, especially from the point of view of noise, antisocial behaviour and difficulty of parking.

5. Although I have been told that parking is not taken into consideration with regard to the issuing of a licence, which I frankly find incredible, if true, I would point out that there are at present 47 parking spaces in the street for more than seventy households, some of which have two or even three cars. One does not, therefore, need a degree in higher mathematics or even a triple digit I.Q. to calculate that the addition of a possible thirty to forty extra cars, most of which would presumably have "C" zone Respark permits, would render an already difficult situation chaotic and completely unacceptable.

6. When seating was allowed in the past, the front garden area resembled nothing as much as the monkey house at London zoo, especially in the summer.

7. If outside seating were to be allowed with the hedge removed, the customers would be able to overlook several of the houses opposite, to the detriment of the privacy of the residents there.

8. From a point of view of Health and Safety, do the applicants and the Council really consider that three male and two female toilets are adequate for 90+ people, the proposed potential number of customers? Presumably, the queue would, on occasions, stretch into the street.

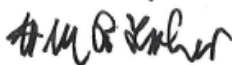
9. When the "pub" closed down more than two years ago, there was an almost universal sigh of relief from the residents who actually LIVE in the road, especially with regard to the reduction in noise and antisocial behaviour, to say nothing of the enhanced ease of parking, which is, and always has been, a major problem in the area, particularly as there have been almost continuous suspensions of Respark bays, due to basement extensions and other building works.

10. When the "pub" was in operation there were various instances of this antisocial behaviour, such as noise, bottles in gardens, vomiting and urination in the street (see point 5 above) and that would have been with far fewer than the current anticipated volume of customers.

11. In a restaurant licensed for thirteen and a half hours a day and the number of customers potentially reaching three figures, would there be any supervision to ensure that the laws regarding drink-driving are not going to be breached, with the consequent possibility, or even probability, of damage to vehicles belonging to the residents, who at least have a moral and legal right to be here?

In view of these valid and numerous objections, we most sincerely hope that, after due consideration of our logical and legitimate reasons to protest, this scheme will not even be considered, much less be allowed to proceed.

Yours truly,



H.M.B. Fisher.

P.S. This is officially a conservation area but, whatever it is supposed to conserve, it is most certainly not the ability of the residents to enjoy their homes in a state of peace and tranquillity.

71a, Clifton Hill,
London, NW8 0JN.



Licensing Department,
Westminster City Council,
City Hall,
64, Victoria Street,
London, SW1 6QP.

3rd March 2016.

Dear Sirs,

Reference:- 16/01702/LIPN.

Further to my previous objection to the above application for a licence for 91 hours per week, a most important point has been brought to my notice today; this is that, under the General Permitted Development (Amendment) (England) Order 2015, the facility to interchange the usage of a premises between a "pub" and a restaurant was withdrawn and, as a result, the licence previously held by the "Clifton Hotel" now cannot reasonably or legally be re-applied for and claimed to be used for a 92 seat restaurant.

I trust that in these circumstances, this will add considerable weight to the many objections already lodged by the residents against this project and that, as a result, the application will now be rejected in both its present form and in any future amendment.

Yours truly,

H.M.B. Fisher.

Name:		Christine Cowdray	
Address and/or Residents Association:		St John's Wood Society	
Status	Residents	In Support or Opposed:	Support
Received:	9 March 2016		

We request that, when considering this application, the licensing department takes into account the history of this property, the petitions raised by residents to save the Clifton and the reasons for its designation as an Asset of Community Value by the council. Approval of this application would allow the owner of the property to comply with the wishes of the majority of local residents to retain the Clifton's historic use.

The Society's planning committee has met with the applicants who appear to be reputable restaurateurs prepared to invest in restoring the building and engage positively with the local community.

Name:		Daniel Heuman	
Address and/or Residents Association:		Flat 7, 12 Woodchurch Road London NW6 3PN	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		

I'm writing to you to register my support for the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT. Although I am temporarily overseas, I own a flat in Woodchurch Road that is easy walking distance away. I was a regular at the former pub at that site, and its loss has been felt by the entire community.

Name:		Jo Stoller	
Address and/or Residents Association:		43 Harewood Avenue NW1 6LE	
Status	Residents	In Support or Opposed:	Support
Received:	7 March 2016		

I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.

Name:		Ms Belinda Bridgen	
Address and/or Residents Association:		61 Blenheim Terrace London NW8 0EJ	
Status	Residents	In Support or Opposed:	Support
Received:	3 March 2016		

I had been a regular patron of the Clifton for over 20 years until it suddenly closed. I have been involved in the campaign to get it reopened and listed as a ACV so am delighted that a licence application has been made. I have reviewed the application and the Robson brothers have provided further details as to their plans and intentions which are very much what I hoped to see. Therefore I very much support this application and hope you will grant the licence to enable The Clifton to be brought back to the community.

Name:		Mr John Stephen	
Address and/or Residents Association:		45 Carlton Hill London NWE8 0EL	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		

My family fully support the application to restore a much-missed community asset. I've seen the plans and the proposed use and wish the applicants every success.

Name:		Stephen Fletcher	
Address and/or Residents Association:		9 The Old Aeroworks 17 Hatton Street London NW8 8PL	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		
I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT			
Name:		Elaine M. Rizzo	
Address and/or Residents Association:		5 Welbeck Street London W1U 2RY	
Status	Residents	In Support or Opposed:	Support
Received:	4 March 2016		
I support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT. I'd like to see the Clifton Hotel return to operation as a pub.			
Name:		Rachele Harrison	
Address and/or Residents Association:		97 Clifton Hill London NW8 0JR	
Status	Residents	In Support or Opposed:	Opposed
Received:	7 March 2016		
I am writing to object to the above application for a new premises licence at the above address. I live opposite at 97 Clifton Hill and have appreciated the peace and quiet while the pub has been closed and not occupied.			
<p>When we first moved to Clifton Hill in 1996 the pub was a quiet place and we didn't really notice the noise, only on the few hottest evenings of the year when customers would stand outside and chat, the chat getting louder as they consumed more alcohol. Then several years ago when outdoor heaters became freely available, there were always people outside the pub, sitting in the front garden, warmed by the heaters and we had to listen to loud talking which became louder when the pub was fuller. Also since smoking was banned inside, many people gather to chat and smoke on the pavement outside the pub in the evenings. The air conditioning of the previous pub was a loud and constant whirring and since it has gone we can now hear the birds singing. Also the rubbish was collected at about 5.30 am every morning and we could hear the mechanical clunking of the bins being picked up and put back by the relevant collection method. On these grounds, I object to a new restaurant opening, as it will disturb the peace from public nuisance which cannot be policed as it is a by product of having a busy (92 seat) restaurant opposite, not to mention the lack of parking spaces which will inevitably be filled up by customers of the restaurant, and also making noise when leaving at night at 11pm or so.</p>			

Name:		J M Kirker	
Address and/or Residents Association:		3 Exeter Road Flat One London NW2 4SJ	
Status	Residents	In Support or Opposed:	Support
Received:	8 March 2016		
As a regular customer of this gastropub until its closure in 2013, I fully support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.			
Name:		Olivia Lederman	
Address and/or Residents Association:		Hamilton Terrace London NW8	
Status	Residents	In Support or Opposed:	Support
Received:	10 March 2016		
Mr and Mrs Lederman support the petition to reopen the Clifton pub and restaurant in St. Johns Wood in London as per petition on Change.org.			
Also, we support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT			
Name:		Esther Platten	
Address and/or Residents Association:		114 Hamilton Terrace London NW8 9UT	
Status	Residents	In Support or Opposed:	Support
Received:	10 March 2016		
I am writing to express my support to the Robson Brothers in their application for a licence to reopen the Clifton Hotel. 96, Clifton Hill, St Johns Wood, NW8 0JT. We are delighted that this community meeting place will hopefully re-open.			
Name:		Gareth Williams	
Address and/or Residents Association:		Flat 1 129 Goldhurst Terrace NW6 3EX	
Status	Residents	In Support or Opposed:	Support
Received:	10 March 2016		
To whom it may concern,			
It is come to my attention that someone has applied as a licensee for the Clifton Hill Hotel. I for one would like to voice my support of the application.			

Name:		Karen Szerkowski	
Address and/or Residents Association:		89 Clifton Hill,	
Status	Residents	In Support or Opposed:	Opposed
Received:	10 March 2016		

I am writing in connection with the above Planning Application, which is one for a new premises licence under The Licensing Act 2003.

I live at 89 Clifton Hill, which is diagonally opposite the proposed site. We have owned our house since 2006. I live there with my husband and our three young children. Clifton Hill is in the St John's Wood Conservation Area, which, as you know, has been designated as an area of special historic and architectural interest. As such, the Council has been granted the important duty of protecting and enhancing our beautiful neighbourhood. Clifton Hill itself is lined, almost in its entirety, with Grade II Listed buildings. We as residents, are keen to preserve the tranquillity of the area and the lovely nature of the street.

I originally heard about this Application through one of my neighbours, who picked it up from your planning website, but the majority of the street are now up in arms about the proposal, and there has also been a Petition (which I have signed) objecting to the Application which I understand was submitted to the Council yesterday. We have all voiced our very strong objections to the Application.

Upon inspection of the plans on your website, the applicants are seeking 62 internal covers on the ground floor, 6 covers in the basement and 24 external covers. A total of 92 covers!

If successful, these proposals will have a devastating effect on both the character of this Conservation Area and the quality of life of the residents living on this street. It will create a multitude of problems, which I have set out below for your consideration:

1. Traffic congestion and parking - It is already, quite frankly, impossible to park in Clifton Hill because of the existing lack of parking as most houses and flats converted from houses have multiple cars and no private drives. With the presence of the restaurant, customers who are not local residents, will park their cars in the already very limited number of parking spaces in the street that should be for the residents. There is only one parking zone (Zone "C") covering the entirety of St John's Wood (NW8 postcode) and part of Maida Vale (W9 postcode). Therefore, anyone visiting the proposed restaurant from all over St John's Wood, and further afield than this, will want to park as close to it as possible, and this means in Clifton Hill. That is a fact. The strain on parking in this street and in the surrounding streets will be unbearable. The demand from the restaurant users for parking will, without doubt, cause a very substantial increase in parking pressure in Clifton Hill and also in the surrounding streets, and this will be utterly intolerable for the residents. In reality, residents will be precluded from parking on yellow lines after 6.30pm on weekdays (when most people are returning from work) and at any time over the weekends. An already problematic situation should not be made worse;

2. Noise - the unavoidable increased noise levels will disrupt family life including negatively affecting children doing their homework and exam preparation and

preventing a peaceful sleep. This is a very real concern to me as my children are doing very important exams on a frequent basis;

3. Affect the Ease of Access to the Area - there will be increased traffic on an already narrow road and this will also impact on the safety of the many young children who live on this street;

4. Increase in Anti-Social Behaviour - including vandalism of cars, urinating in front of gardens or on the walls of properties in the street, [discarded broken bottles], a large volume of rubbish being discarded on the street, shouting and screaming at all hours;

5. Increase in rats/mice/foxes to the Area - a venue with a large number of covers as is proposed, will no doubt generate a huge amount of rubbish and so inevitably, attract rats, mice and foxes despite any measures that may be taken by the venue as referred to in Annex A, point 14.

All of the above factors will negatively impact on the residents' quiet enjoyment of their street as well as posing potential health hazards.

For the above reasons, I strongly object to this Application. I am very happy to elaborate further, if you so wish, on the concerns that many of my neighbours and myself have concerning this proposed Application. I can be contacted by email at this address, at my home address (89 Clifton Hill, NW8 0JN) or on my mobile - 07957307005.

Name:		Paul Handley	
Address and/or Residents Association:		Flat One 3 Exeter Road London NW2 4SJ	
Status	Residents	In Support or Opposed:	Support
Received:	8 March 2016		

As a regular customer of these premises until their closure in 2013, I fully support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill, NW8 0JT.

Name:		Christopher And Rebecca Tabor	
Address and/or Residents Association:		74 Clifton Hill, London, NW8 0JT	
Status	Residents	In Support or Opposed:	Support
Received:	8 March 2016		

We are writing as long term residents of Clifton Hill to give our strong support to the Robson Brothers in connection with their application for a new premises licence at The Clifton, 96 Clifton Hill.

The loss of The Clifton over three years ago has allowed for a significant decline in the neighbourliness and attractiveness of our locality. The continued use of this premise as a community asset is most welcome and will allow what has become a lifeless street to regain its former interest and vitality. As you know, there has been a Public House on

the site for over 100 years.

The closure of this building has led to greater threat of crime in the area, as the street has become so quiet with little activity or passers-by. The opening of a new establishment should help to reduce this concern and once again provide a wonderful asset to the local community which has been sadly missed.

The Robson Brothers' application appears to be sensitive to the locality, with no direct access to the frontage of the building off Clifton Hill and sensible opening hours which will balance the need for a viable business with the requirements of the community.

Name:	Grazyna Green		
Address and/or Residents Association:	Not stated		
Status	Residents	In Support or Opposed:	Support
Received	1 March 2016		

I wish to support the Robson Brothers Application for a publican's licence for the Clifton Pub, 96 Clifton Hill, NW8 0JT.

All our local Councillors, Lindsey Hall, Peter Freeman, Judith Warner, and Christine Cowdrey, and myself met up with them on 1st February 2016. And found them to be the right candidates to take over the running of the Clifton Pub, in its very dilapidated state, it has become.

They are aware it is a residential street, and intend to comply with all previous regulations, in keeping noise levels down, and establishing good relations with local residents. They have experience in running pubs, as they have a very successful pub in Hampstead, they have also owned and run their own restaurant, and intend to put all their experience in making the Clifton Pub a successful enterprise.

The Clifton Pub has stood empty now for three years, and has been allowed to deteriorate by its owner, who tried to appeal for residential use, but was declined by Westminster Planning.

I hope you will seriously consider this application favourably.

Name:	72 Interested parties		
Address and/or Residents Association:	Not stated		
Status	Not known	In Support or Opposed:	Support
Received:	1 March – 10 March 2016		

Representation has been received from additional 103 interested parties stating that they support the Robson Brothers Ltd application for a premises licence at 96 Clifton Hill NW8 0JT.

Name:	Willem Jaspert		
Address and/or Residents Association:	98C Clifton Hill London NW8 0JT		

Status	Residents	In Support or Opposed:	Opposed
Received:	10 March 2016		

I have a couple of things to mention about the 96 Clifton Hill application.

As an immediate point: I could not see from the plans that a basement was being dug at the property. As direct Neighbour my window overlooks the Clifton (which is now behind a screen so no-one can see in. a few days ago a conveyor belt machine was installed into the lower ground and now there is a huge pile of soil and earth being excavated.. with huge noise from drilling over the past few days. I have taken photos of the machine being installed and the pile of mud/ground. Could you please confirm if digging a basement was part of the plans or if this is a breach? I can provide these photos if needed.

I am a direct neighbour, with my wife and 2 year old daughter.

I see that the premises are relocating their main entrance/exit to be alongside the alleyway adjacent to our property, this will mean that we will have to put up with more noise of people coming in and out. Also, I assume that people will be standing out here at all hours smoking and/or waiting for taxis etc.

The previous owners/managers were very considerate to this effect and encouraged smokers to only use the front garden seating area and to not spill into the side area. Could the new owners consider something similar to keep disruption to a minimum, what will be done?

I understand that the licensing hours will be serving alcohol until 11pm (10.30 on Sun) and then a further half hour of service. This means that people will be leaving the premises at 12 midnight, very late for a quiet residential street. I would urge the council to refuse this extra opening hours on the grounds of the extra noise and disruption it will bring to all of us at these later hours.

And I assume that staff will be leaving the premises much later still.. meaning noise under our bedroom window even after midnight and into the early hours of the morning. This is unacceptable in a quiet residential location.

Also, it is unclear from the plans provided what sort of fence or structure will be used to stop people from spilling into the alleyway in summer. This had in the past been an issue (when the pub was open) as people would bring chairs out and sit directly under our window (which faces the new main entrance). Our young daughter would be unable to sleep with such noise directly outside at all hours.

Also, could full details please be made publicly available regarding delivery times etc? The previous landlord was very careful not to receive deliveries outside normal hours.

Will the basement MICRO-BREW be noisy... and smelly? And can an environmental assessment be provided?

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

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

Report author:	Mr Ola Owojori Senior Licensing Officer
Contact:	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

Annex A

1. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
2. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
4. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
6. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons

- f. any faults in the CCTV system or searching equipment or scanning equipment
- g. any refusal of the sale of alcohol
- h. any visit by a relevant authority or emergency service.

12. There shall be no self-service of alcohol.
13. There shall be no striptease or nudity, and all persons shall be decently attired at all times unless the premises are operating under the authority of a Sexual Entertainment Venue Licence.
14. During the hours of operation ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that the aforementioned area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
15. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
16. The Beer garden shall not be used after 22.00 hours.

The Clifton Hotel – New Premises Licence

Statement of Case

This statement is made in support of an application for a new licence for premises known as The Clifton Hotel, 96 Clifton Hill, London NW8 0JT (the "Premises") with the intention of outlining the applicant's case and seeking to address the concerns of the parties making representations.

Background

It is believed that the Premises has been operated as a pub for approximately 200 years. The reference to 'hotel' is somewhat misleading. It is believed to have stemmed from when Edward VII used it as a meeting place with Lillie Langtry: royalty could not visit 'pubs'! The most recent operators of the Premises, The Convivial Pub Company Limited, sold its entire pub portfolio in 2013 with the freehold of Premises being bought by Messrs Gordon Lewis and Kay Ian Ng. Their intention was to achieve a change of planning use and develop the Premises into a single dwelling house. Given its history and period features, it is hardly surprising that this proposal was extremely controversial with 171 objections being received. The planning application was rejected and, ultimately, the Premises was given Asset of Community Value status which protects the Premises' use as a pub.

The Applicant

The Applicant, Robson Brothers Limited, has two brothers as directors, Ben and Ed Robson. If a satisfactory premises licence is granted the applicant will enter into a new lease of the Premises with the existing freehold owners. Ben and Ed's previous experience was running The Horseshoe in Hampstead Village and they also founded and operated Boopshi's (an Austrian restaurant in Fitzrovia). Their hope is to restore the Premises to its former glory and run a pub which serves good quality food. At **appendix 1** is a 'mood board' showing the proposed furnishing style together with an indicative food and drinks list.

Pre/Post Application Consultation

After initially showing interest in the Premises, on 29 January 2016 Ben and Ed contacted two local residents that they knew on Clifton Hill, Antonia Richmond and Sacha Moussaieff, in order to engage with the local community. A letter (copy attached at **appendix 2**) was circulated to approximately 80 local residents inviting them to a meeting on 2 February 2016. Following a number of further enquiries, Ben and Ed sent a further email (copy attached at **appendix 3**). The meeting went extremely well with the brothers securing the support of a number of influential local residents including Christine Cowdray (the Head of the St John's Wood Society). There were also a number of email exchanges between the brothers and local residents interested to know about opening dates, décor etc.

It was at this time that Ben and Ed were made aware of a number of people that did not want a pub on Clifton Hill. Rather than simply ignore these concerns, they met with Amir Nadel and Simon Aron at 93 Clifton Hill to explain what was being proposed. Following this meeting there was a long email exchange a copy of which is at **appendix 4**. (This appendix should be read from back to front.) Unfortunately, as can be seen from the emails it was not possible to allay the concerns of these two local residents, albeit it was accepted that a pub would open at 96 Clifton Hill.

The Application

The brothers resisted the urge to apply for core hours, instead replicating the previous trading hours which are those that were permitted by Licensing Act 1964 on-licences, i.e. a terminal hour

for the sale of alcohol of 11.00 p.m. Monday to Saturdays and 10.30 p.m. on Sundays. The Premises will close 30 minutes after the end of the sale of alcohol, not one hour afterwards as some local residents fear.

As the previous premises licence was granted by way of grandfather rights, it had no conditions on it, save for those that are mandatory. In order to reassure local residents and the statutory authorities, rather than proffer no conditions, after careful consideration 16 conditions were proffered with the application with a further one added on 7 March 2016.

The Layout

After the Premises closed the interior was completely gutted and it is currently in a very poor state of repair with floors and ceilings missing. The applicant is currently in the process of reconstruction which includes replacing numerous rotten beams and creating a new, self-contained, entrance to the side of the premises to ensure that access and egress is via a private walkway which is used by other commercial properties. The overall extent of the demise is to remain broadly the same with a conservatory at the rear and a beer garden at the front. Contrary to some of the residents' concerns, the applicant has never had any intention to do a basement extension and, as a result, there will be no digging down.

The Representations

The brothers were pleased to note that no representations were received from the police or the City of Westminster as a statutory authority. Whilst the number of representations from local residents, at first blush, appears to be high, on closer inspection two points of note emerge. Firstly, the number of positive representations (at approximately 120) outnumber those that are negative and, secondly, there are only approximately 10 different negative representations with the vast majority comprising a standard letter which has been signed by residents as far afield as SW6, NW1, NW3 and NW11 postcodes. Effectively, this means that the approximately 80 identical letters are more of a signed petition.

A representation was also received from Environmental Health. Niall McCann of these offices and the Robson brothers met with Messrs Owusu Koduah and Nevitt on 29 March 2016 at the Premises. They had no fundamental concerns with the Premises becoming a pub once more and their colleague Ian Watson suggested the following additional conditions on 11 April 2016:

1. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.
2. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
3. All outside tables and chairs shall be rendered unusable by 22:00 hours.
4. After 22.00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
5. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

6. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
7. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
8. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
9. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
10. 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.
11. 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.
12. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
13. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
14. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and at which time this condition has been shall be removed from the Licence by the Licensing Authority.
15. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

The applicant is happy to accept all of these conditions.

Rather than risk repetition by commenting on each representation from a local resident in turn, the applicant would like to comment on the issues raised:

Negative Representations from Local Residents

- Crime & Disorder

Some of the representations argue that there will 'inevitably be a dramatic increase in crime and disorder' if the application is granted. If significant crime and disorder had

emanated from the Premises in its previous incarnation one would have expected a review application to have been brought by local residents and/or the Metropolitan Police. No such applications were made, nor has a representation been made by the Metropolitan Police to this application. The Metropolitan Police are the 'experts' on the issue of crime and disorder. If this was a genuine fear, one would expect a relevant representation with statistical evidence being given to support the assumption that has been made.

- Restaurant v. Pub

Some local residents are mistakenly of the view that this is an application for a restaurant, rather than a pub, and have raised this as a concern. The application clearly described the Premises as a 'pub', no 'restaurant style' conditions have been proffered and the brothers have always referred to their proposed operation being a pub when having discussions in the local community. As has been mentioned in the representations, as an "Asset of Community Value", the Premises has to be opened as a pub, as opposed to a restaurant, in any event.

The Premises will, as is the case with many pubs in 2016, offer food. but many patrons will no doubt just frequent the establishment in order to have a drink. In any event, even if the Premises was to be a restaurant rather than a pub it is unclear as to how this would detrimentally impact upon the four licensing objectives. For the avoidance of doubt, a completely new kitchen will be fitted with 'state of the art' carbon capture extractors which will expel at roof level.

- Number of 'Covers'

The number of 'covers' referred to on the plans attached to the application refers to the number of seats. Given the layout changes, the number of seats will probably be slightly reduced than the Premises had previously and the applicant naturally hopes that patrons will be permitted to stand at the bar if they so wish. The intention behind showing non-fixed furniture on the application plans was to reassure local residents that the Premises would offer a degree of comfort and not become purely a 'vertical drinking establishment'.

- Anti-Social Behaviour

Having known the Premises in its previous guise, the applicant does not accept that it was a source of ant-social behaviour. Nevertheless, what is important is how the applicant proposes to run the Premises if a suitable premises licence is granted.

Firstly, the conditions proffered with the application focus mainly on ensuring that local residents are not unduly affected by the operation of the Premises or its use by patrons. Relevant conditions to avoid anti-social behaviour proffered are as follows:

- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which 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 or offensive weapons
 - vi. any faults in the CCTV system or searching equipment or scanning equipment
 - vii. any refusal of the sale of alcohol
 - viii. any visit by a relevant authority or emergency service.
- During the hours of operation ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that the aforementioned area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
- The Beer garden shall not be used after 22.00 hours.

Secondly, as mentioned above, the brothers have significant experience of operating a North London pub in a highly residential area. Indeed, they have already drafted a dispersal plan, a copy of which is attached at **appendix 5**.

Thirdly, the new design of the Premises has been sympathetic to reducing noise outbreak/disturbance. There is now a gated side road which the Premises can use for deliveries and collections to avoid blocking Clifton Hill and the new entrance to the Premises at its side which will curtail the noise of patrons coming and going and will also ensure that the beer garden is more self-contained than previously. Mature bushes will be planted to ensure privacy. Internally, the non-fixed furniture is designed not to be moved or stacked when the Premises are being cleaned. Furthermore, the windows of the conservatory do not open and the applicant is happy to proffer a further condition in this respect, namely:

- 'Save for emergencies, during operational hours the windows and doors in the conservatory shall be kept closed at all times.'

The Premises will be air-conditioned.

Fourthly, no live or recorded music has been applied for and there is no intention to play any more than background 'mood music', nor will there be a 'pass' linking the inside and outside areas.

- Door Supervisors

Whilst the brothers, as responsible operators, will employ door supervisors if, for whatever reason, they were deemed necessary by way of risk assessment, to place a formal condition of the premises licence would, in their view, be completely disproportionate and not in keeping with the style and hours of operation.

- Traffic and Parking

Whilst strictly more of a planning issue, it is not accepted that the Premises will have a significant impact on traffic and parking in the immediate area. The Premises is not rurally located and has excellent local bus links. As per the proffered conditions listed above, the proposed operators will also assist patrons which wish to leave by taxi. Furthermore, realistically, the Premises will not become a 'destination venue' which encourages patrons to travel far and wide. This might not be the case if the Premises had aspirations of becoming a Michelin Starred restaurant, but it does not. The aim is for it to become a quality community pub that serves the local community.

The Microbrewery

As is proving increasingly popular, the applicant is considering the installation of a small 5 bbl microbrewery in the basement of the Premises. Any extraction will be via the main kitchen system in order to avoid any fumes and, if it is installed, this will have the effect of slightly reducing the size of beer deliveries. If a premises licence is granted and the brothers do not pursue this part of the business, the plans attached to the premises licence will be formally varied.

Positive Representations

The brothers are extremely pleased that a large number of positive representatives have been received. It gives them the confidence that, if a suitable premises licence is granted, the venture could be a success.

The City of Westminster's Licensing Policy

The Premises is not located within a cumulative impact zone and the hours applied for are well within core. The policy of the City of Westminster is to grant applications for pubs provided that it is demonstrated that the four licensing objectives are to be upheld. The policy also recognises that 'pubs and bars are part of Westminster's appeal and its character and they provide for residents and people working in and visiting the city'.

Conclusion

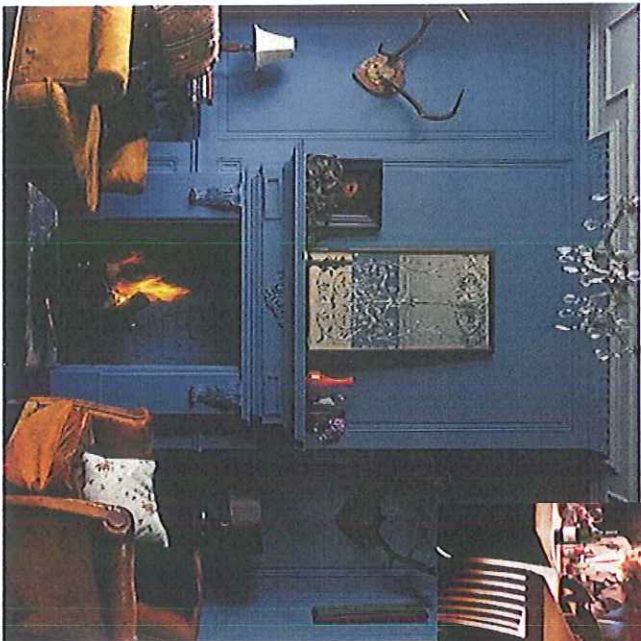
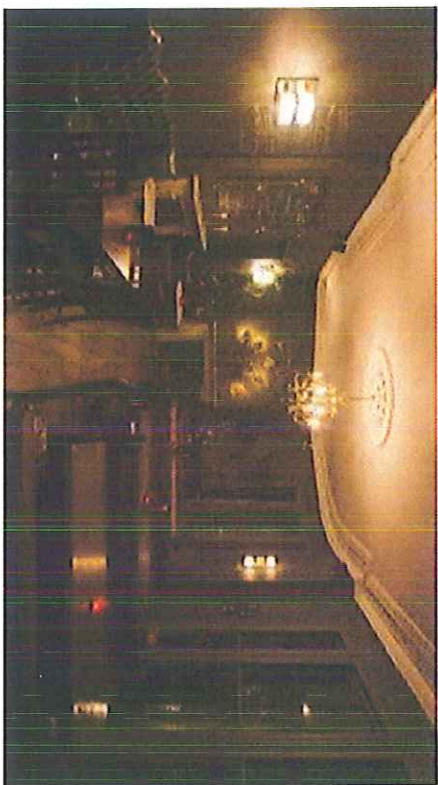
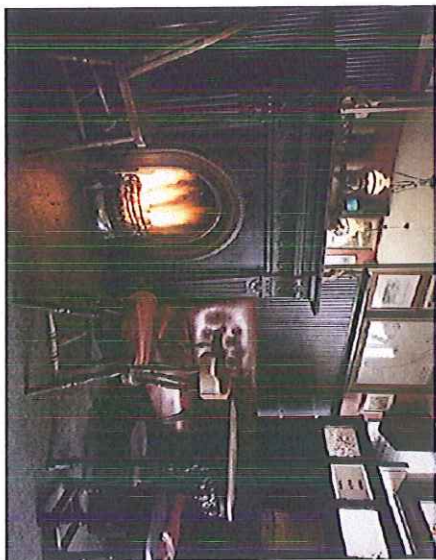
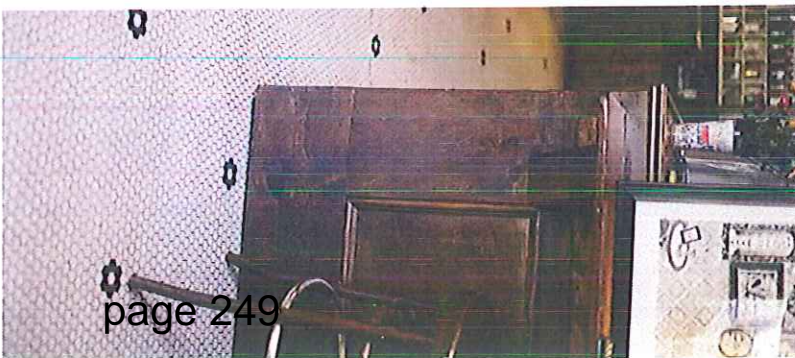
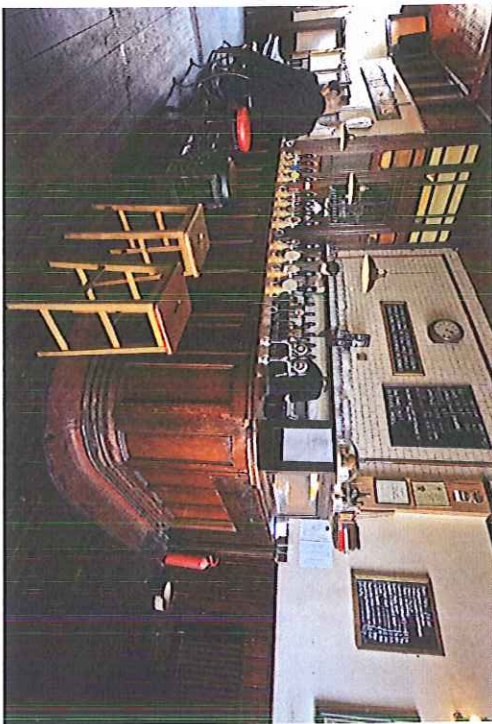
This application for a premises licence pursuant to the Licensing Act 2003 is the culmination of years of work to preserve what has now been deemed an "Asset of Community Value". Particular effort has been made to engage fully with the local community and present a considered application which provides greater protection to the local residents than the premises licence previously in force.

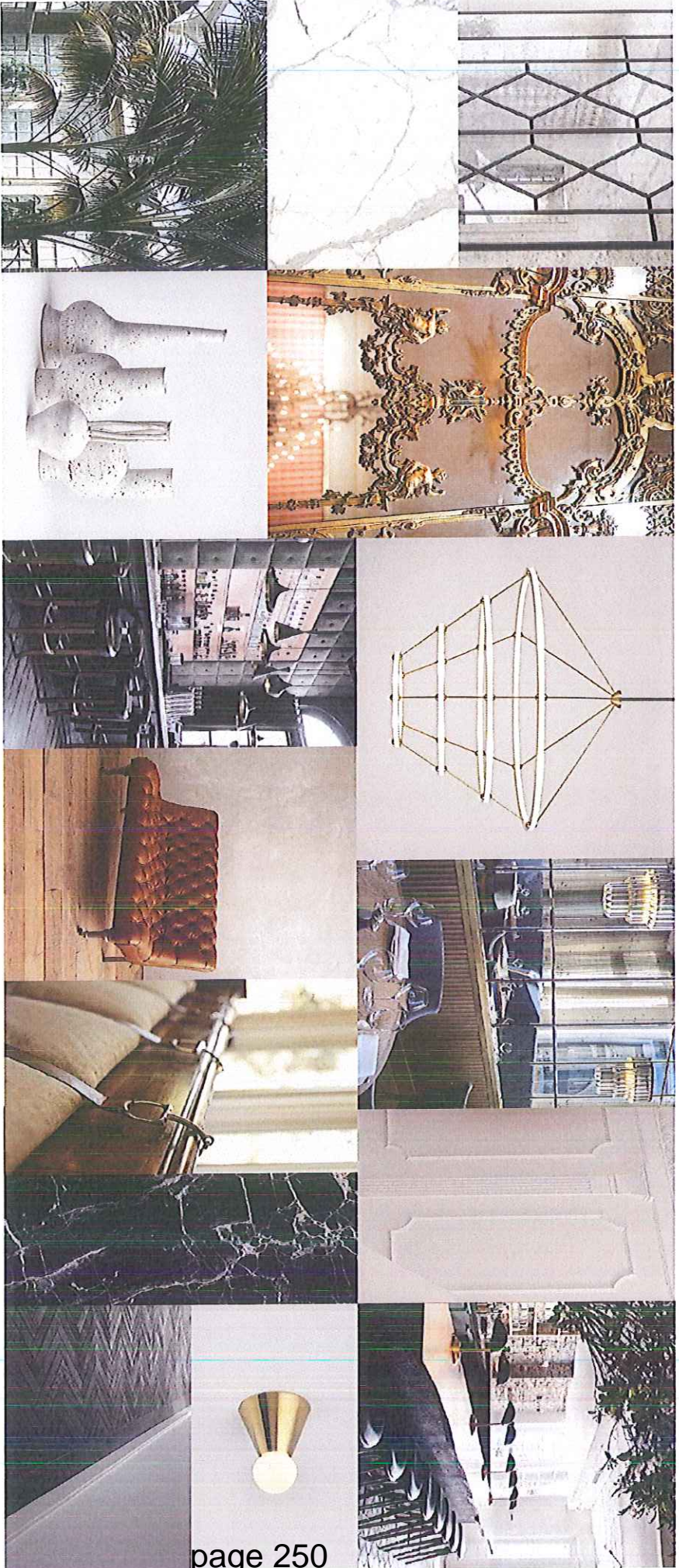
Given the above, and the City of Westminster's Licensing Policy, the Licensing Sub-Committee is urged to granted the application as sought. However, should any of the interested parties have any

comments or concerns they wish to discuss they are urged to contact the writer, Niall McCann at niall.m@joelson.com.

**Niall McCann
Joelson JD LLP**

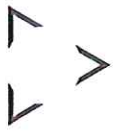
Appendix 1





The Clifton
6 Clifton Hill London NW8 0JT
Bar / Drinking

red deer
redder.co.uk
hello@redder.co.uk
+44 (0) 203 6373 581
407 The Tea Building
56 Shoreline High Street
London E1 6J





The Clifton
6 Clifton Hill London NW8 0JT
Conservatory

red deer
redder.co.uk
hello@redder.co.uk
+44 (0) 203 6373 581
427 The Tea Building
56 Shoreditch High Street
London E1 0J



“
A good pub feels like a
living room shared by a
neighbourhood.

“
You create a place where
you, the licensee, would
genuinely want to spend
the time.

“
The warm welcome from
the licensee and staff, the
quality of the beer and a
real soul or spirit that just
makes you feel at home.

“
To feel like a valued local
in a city like London is
something money can't buy.

“
It's the personal touch that
makes a pub, places that go
the extra mile to make
someone feel welcome.

Somewhere that I'll happily
spend all day, get lost in
the papers, and polish off a
bottle of red or two!

Being the right side of
family friendly is
important, it's a pub at
the end of the day!

Not feeling the pressure to eat
is appreciated. You don't get
that as much in London any-
more. Good bar snacks don't
go a miss though.

A roaring fire, a snug,
proper tap room and
lounge. Stain glass leaded
windows, brass or
wooden bar, no stainless
steel in sight.

I might go to the pub on
my own, but it's unlikely
i'll drink alone. You don't
have to arrange to meet
friends when you have a
good local.

THE CLIFTON

Sample Food Menu

SMALL PLATES/BAR SNACKS

Somerset goats curd, beetroot, pea shoots, walnuts

Potted smoked mackerel, pickled cucumber, toast

½ pint of prawns

Cumberland scotch egg, pear chutney

Smoked loin of venison, chicory, pear and pickled walnuts

Clams, cider and dill

Squash, coconut, roast garlic and chili soup

Ham hock terrine, pickled onion

Baby squid, chickpea, chilli, lime and coriander butter

MAINS

Duck leg, butter beans, carrot, and parmesan crumb

Slow cooked Lamb, roast cauliflower and anchovies

T-bone steak, chips, horseradish, baby watercress

Breaded Haddock, chips, mushy peas, tartar sauce

Whole Cornish plaice, crayfish tails, samphire, lemon butter

Trout, cockles and bacon

Courgette, rocket and parmesan frittata

Roast aubergine and squash, pine nuts, honey and raisins

DESSERTS

Chocolate fondant tart, rosewater marshmallow, vanilla ice cream

Sticky toffee pudding, banana ice cream

Caramel parfait, apples, brioche, walnuts

Neals yard cheese board

THE CLIFTON

Sample drinks menu

ON TAP

The Clifton Lager - 4
The Clifton Ale - 4
Amstel Lager - 4.50
Brooklyn Lager - 5.20
Camden Pale - 5.20
Beavertown Gammaray - 5.50
Kernal Table Beer - 4.50
Guinness - 4.80
Symonds Cider - 4.90

CASK ALES

Windsor & Eton
Guardsman Best Bitter - 3.50

Magic rock Brewery
High Wire - 3.80

Doombar - 3.60

BOTTLED BEER

Pacifico Clara - Lager - 4.60
Birra Moretti - Lager - 4.60
Rooster Yankee Ale - 5.20
Siren Brewery - Soundwave IPA - 5.20
Little Creatures Pale ale - 5.50
Cloudwater session bitter - 4.80
Kernal Mosaic - 5
Pressure Drop - Street Porter - 5.70
Weird Beard - Mariana Trench - 5.60
Boon - Kriek - 6
Stone - Go to IPA - 6
BBNo - Stout Oatmeal - 5.90
BBNo - DIPA 5.90
Beavertown - Neck oil 5.40
Camden Wit 4.90
Duvel - 7.50
Partizan Lemon and Thyme Saison - 6
Paulaner Hefe Weisse - 6
Brothers Pear Cider - 7.50

SOFT DRINKS

Fevertree Ginger Beer - 3
Fentimans Victorian Lemonade - 3
Fentimans Dandelion & Burdock - 3
Fevertree Tonic - 2.50
Coke - 2.50
Diet Coke - 2.50
Elderflower spritzer - 3.50
Fresh and cold pressed juices - ask

HOUSE SPIRITS - 25ml

Clifton Vodka - 3.50
Clifton Gin - 3.50
Buffalo Trace Bourbon - 4.20
Johnny Walker Black label - 4.50
Havanna 3yr - 4.20
Havanna 7yr - 4.80

BAR SNACKS

The Clifton Scotch Egg - 3.50
½ Pint of Prawns - 6.50
Snacking salami - 2.50
Sausage roll - 3.50
Large Green Olives - 2.50
Crispy pigs ears - 3

WHITE WINE

Macabeo, Sauvignon Blanc, 'Pez de Rio', Carinena, 2014, Spain 18
Trebiano, 'Le Coste', Poderi dal Nespole, Emilia Romagna, 2014, Italy 23
Picpoul de Pinet, 'La Cote Flamenc', Languedoc, 2014, France 26
Riesling, Jean Biecher, Alsace, 2014, France 27
Sauvignon Blanc, Single Estate, Ara, Marlborough, 2014, New Zealand 29
Pinot Grigio, Dolomiti Alois Lageder, Alto Adige, 2014, Italy 30
Gavi di Gavi, 'Tuffo', Morgassi, Piedmont, 2013, Italy 33
Chablis, Domaine Jean Defaix, Burgundy, 2014, France 38
Albariño, Lagar de Costa, Rías Baixas, 2014, Spain 42
Sancerre, "Nuance", Vincent Pinard, Loire, 2013, France 60

RED WINE

Tempranillo, Merlot, 'Pez de Rio', Carinena, 2014, Spain 18
Sangiovese, 'Fico Grande', Poderi dal Nespole, Emilia Romagna, 2013, Italy 20
Syrah, Domaine La Croix Belle, Côtes de Thongue, 2014, France 23
Montepulciano d'Abruzzo, Frentano, Abruzzo, 2014, Italy 24
Pinot Noir, Casa Azul, Rapa Valley, 2013, Chile 27
Cabernet Sauvignon, Exmoor Drive, 'Xanadu', Margaret River 2012, Australia 29
Minervois, "Les Traverses", Courbissac, Languedoc, 2014, France 35
Mercrey, Domaine Agnes Dewe, Burgundy, 2011, France 40
Côtes du Rhône "Petit Ours Brun", Matthieu Barret, 2014, France 41
Barolo, 'Riva del Bric', Paolo Conterno, Piedmont, 2011, Italy 48
Côtes de Bordeaux, "Emilien", Château Le Puy, Bordeaux, 2011, France 70

ROSE

Reserve de Gassac, Languedoc, France 22
Provence Rose, Reserve du Château St Baillon Rosé, 2014, France 30

SPARKLING

Prosecco, Brut Rosé, Jeio, Bisol, Veneto, NV, Italy 26
Champagne, Serge Mathieu Brut Tradition, NV, France 48

Appendix 2

Dear St Johns Wood residents,

If we may take a moment of your time to introduce ourselves as the potential new owners of The Clifton Hotel.

We are Ben and Ed Robson. We have been brought up in North West London (Hampstead) and spent a combined total of 12 years reinventing The Horseshoe, one of the best gastropubs in the area.

More recently we opened our first restaurant in Central London called Boopshi's, further honing our skills of the trade. Over christmas we had the opportunity to sell the business, which we took, as our passion is for local pubs.

We pride ourselves on building strong relationships with locals and providing the area with what they want. Many of our close friends were made whilst working at The Horseshoe with the residents.

As soon as we heard The Clifton was available we jumped at the opportunity. Many of our family and close friends live in the area and we feel as if we will be able to provide an establishment that the area will want. Having spent time in The Clifton, we believe we'll be able to restore it to its former glory and so much more and we would love to work with the locals to do this.

Unfortunately, we are having to reapply for a premises licence as the previous one has expired. We intend to apply for an identical licence to the last subject to your feedback.

It would be great to share our vision with you and hear your thoughts and suggestions. We would like to propose a meeting next Tuesday 2nd February at 6.30pm. Depending on numbers we can figure out a local venue for the meeting so if you could kindly let us know if you will be able to make it by emailing me or ed at:

ben@boopshis.com

Look forward to meeting you all.

Kind regards

Ed and Ben Robson

Appendix 3

Sacha,

Myself and my brother Ben make up Robson Brothers Ltd and we intend The Clifton to be a gastro pub, focusing on quality produce with the idea of creating a hub for the local and surrounding communities. The aim will be to create a space that will be used 7 days a week, day and night, for drinking, dining and other social activities.

There will be a quality and interesting range of beers including an ale especially brewed for sale in The Clifton.

A select list of around 25 wines, an extensive list of spirits, fresh and cold press juices, other soft drinks and a quality coffee offering.

The food offering which will be available lunch and dinner will focus on quality, fresh, locally sourced, seasonal dishes ranging from bar snacks to full meals all prepared on site. The idea is to create interesting, inclusive and simple menus for brunch, lunch and dinner 7 days a week.

Our prime objective is to offer a quality drink and food product across our range but at accessible prices and with wide appeal.

It is planned that the business will open 7 days a week from 11am till 11pm (Monday to Saturday) and 11am till 10.30 (Sunday). Drinks will be served throughout these hours whereas the kitchen will be closed for a couple of hours each afternoon; however bar snacks will be available during these times.

The space and layout we have designed is intended to be able to be used by customers as they wish. We want the space to be versatile enough for customers to come in and happily sit with a group of friends for the afternoon having some drinks, an individual coming in and reading the paper on a Saturday morning with a coffee or to be used for dining.

We want to be as transparent as possible and happy to meet with or talk to anyone with concerns in person.

Kind regards

Ed

Appendix 4

Hi Simon/ Amir

It was really good meeting you both today, thank you for taking time to do so.

I hope we were able to somewhat put your minds at ease about the pub.

As discussed we spoke to our licensing solicitor to confirm the point about the application of 'entertainment'. I can confirm our licence application does not contain any application for provisions of entertainment. We have simply applied for the most basic form of an alcohol licence, with conditions imposed to benefit the local residents. We will not be applying for any entertainment provisions in the future either.

I can also confirm the windows at the front of the pub will not be used as a service hatch.

If there is anything else you need just let us know.

Have a good weekend

Regards

Ben

Sent from my iPhone

Hi

Like wise it was nice meeting both of you and thank you for your prompt response.

Only 3 points from my side to add you your email Before showing it to others

1) no speakers will be place outside now or in the future

2) the word "pass" will also be removed from the plan

3) your application will be changed to reflect all the points. The drawing and the application will be amended to reflect the points agreed and remove any conflicts

Please resend with the corrections

Thanks

Amir

One more point

To satisfy the more sceptic one it will be helpful if you can confirm that your lawyer confirm by email on Monday morning that the agreed changes will be made to the application and Drawing. Simply to ensure that there are no technical legal hurdles.

Please do it after the final version of the Mail has been distributed and no further comments revived

I believe It will help

Once again thanks

Amir

Hi Ben

The email original email below and the point we discussed and the summary of our meeting that Simon will send soon

The commotion of all the 3 into 1 email

The lawyer will need to confirm that the changes will be made to the application and the floor plans to incorporate the email with all the points

Anyway once we get the revised email from you we will send it to some people for review and comments if any and will come back to you by Monday morning

As mention one of the resident concern about the conflict between the plan and the application and want to mature that the floor plans will be modified to match the application

Many thanks and have. Nice weekend

Hope it is ok to call ed over the weekend if necessary

Amir

Very nice to meet to meet you as well ? Summary below

Hi All

Sorry for the delay ,but these are my notes from this morning's meeting . Please bear in mind that they maybe some repetition.

1)The brothers acknowledge that there has to be a barrier down the side of the front of the pub toward the new main entrance at the side . The black gate is staying and the walkway will be made wider to accommodate wheelchair access . Therefore they are taking down

the wooden fence between the private road and the entrance walkway and will replace it with wall of some kind at a height that will stop people jumping over or spilling over but not as high as the current fence and high enough to offer some privacy .

2)No hatch at the front and it was stated that food would be brought out/in through the main entrance at the side (similar to Cafe Med)

3)The frontage from the patio to the street has to be rebuild as the hedge will be removed and the post have to be moved or replaced (the post at the side needs to move for wider access and the post on the right must be moved to allow access to the flats .It was stated that the existing white dwarf wall will be rebuild as needed then a replacement hedge of suitable height will be replanted . It was pointed out that a hedge takes a long time to grow up and get thick enough to form a barrier . This fact was accepted and the brothers will seek a temporary solution . They also confirmed that it would be high enough to offer privacy to the houses opposite and a barrier separation from the street .(NB how many points of access will there be to the patio/garden seating area ?Will anyone walk in from the street or go in through the restaurant ?

4)We discussed the fact that this area out front will have tables for patrons to sit and smoke but will not offer opportunity to lots of people to smoke standing .It was agreed that this will have to be monitored .

5)It was confirmed that the small space at the rear ,outside the conservatory will not be used for smoking or patrons but for storage ,waste and the emergency exit and stairs for the flats and pub.

6)A suitable and modern extractor fan would be fitted to disperse smoke and smells high above the building .

7)we were told that the pub would be air conditioned ,limiting the need for open windows (noise) .

8)No live music ,no DJ ,Singing etc (they will host parties and rent the conservatory but for drinks /lunch/dinner. They will also have a quiz night /sports night)Music will be played inside only .

9)No barbecues,no outside TV,no outside speaker.

10)It was pointed out that the conservatory is quite old and doesn't hold the noise in very well and the brothers agreed that they would talk to their builders about filling in the gaps and sound proofing to the best of their abilities .

11)The brothers said that one of them will be on sight most of the opening hours and that they ,and their management with "Manage Noise " "Restrict customers to opening hours " Enforce last orders and people leaving in time for closing " Move people on from the street " "show no tolerance to fighting ,Urinating ,loud behaviour ,hanging around unnecessarily ,drunkenness,vomiting and so on"

12)An undertaking to keep the street clean outside the pub (bottles,glasses,rubbish,etc)

13)Provide signage informing customers to repeat the neighbours

Kind regards

Simon

Hi Simon

Thanks for summarising.

I can confirm on point 3 that the access to the front patio will be to the side as indicated on the plan and not directly from the street.

I will speak to our solicitor on Monday and get back to you.

Enjoy the weekend

Ben

Hi Ed and Ben,

I noticed that the version of the email I sent you yesterday was a draft version and sadly a very messy one. Here is a clean and clearer version which I trust represent summary of what we discussed and agreed on our meeting (as sent by Simon and our telephone conversation. I didn't want to modify Simon's email of the meeting, thus some repetition for purpose of clarity.

One of the concerns raised yesterday by some of the residents was, what guarantee they have, that the license application and plan will be change to reflect all the points that we agreed below (where applicable), by resubmitting revised plan & license application to the council immediately after the 10th March 2016. Can you please address this point so we can advise them

Once again sorry for my messy and confusing previous email.

I am looking forward to receiving your email.

Many thanks and kind regards

Amir

Summary of the meeting – 4th March 2016

- 1) The brothers acknowledge that there has to be a barrier down the side of the front of the pub toward the new main entrance at the side. The black gate is staying and the walkway will be made wider to accommodate wheelchair access. Therefore they are taking down the wooden fence between the private road and the entrance walkway and will replace it with wall of some kind at a height that will stop people jumping over or spilling over but not as high as the current fence and high enough to offer some privacy.
- 2) No hatch at the front and it was stated that food would be brought out/in through the main entrance at the side (similar to Cafe Med)
- 3) The frontage from the patio to the street has to be rebuilt as the hedge will be removed and the posts have to be moved or replaced (the post at the side needs to move for wider access and the post on the right must be moved to allow access to the flats). It was stated that the existing white dwarf wall will be rebuilt as needed then a replacement hedge of suitable height will be replanted. It was pointed out that a hedge takes a long time to grow up and get thick enough to form a barrier. This fact was accepted and the brothers will seek a temporary solution. They also confirmed that it would be high enough to offer privacy to the houses opposite and a barrier separation from the street. (NB how many points of access will there be to the patio/garden seating area? Will anyone walk in from the street or go in through the restaurant?)
- 4) We discussed the fact that this area out front will have tables for patrons to sit and smoke but will not offer opportunity to lots of people to smoke standing. It was agreed that this will have to be monitored.
- 5) It was confirmed that the small space at the rear, outside the conservatory will not be used for smoking or patrons but for storage, waste and the emergency exit and stairs for the flats and pub.

- 5) A suitable and modern extractor fan would be fitted to disperse smoke and smells high above the building .
- 6) We were told that the pub would be air conditioned, limiting the need for open windows (noise) .
- 7) No live music, no DJ, Singing etc (they will host parties and rent the conservatory but for drinks /lunch/dinner. They will also have a quiz night /sports night) Music will be played inside only.
- 8) No barbecues, no outside TV, no outside speaker.
- 9) It was pointed out that the conservatory is quite old and doesn't hold the noise in very well and the brothers agreed that they would talk to their builders about filling in the gaps and sound proofing to the best of their abilities.
- 10) The brothers said that one of them will be on sight most of the opening hours and that they ,and their management with "Manage Noise " "Restrict customers to opening hours " Enforce last orders and people leaving in time for closing "Move people on from the street " "show no tolerance to fighting ,Urinating ,loud behaviour ,hanging around unnecessarily ,drunkenness, vomiting and so on"
- 11) An undertaking to keep the street clean outside the pub (bottles, glasses, rubbish,etc)
- 12) Provide signage informing customers to repeat the neighbours

Summary of telephone conversations - 4th March 2016

- 18) No speakers will be placed on the outside of the property at any time now or the future.
- 19) Music (prerecord music such as CD, Ipod etc)) will be played inside the property but will not be heard outside.
- 20) There will be no service (food, drinks or otherwise) through the windows at any time now or the future.
- 21) There is no application for entertainment now and will never be one in the future.

22) The conflict between the floor plan and the application will be corrected. To ensure consistency between the application and the plan the following amendment will be made to the plan:

a. The red line marking "entertainment" will be removed from the garden and outdoor space.

b. The words "entertainment" and related words will be removed from the index of the plan.

c. The word "pass" will be removed from the widow

Amir/Simon

Hope you had a good weekend, below are the cleaned up minutes you kindly took in our meeting the other day

In your email below there are a total of 19 points, 2 of which were repetitions. Our summary and rejigging of the minutes have taken this into account.

The below is what we agree to, your final point numbered 22 will be addressed as mentioned in the previous email and we will be getting advice from our licensing lawyer on how this can be done, along with attaching the condition regarding the hatch.

This will not be done before the 10th, but will be added and amended after. With regards to the 'Entertainment' as previously mentioned there is no application for regulated entertainment on the license so we cannot legally carry out these activities whatever the plan says.

We understand there is some trust on your part that we will add the conditions but we feel we have been as open and transparent as we can and hope you do trust us, we are not trying to pull the wool over anyone's eyes. If you don't then we understand there will be objections and we completely understand that is everyone's right and we will follow the correct procedures following.

We met John who lives opposite this evening to run through some of his concerns and we addressed them as best we could.

If you have any further questions just let us know

Kind regards

Ben

1) The brothers acknowledge that there has to be a barrier down the side of the front of the pub toward the new main entrance at the side. The black gate is staying and the walkway will be made wider to accommodate wheelchair access. Therefore they are taking down the wooden fence between the private road and the entrance walkway and will replace it with a wall of some kind, not as high as the current fence but high enough to offer some privacy.

2) No serving hatch at the front and it was stated that food would be brought out/in through the main entrance at the side (similar to Cafe Med). There will be no service (food, drinks or otherwise) through the windows at any time now or the future.

3) The frontage from the patio to the street has to be rebuilt as the hedge will be removed and the post have to be moved or replaced (the post at the side needs to move for wider access and the post on the right must be moved to allow access to the flats .It was stated that the existing white dwarf wall will be rebuilt as needed then a replacement hedge of suitable height will be replanted. It was pointed out that a hedge takes a long time to grow up and get thick enough to form a barrier. This fact was accepted and the brothers will seek a temporary solution if needed. They also confirmed that it would be high enough to offer privacy to the houses opposite and a barrier separation from the street. The only point of access to the outside patio section will be on the left hand side walkway not directly from the street.

4) We discussed the fact that this area out front will have tables for patrons to sit and smoke but will try and limit the amount of people standing and smoking .It was agreed that this will have to be monitored.

5) It was confirmed that the small space at the rear, outside the conservatory will not be used for smoking or patrons but for storage ,waste and the emergency exit and stairs for the flats and pub.

6) A suitable and modern extractor fan would be fitted to disperse smoke and smells high above the building .

7) .We were told that the pub would be air conditioned, limiting the need for open windows (noise) .

8) No DJ, No amplified live music (they will host parties and rent the conservatory but for drinks /lunch/dinner. They will also have a quiz night /sports night) Music will be played inside only.

9) No speakers or T.V will be placed on the outside of the property at any time now or the future.

10) It was pointed out that the conservatory is quite old and may not hold the noise in well, so the brothers agreed that they would talk to their builders about filling in the gaps and sound proofing to the best of their abilities.

11) The brothers said that one of them will be on sight most of the opening hours and that they ,and their management will "Manage Noise " "Restrict customers to opening hours " Enforce last orders and people leaving in time for closing "Move people on from the street " "show no tolerance to fighting ,Urinating ,loud, behaviour ,hanging around unnecessarily ,drunkenness, vomiting and so on"

12) An undertaking to keep the street clean outside the pub (bottles, glasses, rubbish,etc)

13) Provide signage informing customers to respect the neighbours and leave quietly.

14) Music (prerecord music such as CD, ipod etc)) will be played inside the property but will not be heard outside.

15) There is no application for regulated entertainment now and will never be one in the future.

Kind regards

Ben

Appendix 5

The Clifton
96 Clifton Hill
London
NW8 0JT

Dispersal Policy

Having worked in residential areas previously and understanding the importance of building and maintaining close relationships with local residents, we will follow the procedures below to ensure that our premises operate in a neighbourly manner:

- Staff are to ensure patrons leaving the premises do so without incident, and that they do not loiter outside.
- A 30 minute drinking up time which is incorporated into the licence for the purpose of the Licensing Act 2003 which assists with gradual dispersal of all customers in the premises at the end of the evening.
- Appropriate signage will be placed at exit doors and outside areas
- A strong management and staff presence in the customer area during the closing time period to ensure all customers leave quietly.
- Providing numbers and assisting with customers needing a taxi
- In our experience slowly fading out the ambient music towards the end of the night helps with dispersing people quietly without raised voices.
- External disposal of bottles and refuse will be done quietly and at a reasonable time.
- Staff to supervise exits of the premises while customers are leaving for the night.

Previous Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion and Variation	Application to convert existing Justices on Licence	22/9/05	Conversion granted under delegated authority and variation deemed refused
Transfer	Application to transfer from Mitchells And Butlers Leisure Retail Ltd to The Capital Pub Company Plc (Name later changed to Convivial London Pubs PLC)	15/8/06	Granted under delegated authority
Minor Variation	Layout alteration	28.1.11	Granted under delegated authority

There is no appeal history

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D+(D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule (Residents alternative in Italics)

9. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
10. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
12. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

A Challenge 21 or 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

13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 09.00 on the following day, and between 21.00 and 10.00 on a Saturday, Sunday and Bank Holiday.

No deliveries to the premises shall take place between 21.00 and 09.00 on the following day, and between 21.00 and 10.00 on a Saturday, Sunday and Bank Holiday.

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

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 09.00 hours on the following day, and between 21.00 hours and 10.00 on a Saturday, Sunday and Bank Holiday.

15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be

made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points and the outside area will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV system or searching equipment or scanning equipment
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service.
20. There shall be no self-service of alcohol.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times unless the premises are operating under the authority of a Sexual Entertainment Venue Licence.
22. During the hours of operation ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that the aforementioned area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

During the hours of operation of the premises, the licence holder shall each day ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and

sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

23. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

24. The Beer garden shall not be used after 22.00 hours.

Alcohol, non alcoholic beverages and food consumed outside the premises building shall only be consumed by patrons seated at tables.

All outside areas, tables and chairs shall be rendered unusable by 21.00 each day.

25. The windows at the front of the premises shall not be used as a hatch for the serving of food or drinks.

Conditions proposed by the Environmental Health and agreed by the applicant (Residents alternative in Italics)

26. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons.

27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

28. All outside tables and chairs shall be rendered unusable by 22:00 hours.

All outside areas, tables and chairs shall be rendered unusable by 21.00 each day.

29. After 22.00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

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

30. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

During the hours of operation of the premises, the licence holder shall each day ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

31. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.

No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 09.00 hours on the following day and between 21.00 and 10.00 on a Saturday, Sunday and bank holidays.

32. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.

No deliveries to the premises shall take place between 21.00 and 09.00 hours on the following day and between 21.00 and 10.00 on a Saturday, Sunday and bank holidays

33. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

34. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

35. 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.

36. 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.

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

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

39. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and

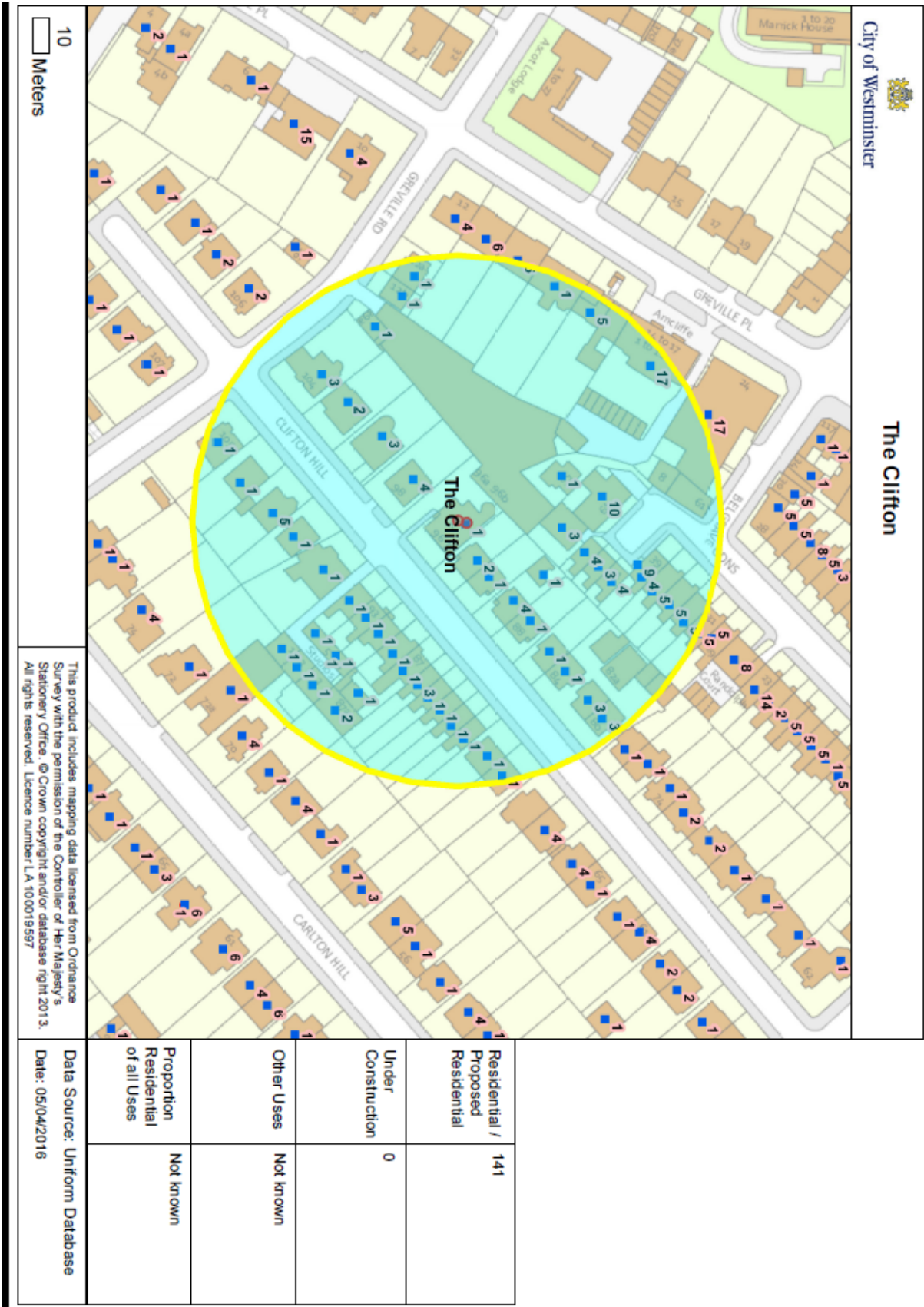
at which time this condition has been shall be removed from the Licence by the Licensing Authority.

40. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Conditions proposed by Clifton Hill Residents Group

41. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
42. All windows and external doors shall be kept closed after 21.00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
43. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
44. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
45. 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 at the premises by the Police or an authorised officer of the City Council at all times whilst the premises is open.
46. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties and any lighting will be low level lighting.
47. All food, alcohol and non-alcoholic beverages in the outside area will be served by waiter/waitress only and there shall be no self service and no serving hatch.
48. Food shall not be cooked, by way of barbeque, rack, grill or otherwise, in the outside area of the premises.

49. All music shall be played through the in house music system and be background music only.
50. No recorded music, live music, radio, television or other form of noise-producing device or noise producing activity or entertainment whatsoever shall be permitted in the outside area.
51. In the event of a major sporting event at Lords Cricket Ground the premises will have SIA registered door staff on duty whenever licensable activities are taking place



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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	12/2/16
5	Plan	12/2/16
6	Revised plan	8/3/16
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Licensing Sub-Committee Report

Date: 21st April 2016

Subject: Review of a Betting (Other) Premises Licence under the Gambling Act 2005.

Summary

To consider and determine the initiation by the Metropolitan Police Service of a review of the premises licence held by Ladbrokes, 25 Argyll Street, London W1F 7TU

Options for Members

Having regard to

- a) the matters specified in section 153 of the 2005 Act;
- b) any representations made in accordance section 200(5) of the 2005 Act, and
- c) any representations made at the hearing of the review, the

the Licensing Sub Committee may:

- Revoke the licence
- Suspend the licence for a specified period not exceeding 3 months
- Exclude a condition attached to the licence under section 168 of the 2005 Act (default conditions) or remove or amend an exclusion
- Add, remove or amend a condition under section 169 of the 2005 Act (conditions imposed or excluded by the Licensing Authority)

The authority must specify the time at which any of the above actions shall take effect.



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	21 st April 2016
Licensing Ref No:	16/00086/LIREVG
Title of Report:	Application to review a Betting (Other) Premises Licence under the Gambling Act 2005 - Ladbrokes, 25 Argyll Street, London W1F 7TU
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	Westminster City Council's Statement of Principles under the Gambling Act 2005
Financial summary:	None
Report Author:	Sumeet Anand-Patel – Senior Licensing Officer
Contact details	Tel: 020 7641 2737 E-mail: sanandpatel@westminster.gov.uk

1. Details of the Review

- 1.1 On the 5th January 2016 the Metropolitan Police Service made an application to review the betting (other) premises licence for Ladbrokes, 25 Argyll Street, London W1F 7TU. The notice has been given under Section 197 of the Gambling Act 2005. A copy of this application is attached at Appendix A
- 1.2 The premises is situated in the basement of 25 Argyll Street with the entrance at ground floor level. Photographs of the premises and the general area are attached as Appendices B and C. A plan of the area is attached as Appendix D.
- 1.3 The Metropolitan Police Service's supporting evidence is attached as Appendices E1 to E5.
- 1.4 On the 19th November 2015, there was an alleged serious assault by a Ladbrokes member of staff on a member of public. Upon arrival, Ladbrokes were unable to show CCTV to Police despite having a fully operational system in place. This caused the Police extra work which would not have been necessary if Ladbrokes could operate the CCTV at the premises; leaving the Police with serious concerns over the operation of this premises.
- 1.5 The Metropolitan Police Service suggested a number of conditions to Ladbrokes in order to address Police concerns but at the time of submitting this Review application, the Police had received no response from Ladbrokes.
- 1.6 Since the 5th January 2016 Ladbrokes have suggested alternative wording to the Police conditions which are not agreeable by the Police. Please refer to Appendix G.

2. Premises in the Vicinity

- 2.1 The premises is located off Oxford Street in the West End which is a busy commercial area of Westminster and has an extremely high foot fall. The businesses in the immediate area include but are not limited to, restaurants, theatres, public houses, department stores, retail outlets, betting shops, money/transfer cash shops, bars and coffee shops.
- 2.2 Within 500m there are a number of hostels/special needs schemes along with schools and faith groups set out in the map at Appendix D.
- 2.3 Other Betting Premises with in 500m
 - William Hill – 3 Lower James Street W1F 9EQ
 - Coral – 9 Holles Street W1G 0BN
 - Ladbrokes – 27 Maddox Street W1S 2QU
 - Coral – 48 Poland Street W1F 7NB
 - Ladbrokes – 22-24 Great Portland Street W1W 8QS
 - Coral – 69-98 Great Portland Street W1W 6PA

3. Consultation

- 3.1 The Metropolitan Police Service gave notice of their application for a review of the licence to the licence holder and responsible authorities in accordance with the Gambling Act 2005 (Premises Licences) (Review) Regulations 2007. The 28 day consultation period started 7 days after the date on which the applicant was received by the Licensing Authority.
- 3.2 The Licensing Authority published a notice of the application of review in accordance with Part 5 of the Gambling Act 2005 (Premises Licence) (Review) Regulations 2007.
- 3.3 Having granted the application for Review, the Licensing Authority has to actually carry out the Review as soon as is reasonable practicable after the expiry of the consultation period.
- 3.2 Local residents and businesses within a 50 metre radius of the premises were written to outlining why the Licensing Authority was intending to hold a review and how they could make representations to the Authority within the statutory period. Letters were also sent to each of the Ward Councillors.

4. Supporting Comments

- 4.1 The Licensing Authority has received supporting comments from the Licensing Authority which are attached at Appendix F. The Licensing Authority support the Police's request for CCTV conditions.

5. Representations from Ladbrokes

- 5.1 In response to this review Ladbrokes have submitted supporting documents which are attached at Appendix G.
- 5.2 The licensee has addressed the conditions being proposed by the Metropolitan Police, suggesting alternatives to the conditions. These alternatives are not agreeable with the Police.
- 5.3 Please refer to Appendix H for the list of proposed conditions and licensee alternatives.
- 5.4 The Licensee has also supplied a bundle of evidence however due to data protection issues of certain individuals concerned this will be made available as a separate document to those involved in the application and not as part of this report.

6. The Gambling Act 2005, Gambling Commission Guidance, Westminster's Statement of Licensing Principles

- 6.1 Under section 197 of the Gambling Act 2005, a premises licence may be reviewed in response to an application to the licensing authority by a responsible authority or interested party
- 6.2 Any review of a premises licence should be in pursuit of the principles set out in section 153 of the Act, or underpinned by reasonable concerns such as changes to the local environment, or resident complaints (statutory guidance paragraph 10.3).
- 6.3 Section 153(1) of the Act states:

In exercising their functions under this Part a Licensing Authority shall aim to permit the use of premises for gambling in so far as the authority think it -

- (a) in accordance with any relevant code of practice under section 24,
- (b) in accordance with any relevant guidance issued by the Commission under section 25,
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

- 6.4 Westminster City Council Statement of Licensing Principles states the following;

6.4.1 The licensing authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.

6.4.2 The licensing authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate

7. Appendices

- 7.1 Appendix A – Notice of intention to review
Appendix B/C – Photographs of premises and area
Appendix D – Map of area
Appendix E1 – Bundle of supporting evidence from PC Bryan Lewis (including CCTV transcript)
Appendix E2 – Stats from Metropolitan Police
Appendix E3 – Statement from PC Toby Janes
Appendix E4 – Statement from Sgt Paul Hoppe

Appendix E5 – Police Statement and Ladbrokes Risk Assessment
Appendix F – Licensing Service supporting representation
Appendix G – Representation from Licensee
Appendix H – Conditions being proposed by both parties

If you have any queries about this report or wish to inspect one of the background papers please contact Sumeet Anand-Patel on 020 7641 2737 or email sanandpatel@westminster.gov.uk

Background Papers

- Gambling Act 2005
- Westminster City Council Gambling Statement of Principles Effective 31st January 2013
- Gambling Act 2005
- The Gambling Act 2005 (Premises Licences) (Review) Regulations 2007

APPENDIX A

Application for a review of a premises licence under the Gambling Act 2005

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Part 1 – Applicant Details

1. Name of Applicant: The Westminster Police Licensing Team

[Where the applicant is an individual please give your first name(s) as well as your surname]

2. Applicant's address (home or business *[check or tick appropriate box]*)

Westminster City Hall

4th Floor, 64 Victoria Street

London

Postcode: SW1E 6QP



3(a) Are you making the application as a responsible authority? Yes No

3(b) If the answer to question 3(a) is yes, indicate the type of responsible authority:

The Metropolitan Police Service

4(a) If the answer to question 3(a) is no, please confirm by ticking or checking the box that you are applying as an interested party

4(b) If you have ticked or checked the box in answer to question 4(a), please indicate on what basis you qualify as an interested party:

[Where there are further applicants, the information required by questions 1 to 4(b) should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants"]

Part 2 – Premises Details

5. Give the trading name used at the licensed premises to which the application for a review relates: Ladbrokes

6. Give the address of the premises or, if not known, give a description of the premises and its location. Where the premises are a vessel, then (if known) give the place indicated in the premises licence as the place in the licensing authority's area where the vessel is wholly or partly situated. If possible, any address should include a postcode:

Ladbrokes
25 Argyll Street
London

Postcode: W1F 7TU

7. Type of premises:

Casino

Bingo Hall

Adult Gaming Centre

(arcade restricted to those who are 18 or over)

Betting (track)

Betting (other)

Family entertainment centre

(arcade which admits both over and under 18s)

8. Premises licence (if known): 07/07332/WCCGAP

9. Give the name of the person(s) or organisation(s) in whose name the licence is held.

Ladbrokes Betting & Gaming Limited

[Where an individual is the licence holder please give their first name(s) as well as their surname.]

Part 3 – Details of grounds on which a review is being sought

10(a) Please give details of the grounds on which a review is being sought.

Failing to adhere to the following objective, contained in the 2005 Gambling Act;

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

On the 19th of November 2015, there was an alleged serious assault by a Ladbrokes member of staff on a member of the public. Upon Police arrival, Ladbrokes were unable to show CCTV to Police as they have no facility to do so, despite having a fully operational surveillance system in place. This meant a decision had to be made to arrest the staff member without the benefit of being able to view the incident on CCTV, to determine whether he had acted in self defence. The victim had left the scene by the time Police had arrived. He was known to be bleeding from a head wound. Because his image could not be viewed on CCTV, this hampered attempts to locate him and provide medical assistance. A Police response unit was required to leave the Borough later in the early hours of that morning, to visit the Ladbrokes control room in Harrow to view the CCTV and be provided with a copy of the CCTV footage. The viewing of CCTV and the retrieval of the footage was essential prior to the interview of the suspect, later that day. Also of concern was that a large area of the betting shop was not covered by CCTV. Other concerns were that the basement premises was single staffed at 10pm and also no incident report was provided to Police. Police Licensing met with Ladbrokes on the 01/12/2015 regarding this incident. Conditions were suggested by Police to be added to Ladbrokes premises licence in order to address Police

concerns. Ladbrokes have not responded to date.

10(b) Indicate any specific actions you consider the licensing authority should take following the review, including the reasons why you consider those actions are appropriate:

We request the Licensing Authority consider adding the two standard CCTV conditions to the Gambling premises licence for this premises, requiring the CCTV system to meet minimum Metropolitan Police Service standards. Also a condition restricting single staff working and to maintain an incident log available on request to Police..

Part 4 – Supporting Documents

11. List any supporting documents which you are submitting with the application:

Further evidence will be provided by PC Bryan Lewis, Westminster Police Licensing Team.

Part 5 – Declarations and Checklist

I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

I/We understand that it is now necessary to give notice to the licence holder and the responsible authorities in relation to the premises

Part 6 – Signatures

12. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature: *Bryan Lewis PC 4161 CW*

Print Name: Bryan Lewis

Date: 05/01/2016 (dd/mm/yyyy)

Capacity: Police Licensing Officer.

[Where there is more than one applicant, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include, for each additional applicant, all the information requested in paragraph 12.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 7 – Contact Details

13(a) Please give the name of a person who can be contacted about the application:

Bryan Lewis PC4161CW

13(b) Please give one or more telephone numbers at which the person identified in question 13(a) can be contacted:

0207 641 1709

14. Postal address for correspondence associated with this application:

Westminster Police Licensing Team

Westminster City Hall

4th Floor, 64 Victoria Street

Postcode: SW1E 6QP

15. If you are happy for correspondence in relation to the application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

blewis1@westminster.gov.uk

APPENDIX B/C

Description

GPS: 51.5146,-0.1409

Ladbrokes


This organisation
operates 24hr
CCTV surveillance



WELCOME
OPENING HOURS
MON-FRI 08:30 - 22:00
SATURDAY 08:00 - 22:00
SUNDAY 09:00 - 22:00

18



ATZ
SEE LOVERS



NOTICE
This organisation
operates 24hr
CCTV surveillance

NOTICE
This organisation
operates 24hr
CCTV surveillance

09/03/2016 17:53:52

Description

GPS: 51.5146,-0.1410



Bella Italia

Ladbrokes

Bella Italia

Bella Italia

09/03/2016 17:54:13

Description

GPS: 51.5146,-0.1409



Ladbrokes



09/03/2016 18:02:24

Description

GPS: 51.5146,-0.1409



09/03/2016 18:02:36

Description

GPS: 51.5146,-0.1409



09/03/2016 18:02:57

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09/03/2016 18:05:16

page 306
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09/03/2016 18:05:25

Description

GPS: 51.5146,-0.1409



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Description

GPS: 51.5146,-0.1409



cash quest

cash quest

cash quest

STAY IN CONTROL

STAY IN CONTROL

DON'T MISS OUT

Take frequent breaks

gambleaware

CHOOSE YOUR BONUS WITH 3 PICKS

09/03/2016 18:06:11

Description

GPS: 51.5146,-0.1409



09/03/2016 18:06:22

Description

GPS: 51.5146,-0.1409



09/03/2016 18:06:33

Description

CROWN GEMS

S: 51.5147,-0.1411

£500 JACKPOT		CROWN		£500 JACKPOT	
5	£70.00	5	£250.00	5	£40.00
4	£20.00	4	£50.00	4	£10.00
3	£7.50	3	£10.00	3	£5.00
500		A		Q	
5	£40.00	5	£20.00	5	£10.00
4	£10.00	4	£5.00	4	£3.00
3	£5.00	3	£2.00	3	£1.00
All Wins Pay Adjacent.					

CROWN GEMS

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Insert Credit

CREDIT: 0.00 AUTOPLAY: 0 TOTAL BET: 1.00 £500 JACKPOT

CHANGE STATE MAX BET ADD AUTOPLAY

4

START

4 horizontal red LED bars

09/03/2016 18:06:43

Description

GPS: 51.5147,-0.1411



09/03/2016 18:07:05

Description

GPS: 51.5147,-0.1411



09/03/2016 18:07:57

Description

GPS: 51.5146,-0.1409



09/03/2016 18:10:30

Description

GPS: 51.5146,-0.1409



09/03/2016 18:10:40

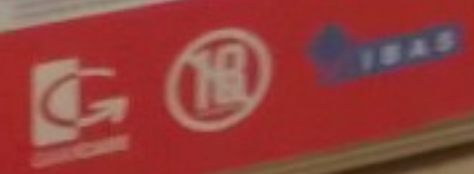
WE WILL TREAT YOU FAIRLY

RULES FOR BETTING IN OUR SHOPS

Description

GPS: 51.5146,-0.1409

[The main body of the poster contains dense, small text organized into multiple columns, detailing the betting rules and terms of service. The text is too small to be legible in this image.]



Ladbrokes

09/03/2016 18:11:08

Description

GPS: 51.5146,-0.1409

Ladbrokes


It's the Law!



- Under 18s are not allowed to enter our premises
- You can help us by
 - Not bringing children into our shops
 - Producing appropriate identification when requested to do so
- We will also not allow anyone to encourage Under 18s to gamble



- There are no smoking premises
- It is an offence to smoke or to knowingly permit smoking on these premises



- Gambling is not permitted on these premises

Your understanding in these matters is appreciated

For more details visit www.gamblingacts.co.uk

Ladbrokes

SAFE & SECURE

Anti-social behaviour towards our staff or fellow customers will not be tolerated



This shop is protected by digital CCTV and a 24 hour link to local Police

© 2015 Ladbrokes UK Limited. All Rights Reserved.

Limited amount of cash securely held in shop

Up to £10,000 reward for information leading to robbery conviction

abb



KWAE



09/03/2016 18:14:21

Ladbrokes

STAYING IN CONTROL

At Ladbrokes, we are committed to ensuring that our customers gain maximum enjoyment from their betting. We seek to promote responsible attitudes to betting at our track.

If you think that you, or someone you know, might have a gambling problem, call the lo-call GamCare National Helpline on:

0845 6000 133



SELF-EXCLUDE
FROM ALL OUR
ONE BOOKMAKER
IN YOUR AREA

0800 294 2040

18

STAYING IN CONTROL

APPENDIX E1

Contents 1

Licensing Service Consultation Request		Annex 1 (a)
Notice of Application For A Review Of A Premises Licence		(b)
Premises Licence ((Betting)	Ladbrokes 25 Argyll Street W1F 7TU	(c)
Witness Statement	PC Bryan Lewis Police Licensing	Annex 2 (a)
Witness Statement x 3	PC Thomas Perkins Responding Officer	(b)
Witness Statement	PC Steven Carvell Evidence Imaging Officer: Converted CCTV footage to DVD	(c)
Witness Statement	PC Lewis. CCTV disc recording. Chain of events as captured by four camera shop CCTV.	(d)
CAD Report (Computer Aided Despatch)	Provides details of initial call to Police 19th November 2015 22:10	Annex 3
Cris Report Redacted 6550905/15	Crime Report initially reported as a GBH, now a Crime Related Incident.	Annex 4
Correspondence		Annex 5
Initial Police email request for CCTV and Ladbrokes reply with attached CCTV stills.	20.11.15 11:03 Reply 15:05	(a) <i>Note: the public report does not contain the CCTV stills</i>
Police Licensing letter. Incident summary and suggested conditions.	30.11.2015	(b)

Contents 2

Police email requesting a meeting and emails regarding receipt of the CCTV footage disc signed for at City Hall 23.11.15	25.11.15	(c)
Email from Ladbrokes. Response to a phone request for the age of the CCTV system at Argyll.	15.1.16	(d)
Letter from Ladbrokes, Gavin Dalzell, National Licensing Manager. Amends conditions	19.1.16	(e)
Email response from PC Lewis to Mr Dalzell regarding the amended conditions	20.1.16	(f)
Email from PC Lewis to Ladbrokes stating areas in shop still not covered, following his site visit. Plus rough plan drawn on site.	28.1.16	(g)
Letter from Ladbrokes. Author Caroline Beel Head of Development & Planning Further response regarding suggested conditions	29.1.16	(h)
Email response from PC Lewis	4.2.16	(i)
Letter from Trethowans Solicitors. Ladbrokes Representation.	10.2.16	(j)
Association of British Bookmakers. Protocol for Reporting damage to gaming machines		Annex 6

ANNEX 1

Blair

LICENSING SERVICE CONSULTATION REQUEST

TO: POLICE CONSULTATION TEAM
FIRE SERVICE
DISTRICT SURVEYORS TEAM
ENVIRONMENTAL HEALTH
CLEANSING TEAM
PLANNING TEAM
CHILD PROTECTION TEAM

REFERENCE: 16/00086/LIREVG

PREMISES: 'Ladbrokes', 25 Argyll Street, W1F 7TU

The Council has received an application to review a Gambling Premises licence under the Gambling Act 2005, in respect of the above premises on which your observations are required.

The details of the application are as follows:

Applicant(s): Westminster Police Licensing Team

Last Date of Objection **8 February 2016.**

Application received by Mr Nick Nelson (020 7641 6500)

To access paperwork received by the Licensing Service in connection with this application, log into iDOX by going to <http://winprapdip01:8080/IDOXSoftware>, logging in, and clicking "Browse Docs", then "Licensing". Then type the Case reference "16/00086/LIREVG" into the Case Number field, and click the "Search Licensing" button.

Please reply to licensing@westminster.gov.uk.

NOTICE OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE

This notice is given in accordance with regulations made under section 197 of the Gambling Act 2005

Notice is hereby given that:

The Westminster Police Licensing Team

[Give the full name of the applicant(s) as set out in Part 1 of the application for a review of the premises licence]

has made an application under section 197 of the Gambling Act 2005 for a review of the premises licence which is in force at the following premises:

Ladbrokes
25 Argyll Street
London W1F 7TU

[Give the trading name used at the premises, and the address of the premises (or, if not known, give a description of the premises and their location).]

The applicant is:

a responsible authority an interested party *[check or tick the appropriate box]*

The following type of premises licence has effect in respect of the premises:

Betting Shop premises licence

[Indicate the type of premises licence which applies to the premises, e.g. bingo premises licence, adult gaming centre premises licence etc.]

The application for a review of the premises licence has been made to the following licensing authority:

Westminster City Council
Westminster City Hall
4th Floor, 64 Victoria Street

Postcode: SW1E 6QP

Website: www.westminster.gov.uk

[Insert name of the licensing authority and the address of its principal office, followed by the address of its website]

Information about the application is available from the licensing authority, including the arrangements for viewing details of the application.

The following person connected with the applicant is able to give further information about the application:

Bryan Lewis PC4161CW

[This entry is optional and is to be included if the applicant wishes to provide the name, telephone number and (if available) e-mail address of a person connected with the applicant who is able to answer questions and provide further information about the application.]

The grounds on which a review is being sought are:

Failing to adhere to the following objective, contained in the 2005 Gambling Act;

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

On the 19th of November 2015, there was an alleged serious assault by a Ladbrokes member of staff on a member of the public. Upon Police arrival, Ladbrokes were unable to show CCTV to Police as they have no facility to do so, despite having a fully operational surveillance system in place. This meant a decision had to be made to arrest the staff member without the benefit of being able to view the incident on CCTV, to determine whether he had acted in self defence. The victim had left the scene by the time Police had arrived. He was known to be bleeding from a head wound. Because his image could not be viewed on CCTV, this hampered attempts to locate him and provide medical assistance. A Police response unit was required to leave the Borough later in the early hours of that morning, to visit the Ladbrokes control room in Harrow to view the CCTV and be provided with a copy of the CCTV footage. The viewing of CCTV and the retrieval of the footage was essential prior to the interview of the suspect, later that day. Also of concern was that a large area of the betting shop was not covered by CCTV. Other concerns were that the basement premises was single staffed at 10pm and also no incident report was provided to Police. Police Licensing met with Ladbrokes on the 01/12/2015 regarding this incident. Conditions were suggested by Police to be added to Ladbrokes premises licence in order to address Police concerns. Ladbrokes have not responded to date.

Representations about the application may be made in writing to the licensing authority by the licence holder, a responsible authority or an interested party during the period of 28 consecutive days beginning on 11/01/2016 (which is 7 days after the date on which the application for a review was made to the licensing authority). The last day for making representations is: 08/02/2016

Following a review under section 201 of the Gambling Act 2005 a licensing authority may decide to take any of the following kinds of action:

- revoke the licence
- suspend the licence for a specified period not exceeding 3 months
- add, remove or amend a condition attached to the licence



City of Westminster

64 Victoria Street, London, SW1E 6QP

Nó: 07/07332/WCCGAP

BETTING (OTHER) PREMISES LICENCE

This licence is issued under section 164 of the Gambling Act 2005 by

City of Westminster

Part 1 – Details of person to whom licence is issued

The premises licence is issued to:

Ladbrokes Betting & Gaming Limited

of the following address:

Imperial House
Imperial Drive
Rayners Lane
Harrow
HA2 7JW

who holds an operating licence which has been given the following operating licence number by the Gambling Commission:

1611

Part 2 – Details of the premises in respect of which the licence is issued

Facilities for gambling may be provided in accordance with this licence on the following premises:

Ladbrokes
25 Argyll Street
London
W1F 7TU

Part 3 – Premises licence details

This licence came into effect on:

01.09.2007

This licence is of unlimited duration.

The following conditions have been attached to the licence by the issuing authority under section 169(1) of the Gambling Act 2005:

NA

The following conditions, which would otherwise have been attached to the licence by virtue of regulations made under section 168 of the Gambling Act 2005, have been excluded by the issuing authority under section 169(1)(b) of that Act:

NA

A scale plan is attached as an annex to this licence.

Date:

31/8/07

Signed:



Director of Legal & Administrative Services

ANNE X 2

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Bryan Lewis PC4161CW URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Constable P200892

This statement (consisting of: ... 10 ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am a uniformed Police Constable currently deployed on the Westminster Police Licensing Team based at Westminster City Hall, Victoria Street, London SW1E. One of my roles on the team is as a CCTV system assessor and I hold a professional BTEC qualification in the practises of CCTV design. I have served on the Police Licensing Team for about six years. I have assessed numerous CCTV systems in a range of licensed premises from basic systems in off licences up to very sophisticated systems in new West End nightclubs.

Introduction

The Westminster Police Licensing Team request a review of the gambling licence held by Ladbrokes Betting and Gaming Ltd, at 25 Argyll Street, London, W1F 7TU to add conditions due to the fact that Ladbrokes have refused Police advice and not adhered to the following licensing objectives contained in the 2005 Gambling Act:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

An ongoing problem with Ladbrokes betting shops is their policy of not having the technical facility or trained staff available to enable Police Officers to view CCTV footage during the initial investigation period, following an emergency call to their premises. Neither are they able to burn off footage at the premises and provide it to Police. The problem this creates is particularly well illustrated by a recent incident, described below. I have sent Ladbrokes a proposed set of conditions to be added to their gambling licence by way of a variation. This will provide assurances to Police by including two standard Police CCTV conditions. Thus far they have only counter-proposed the conditions with significant amendments, which I am unable to agree.

I exhibit my Notice of application for a review of a premises licence as (BL/1)

Background

This review application follows an incident requiring Police attendance, during the evening of Thursday 19th of November 2015, Police reference CAD10058/19NOV15. The London Ambulance Service alerted Police to a call received by them at 10:10 pm that a customer had been hit by the informant and was on the floor and bleeding

Signature: Signature witnessed by:

Continuation of Statement of **Bryan Lewis PC4161CW**

from a head wound. This had followed an argument between the informant and the injured male. Police arrived on scene about 10:30pm. LAS then provided a description of the injured male (provided by the informant) including that he would also have a visible head injury and that it was bleeding. They added that he had left Ladbrokes at about 10:00pm and had made his way to Oxford Circus Station where he was seen by tube staff and to pass this information to the British Transport Police for them to check whether there were any incidents concerning the male. It was also decided to treat the crime scene as if it were a grievous bodily harm assault. Certain items were seized as the possible weapons used; a bar stool and an umbrella. At 00:40 the Police control room were informed a male had been detained (arrested) and that he was calm and compliant.

Following Police arrival, one of the Officers later reports the following. They were taken down the stairs by the male suspect and shown a pool of blood. The suspect explained he was a Customer Service Manager at Ladbrokes. He had served the last customer at 10:07pm and closed up the shop, thinking he was alone. He then noticed the male victim standing at the other side of the counter. He recognised him as a homeless male banned from the shop. He asked the male to leave but the male refused so he picked up an umbrella and approached the male. He again asked him to leave. The male would not leave so he struck him with the umbrella "a few times". He still refused to leave and so he struck him over the head with a bar stool. The male was knocked unconsciousness on the floor. The suspect has then gone to call the LAS and Police. Prior to their arrival, the victim had regained consciousness and left the shop. During this time another Ladbrokes member of staff from a nearby branch, who happens to visit the Argyll Street shop at closing time, followed the victim to the tube station but lost him.

The officer completing his report at 3.46am in the morning writes; CCTV is held at a control room in Harrow and that his colleague had gone there to view CCTV but would not be able to obtain a copy until 9:00am (the next working day) as they do not have the facility to do so. A supervisor there had been spoken to. A Police Sergeant arranged for officers to complete local hospital checks to attempt to locate the male. He also states that the PC who attended the control room would complete a viewing statement as to what he saw on CCTV and update the Police crime report. An officer went to Oxford Circus tube to make enquires with tube staff. They did remember a male with a head wound. An off duty paramedic attempted to assist him but the male refused his help. A male was located at the hospital and identified. Because he had a head injury and was admitted about the relevant time, he was thought to be the injured male. However prior to Police speaking with him, he was discharged. Officers attended the named male's home address in SW6. At 13:43 the following day, Friday 20th November the hospital informed Police that the identified male was not their man as the cause of his injuries were known and they were definitely not linked to the incident in Argyll Street. These various enquiries would have required a number of officers to conduct and would have been time consuming. Had a picture of the male been available, these enquiries would not have been necessary.

The Ladbrokes employee who struck the injured male was interviewed. During the interview he claimed that he

Signature: Signature witnessed by:

Continuation of Statement of **Bryan Lewis PC4161CW**

acted in self defence. The victim, a homeless male, is located in Regent Street by Officers having been recognised by Ladbrokes staff. He is an alcoholic with mental health problems. He informed Police that he had attended hospital due to a fractured skull and broken jaw. When asked about the incident, he had trouble remembering the circumstances but does mention falling on stairs. This would be consistent with where the blood was found in Ladbrokes, at the bottom of the stairs, as the first officers on scene mention in the crime report. Therefore critically important CCTV evidence of how the blood came to be on the floor in this area is not available as there is no camera coverage; and still isn't to my knowledge, following my visit this year. This investigation is ongoing and the suspect is bailed to return in March 2016.

Police Concerns regarding the 19th of November 2015

- The officer who was called to Ladbrokes on the night of the 19th November 2015, PC Thomas Perkins, writes in his statement, that the decision as to whether to arrest the Ladbrokes Employee was hindered by not being able to view CCTV there and then and therefore establish whether the suspect's actions were lawful i.e. he had used reasonable force. The decision to arrest a member of public is a serious one and would be considered unjustified if the CCTV footage showed that the suspect had acted in self defence.
- The victim had left the premises prior to Police arrival, with a serious head injury and required medical treatment urgently. Ladbrokes failure to provide an image of the victim meant that the investigating officers were hindered in conducting a search of the local area, in order to find the injured male and provide him with medical assistance. Additional officers were deployed to conduct local enquires in area, Oxford Street tube and the nearest hospitals. Tube staff had seen a male with a head injury about the relevant time but officers were unable to confirm it was the victim as they had no image of him to show them. At UCH Hospital a male patient was identified who was thought likely to have been the victim, as his description and injury was a possible match. This male had unfortunately already been discharged. An address was provided for him in Fulham. Officers from Hammersmith and Fulham Borough were tasked to visit the address and check on the welfare of the victim. There was no one home at the address and so officers were required to make enquiries with neighbours and leave phone messages. At 2pm the following day 20th November, a message was received from hospital to confirm the male from Fulham was definitely not the victim, who therefore had still not been located. The correct male is finally located five days later, on the 24th November 2015 at 4.30pm and officers speak with him.
- In PC Perkins statement, he describes having to drive across London in the middle of the night, to view CCTV at Ladbrokes head office in Harrow. He describes this as very inconvenient and inefficient. This would have meant Westminster was short of one Police vehicle and officers in the early hours, who could have been assisting other members of the public in the area they are based in. However viewing the CCTV footage was an essential part of the initial investigation and was necessary in order to interview the suspect. Although PC Perkins was able to view the footage, it could not be downloaded until 9am the

Signature:

Signature witnessed by:

Continuation of Statement of **Bryan Lewis PC4161CW**

following day. PC Perkins was required to return to Charing Cross Police Station and take further time to complete a viewing statement in the absence of the CCTV footage. He states in a subsequent statement that another officer had to collect the footage the following day.

- The CCTV system in the premises did not cover a significant area of the premises. When the CCTV footage is viewed of the incident, it becomes apparent that full coverage of the interaction between the two males is not provided due to limited coverage provided by the surveillance system. Ladbrokes have confirmed that the system in operation on the day of the incident was installed in 2004 and the equipment was clearly dated e.g. old box cameras. Following this incident Ladbrokes significantly upgraded the system, adding new cameras, as they clearly accepted that this was urgently required
- On a subsequent visit to the premises shortly after the incident, I noticed a small rather dated monitor in the cashier's office which provided very short intermittent images of the front entrance. Had uninterrupted images been available, this may have enabled the member of staff to deploy the maglock on the front door and prevent entry to the victim.

Proposed Police Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide Police or an authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service

Signature: Signature witnessed by:

Continuation of Statement of **Bryan Lewis PC4161CW**

- 4. There shall be no preplanned single staffing after 8pm. Should the premises be single staffed after this time, the magnetic door locking system must be in constant use.

Ladbrokes Amended Conditons

We received a letter on the 19th January which provided Ladbrokes amended version of my conditions, which they would be willing to accept. The amended conditions are shown below:

- 5. The premises shall install and maintain a comprehensive CCTV system, covering all areas of the premises, as per the reasonable requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. **Recordings shall be immediately arranged by a member of staff for hand over to Police or authorised officer following their request throughout the preceding 31 day period.**
- 6. **All shop staff will be trained to report any Security and safety incidents to the Ladbrokes 24 hour Security and Safety Control Room.** A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to **arrange for a Police or authorised council officer to view recent CCTV images or data with the absolute minimum of delay when requested. Images can immediately be sent to any email address provided by Police or authorised council officer.**
- 7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service
- 8. **At all times when the premises are manned by a single member of staff, he or she will be provided with and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff for a predetermined period of time.** Should the premises be single manned after 8pm, the magnetic door locking system must be in constant use.

My response on behalf of Police stated the following:

Gavin

I've just returned to work after my long weekend so I have just read your letter with amended proposed Police conditions. I will break it down in the order you have made your amendments in bold.

Covering all areas' is acceptable

Signature:

Signature witnessed by:

Continuation of Statement of **Bryan Lewis PC4161CW**

Reasonable' no, as that then becomes a debate about what is reasonable and to whom. Recording shall immediately be arranged: is quite different to 'made immediately available' and that is virtually where are now.

Condition 2

Reporting to Security is not relevant here and surely they should be doing that now. Again you have inserted 'staff member must be able to arrange' instead of my condition which states must be able to provide Police etc. copies of recent CCTV etc.

You have put images can be sent by email etc. This is not acceptable. Officers are not currently equipped to view emails when dealing with emergency calls. I think here you are probably referring to still images, again not acceptable. Officers need to view footage. Also when deciding on a course of action, officers may need to view around an incident eg when persons arrived, what the suspect's actions were afterwards etc.

Condition 3

You have omitted incidents of disorder from the incident log; they must be included (this was later amended by Ladbrokes and disorder was returned to the list)

Condition 4

Single Staffing: I regard Argyll Street as a high risk branch because it is in a basement and therefore any disturbances or persons in distress on the shop floor would not be visible from the street. After all, the victim could have been your member of staff and he could have sustained a serious injury. The Security Control would have been unaware due to the limited CCTV coverage and they were not alerted anyway.

Therefore to summarise your amendments are not acceptable. I will visit the branch to view the new CCTV cameras at the first opportunity and let you know my findings.

Response to Ladbrokes follow up letter dated 29th January 2016

In terms of risk assessment, Argyll Street should be considered a higher risk as the shop floor is on a basement level and therefore the counter and staff cannot be viewed from the street, should there be an incident of crime and disorder. Although there have been few reported crimes at the venue. We do know that betting shops do not always report crime, for example criminal damage; which is in line with advice from the Association of British Bookmakers, specifically when an unknown suspect has left the premises. It should be noted that in my experience, criminal damage is usually combined with abuse, often racial, spitting and threats directed towards staff.

This incident involved a homeless male who had regularly visited the premises to use the toilet. During our meeting with Ladbrokes representative Barry Phillips, he stated that he was aware of this male from reports dating back to April 2015. Other staff informed me that the male had been a problem for much longer than this. During his Police interview, the suspect said he experienced problems with the homeless male for six months, yet Barry stated Ladbrokes had only just been issued a banning notice to the homeless male. Therefore this incident was not isolated and unpredictable in terms of the unwanted male entering the premises and could possibly have been avoided had the notice been issued earlier.

Ladbrokes rely on a Security system where should an alarm be activated; they view the shop floor via the CCTV cameras from their Security Control Room in Harrow. It is therefore critical that there is full coverage of the shop

Signature: Signature witnessed by:

Continuation of Statement of **Bryan Lewis PC4161CW**

floor, to ensure that all staff can be accounted for. Should staff members be assaulted or fall ill and are outside the CCTV camera's field of view, the Security office would be required to phone the emergency services. If they are aware that there is only limited view of the shop floor, they may be reluctant to call Police and may instead make repeated efforts to speak to staff, possibly delaying calling the emergency services. The same would apply to confirming the welfare of any customers who require assistance. The Police CCTV condition ensures that there would be satisfactory coverage in this premises.

Ladbrokes frequently state that they can produce still images from CCTV footage at short notice. However 'still' images are of only limited value and do not replace the need to provide moving images that show exactly what happened. For example moving images may prove or disprove a self defence claim, where as a still image can only show persons involved and their momentary actions.

Ladbrokes describe the benefits of the remote management of their CCTV system, however CCTV hardware can be locked in a secure facilities in a shop site (as most licensed premises do). In terms of dishonest staff, modern CCTV systems are password protected so that only certain staff can access the system. It is not possible to selectively delete footage, only to set a repeated time for the deletion of a period of saved data e.g. 31 days; if you have the right permissions, which would be normally be Security Management. CCTV system are simply not designed to be interfered with for improper reasons and should they be logged into at any time to view footage for example, an electronic log entry is made showing what actions have been taken and by whom. In addition to this, the cashiers are constantly monitored by camera in the staff area. The solution to this is to retain the off-site Control Room, central server, Ladbrokes currently have and also have a Digital Video Recorder in the shop to which the same images go to and are saved on. This system is already in place in betting shops run by other operators.

Ladbrokes mention praise from Police officers throughout the country for their CCTV systems. I have seen some brief evidence of this but it was in relation to specialist slow-time use of stills and not about response Policing; the general day to day crime and disorder Response officers deal with. Ladbrokes also mention a tablet computer in all their premises which I have also never seen following my visits to their premises and the Argyll Street shop was not equipped with a tablet at the time of the incident. In any case they state only still images can be viewed on the tablet computers they issue the shops.

They state they can send images to Westminster Central CCTV Unit. This would be of no use to officers responding to an incident. They would only have radio contact with this office.

Ladbrokes state that not being able to download images on site (or view images presumably) has not been raised as a problem by Police officers prior to this incident. However I would comment that is because most response officers would know that betting shops cannot show them footage and therefore there is element of acceptance. This is contrary to virtually all other licensed premises; nightclubs, pubs, hotels, casinos, restaurants and fast food

Signature:

Signature witnessed by:

Continuation of Statement of **Bryan Lewis PC4161CW**

in Westminster, that do have the capacity to enable Officers to view CCTV upon their arrival, following an emergency call and in most cases they can also download short CCTV clips and longer sections as needed with the additional time required.

In response to the single manning Police condition requested, Ladbrokes state that they comply with health and safety legislation by risk assessment. However this is not to say their risk assessment for single person working is reasonable. During this incident, which took place at closing time about 10pm, the electronic door locking system, was not employed. The ground floor front entrance is not visible from the basement counter. Therefore an internal camera is required to be directed at the entrance from inside the premises, to enable staff to control who enters the premises. Ideally an external camera is also provided to give an earlier warning of who is about to enter. I visited the premises shortly after the incident. There was an internal camera directed at the entrance but the monitor behind the counter showing the entrance, was changing images so rapidly, it would be impossible to assess a person attempting to enter; indicating a lack of maintenance. In relation to the shop Panic Alarm system, this wasn't activated during the incident. A Portable Panic alarm for staff which they carry on their person, clearly provides additional reassurances, however it does not replace another member of staff, who would be able to raise the alarm. In any case there would be a delay before any assistance could be provided, as a call to Police or an ambulance has to be relayed through the Control Room, who will first seek to dial into the shop CCTV system; particularly if a member of staff is unable to respond from the shop due to injury or illness. It should also be noted that Ladbrokes agreed to the 'no pre-planned single staffing' condition on two recent licence variations for premises at 382-386 Edgware Road and 352-353 The Strand.

Stepped Approach

Following the incident I immediately visited the Ladbrokes shop to familiarise myself with the layout. It was during that visit that staff informed me that the homeless male had been a problem there for a long time prior to the incident. I arranged to meet a representative from Ladbrokes on the 1st of December 2015. I met with Barry Phillips, Head of Retail Security and Safety. Also present was Steven Rowe, Senior Licensing Officer for Westminster Council. We had a lengthy meeting at City Hall and I gave Barry a letter, listing the Police suggested licence conditions. Barry stated he would pass the letter onto the Ladbrokes Licensing office. I have met Barry a number of times before this incident, to discuss licence variation applications for various premises; in particular their branch on the Strand. I had previously made my concerns about the manner in which Ladbrokes provide CCTV evidence to Police well known to Barry. Following the December meeting, I had a period of annual leave and suggested their response could wait until I returned just before Christmas, although my Manager Sergeant Paul Hoppe could be contacted prior to this if necessary. Upon my return, I had received no communications from Ladbrokes regarding the conditions and so I sent a reminder email. I did not hear back from them until the 6th of January when I received an email from Gavin Dalzell, National Licensing Manager. He stated he had only just been made aware of the incident and that unfortunately Barry had gone long term sick. I emailed the suggested

Signature: Signature witnessed by:

Continuation of Statement of **Bryan Lewis PC4161CW**

Police conditions to Gavin. He replied on the 13th of December to say that additional CCTV coverage had been introduced into the Argyll Street branch due to my concerns and he invited me to visit there and examine the CCTV system. On the 14th he emailed me the Ladbrokes amended conditions that they were willing to agree to. On the 15th I received another email stating that he was going on holiday and that I should liaise with Caroline Beel, Head of Departmental Planning. I have had various email exchanges with Caroline about the Argyll Street branch and another branch up until the date of this statement. I did conduct a further visit to the premises with my colleague, who drew a rough plan indicating the areas in the shop still not on camera. I sent an email to Caroline Beel on the 28.1.16 informing her of my continued concerns regarding coverage. To date, I do not believe this matter has been addressed.

Conclusion

The most effective response to an incident of crime and disorder on a premises is for officers to be provided with as much evidence as possible when they first arrive on scene. Very often suspects will either be in the premises or nearby. Detaining and arresting suspects at this stage creates a direct link to the premises and the recent offence and therefore the best chances of successfully prosecuting them. Acting dynamically following arrival on scene is therefore critical. If the initial reporting officers have to pass the investigation on to other officers due to a lack of CCTV evidence initially, the opportunity to successfully prosecute suspects is greatly reduced, takes up more time and more officers have to be tasked to investigate it. Officers need to view CCTV footage immediately, to establish what has happened in order to decide if arrests should be made and whom to arrest. If the suspect has recently made off, they will look at facial images to enable recognition of the suspect, in order to conduct an area search and apprehend the offender, should the suspect have remained in the area.

Currently Ladbrokes staff are not able to show CCTV to responding officers in their various shops. Officers are instead provided with an email address of the Central Security Control room and then still images can be emailed to them. Disk recordings are currently posted to officers or have to be collected by officers, as happened following this incident. An example of the delay experienced by Police is demonstrated by my colleague PC Marriot, Police Licensing Team, who requested all footage for all cameras, around the incident, until after Police arrive and leave following the Argyll Street event. The email request was sent to Ladbrokes Central Security at 11.03am 20th November 2015. A reply is not received until 3.05pm, four hours later. This email from Ladbrokes states the following 'sorry for the delay, stills attached moving in the post'. The attachment consisted of 5 still images from one camera, all of the member of staff involved. Footage, all cameras images and the times requested were not provided to Police as requested until a disk recording arrives at City Hall on the 23.11.15, three days later. This is exactly why the current system Ladbrokes employs does not work. Many of the major betting shops are fully co operating with Police now and have the facility to provide staff access to their CCTV on site. Our expectation of Ladbrokes as an organisation is no different to any other operator of licensed premises

Signature:

Signature witnessed by:

Continuation of Statement of **Bryan Lewis PC4161CW**

and we feel seeking to modify the Argyll Street licence so that officers responding to an emergency call at the premises, can view CCTV and a downloading can be commenced in the shop, is entirely reasonable and justified.

Bryan Lewis PC4161CW

Signature: Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Thomas Giles Elmslie PERKINS PC1996YR**
.....URN:

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 233581**

This statement (consisting of **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **23.01.2016**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable in the Metropolitan Police stationed at BELGRAVIA Police station in the CITY OF WESTMINSTER Borough.

Further to my statement dated 20.11.2015 regarding the incident in LADBROKES, ARGYLL STREET, I would like to add the following.

My initial risk assessment and trying to establish what had happened exactly and my decision whether or not to arrest the suspect was hindered by not being able to view the CCTV there and then.

Seeing the footage when required to on scene could also have assisted with me locating the victim who was for sure in need of medical treatment urgently.

After the suspect was arrested without seeing the CCTV footage, I then had to drive across London in the middle of the night to view CCTV at the LADBROKES HQ in HARROW. This was very inconvenient and inefficient and took me two hours, but was essential as part of the initial investigation and was required to interview the suspect.

Frankly, as a licensed premise I believe that the CCTV should be able to be viewed by Officers straight away at the scene. To arrive at a crime scene with blood everywhere and a victim lost and a suspect needing to be arrested and indeed possible Officer safety issues is not reasonable or acceptable and this needs to be reviewed urgently.

Signature: Signature witnessed by:

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Thomas Giles Elmslie PERKINS PC1996YR**
.....URN:

Age if under 18 **Over 18.....** (if over 18 insert 'over 18') Occupation: **Police Officer 233581**

This statement (consisting of: 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **29.01.2016.....**

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable in the Metropolitan Police stationed at BELGRAVIA Police station in the CITY OF WESTMINSTER Borough.

Further to my statement dated 23.01.2016 regarding the LADBROKES incident I would like to add the following.

I was not given the CCTV footage because they were unable to download it, so I returned to Charing Cross Police station and wrote a viewing statement. The CCTV would then have had to have been collected by another Officer the following day.

This all caused a lot of unnecessary delay and is a very inefficient way of evidence gathering.

Signature: Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Thomas Giles Elmslie PERKINS PC1996YR**
.....URN:
Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 233581**

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

Signature: Date: **20.11.2015**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Police Constable in the Metropolitan Police stationed at BELGRAVIA Police station in the CITY OF WESTMINSTER Borough.

On Friday 20th of November 2015 at 03:03hrs I was on uniformed mobile patrol when I attended the LADBROKES HQ, IMPERIAL HOUSE, HARROW to conduct a CCTV viewing regarding the incident I attended earlier in LADBROKES in ARGYLL STREET. W1.

On the camera named, "Upstairs," at 22:07.54hrs this shows the male believed to be an assault victim enter.

At 22.09.24hrs it shows the other staff member wearing a red hoody top enter. He identified himself to me earlier as At 22.10hrs this is still on the stairs. At 22.11hrs it shows this come up the stairs shortly followed by the man who was arrested earlier, the suspect, I. The suspect was on his mobile phone. At 22.12hrs both and I went downstairs. At 22.14.28hrsthe victim is seen holding onto the hand stair railings. At 22.15 the victim is seen stood on the landing upstairs. At 22.15.55hrs the victim left. At 22.17hrs the suspect, is seen on the phone until 22.20hrs.

On the camera named, "Entrance," at 22.03.42hrs there is a customer at the counter. I can describe this customer as a white male, approximately 35, short mousey hair, wearing a grey/black puffer jacket, white shirt and stripy tie, blue trousers. The suspect was serving him. At 22.07.42hrs the customer paid and left. No one else was in the shop. Then at 22.08.11hrs the victim entered into view. The victim and customer would have passed each other on the stairs. I can describe the victim at a thick set male, approximately 40, with olive skin and a full black beard. He was wearing a black baseball cap and long black raincoat with a white shirt underneath. At 22.08.19hrs the victim's left hand is moving openly as if he is talking to the suspect. At 22.08.21hrs the

Signature: Signature witnessed by:

Continuation of Statement of Thomas Giles Elmslie PERKINS PC996YR.....

suspect came out from behind the counter and struck the victim 4 times with an umbrella. The victim is partly out of view.

At 22.08.31hrs the suspect, [redacted] picked up the stool and held it behind his back. At 22.08.38 the victim is shown with open hands in a defensive stance. At 22.08.45hrs the suspect is holding the stool high and back behind him and he looks like he is shouting at the victim. The victim is out of view. At 22.08.50 the suspect brought the stool down quickly towards where the victim was out of view and this is when the victim was struck by the stool. This actual connection of the stool to the victim is out of view, but is consistent to where I saw blood on the floor at the scene at the bottom of the stairs.

On the camera named, "Counter," at 22.07.42hrs the customer above described paid the suspect. At 22.08.06 the suspect has seen someone out of view believed to be the victim. At 22.09.01 the suspect is seen again behind the counter.

To summarise the main points and clarify this viewing, I believe this clearly shows the suspect serve one unidentified customer and no other customers were there. This customer left and then the victim came down seconds later. I believe the unknown customer heard a commotion on the landing upstairs on his way out, but did not come down and this explains him hanging around on the landing upstairs. The suspect has immediately come from behind the counter and attacked the victim with an umbrella and then even though the victim displayed no aggression the suspect has struck him with a stool. This clearly was a violent act towards the victim and may have caused serious injury. Then seconds later the suspect's colleague attended and it appears there is some sort of discussion. Then the victim staggers up the stairs and left.

Signature: Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement ofSteven Carvell PC 4325cw.....URN:

01			
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Age if under 18Over 18..... (if over 18 insert 'over 18') Occupation:Police Officer 190790.....

This statement (consisting of: 1..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: PC 4325 CW Carvell Date:01/02/2016

Tick if witness evidence is visually recorded (supply witness details on rear)

I am employed by the Metropolitan Police Service as an Evidential Imaging Officer at Charing Cross Police Station. My role is to facilitate the transfer of CCTV images, video recordings and audio recordings from its original format to a viewable DVD video disc, in order for it to be used in criminal proceedings. Today as requested in connection with a matter of Licensing Offences, crime report 6550905/2015 refers; I copied CCTV footage recorded at Ladbrokes Ltd, 25 Argyll Street, London W1, on Thursday the 19th of November 2015.

The CD-R disc containing CCTV footage, was presented to the Evidential Imaging Office by PC 4161cw Lewis. I copied the requested video footage as directed, onto a DVD-R video disc, which is exhibited as SAC/61/2016 MASTER copy disc. I then duplicated the Master copy disc to produce five further discs, marked as SAC/61/2016 CPS, COURT, DEFENCE, FILE and EIO. After copying, I sealed the Master copy disc into evidence bag number A20822453. The DVD is constructed using chapters that indicate the incident.

The DVD has been compiled to show the relevant video footage, no enhancements have been made. A copy of the original recording can be obtained from the OIC upon request.

The DVD video disc(s) provided has / have been produced using the visual imagery or audio recordings, contained on the original media source; CD-R disc. The media has been converted and presented in DVD format in order to assist the court.

The media disc and master copy disc (s) were stored securely pending collection by the OIC. The duplicates were also stored securely for the OIC to collect. The equipment I used is corporate technology, installed by the Metropolitan Police Digital and Electronic Forensic Service, based at Newlands Park, in Sydenham SE London.

PC 4325 CW Carvell

Signature: PC 4325 CW Carvell Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Bryan Lewis PC4161CW URN: [] [] [] []

Age if under 18 Over 18 (If over 18 insert 'over 18') Occupation: Police Constable P200892

This statement (consisting of ... 2 ... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: 15th February 2016

Tick if witness evidence is visually recorded [] (supply witness details on rear)

The following relates to the incident at Ladbrokes 25 Argyll Street W1F 7TU that occurred on the 19th November 2015. The chain of events as captured by the shop CCTV system at about 22:08 hours, for each of the four cameras. Police reference number 6550905/15 now saved in a DVD format.

Basement shop floor entrance camera

21:50 Normal shop activity

21:52:56 Suspect briefly passes camera, wearing grey sweatshirt.

21:53:27 Victim appears, give thumbs up.

21:54:43 Suspect appears, speaking on a phone and then returns behind the counter

21:57:33 Suspect briefly walks past camera.

21:59:32 Suspect visible behind counter.

Incident Commences

22:08:00 Victim appears. Steps back, faced by suspect armed with an umbrella.

22:08:22 Victim struck with umbrella multiple times.

22:08:31 Suspect picks up a bar stool, appears to threaten victim with it along with verbal threats. Victim has his hands up and attempts to back away.

22:08:51 Appears to strike victim with the bar stool

22:09:04 Suspect walks off camera, nobody now in the picture.

22:12:22 Other member of staff just visible behind counter screen (red top).

22:13:54 Suspect reappears. He picks up an object from the floor.

22:26:07 Police arrive. Suspect speaks with officers. His gestures suggest he is attempting to is justify his actions.

22:28:10 Officers clearly attempting to understand what has taken place.

Counter Camera (camera located in the office area)

Signature: Signature witnessed by:

Continuation of Statement of

21:50:37 Suspect seen working behind the counter.
22:12:18 Other member of Ladbrokes staff appears.
22:13:06 Suspect makes phone call.
Ground floor level door entrance camera
21:51:00 Customer leaving.
21:53:47 Camera footage jumps to later time of 22:07:50 (motion activation?)
22:07:50 Victim enters, descends staircase.
22:09:22 Other member of staff seen entering
22:09:58 Suspect can be seen at the bottom of the stairs, on the phone
22:11:07 Other staff member leaves.
22:11:19 Suspect leaves premises while on the phone.
22:11:30 Suspect immediately returns.
22:11:59 Both members of staff return down the stairs.
22:14:11 Victim at the base of the stairs.
22:15:29 Victim slowly ascends the stairs.
22:15:58 Victim leaves the premises.
22:17:23 Other member of staff runs up the stairs to follow the victim, followed by the suspect.
22:17:50 Paces the area beside the front entrance.
22:25:36 Police officers arriving.
Shop Camera 4
21:57:37 Suspect passes through camera field of view at distance. Minute later, he returns.
22:26:48 Officer seen at distance.

Signature: Signature witnessed by:

ANNEX 3

PRINTED AT 17:53 21:JAN:16 Lewis

200892

SINGLE INCIDENT PRINTOUT

PAGE 1

INCIDENT No. 10058:19NOV15

INCIDENT No. 10058 entered at 22:10 on 19NOV15 by CHS/CHS in CCC/IR

INCIDENT IS "PRIORITY"
INCIDENT WAS ENTERED "EXTERNALLY"

Rec By :E (Emergency)
Call Tel :0207 287 9033
Call Name:VISHAN
Call Type:T (Third Party)
Call Mail:
Cntct Tel:

Att Locn :LADBROKES,25 ARGYLL STREET, W1
Map :Page 141, Grid Reference 529113,181155
GPA :CT [Division: AD:DD]

Inc Locn :LADBROKES,25 ARGYLL STREET, W1
Map :Page 141, Grid Reference 529113,181155
GPA :CT [Division: AD:DD]

Call Locn:LADBROKES,25 ARGYLL STREET, W1
Map :Page 141, Grid Reference 529113,181155
GPA :CT [Division: AD:DD]

Opening 1:001 (Violence Against The Person)
Prompt(s) existed for Opening Code(s) at time of creation

Open Text:

Urgency :I (Immediate)

VRMs :

Proposal :(BOCU at 22:11/19NOV15):
OC341E CW23L CW20L CW43 4311CW 4330CW 240CW CW1202 4165CW

Assigned :

DeAssign :CW20N, C1N, CW2N, CW86N

TOA :22:25:23/19NOV15

DO Name :

DO Tel :

CRIS :6550905/15

Class 1 :001 (Violence Against The Person)

Qual 1 :701 (Assistance Requested / Rendered)

Res 1 :710 (CRIS Entry/Updated)

Clo Text :CRIS^1996CW

O Dealing:1996CW

Metops :

CHS Demid:20151119036262

Linked :

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

INCIDENT No. 10058:19NOV15

Gazetteer Comments : (May have existed or altered since Incident creation - Use MSS SMF:SPECARCHIVE)

Location Based Comments

** Attendance and Incident and Caller Location **

ARGYLL ST,W1 (1 - 50)

RUNS FROM OXFORD ST TO GT MARLBOROUGH ST.ALSO SPELT AS "ARGYLE ST,W1"

NOTE:ARGYLE ST,W1 OFF EUSTON RD. (EO,300828)

SEE LONDON PALLADIUM FOR ALL RELEVANT COMMENTS

8 ARGYLL ST,W1 "BREAK FOR THE BORDER RESTAURANT" *SITE HAZARD* CONSIDER INFORMING OFFICERS ATTENDING PREMS THEY HAVE FRAGILE ROOF + OTHER SITE HAZARD

Remarks:

Time Date Opid Termid

19NOV15 CHS CHS (pre 1st routing)
CREATED IN: CHS AT: 2015-11-19 22:10:13 CAD AT: 2015-11-19 22:10:58

ENTERED BY: CHS (c711009) AT: 2015-11-19 22:10:52
INFT HAS HIT A CUSTOMER HE IS ON THE FLOOR...MTF

22:10:58 19NOV15 CHS
** **START OF DATA AUTOMATICALLY COPIED FROM OPEN PROMPT** **
OPEN CODE "001" :
01/05/07 Consider contacting MIB 24/7 Intelligence Support on
68400 or 68401 when dealing with critical/serious incidents
** **END OF DATA AUTOMATICALLY COPIED FROM OPEN PROMPT** **

22:11:40 19NOV15 CHS
LAS^MPS
Organisation:LONDON AMBULANCE SERVICE Assistance:AMBULANCE
Location: Mapref:141/529113,181155
LADBROKES,25 ARGYLL STREET, W1
MPS Contact :AD
Number ;SEE FILE
Caller:VISHAN
Number:02072879033
Unit: Assigned:N (Y/N) On Scene:N (Y/N) Attending:U (Y/N/U) ETA: Mins
Patient Contact Number: N/K PR Radio Number: N/K
Casualty 1 Chief Complaint:MALE BLEEDING FROM HEAD
Approx Age: 45 :Y (Y)ears (M)onths (W)eeeks (D)ays Sex:M (M/F/U)
Severe Bleeding:Y (Y/N/U) Conscious:Y (Y/N/U) Breathing:Y (Y/N/U)
Chest Pain:U (Y/N/U) Shot/Stabbed:N (Y/N/U) (Y)es (N)o (U)nkown
Remarks :
MALE BLEEDING FROM HEAD

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

INCIDENT No. 10058:19NOV15

Time	Date	Opid	Termid
22:11:43	19NOV15	LAS	
		MPS^LAS MESSAGE PROCESSED SUCCESSFULLY - REF:LAS/4638/19112015	
22:12:07	19NOV15	CHS	
		ENTERED BY: CHS (c711009) AT: 2015-11-19 22:11:54 INFT IS VERY PANICKED	
22:12:08	19NOV15	CHS	
		ENTERED BY: CHS (c711009) AT: 2015-11-19 22:12:07 MALE WAS ARGUING WITH THE INFT...INFT HIT HIM & HE FELL TO THE FLOOR	
22:12:10	19NOV15	718681	H2725
		^AD - PR CIRC ALL UNITS	
22:12:22	19NOV15	718681	H2725
		SS^AD - PLEASE ASSIST	
22:12:23	19NOV15	CHS	
		ENTERED BY: CHS (c711009) AT: 2015-11-19 22:12:24 OP COULD HEAR ANOTHER MALE IN THE BACKGROUND...COULDNT GET ANY MORE INFO FROM THE INFT	
22:12:44	19NOV15	CHS	
		ENTERED BY: CHS (c711009) AT: 2015-11-19 22:12:44 CAD REF DECLINED. LINE CLEARED	
22:12:50	19NOV15	205822	H2668
		^OK NUTD	
22:12:57	19NOV15	722500	H2727
		^BS SORRY	
22:30:38	19NOV15	LAS	
		MPS^LAS	Reference: [] LAS/4638/19112015
		Organisation:LAS Action :POLICE REMARKS : METROPOLITAN POLICE: POLICE requested for OTHER - FULL DETAILS BELOW ,ARE YOU ON SCENE?	
22:30:57	19NOV15	088109	H2724
		LAS^MPS Organisation:LONDON AMBULANCE SERVICE Action :INFORMATION UNIT: ASSIGNED:Y (Y/N) ON SCENE:Y (Y/N) ATTENDING:Y (Y/N/U) ETA: MINS REMARKS : POL ON SCENE	
23:28:03	19NOV15	218165	H2725
		^1996CW..CAN WE HAVE A SOCO GBH SCENE	
23:28:06	19NOV15	700607	H2724
		^2245CW ..SUSPECT DESC: ICI MALE, POSSIBLY IC2, F600, A/A 40-50YRS,	

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

INCIDENT No. 10058:19NOV15

Time Date Opid Termid

 CURLY LIGHT GREY HAIR, SHORT BLACK BEARD, WEARING A LNG BROWN
 OVERCOAT, BLACK TROUSERS, BLACK BOOTS AND BLACK BASEBALL CAP..

 ^2245CW..MALE MAY ALSO HAVE A VISIBLE HEAD INJURY, BLEEDING..THIS MALE
 IS CONCERNED IN THE INCIDENT IN LADBROKES..LAST SEEN LEAVING LADBROKES
 AT 220HRS AND MADE HIS WAY TO OXFORD CIRCUS LT STN. THIS WAS SEEN BY
 STAFF AT THE STN. PLS PASS TO BTP TO SEE IF THEY HAVE ANY INCIDENTS
 WITH MALE CONCERNED..

23:28:16 19NOV15 218165 H2725
 MFC^AD...CAN YOU ASSIST GBH SCENE

23:28:20 19NOV15 700607 H2724
 BTP^AD- PLS SEE ABOVE REMS..

23:30:20 19NOV15 BT2784 BTP04
 ^BTP - NOTED - WE HAVE HAD NO REPORTS OF ANY INCIDENTS FROM OXFORD
 CIRCUS IN THE LAST HOUR

23:43:27 19NOV15 080623 L3069
 ^MFC - PLEASE CAN AN OFFICER WITH KNOWLEDGE OF THIS OFFENCE CALL THE
 MFC (712000) TO DISCUSS THE FORENSIC REQUIREMENTS - THANK

23:50:41 19NOV15 218165 H2725
 ^CW2N.....I AM MAKING MY WAY TO THE SCENE THIS WILL BE A GBH SCENE
 CAN CW5N BE RASIED TO SEE IF THEY WISH TO COME TO THE SCENE. THEY WERE
 MADE AWARE AN HOUR AGO

00:00:10 20NOV15 218165 H2725
 ^AD..CID MADE AWARE AND HAVE ASKED FOR CW2N TO MAKE CONTACT WHEN ON
 SCENE

00:05:07 20NOV15 080623 L3069
 ^MFC - I HAVE SPOKEN WITH THE UNIT ON SCENE - AT THIS STAGE, THEY ARE
 HAPPY TO TAKE A SINBGLE SWAB OF THE BLOOD (FOR CORROBORATION PURPOSES
 FOR VIW'S IDENTITY AS THEY ARE STILL O/S) AND TO SEIZE THE BAR STOOL
 AND UMBRELLA USED BY THE SUSP - THEY HAVE ALREADY PHOTOGRAPHED THE
 SCENE SO THE REQUIREMENT FOR SOCO ATTENDANCE IS LOW AT BEST - THANK

00:40:53 20NOV15 700607 H2724
 ^1996CW- 1 X ADULT MALE DETAINED FOR AFFRAY..CALM AND COMPLIANT..PLS
 ARRANGE CELL SPACE..

00:41:08 20NOV15 700607 H2724
 ^AD- CELL 25 AT CX CUST

00:49:47 20NOV15 700607 H2724
 ^112CW/DD2N- I HAVE LIASED WITH DS ROBERTS FROM CID, CRIME SCENE WILL
 BE CLOSED ONCE VARIOUS EXHIBITS AND KEYS HAVE BEEN BOOKED IN TO CX FOL
 STN. 1778CW IS DOING THE CRIME SCENE LOG..PRISONER DETAINED FOR AFFRAY
 AND --->CX CUST

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
 NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

INCIDENT No. 10058:19NOV15

Time	Date	Opid	Termid
01:29:40	20NOV15	700607	H2724
^1194CW- CRIME SCENE CLOSED. PREMISES NOW SECURE.			

Previous Actions:

Time	Date	Opid	Termid	ACTION
SYSTEM (EXTERNAL)				
22:10:58	19NOV15	CHS	CCC:CCH	O() 001:VIOLENCE AGAINST THE PERSON
"	"	"	"	PI
22:11:12	"	718681	DIV:AD	AK
22:11:15	"	"	"	XP/AK/O001
22:11:40	"	CHS	CCC:CCH	PI
"	"	"	"	EXP/LAS
22:11:41	"	718681	DIV:AD	PR/CIRC
22:11:43	"	LAS	CCC:LAS	AK
22:11:45	"	718681	DIV:AD	AK
22:12:07	"	CHS	CCC:CCH	PI
22:12:12	"	718681	DIV:AD	AK
22:12:14	"	"	"	PR/CIRC
22:12:23	"	CHS	CCC:CCH	PI
22:12:29	"	088109	DIV:AD	AK
22:12:31	"	718681	"	PI/QK/BS
22:12:34	"	"	"	PI/EK
22:12:35	"	088109	"	AK
"	"	718681	"	AK
22:12:43	"	205822	DIV:QK	AK
"	"	"	"	XP/AK/O001
22:12:44	"	CHS	CCC:CCH	CN(02072879033)
"	"	"	"	PI
22:12:47	"	088109	DIV:AD	AK
22:12:52	"	205822	DIV:QK	PS/CM
"	"	722500	DIV:BS	AK
22:12:53	"	"	"	XP/AK/O001
22:12:59	"	"	"	PS/CM
22:13:22	"	088109	DIV:AD	AV/CW20N
22:13:25	"	718681	"	CI/CW20L
22:13:27	"	239022	CCC:MDT	MA/DELIVERED TO CW20L
22:13:31	"	203925	DIV:BS	CM
22:13:54	"	202004	DIV:EK	AK
22:13:56	"	"	"	XP/AK/O001
22:15:53	"	238839	CCC:MDT	VI/CW20N

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

INCIDENT No. 10058:19NOV15

Time	Date	Opid	Termid	ACTION
22:16:45	19NOV15	SYSTEM	SYSTEM	NA/CW20L
22:16:47	"	718681	DIV:AD	AK
22:25:23	"	"	"	TOA/CW20N
22:30:38	"	LAS	CCC:LAS	CP
"	"	"	"	IMP/INFO
22:30:40	"	088109	DIV:AD	AK
22:30:57	"	"	"	EXP/LAS/INFO
22:30:58	"	LAS	CCC:LAS	AK
22:30:59	"	088109	DIV:AD	AK
22:33:00	"	100373	DIV:EK	CM
22:37:58	"	184962	DIV:QK	CM
22:42:41	"	718681	DIV:AD	CI/C1N
22:42:43	"	201787	CCC:MDT	MA/DELIVERED TO C1N
22:42:49	"	"	"	AV/C1N
22:43:01	"	718681	DIV:AD	AK
23:00:59	"	201787	CCC:MDT	TOA/C1N
23:08:55	"	"	"	TOA/C1N
23:28:18	"	218165	DIV:AD	PI/MFC
23:28:19	"	"	"	AK
23:28:22	"	080623	DIV:MFC	AK
23:28:24	"	"	"	XP/AK/0001
23:28:28	"	700607	DIV:AD	PI/BTP
23:28:29	"	"	"	AK
23:28:31	"	BT2784	DIV:BTP	AK
23:28:32	"	"	"	XP/AK/0001
23:30:20	"	"	"	PI
23:30:21	"	"	"	AK
23:30:23	"	"	"	PS/CM
23:30:25	"	700607	DIV:AD	AK
23:35:40	"	BT7158	DIV:BTP	CM
23:43:29	"	080623	DIV:MFC	PI/AD
23:43:31	"	"	"	AK
23:43:36	"	218165	DIV:AD	AK
00:05:09	20NOV15	080623	DIV:MFC	PI/AD
00:05:10	"	"	"	AK
00:05:18	"	700607	DIV:AD	AK
00:05:47	"	"	"	LOCA(LADBROKES,25 ARGYLL STREET, W1) (CT)
00:08:27	"	080623	DIV:MFC	PS/CM
00:10:39	"	700607	DIV:AD	AV/CW2N
"	"	"	"	TOA/CW2N
00:22:32	"	084133	"	CI/CW86N

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
 NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

INCIDENT No. 10058:19NOV15

Time	Date	Opid	Termid	ACTION
00:22:35	20NOV15	233245	CCC:MDT	MA/DELIVERED TO CW86N
00:22:43	"	"	"	AV/CW86N
00:23:16	"	084133	DIV:AD	AK
00:23:21	"	233245	CCC:MDT	TOA/CW86N
00:40:45	"	188538	"	VI/CW1N
01:29:59	"	700607	DIV:AD	AC()
"	"	"	"	AQ()
"	"	"	"	AR()
01:30:02	"	"	"	OD()
01:30:07	"	"	"	CTX()
01:30:13	"	"	"	LOCA((SCENE)LADBROKES,25 ARGYLL STREET, W1) (CT)
01:30:21	"	"	"	DA/CW20N C1N CW2N CW86N
01:30:25	"	"	"	PS/CM
01:31:21	"	215355	"	AWT/CRIS
05:51:01	"	191730	"	XWT
05:51:02	"	"	"	PS/CM
05:51:09	"	"	"	ACR/6550905/15
"	"	"	"	PI/CT
05:51:12	"	700607	"	AK
05:51:13	"	191730	"	LOCA((1996CW)LADBROKES,25 ARGYLL STREET, W1)) (CT)
05:55:49	"	215355	"	CM
09:07:27	"	207784	CCC:CADL	VI/p207784
09:18:10	"	"	"	IP//PC KHALIL 1180 CW/1/p207784@met.police. uk
13:37:44	"	101861	DIV:MFC	CM
17:49:35	21JAN16	200892	CCC:CADL	VI/p200892
17:53:28	"	"	"	IP//Lewis/1/p200892@met.police.uk

... END OF PRINT ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE--DISPOSE OF AS CONFIDENTIAL WASTE.

ANNEX A

Data Protection Act - Dispose Of As Confidential Waste
 PC BG LEWIS 4161CW 200892
 CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
 GLU: CW
 General Information

Screening Decision: IN

Main
 IU: CW WESTMINSTER
 Crime Type: C H/O Crime Type: 9
 Allegation (Prefix):
 Allegation:
 Committed on/from Date: THU 19/11/2015 22:00
 Committed to Date: THU 19/11/2015 22:10
 Reported Date: THU 19/11/2015 22:10
 How Notified: NP Phone Call to Police
 Restricted? By: Date:
 Restriction Reason:

Flags
 CW

Borough Branch

Service Area (Historical)

OIC
 Is OIC Same As Reporting Officer ?
 Investigating Officer's Rank: APS
 Surname: MORLEY Initials: BM
 Warrant Number: 236436 Div/D Number: 1680CW Usual Relief:
 Duty: AA Borough Uniform
 Station/Branch: CWN Westminster North LPA
 Allocated Date/Time: 05/01/2016 14:53
 Allocation Noted? Y Noted Date/Time: 06/01/2016 10:56

Previous OIC Details		Station Branch	Allocated Date/Time	Noted Date/Time
Usual Relief	Duty			
PC 235932 S	R EDWARDS 1564CW AA Borough Uniform	CW	08/12/2015 07:57	08/12/2015 12:24
PC 240614 S	P ELLIS 1429CW AA Borough Uniform	CW	08/12/2015 07:19	08/12/2015 07:19
PC 238839 S	S WILKS 1821CW AA Borough Uniform	CW	20/11/2015 02:57	20/11/2015 02:57

OIC Supervisor: ADI/204665 P GWYN

Data Protection Act - Dispose Of As Confidential Waste
 PC BG LEWIS 4161CW 200892
 CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
 GLU:CW
 General Information

Press

Suitable for Press? Y
 Restrictions:
 Is this a Specim? N
 Date/Time:
 Was a Firearm Used? N
 Was other Weapon Used? N
 Are there Terrorist Implications? N
 Was a Suspect present on Police arrival? Y
 No. of Suspects Present: 1
 Was the Suspect(s) arrested? Y
 No. of Suspects Arrested: 1

Source System References

Source System Name	Source System Reference	Entered Date/Time	Entered By
CAD	010058/19NOV15	20/11/2015 02:56	PC 1821CW/238839 S WILKS

Totals

Total Values:

Stolen £: Recovered £:	Outstanding £:	Damaged £: Damaged On Recovery £:
VIW(s): 2 Accused: 0	Property 0 Suspect(s): 2	Vehicles(s): 0 CAIT Subject(s): 0

Drugs/Fraud

Is this CR for an arrest for possession etc. (not theft) of controlled drugs?
 If Fraudulent Use-Item Used: N

DV/Hate Crime

Is this a Hate Crime/Domestic Incident/Carer Abuse? N

Domestic Incident? Honour Based Violence? Carer Abuse?	Forced Marriage? Hate Crime?

Initial Risk Assessment (SPECSS+):
 Completed by:

Initial Risk Assessment Management Supervised?
 Completed by:

Current Risk Assessment (SPECSS+):
 Completed by:

Form 124D Completed?
 Completed by:

Form 124D Supervised?
 Completed by:

Received by the CSU? CSU Reference

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
General Information

Completed by:

LGBT Relationship?

Category of Hate Crime

Race?

Faith/Religion/Belief?

Homophobia?

Transphobia?

Disability?

Targeted because of Vulnerability?

Religion Name:

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Venue

Location

OMPD?
Address:
Ladbrokes Ltd,25,ARGYLL STREET,
LONDON,W1F 7TU
Location Text:

GLU: CW Local Id: CW16 Grid Ref: 529113,181155
Watch Area:

Main

Location Type(s): JF Betting Shop

Is the Venue covered by CCTV or in a CCTV Area? Y
CCTV Options: CE CCTV Not Recovered By Police

Approach:
Entry Method:
Entry Point:
Exit Point:
Security:
Person On Premises?
Other Info:

Internal Transfer

Date/Time Transferred By Previous GLU Previous IU

Transfer From MPS

Transfer from Met To:-
Service:
Station:
Their Reference:

Received By:-
Rank:
Number:
Surname:

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident GLU:CW
Classification

Method

Current Position: SUSP1 has hit SUSP2 over the head with a bar stool during an altercation in
Method: LADEROOKE'S

Classification Set by CIT:

Lock: Date:
By:

Classify

Main Classification:

Code	Victim	Date
S066/01		20/11/2015 02:56

Current: Confirmed as Crime Related Incident

Subsidiary Classifications:

Code	Victim	Count
------	--------	-------

Confirm?

Date:
By:

Victim Count Discrepancy:

No Crime

No Crime?
 Reason:
 Confirm? Date:
 By:

Crime Related Y Date: 20/11/2015 15:51
 Incident?
 Confirm? Y Date: 20/11/2015 15:57
 By: PC 894TP /218617 L MILLER

Statistical Info

Current Status: I Crime Related Incident Last Changed: 20/11/2015
 Cleared-Up Reason: Date:

Original Classification

Off. Code	Victim Count	Status	Outcome	Outcome Changed	Change Reason	Last Changed	Last Changed By
-----------	--------------	--------	---------	-----------------	---------------	--------------	-----------------

Confirmed Date:
 Confirmed By:

Statistical Parent CR:

Administrative Detections

Home Office Rule:
 Date:
 By:

Explanatory Notes:

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161 CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident GLU: CW
Classification

All Current Home Office
Requirements Satisfied: Date:
By:

Of Interest To
Method Index:
CP Analysis:

Victim Amendments

Date Added	Time VIW No	By
Date Removed	Time VIW No	By

History

Off.	Code	Victim	Count	Status	Outcome	Reason	When	By
------	------	--------	-------	--------	---------	--------	------	----

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

20/11/2015 03:46

PC 238839 1821CW S WILKS

PRIMARY INVESTIGATION DETAILS : 1 Immediate action
CAD 10058/19NOV15 attended by CW30N manned by PC WILKS 1821CW and PC PERKINS
1996CW.

On Wednesday 19th November 2015 CW30N were called to an I grade at LADBROOKES, ARGYLL STREET. On arrival there was 1 male on scene (SUSP1). He took officers down the stairs where there was a pool of blood at the bottom of the stairs. When asked what had happened SUSP1 explained that he was a customer service manager at LADBROKE'S. He had served his last customer at 22:07 and closed up the shop. He thought he was alone in the shop. SUSP1 was behind the counter when he noticed there was a male (SUSP2) standing by the corner of the counter. SUSP1 recognised him as a homeless male that had been banned from the shop. He asked SUSP2 to leave the premises. SUSP2 refused to leave so SUSP1 picked up an umbrella from behind the counter open, went through the side door and entered the lobby area. SUSP1 asked SUSP2 to leave but SUSP2 refused to leave still. SUSP1 then hit SUSP2 a few times with the umbrella. SUSP2 still refused to leave the store so SUSP1 picked up a bar stool and hit SUSP2 over the head with it. SUSP2 was then knocked unconscious to the floor. SUSP1 has then gone and called an LAS and police. Before LAS or police could arrive SUSP2 has regained consciousness and left the shop. During this time VIW1 has entered the shop. On SUSP2 leaving the shop VIW1 has followed SUSP2 to OXFORD CIRCUS tube station, where he has entered and been lost.

LAS were called to scene and left before police arrival. VIW1 has tried to help them locate SUSP2, but they have been unable to.

PRIMARY INVESTIGATION DETAILS : 2 Scene

The scene is LADBROKE'S, ARGYLL STREET. As you enter the premises from the street you are met by stairs that leads you down to the basement. The stairs then lead into the main betting area, and you have the betting counter on your right when you exit the stairs. The incident has happened at the bottom step.

The shop was immediately shut and scene preservation was set up by cordoning of the area. SOCO were called for but they advised officers to take swabs and take photos themselves.

Photo's Taken:

AWS/1 - Photo of shop floor of LADBROOKES
AWS/2 - Photo of metal stool
AWS/3 - Photo of floor area leading from stairs
AWS/4 - Photo of wrist watch on floor
AWS/5 - Photo of blood on floor
AWS/6 - Photo of close up blood on floor

Forensic's taken:

105/598 B24051920 MPK/1-3 wet and dry blood swabs
105/594 B24173008 SPW/05 Right hand nail swab
105/595 B24173009 SPW/06 Left hand palm
105/596 B24173007 SPW/07 Right hand palm
105/597 B24172876 SPW/08 Left hand nail

04/02/2016 13:48

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

PRIMARY INVESTIGATION DETAILS : 3 Forensics

Exhibits taken:

105/21107 A21268936 MPK/04 watch
105/21108 F00061643 MPK/05 Umbrella
105/21109 L00049899 MPK/05 Bar stool
105/21110 L00049284 SPW/01 Left shoe
105/21111 L00049285 SPW/02 Right shoe
105/21112 L00049283 SPW/03 T-shirt
105/21113 L00049286 SPW/04 Chino trousers

PRIMARY INVESTIGATION DETAILS : 4 Victims/Witnesses

There is another potential witness who left the shop prior to the incident happening. Neither SUSP1 or VIW1 knew his proper name apart from him being called S. They do have his online LADBROOKE'S account number which is 9124300 that could be used to contact LADBROOKE'S to find out his full details.

PRIMARY INVESTIGATION DETAILS : 5 Suspects

SUSP2 has been described as 6ft tall male, short back/grey curly hair, short black/grey beard, approximately 40-45, tanned skin possibly eastern european, norther accent. He was wearing long brown anorak, black baseball cap with no markings, black trousers and black working boots.

PRIMARY INVESTIGATION DETAILS : 6 Other evidence

CCTV does cover the premises. The CCTV is not held on the premises, but at a control centre in HARROW. PC PERKINS has gone down to view the CCTV, but will not be able to obtain a copy till 0900hrs as they do not have the facility to do so.

CCTV control room number 02085155999

Micheal ELLIOT who was the supervisor who was on, has been spoke to. His number is 07855335018

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

20/11/2015 03:50

PC 238839 1821CW S WILKS

CW 1& 2 have been made aware.

DS ROBERTS from CID was spoken to regarding this incident and advice to put on as an affray as there was no victim at this time. Also advised to CIRI the cris.

This has also been put as an AFFRAY due to the belief an altercation has happened but there is no victim present. CCTV needs to be viewed and VIW indentified.

20/11/2015 03:53

PC 238839 1821CW S WILKS

*****HOT RISK ASSESSMENT*****
*****If Yes to any of these questions detail
required on Dots*****

VICTIM

Clear risk of further offending against victim.

NO

Substantial financial loss. (Proportionate to victim's circumstances). NO

Disability/Mental health issue. (Relevant to offence &/or relevant risk/vulnerability identified). NO

Public Servant on duty. NO

Close relationship to offender. (Relevant to the offence). NO

Evidence of victimization. NO

Substantial age difference to offender. (Relevant to the offence). NO

OFFENCE

Complexity of investigation. NO

Risk of high community impact. NO

Evidence of corruption. NO

Media interest. NO

MPS Mandatory Crime. NO

Crime scene & forensic opportunities identified.

YES

Sensitive material/ information involved. NO

Seek advice prior to entering detail on CRIS

Hazardous materials involved. NO

OFFENDER

Likely to commit further offences. NO

Mental health issues. (Relevant to offence &/or relevant risk/vulnerability identified).NO

Repeat offender against same victim. NO

Position of trust. NO

04/02/2016 13:48

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW

Details of Investigation

Relevant offending history. NO
Part of organized crime gang/MPS gang matrix.
NO
Borough target/Prolific priority offender. NO

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

20/11/2015 05:00

PS 229841 112CW A WASHINGTON

Supervisors Primary Investigation Checklist

No - Has a victim statement been taken where a suspect has been identified?

No victim identified at present. SUSP2 left the location, prior to police and LAS arrival. I have requested that officers complete local hospital checks to establish whether any male has presented himself with a head injury, matching the initial description provided to police.

SUSP1 placed the initial call to police and made unsolicited comments to the first officers on scene. These were recorded in an EAB and endorsed by SUSP1.

Yes - Have adequate CCTV enquiries been conducted?

Yes - If CCTV has been identified, has it been viewed within a realistic timeframe and details pasted onto the DBTS?

PC Perkins 1996CW has attended Ladbrokes Head Office and viewed the CCTV of the incident. He is currently completing a viewing statement and will update the CRIS with what the CCTV shows. The footage could not be downloaded until 0900 hours.

Yes - Have adequate door to door enquiries in the immediate vicinity been conducted to identify further CCTV or witnesses? PC Skelton 2245CW traced the exit route taken by the victim (blood trail found). This led into Oxford Circus underground station. Staff members were spoken to and stated that a male did enter the underground with a visible injury. An off duty paramedic tried to provide first aid, however, the male refused any assistance and continued onto a platform. PC Skelton 2245CW will update the report with details of who he spoke with and what CCTV is available of the male inside the

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU;CW
Details of Investigation

20/11/2015 05:00

PS 229841 112CW A WASHINGTON

station. No members of staff were able to operate the CCTV system at the time.

Yes - Has the venue and surrounding area been searched for possible forensics? Scene preserved and crime scene log commenced. SOCO spoken to by the IIO. SOCO advised officers to seize various items of note such as the umbrella, bar stool and take a swab of the blood found at the bottom of the staircase (believed to belong to SUSP2). DS Roberts authorised the crime scene to be closed once the exhibits had been seized from the location. The premises was left locked and secured and the keys booked into the 66 at CX (IIO to update with the reference number). VIW1 is aware of where the keys would be taken once the scene was closed.

Swabs and clothing have also been seized from SUSP1.

CW1 INSP ROWE aware.
CW5 DS ROBERTS aware

Supervisors General Checklist

Yes - Correct Classification applied
Yes - SOCO requested on SUPPORT Page (if applicable)
Yes - Hot Risk Assessment/DASH been completed (if applicable)
No - Victim Care Card provided and code DL added to VCOP
No - RYPC card provided and code HO added to VCOP
No - VCOP Page updated with correct codes
Yes - CAD updated with CRIS reference via portal
N/a - Business crime BC Flag shown for commercial VIW
Yes - Exhibit/Property book 66 number pasted in DETS
N/a - MERLIN completed for children or vulnerable adults
N/a - Yes - 172 Signed (Domestics and assaults)

20/11/2015 05:07

PC 238839 1821CW S WILKS

LADBROOKE'S keys have been booked into CX front office.
66/34270
105/20567

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

20/11/2015 05:44

PC 238839 1821CW S WILKS

Hospital checks have been completed, a _____ s attended A&E at UCH at 22:45 with a head injury, the hospital have refused to give me any other personal details or description. He has already been discharged.

20/11/2015 07:20

SCENE EX 80382 TM JONES

SOCO TEXT: I have discussed this with the BFM today and the swab of blood is to be submitted only on an intel form. At this time it is unclear where the swabs are booked in but believed @ CX.

20/11/2015 07:21

SCENE EX 80382 TM JONES

SOCO TEXT: I have read the dets and the keys are at CX. Please can the oic update with the 66 or c/n the swabs are booked in under please. Please re-request soco once done, thanks.

20/11/2015 09:56

PC 240614 1429CW P ELLIS

Have been in contact with LAS control room, LAS callsign noted on the CAD did not convey Suspect 2 to hospital. A Dataprotection form is being completed to be submitted to UCLH to try and obtain more information in relation to _____s who may be SUSP 2.

20/11/2015 12:10

PC 240614 1429CW P ELLIS

Patient details obtained from UCH

Michael Mills

04/02/2016 13:48

Page 14 of 30

CRIS Live

page 370

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

1

... 41

GP - Dr Jefferies
The medical centre
292 Munster Road
SW6 6BQ
Tel: 0207-385-1965

20/11/2015 12:12

PC 240614 1429CW P ELLIS

CAD 3188 20NOV15 Created for officers to make contact with potential Victim.
Officers attending stated:
FLAT IN DARKNESS NO MOVEMENT
FLAT C OCC SPOKEN TO SUBJECT NOT SEEN FOR 2 WEEKS
FLAT D OCC IS FRIENDLY WITH THE SUBJECT AND GOT THE MOB NUMBER FOR
MICHAEL MILLS07424423797....

Number was called but no response, a voice message was left.

20/11/2015 13:43

PC 240614 1429CW P ELLIS

Hospital has given father updates stating that P is not the victim:

"I have just received the notes. This is not your patient! This chap came from City Road after hitting his head on a low ceiling. Nothing serious and was

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

20/11/2015 13:43

PC 240614 1429CW P ELLIS

discharged. Someone has given you the wrong information."

20/11/2015 14:44

PC 240614 1429CW P ELLIS

Record of interview:

Q: Could you describe to me the incident that took place at around 10 clock?

A: I was about to close, I served the last customer, he left. I was just running my errands...because I was in a rush to go home and you know tryinbg to get all the money in one till. I raised my head and I saw him and I said "you need to get out now". There was an umbrella and I took the umbrella and said "you get out now.", he tried to come forwards so I hit him with the umbrella. He's tried to move forwards he's high (tall) so im like 5ft something so I pick up the stool and hit him.

Q: What happened after you hit him?

A: I was scared, I was shocked, there was blood coming out of his forehead and straight away I dialled 999 and called ambulance and police.

Q: About the victim, how well do you know him/ how do you know him.

A: I do not know him personally but he has been harassing me for the last 6 months.

Q: harassing you personally?

A: if they audio in Ladbrokes Yes the things he would say, if you want me to repeat it I can repeat it.

Q: how do you know he's homeless?

A: By the way he looks.

Q: so you don't have any concrete details that he's homeless.

A: I mean he's always drunk... always has a can of strong bow he drinks it. We barred him but he still comes into the shop.

Q: could you give me a description of this person?

A: well over 6 ft always wears a baseball cap and a brown raincoat. He is bearded as well.

Q: Same baseball cap?

A: yes

04/02/2016 13:48

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW

Details of Investigation

Q: What colour?

A: Black

Q: what skin colour is he?

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CxType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

20/11/2015 14:44

PC 240614 1429CW P ELLIS

A: I thought he was white but my friend says he's probably mixed race

Q: Going back to the initial incident where you are asking this guy to get out... You tell him to leave, what did he speak to you at all?

A: Yes

Q: what did he say?

A: He did say something but I didn't pay attention to what he said.

Q: if you cant remember what he said and he wasn't showing any aggression towards you what was your intention with the umbrella?

A: I was trying to scare him off.

Q: So then what happened?

A: I've told him he needs to go and he says "who the fuck are you?"

Q: is this the point where you strike him with the umbrella

A: no then he maybe stepped towards me.

Q: I have a CCTV viewing statement that states that around 2207hrs you notice this guy and you are conversing with him at 2208hrs you've come out from behind the counter and struck the victim 4 times with the umbrella. Why was it necessary to strike him so many times with the umbrella?

A: I can't remember I think I've done it like 3 times.

Q: why did you feel it was necessary?

A: he was moving towards me.

Q: So you struck him, did he back off?

A: No he stayed where he was, so I picked up the stool and I hit him.

Q: why did you feel it was necessary to pick the stool up?

A: I can't remember.

Q: was there anything to say you were in imminent danger

A: No there was nothing to say I was in imminent danger, I felt threatened it was 10 o'clock I just wanted to go home... I thought he had something on him or he would do something.

Q: according to the viewing statement according to the officer the victim had

04/02/2016 13:48

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU: CW
Details of Investigation

20/11/2015 14:44

PC 240614 1429CW P ELLIS

his hands up palms open showing non-aggression. I put it to you again under those circumstances why you struck the victim with a substantial metal stool, something that could cause him some serious harm

A: I don't know.

Q: has he ever threatened you with violence in the past?

A: Yes

Q: what has he said?

A: That he will stab me, that he will do me.

Q: Do you have any mental health issues that effect your actions?

A: No

Q: Do you think what you did then was the appropriate way to handle it?

A: No it was not the best way to handle it; I should have stayed inside and called the police.

Q: Do you think you were acting in self defence

A: Yes I would.

Q: are you sorry for what's happened?

A: Of course I feel sorry, I shouldn't have done it and it shouldn't have got to that stage. You know I'm not a violent person but I felt scared to be one on one with a shop with him.

20/11/2015 14:46

PC 240614 1429CW P ELLIS

The ladbrookes branch has been contacted and the manager does not know any details of the victim .
He has been given his details and has been told to call the police if he is seen again.

20/11/2015 15:51

PC 218617 894TP L MILLER

Screened In

04/02/2016 13:48

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

20/11/2015 15:51

PC 218617 894TP L MILLER

Service Flag CO added

20/11/2015 15:57

PC 218617 894TP L MILLER

Crime Related Incident Confirmed

20/11/2015 15:58

PC 218617 894TP L MILLER

TP CAU: Confirmed as CRI pending case disposal

21/11/2015 15:40

PC 186363 4229CW PJ BARNETT

Service Flag CO deleted

23/11/2015 12:26

PC 238839 1821CW S WILKS

All exhibits and forensic's were booked into CX custody. There are no 66 numbers due to this.

24/11/2015 21:53

PC 235950 C O'ROURKE

04/02/2016 13:48

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
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Details of Investigation

SUSP2 located at 1630 hours by PC1582CW and CW1 on REGENT STREET after going to venue previously, prompting employee at location to call police as he believed SUSP2 to be a suspect in this report.

SUSP2 stopped and enquiries were undertaken by PC 1582CW and GPC in relation to the CRIS.
SUSP2 is in fact a

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
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Details of Investigation

24/11/2015 21:53

PC 235950 C O'ROURKE

victim of GBH in relation to this matter.

SUSP2 is of NFA and has slight mental health issues. He is an alcoholic and it was difficult keeping him on same chain of thought although he did understand officers questions.

SUSP2 had a cut on his forehead. He was asked about this and he said he fell down the stairs. SUSP2 was told about what happened and he immediately said that was what must of happened and described who I believe to be SUSP1 being involved.

SUSP2 initially said he did not want to substantiate and would not go to a police station which was more suitable. PC 1582CW persuaded SUSP2 and explained serious nature of offence and he agreed to provide MG11.

SUSP2 cannot remember assault, states he used venue to urinate, SUSP2 states SUSP1 has previously squirted him in the face with detergent two months ago, two weeks after that kicked him in the right side of hip causing swelling. At end of MG11 SUSP2 then disclosed that two hours before assault SUSP1 showed him a pen knife and boasted about being previously in prison from behind tills. These have been detailed in MG11. SUSP2 could not be anymore specific about details.

It was very difficult getting information out of SUSP2 who is an alcoholic rough sleeper with slight MH issues. He fully understood however the procedure and what was being asked.

SUSP2 said he went from OXFORD STREET to BANK then took a bus from LIMEHOUSE to ALDGATE when he blew his nose, realised he was bleeding badly and admitted himself about an hour after assault at Royal London Hospital opposite Whitechapel.

He left in the afternoon on 20TH NOVEMBER after staying

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
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GLU:CW
Details of Investigation

24/11/2015 21:53

PC 235950 C O'ROURKE

a night. He said he had a hairline fracture to top of skull, an injury to his forehead from blow of stool which required stitching and a broken right jaw as a result.

MG11 taken in 124D, PC 1582CW O'ROURKE has taken photos of injuries and exhibited. Unable to source ICEFLO over PR.

SUSP2 to be eliminated, and added as VIW1. He is moving into a hostel tonight and said he will sleep there and can be contacted there by a late visit or via post.

124D MG11, details of SUSP2, signed 172 and photos of injuries left in Transit Envelope in CW CID HANDOVER TRAY for OIC to collect.

24/11/2015 21:54

PC 235950 C O'ROURKE

DC John ROBERTS of CW CID was updated on scene with SUSP2 and advised on course of action re taking MG11 and photos of injuries.

24/11/2015 22:03

PC 235950 C O'ROURKE

Paperwork left in CID Main Office CW Night Duty Handover tray clearly marked up.

Scanned copy of 124D to be saved onto shared drive and emailed to CIDNONDOM.

24/11/2015 22:36

PC 235950 C O'ROURKE

To clarify

CPO/1 - 12D injury markings

CPO/2 - image of SUSP2s injury to forehead above left eye and bruising below

CPO/3 - image of injury to SUSP2s top right side of head

CPO/4 - dried blood stain on jacket worn by SUSP2

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW

Details of Investigation

SUSP2 homeless and refused to have his jacket to be seized as evidence.

24/11/2015 22:44

PC 235950 C O'ROURKE

124d scanned sent to CW CIDNONDOM Mailbox.
Also saved in 2015 Cris Numbers folder of CWMG11 Statements as: 6550905-15 PC1582CW

25/11/2015 11:53

PC 200892 4161CW BG LEWIS

Licensing Team aware and a meeting with Ladbrokes has been arranged to discuss CCTV and single staffing policies

08/12/2015 07:20

PC 240614 1429CW P ELLIS

OIC Changed

08/12/2015 07:57

PC 240614 1429CW P ELLIS

OIC Changed

08/12/2015 13:20

PC 235932 1564CW R EDWARDS

Swabs taken by initial officers dealing

There is a statement by PC KING with regard to these swabs in the case file.

MPK/1-3 seal number:B24051920 1 wet and 2

04/02/2016 13:48

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

08/12/2015 13:20

PC 235932 1564CW R EDWARDS

dry blood swabs 105/598
MPK/4 Seal Number:A21268936 Broken metal watch 105-21107
MPK/5 Seal Number:F00061643 Umbrella 105/21108
MPK/6 Seal Number:Looc49899 Bar stool 105/21109

ALL EXHIBITS HAVE BEEN BOOKED INTO CX CUSTODY

10/12/2015 11:30

PS 224161 4035CW MP BROAD

SUPV - noted

10/12/2015 20:46

PC 235932 1564CW R EDWARDS

I have spoken with DI James McEvoy with regards to this case and he will be passing it to the Main office DI on the 11/12/2015 for consideration with regards to CID dealing with it.

Originally there was no Victim when the interview was carried out and the suspect was bailed to return on the 18-01-2016 pending further enquiries into locating a victim.

A victim has now been located by team officers and a statement taken from him in which he states his injuries were a fractured skull and a broken jaw. The victim attended Hospital and stayed in overnight.

A copy of the CCTV has been made and is ready for collection at the store

Swabs were taken from the scene of blood and have been recorded earlier in this report.

I have left the file with DI McEvoy. The COPA ref is 01CW/00148/15

19/12/2015 03:41

PC 235932 1564CW R EDWARDS

VCOP letter sent out to VIW2 address :
We have requested information from the hospital with regards to the injuries you sustained in this incident.

04/02/2016 13:48

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
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GLU:CW
Details of Investigation

27/12/2015 13:58

PC 235932 1564CW R EDWARDS

Hand over sent to DI Gwyn from PC Richard Edwards CPU, DI Gwyn will return to office on the 29th DEC. CID are already in possession of the case file.

29/12/2015 16:57

CIV 722646 K TORPEY

VIW2

29/12/2015 17:09

CIV 722646 K TORPEY

VIW1 has attended cx front office as he wanted to have an update on what was going on. He has updated his name as [redacted] from [redacted]. He states that [redacted] is his family name but the name [redacted] is what he is registered as on his passport and birth certificate.

He has said that he didnt.

Data Protection Act - Dispose Of As Confidential Waste
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GLU:CW
Details of Investigation

29/12/2015 17:09

CIV 722646 K TORPEY

recieve the letter sent to him, but believes this could have been because there was a different name on the letter than what he is registered at at the homeless shelter. Therefore he has requested that police contact him again at the name 3.

He still does not have a telephone number or email address, so therefore can he please be contacted via the C/O address on VIW2 page.

03/01/2016 20:56

PC 235932 1564CW R EDWARDS

CCTV

CCTV of incident collected from Ladbrokes head office Rayners Lane .

Booked into CX front office : 66/30038 105/63

05/01/2016 14:53

ADI 204665 P GWYN

OIC Changed

05/01/2016 15:26

ADI 204665 P GWYN

Review

This investigation is to be progressed by cW SCU given the victim's injuriors

Actions:

Contact and update VIW's 1 and 2 (update VCOP accordingly)
Request medical evidence
Request 999 tape
Collate and review MG11's

04/02/2016 13:48

Details of Investigation

Collate and review exhibits
Collate and review photographs
Review CCTV produce stills as appropriate
Review interview re any need for a further interview with evidence obtained since BTR
Rebail suspect in good time before BTR as to ensure that all available evidence is presented to the CPS

07/01/2016 11:51

APS 236436 1680CW BM MORLEY

Medical evidence request sent to Royal London Hospital (Bart Health trust) by email.

07/01/2016 11:59

APS 236436 1680CW BM MORLEY.

Letter sent to victim to update and request contact.

12/01/2016 11:55

APS 236436 1680CW BM MORLEY

Due to apparent problems with request for medical evidence, further request sent which appears to have gone through successfully.

12/01/2016 16:01

APS 236436 1680CW BM MORLEY

Bail to return varied to 17:00 on the 22nd March pending medical evidence and CPS charging decision.
Authorised by ADI GWYN.

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
CR:6550905/15 CrType:C Notifiable/MPS/Other:N-9 Status:I Press:Y Class:Crime Related Incident
GLU:CW
Details of Investigation

14/01/2016 10:36

APS 236436 1680CW BM MORLEY

Spoke with victim who attended CX in response to letter. He is expressing some unwillingness to attend court as he likes to 'turn the other cheek.' In this case it is dependent on whether the assailant (who appears to have victimised him on at least three occasions including this one) has lost his job. I also offered the VPS - it was declined at this stage, but may be revised, dependent on whether the victim will cooperate with the prosecution.

20/01/2016 08:23

ADI 204665 P GWYN

Progress noted.

25/01/2016 12:20

APS 236436 1680CW BM MORLEY

Still awaiting medical evidence to facilitate submission for charging advice.

25/01/2016 14:17

PC 9665 1184CW K. SHAH

VIW attended CX today, he stated his correct name is: [REDACTED]. He also wanted to know how the investigation was going. He was informed the OIC is awaiting medical evidence.

29/01/2016 13:49

APS 236436 1680CW BM MORLEY

Still awaiting medical evidence. Copied into email. The request has been forwarded to the relevant department.

04/02/2016 13:48

Data Protection Act - Dispose Of As Confidential Waste
PC BG LEWIS 4161CW 200892
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GLU:CW
Details of Investigation

01/02/2016 15:17

PC 190790 4325CW SA CARVELL

Your CCTV is ready for collection today the 01/02/2016. BK 105: 61-2016 refers.

The CCTV that you submitted has been completed. The copies, original discs and DVD masters are ready for collection from the Evidential Imaging Office at CX.

When attending court take the original exhibit & our master DVD in all cases.
We can not store CCTV indefinitely as we do not have the space. Items not collected or notifications not responded to will result in CCTV being sent to Mandela Way.

03/02/2016 11:24

ADI 204665 P GWYN

Progress noted. Please chase the medical evidence.

ANNEX 5

Hi Celia,

Following on from our telephone call:

If possible I would like all footage from your Argyle Street, W1 premises around the incident at 2200. Could I have all cameras from 2130 until after police attend and leave. If it could be sent to the address below that would be great. Any stills you have would also be much appreciated. The incident itself involves a fight of some nature between a member of staff and a member of public.

Kind regards

PC Chris Marriott 3540CW

Westminster Police Licensing Team

4th floor, 64 Victoria Street,

London, SW1 EQP

Tel: 02076411709

Look out for your electoral registration form in the post. It's important you respond to ensure you remain on the electoral register even if you're already registered. www.westminster.gov.uk/annual-canvass-2015.

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

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

Westminster City Council: www.westminster.gov.uk

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster

Lewis, Bryan

From: Marriott, Chris
Sent: 20 November 2015 15:15
To: Hoppe, Paul; Lewis, Bryan; Janes, Toby
Subject: FW: Labrokes - 25 Argyle Street 19/11/15 2200 hrs
Attachments: 1173 19-11-2015 ASSAULT STAFF ON CUST PIC1 OB.jpg; 1173 19-11-2015 ASSAULT STAFF ON CUST PIC2 OB.jpg; 1173 19-11-2015 ASSAULT STAFF ON CUST PIC3 OB.jpg; 1173 19-11-2015 ASSAULT STAFF ON CUST PIC4 OB.jpg; 1173 19-11-2015 ASSAULT STAFF ON CUST PIC5 OB.jpg

Re Labrokes,

Not many stories can be gained from these pictures other than the one as per the cris?!

Nasty.....

From: Celia Hipgrave [mailto:celia.hipgrave@ladbrokes.co.uk]
Sent: 20 November 2015 15:05
To: Marriott, Chris
Subject: Re: Labrokes - 25 Argyle Street 19/11/15 2200 hrs

Hi Chris

Sorry for the delay, stills attached moving in the post

Regards
Celia Hipgrave
CCTV Administrator

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CCTV@ladbrokes.co.uk
Tel: 0208 515 5132
Mobile: 07976 180500

Ladbrokes Betting and Gaming Ltd | Central Security | Imperial House | Imperial Drive
| Rayners Lane | Harrow | HA2 7JW

On 20 November 2015 at 11:03, Marriott, Chris <cmariott2@westminster.gov.uk> wrote:

Your ref

Our ref 6550905/15

Date: 30.11.2015



Ladbrokes Betting & Gaming Ltd

**METROPOLITAN POLICE
SERVICE**
Bryan Lewis PC4161CW
Westminster Police Licensing Team
Westminster City Hall
4th Floor
64 Victoria Street
London
SW1E 6QP

Telephone: 020 7641 1709
mob
Facsimile: 020 7641 2436
Email:blewis1@westminster.gov.uk

Dear Sir

Re Police meeting with Ladbrokes regarding an incident at 25 Argyll Street W1

Our meeting on Tuesday 1/12/2015 was following events of the Thursday 19th November 2015 at 10:08pm at Ladbrokes, 25 Argyll Street. A male member of public was struck with an umbrella and a stool, wielded by a member of your staff, resulting in the male sustaining a head injury. After the male had left, the staff member discovered blood on the floor and called Police and the LAS. The staff member, who had been alone in the shop, was subsequently arrested for the assault on the unknown male. The following concerns came to light.

- CCTV was not available to view. This meant that a decision to arrest the member of staff was made without viewing CCTV first, which may have exonerated him if it clearly showed he acted in self defence.
- Police were unable to view an image of the injured male to assist in locating him and providing him with medical assistance.
- Response Officers had to go off borough to visit the Ladbrokes Control Room in Harrow, in order to view the CCTV. This meant the borough was short of a Police response vehicle and crew.
- Full coverage of the interaction between the two males was not provided due to limited coverage provided by the surveillance system.
- The monitor in the cashier's office provided short intermittent images of the front entrance. Had uninterrupted images been available, this may have enabled the member of staff to deploy the maglock on the front door and prevent entry to the victim.

In order to reassure Police, I suggest the following conditions below are added to your Gambling Premises licence for 25 Argyll Street. If you do not agree that this action is necessary, you leave us no option other than to consider commencing review proceedings against the licence for that venue.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service
4. There shall be no preplanned single staffing after 8pm. Should the premises be single staffed after this time, the magnetic door locking system must be in constant use.

I look forward to hearing from you

Regards

Bryan Lewis

Westminster Police Licensing Team

London, SW1 EQP

Tel: 02076411709

Regards
Celia Hipgrave
CCTV Administrator

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CCTV@ladbrokes.co.uk
Tel: 0208 515 5132
Mobile: 07976 180500

Ladbrokes Betting and Gaming Ltd | Central Security | Imperial House | Imperial Drive | Rayners Lane | Harrow | HA2 7JW

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

From: Lewis, Bryan <blewis1@westminster.gov.uk>
Date: 25 November 2015 at 11:39
Subject: 25 Argyll Street
To: "celia.hipgrave@ladbrokes.co.uk" <celia.hipgrave@ladbrokes.co.uk>

Hi Celia

I am from Police Licensing at Westminster. You dealt with my colleague Chris regarding 25 Argyll Street. Yesterday I emailed Barry Phillips and Ian Morrison about a meeting I would like to have with them next Monday the 30/11 at 3pm Westminster City Hall, regarding the incident that occurred last Thursday evening. I haven't heard back from them. I was wondering if you might enquire if a suitable representative of Ladbrokes could meet me on Monday.

Also can you confirm whether Police Licensing have been sent the footage of the incident as requested? So far I have only seen still images.

Lewis Bryan - Westminster

From: Lewis Bryan - Westminster
Sent: 26 November 2015 09:41
To: 'Barry Phillips'
Subject: RE: 25 Argyll Street

Bary

I've found it had been left among a pile of unsorted post for our unit. So apologies for that. I was originally just asking for confirmation that it had been sent. Thanks for being prepared to deliver it

Regards

Bryan

From: Barry Phillips [mailto:barry.phillips@ladbrokes.co.uk]
Sent: 26 November 2015 09:23
To: Lewis Bryan - Westminster
Cc: Darren Austin; Celia Hipgrave
Subject: Fwd: 25 Argyll Street

Bryan

Since we spoke a minute ago, the note below arrived, FYI.

Just to confirm our telephone conversation, I informed you that the request was made by Chris Marriott on 20/11/15, it was sent by recorded delivery on 20th and signed for on 23/11/15.

You have been informed of this. In our conversation you stated that you had not seen Chris because he has been away from his desk this week. To overcome your internal issues, I stated I will have another copy made available today and will bring it myself and give it to you personally, against signature.

Can you confirm what JB AHOI did with the DVD after he signed for it please.

Regards

Barry

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

From: Celia Hipgrave <celia.hipgrave@ladbrokes.co.uk>
Date: 26 November 2015 at 09:14
Subject: Fwd: 25 Argyll Street
To: Darren Austin <darren.austin@ladbrokes.co.uk>, Barry Phillips <barry.phillips@ladbrokes.co.uk>

Hello

The footage was sent on Royal Mails recorded delivery no KR835347968GB. This was delivered on the 23rd November at 08.49 and signed for by JB AHOI.

Address on the envelope was

PC Chris Marriott 3540CW

Westminster Police Licensing Team

4th floor, 64 Victoria Street,

Lewis, Bryan

From: Gavin Dalzell <gavin.dalzell@ladbrokes.co.uk>
Sent: 15 January 2016 15:24
To: Lewis, Bryan
Cc: Caroline Beel
Subject: 25 ARGYLL STREET, LONDON, W1F 7TU

Bryan,

Good afternoon.

The CCTV system which was provided in our shop at the time of the incident in November 2015 was first fitted in 2004.

I am on vacation from close of business tonight, returning on Monday 1 February. In my absence, would you please liaise with Caroline Beel our Head of Development and Planning at

Email: caroline.beel@ladbrokes.co.uk

Tel: 0208 515 5362

Mob: 07855 275 507

regarding any matters relating to the above premises.

Gavin Dalzell
National Licensing Manager
Ladbrokes
07855 275539

Ladbrokes

Tel: +44 20 8868 8899

Fax: +44 20 8868 8767

Registered in England Number 775667

Registered Office: Ladbrokes Betting & Gaming Limited

Imperial House, Imperial Drive, Rayners Lane, Harrow, Middlesex, HA2 7JW

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Our Ref: GD

Divisional Office Address:
20 La Porte Precinct
Grangemouth
FK3 8BG
Tel: 01728 464500
Fax: 01324 482233

14 January 2016

Bryan Lewis PC4161CW
Westminster Police Licensing Team
Westminster City Hall
4th Floor
64 Victoria Street
London
SW1E 6QP

Dear Bryan,

LADBROKES BETTING AND GAMING LIMITED
25 ARGYLL STREET, LONDON, W1F 7TU

I refer to your letter of 30.11.15 and note the suggested conditions which you would like to be added to our Premises Licence in respect of the above premises.

Following consultation with our Operation team and Security Department, please find below our slightly revised version of your proposed conditions, the amendments are highlighted.

Condition 1.

We would suggest,

The premises shall install and maintain a comprehensive CCTV system, **covering all areas of the premises**, as per the **reasonable** requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. **Recordings shall be immediately arranged by a member of staff for hand over to Police or authorised officer following their request** throughout the preceding 31 day period.

Condition 2.

We would suggest,

All shop staff will be trained to report any Security and Safety incidents to the Ladbrokes 24 hour Security and Safety Control Room. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to **arrange for Police or authorised council officer to view recent CCTV images or data with the absolute minimum delay when requested. Images can immediately be sent to any email address provided by the police or authorised council officer**

Condition 3.

We would suggest,

An incident log shall be kept for the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any faults in the CCTV system
- (e) any visit by a relevant authority or emergency service

Condition 4.

We would suggest,

At all times when the premises are manned by a single member of staff, he or she will be provided with and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff for a pre-determined period of time. Should the premises be single manned after 8pm, the magnetic door locking system must be in constant use.

Further to our telephone conversation yesterday, I understand that you attended a meeting on 1 December 2015 with our Barry Phillips and Steven Rowe from Westminster Licensing.

On 11 December 2015, we provided additional CCTV cameras in the shop, which included a new staff quad screen monitor that shows, at all times,

Upstairs entrance
Shop/Machine area
Rear shop area
Front shop area

The latter 2 areas were not previously covered by our CCTV system.

I would be obliged if you would consider the slight alterations to your proposed conditions and confirm to me if they are acceptable to you.

Yours faithfully,
for LADBROKES BETTING AND GAMING LIMITED

Gavin Dalzell

GAVIN DALZELL
National Licensing Manager

Lewis, Bryan

From: Lewis, Bryan
Sent: 01 February 2016 13:19
To: 'Bryan.Lewis@met.pnn.police.uk'
Subject: FW: 25 ARGYLL STREET, LONDON, W1F 7TU

From: Lewis, Bryan
Sent: 20 January 2016 20:18
To: Gavin Dalzell
Cc: Hoppe, Paul; Simpkin, Kerry; Nelson, Nicholas
Subject: RE: 25 ARGYLL STREET, LONDON, W1F 7TU

Gavin

I've just returned to work after my long weekend so I have just read your letter with amended proposed Police conditions. I will break it down in the order you have made your amendments in bold.

'Covering all areas' is acceptable

'Reasonable' no, as that then is becomes a debate about what is reasonable and to whom. Recording shall immediately be arranged: is quite different to 'made immediately available' and that is virtually where are now.

Condition 2

Reporting to Security is not relevant here and surely they should be doing that now

Again you have inserted 'staff member must be able to arrange' instead of my condition which states must be able to provide Police etc. copies of recent CCTV etc.

You have put images can be sent by email etc. This is not acceptable. Officers are not currently equipped to view emails when dealing with emergency calls. I think here you are probably referring to still images, again not acceptable. Officers need to view footage. Also when deciding on a course of action, officers may need to view around an incident eg when persons arrived, what the suspect's actions were afterwards etc.

Condition 3

You have omitted incidents of disorder from the incident log; they must be included

Condition 4

Single Staffing: I regard Agyll Street as a high risk branch because it is in a basement and therefore any disturbances or persons in distress on the shop floor would not be visible from the street. After all, the victim could have been your member of staff and he could have sustained a serious injury. The Security Control would have been unaware due to the limited CCTV coverage and they were not alerted anyway.

Therefore to summarise your amendments are not acceptable. I will visit the branch to view the new CCTV cameras at the first opportunity and let you know my findings.

Bryan Lewis PC4161CW
Westminster Police Licensing Team
Westminster City Hall
4th Floor, 64 Victoria Street
London SW1E 6QP

Lewis, Bryan

From: Lewis, Bryan
Sent: 28 January 2016 11:28
To: 'Caroline Beel'
Cc: Simpkin, Kerry; Nelson, Nicholas
Subject: RE: Ladbrokes - 25 Argyll Street, London

Dear Caroline

Thank you for your email. My recent visit was simply to examine the CCTV upgrade that was done recently at the Argyll Street shop. Although there is some improvement, there are still areas in the shop where there is no camera coverage; an area at the far end of the counter, the toilet corridor and the staircase area.

Please consider additional coverage to ensure these areas are viewed by the CCTV system.

regards

Bryan Lewis PC4161CW
Westminster Police Licensing Team
Westminster City Hall
4th Floor, 64 Victoria Street
London SW1E 6QP
0207 641 3347

From: Caroline Beel [<mailto:caroline.beel@ladbrokes.co.uk>]
Sent: 27 January 2016 09:58
To: Lewis, Bryan
Cc: Rowe, Steven; Simpkin, Kerry; Gavin Dalzell
Subject: Ladbrokes - 25 Argyll Street, London

Dear Bryan

Thank you for your email sent late Wednesday evening. As you are aware this matter has been passed to me whilst Gavin is on annual leave. I would at this juncture like to apologise for the delay that you experienced back in December when dealing with this matter, due as you are aware to Barry being on sick leave. I apologise for the delay that you experienced.

Over the past couple of days I have reviewed all correspondence passing between yourself and Gavin and prior to that with Barry to familiarise myself with the situation. I hope to be able to respond to you very shortly in relation to your email of Wednesday evening however I have been informed that you attended the shop later that same evening. As a result I would be grateful if you could confirm subsequent to your visit whether there are any additional points that you wish to raise or whether there are any points that you are now satisfied with and no longer need to be included. I can then ensure that I comprehensively respond to you on all points rather than responding to you in relation to your email and then further points arising out of your shop visit.

I look forward to hearing from you. As I have said I am endeavouring to respond to you shortly, hopefully by the end of this week/Monday.

Kind regards,

Caroline

Caroline Beel
Head of Development & Planning

Office: 0208 515 5362
Mobile: 07855 275 507

Ladbrokes

Tel: +44 20 8868 8899

Fax: +44 20 8868 8767

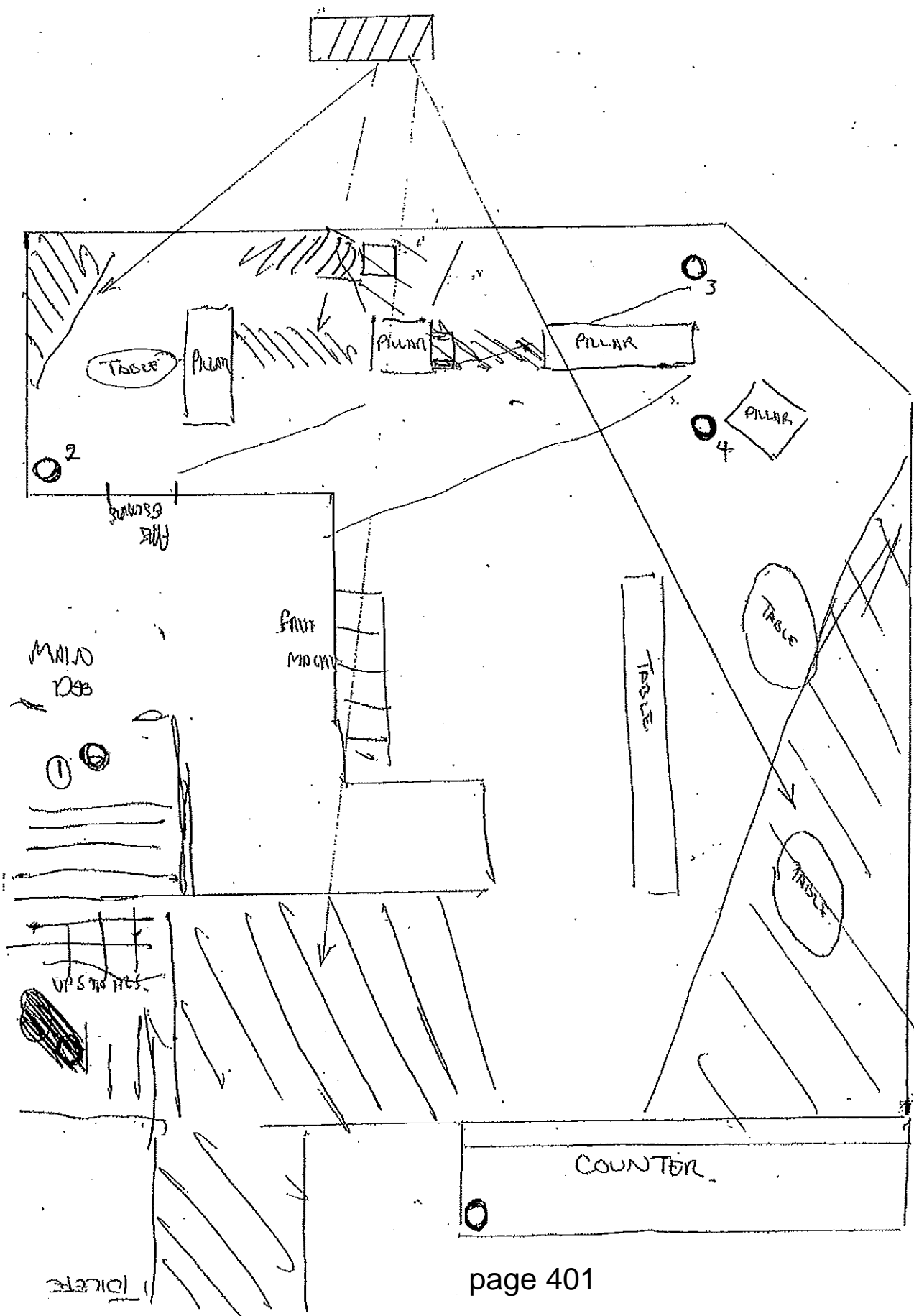
Registered in England Number 775667

Registered Office: Ladbrokes Betting & Gaming Limited

Imperial House, Imperial Drive, Rayners Lane, Harrow, Middlesex, HA2 7JW

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Ladbroke's Arayll st
Areas not covered on CCTV JAN 16





Our Ref: Westargy

29 January 2016

Bryan Lewis PC4161CW
Westminster Police Licensing Team
Westminster City Hall
4th Floor
64 Victoria Street
London
SW1E 6QP

Dear Bryan,

LADBROKES BETTING AND GAMING LIMITED
25 ARGYLL STREET, LONDON, W1F 7TU

Thank you for your email of 20th January, which I have fully considered.

As you will be aware all Ladbrokes shops within Westminster adopt enhanced control measures and are risk assessed on a regular basis. The risk assessments for this shop do not assess these premises as high risk and the incident log for the shop concurs with this assessment. Aside from the incident in question over the last 4 years, there have been 4 machines damaged, 1 incident of other criminal damage (to a CCTV camera), 1 abusive customer and 3 incidences of anti-social behaviour.

The incident that occurred on 19 November 2015 was a unique, isolated and unpredictable event and one that could have occurred in any industry. The incident has been fully investigated and the member of staff has been dismissed.

The conditions therefore that we had offered took into account all of the above and were in our view reasonable and proportionate in trying to alleviate your concerns, in dealing with such an event.

I will take our proposed conditions in turn and refer to your comments. Conditions 1 and 2 relate to CCTV provision.

Condition 1.

The premises shall install and maintain a comprehensive CCTV system as per the reasonable requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be immediately arranged by a member of staff for hand

over to Police or authorised officer following their request throughout the preceding 31 day period.

Condition 2.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to arrange for Police or authorised council officer to view recent CCTV images or data with the absolute minimum delay when requested. Images can immediately be sent to any email address provided by the police or authorised council officer.

Ladbrokes CCTV system operates throughout the estate in the UK and Ireland, the CCTV records all motion in a shop 24/7 for 365 days with infra red cameras covering night time. In this shop, the usual camera coverage has been upgraded to 6 cameras. There is a CCTV monitor in the staff area, this is a multiplex system and will switch between the relevant cameras. Coverage includes a covert camera at the entrance which will capture full head and shoulder images of everyone entering the premises.

Security operators based at the Central Security and Safety Control room based at Ladbrokes HQ in Harrow, Middlesex are SIA CCTV operator trained and are responsible for receiving and maintaining reports from shops, and monitoring the CCTV, Panic and Intruder alarms. Security personnel also hold First Aid and Institution of Occupational Health and Safety Certificates.

The main difference between our respective conditions is on who provides the images to the Police. Since 2002 Ladbrokes has managed the CCTV system remotely from Harrow including the timely provision of quality still and moving images to external agencies.

The benefits of remote management include the protection of shop colleagues from assailants attempting to seize CCTV evidence; protection of company assets from internal theft ensuring dishonest members of staff are unable to pause recording and/or delete images; daily monitoring of the system ensuring any faults within individual shops are identified and resolved within a short period of time, and regular checks on quality of images, camera angles etc.

The Ladbrokes CCTV system and the images captured have been hailed by Police Officers throughout the country as extremely efficient with the ability to forward still or moving images from the CCTV system to officers, who have the facility to receive them, within 5 minutes. If the officers in Westminster do not have this facility a series of high quality still images covering the incident can be sent immediately to the shop. All shops now have a tablet and the images can be sent to that tablet so they can be viewed by officers on site.

We are also aware of the Westminster Central CCTV monitoring system and can assure Westminster that moving images of incidents can be transferred to the Westminster Central CCTV unit within 5 minutes if required.

In 2015 the Central Security and Safety Control room team received and responded to approx 1,500 requests for CCTV images from police forces throughout the UK. To the best of our knowledge the issue of not being able to download images on site has never been raised by police officers prior to the current case.

I hope this has assured you of our commitment to work with the Police and provide immediate CCTV images with the minimum of delay.

Condition 3.

An incident log shall be kept for the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue**
- (b) all ejections of patrons**
- (c) any complaints received concerning crime and disorder**
- (d) any incidents of disorder**
- (e) any faults in the CCTV system**
- (f) any visit by a relevant authority or emergency service**

Please note that the condition previously offered had omitted (d) in error and this has been reinstated.

The incidences relating to crime and disorder are reported by the shop team to the central control room. These are logged and tracked which enables us to proactively react to any developing issue.

Condition 4.

At all times when the premises are manned by a single member of staff, he or she will be provided with and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff for a pre-determined period of time. Should the premises be single manned after 8pm, the magnetic door locking system must be in constant use.

Ladbrokes have received Assured Advice for Single Scheduling from our Primary Authority. The Assured Advice, which we have held since September 2012, states,

"having considered the single scheduling protocol and the associated documents and evaluated it to assess compliance with legal requirements, I confirm that my advice to the company is that the revised single scheduling procedure complies with the requirements of health and safety law. In particular, I believe that, if fully implemented correctly, the policy would comply with the requirement to carry out a suitable and sufficient assessment of the risk to the health and safety of employees and persons not in your employment that arise from lone working. I also believe that, if correctly implemented, the procedure would comply with the requirement to implement a safe system of work in accordance with Section 2 (2) of the Health & Safety at Work Act 1974."

All premises are risk assessed to ensure suitability for lone working. All colleagues undertake a personal risk assessment and are trained on safe working practices before they are permitted to work alone.

All Ladbrokes premises within Westminster have, as a minimum, the following security equipment in place: Electronic Door Locking (enabling staff to control entry from the staff area); CCTV system and Static Panic Alarm system linked to the Central Security and Safety Control room.

In addition to the above all shops now have a Portable Panic Alarm for staff use; staff working alone at anytime must wear the device. The device must also be worn when any member of staff enters the customer area (even if there is more than one member of staff working) this provides the individual with the ability to alert Central Security and Safety Control room operators in an emergency when away from the staff area.

The device is worn around the neck (via an adjustable length lanyard) or clipped to a belt/waistband. There is an orange button on each side of the device. When both buttons are pushed at the same, a panic alarm signal will be sent through to the Central Security

and Safety Control Room in exactly the same way as the fixed buttons that are underneath the counter in the staff area.

The Control Room will follow the same procedures as they do with the fixed buttons in that they will call the shop and dial into the CCTV to determine the reason for the activation. If they are not able to confirm the reason for the alarm, they will call the police to report a possible issue as well as make continued efforts to call the shop and contact a member of the local management team.

The device also has a person down function built into it. If the device is lying in the horizontal position, it will start to beep. If after 20 seconds the device is still in the horizontal position, it will send a panic alarm signal through to the Central Security and Safety Control Room who will follow the procedure outlined above. This ensures that if as in the example you cite a member of staff in the customer area is assaulted and sustains a serious injury, or a member of staff has an accident or falls ill, the person down facility will activate and alert the Central Security and Safety Control room team who will take the appropriate action.

In light of the risk assessment for the shop and the policies and control measures in place Ladbrokes contest the need for a condition requiring no pre planned single staffing after 8pm.

The policies and procedures exist to ensure a safe customer and staff environment. However, with any risk assessment it can always be breached by a unique, isolated and unpredictable event like this one which is beyond the control of process and policies.

I believe it would be beneficial to discuss this in more detail and, if you were available to come to Harrow, it would be a good opportunity to show you the Security and Safety Control room. Alternatively we would be happy to meet at the premises or any other venue you suggest. We very much hope to be able to work with you to reach mutually acceptable conditions that are reasonable and proportionate.

I look forward to hearing from you.

Yours faithfully,
for LADBROKES BETTING AND GAMING LIMITED



Caroline Beel
Head of Development & Planning

Lewis, Bryan

From: Lewis, Bryan
Sent: 04 February 2016 08:05
To: 'Caroline Beel'
Cc: 'Paul.Hoppe@met.pnn.police.uk'; Simpkin, Kerry; Nelson, Nicholas
Subject: RE: Ladbrokes - 25 Argyll Street, London

Dear Caroline

I have read your letter a number of times. I would say that there is nothing new there. I have had a number of meetings with Barry and Neill, your representatives who have gone over the points you have raised, both about Argyll Street and other branches. It appears that you intend to rigidly stand by your existing CCTV policies. For example you still state providing still images immediately following an incident of crime and disorder is an acceptable response. Quite frankly this sounds very dated. I would urge you to seriously consider your policies on providing CCTV to the Responsible Authorities and I am more than happy to discuss this with you and CCTV professionals, in the future. However I feel at the moment you are only intent on defending your current system. For those reasons I feel this matter must go before a Review hearing in order to properly address Police concerns.

I will in any case respond to the points you have raised in your letter, in the contents of my review statement.

Regards

Bryan Lewis PC4161CW
Westminster Police Licensing Team
Westminster City Hall
4th Floor, 64 Victoria Street
London SW1E 6QP
0207 641 3347

from: Caroline Beel [<mailto:caroline.beel@ladbrokes.co.uk>]
Sent: 27 January 2016 09:58
To: Lewis, Bryan
Cc: Rowe, Steven; Simpkin, Kerry; Gavin Dalzell
Subject: Ladbrokes - 25 Argyll Street, London

Dear Bryan

Thank you for your email sent late Wednesday evening. As you are aware this matter has been passed to me whilst Gavin is on annual leave. I would at this juncture like to apologise for the delay that you experienced back in December when dealing with this matter, due as you are aware to Barry being on sick leave. I apologise for the delay that you experienced.

Over the past couple of days I have reviewed all correspondence passing between yourself and Gavin and prior to that with Barry to familiarise myself with the situation. I hope to be able to respond to you very shortly in relation to your email of Wednesday evening however I have been informed that you attended the shop later that same evening. As a result I would be grateful if you could confirm subsequent to your visit whether there are any additional

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Bryan Lewis PC4161CW
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Direct Dial: +44 (0) 1722 426923
Direct Fax: +44 (0) 1722 411079
E-Mail: rhiannon.daniel@trethowans.com
Our Ref: RLD01/CJP01/301550
Your Ref:
Doc Ref: 3540753v1

8 February 2016

BY POST & EMAIL: blewis1@westminster.gov.uk

Dear Sirs

Ladbrokes - 25 Argyll Street, London W1F 7TU

Please find enclosed a copy of a representation which has today been filed with Westminster Council in relation to the review of Ladbrokes premises at 25 Argyll Street, London, W1F 7TU.

Yours faithfully



Trethowans LLP

Enc

11 FEB 2016 10:01 AM

The word "partner" is used to refer to a member of Trethowans LLP, or an employee or consultant with equivalent standing and qualifications. A list of members is open to inspection at our registered office above.

Lexcel
SOLICITORS
WILTSHIRE

IN THE MATTER OF AN APPLICATION FOR REVIEW
PURSUANT TO SECTION 197 GAMBLING ACT 2005
LADBROKES BETTING AND GAMING LIMITED
25 ARGYLL STREET, LONDON, W1F 7TU

REPRESENTATIONS BY LADBROKES BETTING AND GAMING LIMITED
PURSUANT TO SECTION 197(6) GAMBLING ACT 2005

1. This review application has been brought by PC Bryan Lewis. The review is based on a single incident, involving a single staff member, at the above premises. The grounds for review are stated to be:

“On 19 November 2015 there was an alleged serious assault by a Ladbrokes member of staff on a member of the public”.

2. The assault was an unforeseeable incident by an experienced member of staff which Ladbrokes could not have prevented. Ladbrokes deeply regrets that a member of staff behaved in this way and have dismissed the staff member concerned.
3. Ladbrokes is a national company, with well-established procedures to reduce crime and protect staff. Ladbrokes is the only betting and gaming business to have assured advice from a Primary Authority in relation to single scheduling. Its primary authority is Liverpool City Council. The primary authority is satisfied with and has approved Ladbrokes' relevant policies and procedures.
4. Ladbrokes has also worked with the Metropolitan Police, Community Union, LACORS and others to produce a voluntary code of security and safety prevention measure, the Safe Bet Alliance, which is implemented within the Ladbrokes estate.
 - Following this incident, Ladbrokes has taken steps in relation to security and crime prevention in the premises, namely: Two additional CCTV cameras have been fitted.
 - The camera at the top of the stairs has been repositioned to improve monitoring of the front door, to enable staff to operate the maglock if necessary; A new light has also been fitted above the door on the exterior side to aid with the above.
 - A new monitor and quad unit has been fitted on the counter to enable staff to view four cameras simultaneously rather than the single camera monitor previously installed.
5. It is respectfully submitted that Ladbrokes, which is a responsible organisation with a strong relationship with its primary authority and with statutory authorities locally, is taking all appropriate measures in light of this incident.
6. PC Bryan Lewis has proposed draft conditions to Ladbrokes. The conditions have yet to be fully agreed, but it is hoped and expected that agreement will be reached before the hearing of this matter. The conditions proposed by PC Bryan Lewis and Ladbrokes' comments are as follows:-

Proposed Condition 1:-

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirement of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

CCTV images from each Ladbrokes betting office are held, stored and administered nationally.

- **CCTV footage can be supplied electronically direct to Westminster City Council's CCTV control room.**
- **Still images can be supplied electronically direct to individual betting offices.**

This system has occasioned no difficulty or complaint from any local authority or Police force. It results in images being held securely by Police without the need for them to be burned onto disks or memory sticks, and resolving issues as to compatibility. Moreover, it enables the Westminster City Council control room immediately to cascade the footage to Council or Police personnel as required.

Ladbrokes suggest that in the proposed condition the word "immediately" be replaced with "as soon as reasonably practicable."

Condition 2:-

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised Council Officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

Ladbrokes agree to this condition, although "staff member" in line two should be replaced with "Ladbrokes"

Condition 3:-

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:-

- (a) All crimes reported to the venue
- (b) All ejections of patrons
- (c) Any complaints received concerning crime and disorder
- (d) Any incidents of disorder
- (e) Any faults in the CCTV system
- (f) Any visit by a relevant authority or emergency service

Ladbrokes agree to this condition.

Condition 4:-

There shall be no preplanned single staffing after 8pm. Should the premises be single staffed after this time, the magnetic door locking system must be in constant use.

Ladbrokes have a well-established process of risk assessment in relation to single staff, which has been approved by Ladbrokes' Primary Authority and which has not been subject to any relevant criticism. Moreover, only staff members willing to single-staff do so. These premises have not been assessed as requiring double-staffing after 8 p.m.

Ladbrokes propose the following condition:

At all times when the premises are manned by a single member of staff, he or she will be provided with and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff for a pre-determined period of time. Should the premises be single manned after 8pm, the magnetic door locking system must be in constant use.

7. As stated above it is hoped that these conditions can be agreed. The real question in this case is whether the attack on the customer by the Ladbrokes staff member occurred as a consequence of any regulatory breach, and whether Ladbrokes can be relied upon to take appropriate steps in consequence thereof. It is not being suggested by the applicant that there was any regulatory breach or that Ladbrokes cannot be trusted to react appropriately. The Sub-Committee will therefore be invited to attach the agreed conditions to the licence.

Dated this 8 February 2016
Trethowans LLP
Trethowans LLP
London Road Office Park
London Road
Salisbury SP1 3HP

Reference:RLD/ Ladbrokes/301550

ANNEX 6

Association of British Bookmakers

Protocol for Reporting Damage to Gaming Machines to Metropolitan Police

Document	Protocol for Reporting Damage to Gaming Machines to Metropolitan Police
Version	1.0
Date	7 May 2010
Author	Tom Kenny, ABB

Document control

Version	Date	Author	Comments
0.1	30 April 2010	Tom Kenny, ABB	Draft for comment
1.0	7 May 2010	Tom Kenny, ABB	Standard reporting template and references to it removed. Final for issue.

Background

On March 12th 2010 Chief Inspector Adrian Studd of Metropolitan Police Clubs & Vice met with the Heads of Security from Betfred, Gala Coral, Ladbrokes, the Tote and William Hill. Tom Kenny of the ABB was also present,

Ch Insp Studd explained that during 2009 a total of 2 307 reports of criminal damage (mainly to gaming machines) had been made by LBO operators to the Metropolitan Police. This amounts to 60% of all crimes reported by London bookmakers.

There was significant variation in the number of incidents of criminal damage reported by different LBO operators. The level of variation was far greater than that which might be explained by the fact that different operators have different numbers of shops in London, or that individual shops might attract unusually violent customers.

Each report of criminal damage requires a certain amount of police time and effort to log, and to investigate appropriate to the quality of the evidence available. However in 2009 a mere 7% of reports of criminal damage in London betting shops led to a suspect being apprehended and charged.

By reporting incidents of damage to gaming machines more selectively to Metropolitan Police, betting shop operators have an opportunity to help the police focus on incidents where the evidence is of higher quality. This should enable police resources to be deployed much more effectively and - all else being equal - lead to a higher clear up rate.

Purpose of this document

This document sets out the ABB's protocol for reporting incidents of damage to gaming machines to the police. The protocol was developed in close consultation with the major LBO operators and the Metropolitan Police. It defines criteria to identify which incidents of damage to gaming machines should be reported to Metropolitan Police.

Criteria for reporting incidents of criminal damage

Where a gaming machine has been damaged and the suspect remains on the premises, or a gaming machine has been damaged by a suspect who can be identified by name but has left the premises, then the incident should be reported to the police. Otherwise an incident of damage to a gaming machine should not be reported to police. All incidents of criminal damage should be reported internally within the company that operates the LBO.

These criteria are summarised in the following table:

Ref	Criteria	Report to Metropolitan Police	Report internally
1	Damage to a gaming machine has been committed and suspect remains on the premises.	Yes	Yes
2	Damage to a gaming machine has been committed by a known person whom the LBO staff can identify by name.	Yes	Yes
3	All other incidents of damage to gaming machines.	No	Yes

Violence in the workplace

LBO operators are referred to the Safe Bet Alliance Voluntary Code of Safety & Security – National Standards for Bookmakers (March 2010) for guidance on:

- Company policy on violence in the workplace;
- Shop specific risk assessment;
- Standard and risk-based security measures;
- Support for staff who have been victims.

Gaming machine specification

ABB will explore with manufacturers the possibility that gaming machines can be designed to be more resistant to violent attack.

Monitoring progress

Representatives of the ABB, major LBO operators and Metropolitan Police Clubs & Vice will meet periodically to review the number of incidents of criminal damage reported and clear up rates, and to share best practice in combating the problem.

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Bryan Lewis PC4161CW..... URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Constable P200892....**

This statement (consisting of:**2**.... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: 15th February 2016.....

Tick if witness evidence is visually recorded (supply witness details on rear)

The following relates to the incident at Ladbrokes 25 Argyll Street W1F 7TU that occurred on the 19th November 2015. The chain of events as captured by the shop CCTV system at about 22:08 hours, for each of the four cameras. Police reference number 6550905/15 now saved in a DVD format.

Basement shop floor entrance camera

- 21:50 Normal shop activity
- 21:52:56 Suspect briefly passes camera, wearing grey sweatshirt.
- 21:53:27 Victim appears, give thumbs up, side of face seen.
- 21:54:43 Suspect appears, speaking on a phone and then returns behind the counter
- 21:57:33 Suspect briefly walks past camera.
- 21:59:32 Suspect visible behind counter.

Incident Commences

- 22:08:00 Victim appears. Steps back, faced by suspect armed with an umbrella.
- 22:08:22 Victim struck with umbrella multiple times.
- 22:08:31 Suspect picks up a bar stool, appears to threaten victim with it along with verbal threats. Victim has his hands up and attempts to back away.
- 22:08:51 Appears to strike victim with the bar stool
- 22:09:04 Suspect walks off camera, nobody now in the picture.
- 22:12:22 Other member of staff just visible behind counter screen (red top).
- 22:13:54 Suspect reappears. He picks up an object from the floor.
- 22:26:07 Police arrive. Suspect speaks with officers. His gestures suggest he is attempting to is justify his actions.
- 22:28:10 Officers clearly attempting to understand what has taken place.

Counter Camera (camera located in the office area)

Signature: Signature witnessed by:

Continuation of Statement of

21:50:37 Suspect seen working behind the counter.
 22:12:18 Other member of Ladbrokes staff appears.
 22:13:06 Suspect makes phone call.

Ground floor level door entrance camera

21:51:00 Customer leaving.
 21:53:47 Camera footage jumps to later time of 22:07:50 (motion activation?)
 22:07:50 Victim enters, descends staircase.
 22:09:22 Other member of staff seen entering
 22:09:58 Suspect can be seen at the bottom of the stairs, on the phone
 22:11:07 Other staff member leaves.
 22:11:19 Suspect leaves premises while on the phone.
 22:11:30 Suspect immediately returns.
 22:11:59 Both members of staff return down the stairs.
 22:14:11 Victim at the base of the stairs.
 22:15:29 Victim slowly ascends the stairs.
 22:15:58 Victim leaves the premises.
 22:17:23 Other member of staff runs up the stairs to follow the victim, followed by the suspect.
 22:17:50 Paces the area beside the front entrance.
 22:25:36 Police officers arriving.

Shop Camera 4

21:57:37 Suspect passes through camera field of view at distance. Minute later, he returns.
 22:26:48 Officer seen at distance.

Signature: Signature witnessed by:

Witness contact details

Home address:

..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

.....

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC4161CW P200892 Bryan Lewis** Station: **Westminster City Hall**.....

Time and place statement taken:

APPENDIX E2



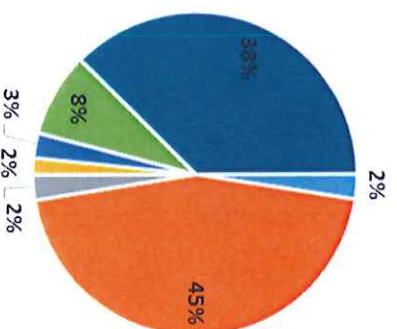
City of Westminster

Betting Shops – 2015 Overview

Westminster City Council

Crimes in betting shops throughout 2015

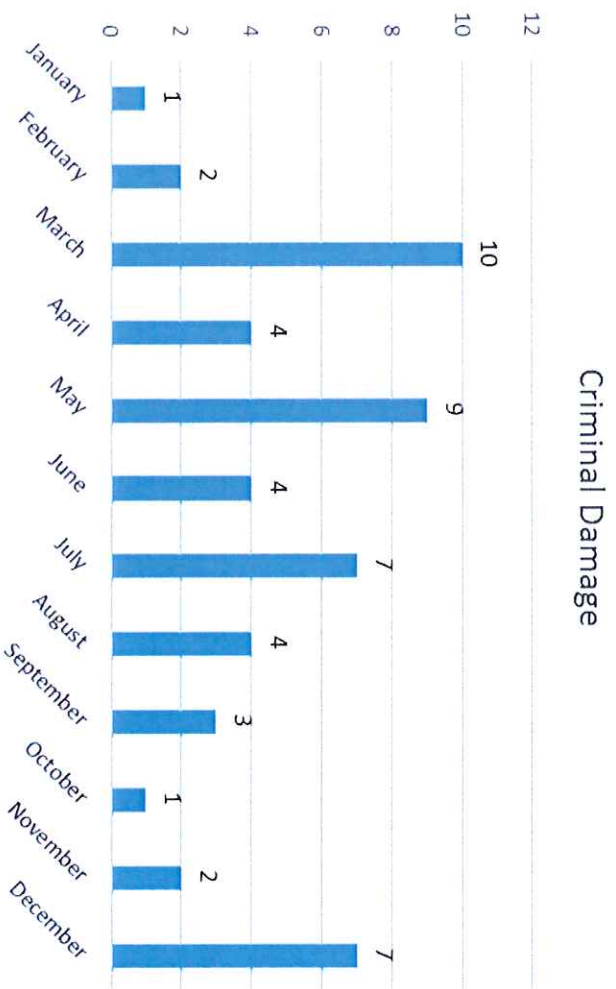
Crimes in Betting Shops 2015



- Criminal damage makes up the largest amount of crimes committed in betting shops 2015 = 45%
- Violence against the person comes second making up 38% of all crimes.
- Theft and handling comes third. Considerably lower than the top two, making up 8% of all crimes in betting shops.



Criminal Damage 2015

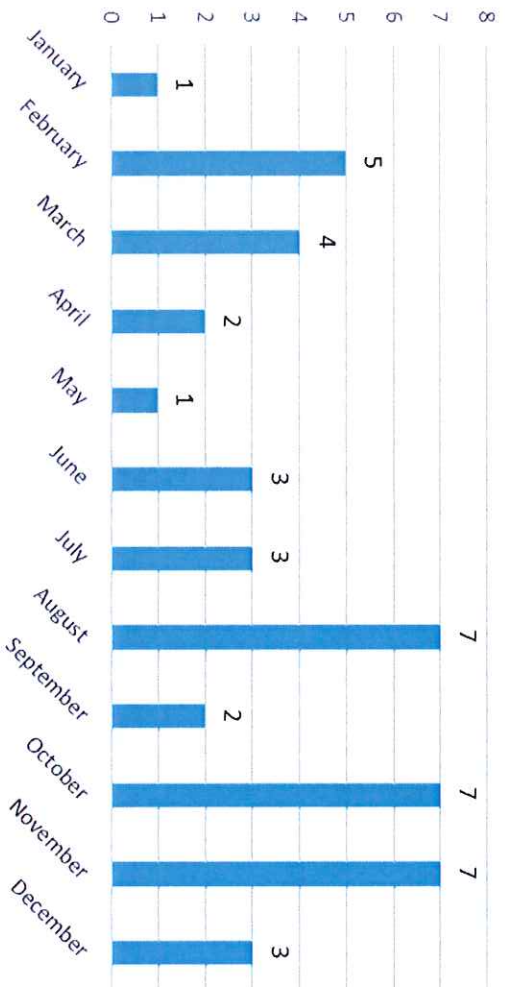


- There has been an increase in overall CD = 21 more offences than in 2014.
- Peak months for CD are March, May, July and December.



Violence against the person in 2015

Violence Against the Person

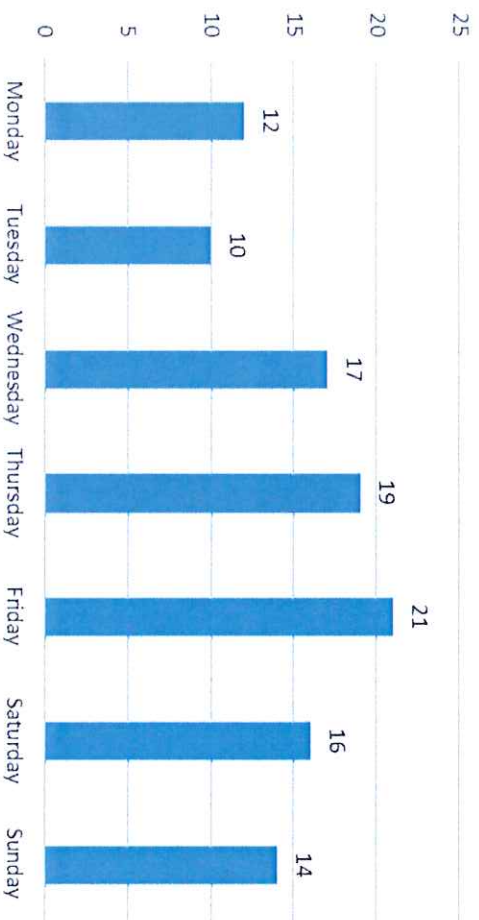


- Minor increase in VAP. Levels have been steady for three years with 40-45 offences each year.
- Peak months are August, October and November.



Daily breakdown on CD, VAP & TR throughout 2015

Daily breakdown

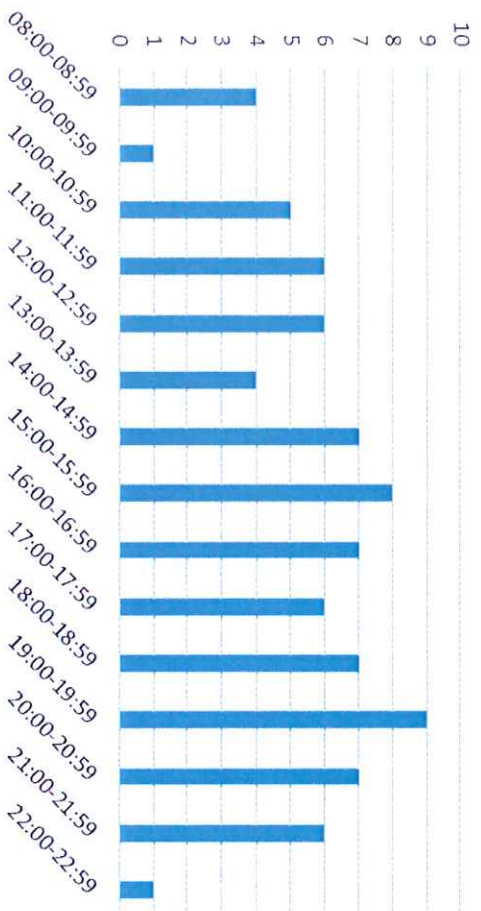


- Levels of CD, VAP & TR increase gradually throughout the week peaking on Friday.
- Follows similar pattern from 2014.



Hourly breakdown of crimes in 2015

Hourly breakdown of crimes



- Crime rates peak 14:00-14:59 to 19:00-19:59.
- Half of the crimes occur in this period.
- Time periods do match 2014, only the numbers vary increasing each hour.



APPENDIX E3

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of: Toby JANES.....

Age if under 18:Over 18 (if over 18 insert 'over 18') Occupation: Police Constable 1275CW

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: PC 1275CW JANES Date 22/02/2016

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person and am employed by the Metropolitan Police. I am currently stationed at City Hall with the Westminster Licensing team where I work as Police licensing officer.

On FRIDAY 19th FEBRUARY 2016 I was on duty and in the company of PC 4161CW Bryan LEWIS. At approximately 1615 hours we attended LADBROKES at 113-115 EDGWARE ROAD, W2 in relation to an incident that had occurred at the premises on MONDAY 15th FEBRUARY 2016. The incident involved a customer who became aggressive while using a fixed odd betting terminal. He was asked to leave the store by staff and after collecting his money he picked up a stool and attempted to smash the cashiers door, breaking the glass panel. He then used the stool to smash the screens of two gaming machines. This incident was captured on CCTV.

On attending we spoke to the Manager Parvinder SINGH who explained what had happened on the day of the incident and the actions taken by staff. He also explained that the store had recently been given a tablet computer, which they had received approximately one month ago. This was so that still images from their CCTV system could be sent to them for viewing when requested by Police. We asked if the staff had been provided with a picture of the suspect from the CCTV so that if he returned the police could be notified.

SINGH replied they had not received a picture of the suspect as it would have been sent in the post and had not yet arrived. I asked why they had not sent a picture of the suspect via email to the tablet and he replied "THEY DO NOT SEND PICTURES FOR STAFF VIEWING TO THE TABLET BECAUSE THE TABLET COULD GET STOLEN".

Signature: Toby JANES PC 1275CW..... Signature witnessed by:

Not Disclosable

Witness contact details

Home address: C/O City Hall, 64 Victoria Street, Forth Floor, Police Licensing..... Postcode: SW1E6QP

Home telephone No: N/A..... Work telephone No.02076413347

Mobile/Pager No:..... E-mail address: Tjanes@westminster.gov.uk.....

Preferred means of contact (specify details):email

Best time of contact (specify details): Mon- Fri

Male Date and place of birth: Muster -11/10/1977

Former name:..... Ethnicity Code (16 + 1):W1.....

DATES OF WITNESS NON-AVAILABILITY: April 9-20

Witness care

- a) Is the witness willing to attend court? Yes X No [] If 'No', include reason(s) on form MG6.
b) What can be done to ensure attendance?
c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case)
Yes [] No X If 'Yes', submit MG2 with file in anticipated not guilty, contested or indictable only cases.
d) Does the witness have any particular needs? Yes [] No X If 'Yes', what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me: Yes [] No []
b) I have been given the Victim Personal Statement leaflet Yes [] No []
c) I have been given the leaflet "Giving a witness statement to the police – what happens next?" Yes [] No []
d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes [] No []
e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes [] No [] N/A []
f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA Yes [] No [] N/A []

Signature of witness:..... PRINT NAME: Toby JANES PC 1275CW

Signature of parent/guardian/appropriate adult:..... PRINT NAME:

Address and telephone number if different from above:.....

Statement taken by (print name):..... Station:.....

Not Disclosable

Time and place statement taken:

APPENDIX E4

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Paul HOPPE URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer 216416

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

Signature:

[Handwritten signature]

Date:

24th February 2016

Tick if witness evidence is visually recorded [] (supply witness details on rear)

This statement is in support of the Review of the gambling licence at LADBROKES Betting and Gaming Ltd., 25 ARGYLL STREET LONDON W1F 7TU.

I am a Police Sergeant with the Metropolitan Police Service (MPS). I have been a Police Officer since August 2003 and I have worked at Islington Police station since January 2004 during which time I have worked on Emergency Response Team, Local Policing Team, Angel Town Centre Team (neighbourhood team), Officer Safety Trainer (Police Self Defence Instructor) and Licensing Unit. On 1st June 2015 I transferred to Westminster Borough and on 23rd July 2015 I was seconded to the Licensing Unit. I am also BIIAB Level 2 Practitioner qualified.

My only involvement in this investigation has been supervisory advice to PC LEWIS throughout his meetings and communication with Mr Barry PHILLIPS Head of Retail Security and Safety for LADBROKES Betting and Gaming Ltd.

I have read the review paperwork and subsequent statement by PC LEWIS and I am fully supportive of the contents. However, since PC LEWIS requested the review, I have been privy to further information after conversations with my colleagues from the Serious Organised Crime Operations Unit who appear to be engaged with LADBROKES in Corporate initiatives.

Signature:

[Handwritten signature]

Signature witnessed by:

.....

Continuation of Statement of Paul HOPPE PS 180CW

History:

On THURSDAY 19th NOVEMBER 2015 there was an incident at LADBROKES 25 ARGYLL STREET W1F during which time a member of staff beat a homeless male with an umbrella and a stool from the venue. The victim was knocked unconscious but eventually left the venue with a serious head wound that was bleeding; leaving a pool of blood inside the venue. The member of staff had telephoned the LONDON AMBULANCE SERVICE (LAS) but not police. The LAS informed Police and officers attended. This member of staff was a customer service manager and was on his own to lock up at the time of the incident. The victim was not on scene and due to the blood on the floor and the fact that he had lost consciousness from attacks to the head, Police responders needed to find the victim to ascertain whether he required hospital treatment. Unfortunately CCTV was not available from the due to the operating processes of LADBROKES and officers could not get a full description. This delay meant the victim was not identified until five days later when he was at last spoken to by Police.

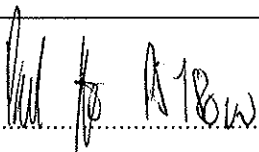
The suspect was arrested by officers on scene, based solely on circumstantial evidence of the blood and call to the LAS, but due to lack of immediately available evidence, their actions could have been called into question. In interview the suspect claimed self defence which could not be challenged at the time and released on Police bail. I believe that he no longer works for LADBROKES.

I also believe that the victim had been banned from the venue previously, but there was no method in place to prevent him from re-entering.

Issues Raised:

- 1) Previous to this incident the victim had been banned from the venue for causing problems.

Signature:



Signature witnessed by:

Continuation of Statement of **Paul HOPPE PS 180CW**

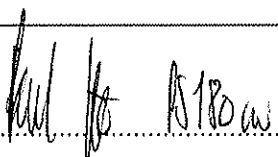
- 2) There appears to have been little support for the local store staff to prevent the victim from re-entering
- 3) The suspect beat the victim with two different weapons.
- 4) The victim received head injuries and lost consciousness. He left a pool of blood on the floor of the venue.
- 5) The suspect telephoned the LAS not Police nor his head office.
- 6) Even though the venue has a CCTV system there was no CCTV available for officers to identify the injured victim.
- 7) Even though the venue has a CCTV system, CCTV was not available for officers to make an informed decision on whether an arrest would be appropriate or not in this situation.
- 8) Initial Investigating Officers were informed that CCTV would be available from head office after 0900 hours the following day.

None of the above is acceptable when Police Officers are called to investigate a potential crime. The use of a weapon which has broken the skin and caused bleeding is generally classed as a Grievous Bodily Harm (GBH) offence; a very serious matter. I have seen Police figures which estimate each GBH can cost up to Ten Thousand Pounds (£10000) to investigate.

Police Licensing Investigation:

I tasked PC LEWIS to carry out a proportionate licensing investigation into the circumstances of this incident, considering the Gaming Licensing Objectives, particularly *preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime.*

PC Lewis carried out a proportionate investigation and a stepped approach in engaging with LADBROKES Head of Retail Security and Safety, Mr. Barry PHILLIPS. His findings are outlined in his excellent review paperwork.

Signature:  Signature witnessed by:

Continuation of Statement of Paul HOPPE PS 180CW

I was concerned to discover the following points:

1) There was no CCTV available when Initial Investigating Officers requested this at the scene. They were presented with a scene where Police had not been called, there was a pool of blood and no victim. At best the victim has just cut himself and was not affected by the beating he received. At worst, this was a murder and the suspect had removed the victim from the venue.

The lack of CCTV availability is unbelievable and does not promote the licensing objective of preventing crime and disorder.

2) Even though PC LEWIS met with Mr. PHILLIPS, there was no response to his concerns or letters.

I subsequently now find that Mr. PHILLIPS has been off sick. I am not clear on the time-line of this sickness, but I am amazed that a large organization such as LADBROKES does not have a system in place to deal with important issues raised and reply to Police emails.

3) There must be a staff training or employment selection issue - This member of staff was allowed to work alone and has the title of 'Manager'. He then felt it necessary to attack the victim with weapons. After which he called the LAS not Police to assist.

4) Processes Issue - as described above, the member of staff did not call Police for assistance nor does he appear to have called the security control room.

5) Lone working issue - the member of staff was working alone in the venue to close the shop. He does not appear to have any other staff support to assist him or advise him.

I agreed with PC LEWIS that as his emails and letters had not been responded to, he should review the venue and allow the Licensing sub-Committee the opportunity to hear the evidence and decide whether his suggested conditions were appropriate in the circumstances.

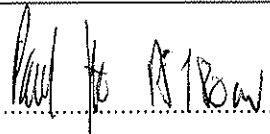
Review Request:

The review paperwork has been submitted by PC LEWIS and accepted by WESTMINSTER CITY COUNCIL. The paperwork speaks for itself.

However, it was only once the review application had been lodged with Westminster City Council, that LADBROKES took some positive engagement action. It appears that part of their defence has been to engage with other Police departments to support their stance on CCTV provision.

I have spoken to senior officers from the Serious Organised Crime Operations, after they were contacted by staff at LADBROKES. I believe this is because there has been some considerable partnership work being done around armed robberies and identifying suspects.

This line of work is very specialized and clearly there is a benefit to all gaming companies to identify those persons concerned in such a heinous crime. However this style of Policing and investigation is considerably different to the more common, and possibly mundane Policing requirement at a local level where officers will deal with assaults on staff and criminal damage.

Signature: 

Signature witnessed by:

Continuation of Statement of Paul HOPPE PS 180CW

I should also point out that according to the information I have at hand, Mr. PHILLIPS did not inform Westminster Licensing Police that there such partnerships on a Corporate level. Had he done so, these would have been investigated before a review was requested.

Police Partnership:

I now understand that there is some partnership working going on between LADBROKES and specialist Police units at a Corporate level. However, this does not alter the fact that there are local priorities such as Police officers requiring CCTV to be available to them immediately on request when dealing with crime and disorder after they have been called by the venue to assist.

The reason being; officers will have to make decisions based on the best evidence available at the time. The frustration in this LADBROKES case is that the evidence was available but not there and then. If moving images had been available, officers could have saved considerable time circulating the victim description to other Police units, instead of chasing around London collecting CCTV.

It is disappointing that LADBROKES does not appear to be consistent in its approach to Corporate and local issues. All gaming licences are considered on their merits and granted locally by Councils, after the applicant has evidenced promotion of the gaming licence objectives. If these objectives are not promoted at this local level the venue will not be granted a licence.

It is therefore not unreasonable to expect that the needs of the local Community are taken into account when a large Corporation is designing its processes.

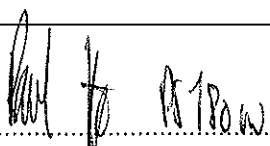
There are also issues around the protection of LADBROKES staff from harm. My understanding is that when there is an incident, staff contact the control room or press an emergency button. The control room then dials into the CCTV and watches the CCTV. The Control room then contact Police. This process only works if *all* areas of the venue are covered by CCTV. There are blind spots in every venue.

I have also heard of anecdotal evidence that LADBROKES does not trust its staff with having responsibility for operating the CCTV. I have to say that I cannot understand this. If a Company employs staff to run a shop for them, they must give them access to CCTV in the event of crime or disorder.

Partnership is a two way process. It requires Police to support the venue, but also for the venue to support Police action.

Conditions:

I understand that the reason for this review was that PC LEWIS could not make headway with Mr. PHILLIPS through engagement. PC LEWIS visited the venue, met with Mr. PHILLIPS and then submitted suggested proportionate conditions which would achieve the gaming licence objectives (pages 4 and 5 of PC LEWIS statement).

Signature:  Signature witnessed by:

Continuation of Statement of **Paul HOPPE PS 180CW**

LADBROKES eventually re-submitted alternative conditions. These alternatives do *not* give officers immediate access to the CCTV at the venue. They would have to return to a Police station and await a download. This is not acceptable in a fast-moving investigation or when, as on 19th November 2015, someone has been possibly seriously injured.

This now is the sticking point: There is no doubt that there is CCTV in LADBROKES premises and that LADBROKES will provide it to Police. The issues are:

When the CCTV is provided and What is provided

Because staff (and therefore Police) at a venue cannot access the CCTV, all parties present on scene are reliant on another member of staff at a control room to access the right CCTV and download it at some point.

I have heard further evidence that each venue shall have tablet computers with all incidents of note downloaded to them. This is not always the case. I have a statement from PC JANES who affirms that on a visit to a LADBROKES on EDGWARE ROAD W2 on 19th FEBRUARY 2016 after a criminal damage incident on 15th FEBRUARY 2016, the images of the suspect still had not been uploaded four days later, and the manager stated that the images are not uploaded for staff viewing in case the tablet is stolen.

It should be possible, with today's technology, to supply Police immediately with CCTV evidence, while at the same time protecting the integrity of the overall system. LADBROKES must have access to technology which allows this expedited supply of CCTV.

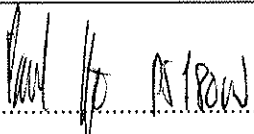
SUMMARY:

I fully support the review called by PC LEWIS. After the serious incident on 19th NOVEMBER 2015, he carried out a proportionate investigation, engaged with the venue through meetings and emails and made suggestions to promote the gaming licence objectives.

LADBROKES appears to have resisted the suggestions and assistance PC LEWIS has provided. It is only when this review was requested to add sensible conditions that LADBROKES took some action.

The Westminster Police Licensing Team is fully supportive of all partnership work entered in to at a Corporate level and the expectation is that this partnership shall extend to a local level as it is locally where the gaming licences are issued through demonstration of promoting the licensing objectives.

The key to this issue appears to be the fact that the member of staff was alone in a LADBROKES venue. He had no means of immediate support or advice and took a questionable course of action. If there had been two members of staff, one could have telephoned for help while one engaged with the victim. It is also very possible though that two members of staff could have prevented this banned person from entering the venue in the first place. Consideration could be given to SIA door supervisors.

Signature:  Signature witnessed by:

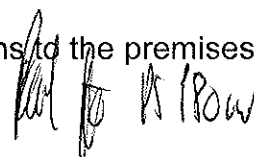
Continuation of Statement of **Paul HOPPE PS 180CW**

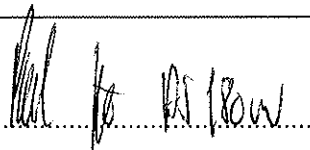
This review seeks to add four (4) simple conditions which are not difficult to implement. They will allow local officers to access CCTV through staff as they do at every licensed premises which has these conditions on the premises licence. I feel these conditions are proportionate to the incident which triggered this engagement and promote the gaming licence objectives.

Having considered all the evidence PC LEWIS provides in his statement, I believe this matter is so serious that he has not requested sufficient conditions to fully ensure this venue deals swiftly with an incident that happened three months ago. I would request the Licensing sub-Committee add a further Condition:

5) No licensable activities shall take place at the premises until the premises CCTV system has been assessed as satisfactory by the Westminster Police Licensing Team. At which time, the condition shall be removed from the premises gambling licence by the Licensing Authority.

I strongly request the Licensing sub-Committee add all five (5) conditions to the premises licence of LADBROKES 25 ARGYLLY STREET LONDON W1F7TU.



Signature: 

Signature witnessed by:

Witness contact details

Home address:
..... Postcode:
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:
Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
b) I have been given the Victim Personal Statement leaflet	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
c) I have been given the leaflet 'Giving a witness statement to police — what happens next?'	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
d) I consent to police having access to my medical record(s) in relation to this matter: <small>(obtained in accordance with local practice)</small>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A <input type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A <input type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services:				<input type="checkbox"/>	

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): **Insp 183516 G IRONSIDE** Station: **CWHQ**.....

Time and place statement taken:

APPENDIX E5

Sumeet

This extract from the Ladbrokes Risk Assessment for 25 Argyll Street is relevant to this review because of the following: The two entries referring to homeless persons and then about the need to exclude them, suggests that this was a known risk. Ladbrokes describe this event as an “unforeseeable incident” however it was clearly known that homeless people entering the premises was a problem and that they were to be treated as vulnerable persons. Excluding homeless persons from the premises, would inevitably involve confronting and removing them or preventing them entry. The Risk Assessment suggests that Ladbrokes had given consideration to this risk. In addition we know that Ladbrokes Security Management had been aware of this specific homeless male for some time and his habit of visiting the premises to use the toilet facilities.



Ladbrokes Local Risk Assessment

Local Regulatory Authority: Westminster City Council

Shop Name: Argyll St

Location: 223 1173

Address: 25, Argyll St, London, W1F 7TU

Date of assessment: Shop visit conducted on 16/2/15

Assessor: Neil Harris Divisional Security & Safety Manager

Location details.

Argyll St is off Oxford St and Oxford Circus underground station, which are well known London landmarks. Daily footfall is very heavy and made up of shoppers, tourists, commuters and West End workers. Premises in and around our shop include pubs, restaurants, coffee houses and fast-food premises as well as retail outlets and there are also portable fast-food operations in the pedestrianised area directly outside our shop. The general locality is covered extensively with street CCTV. This is in the in the Borough of Westminster and The Safer Neighbourhood Team are led by PS Guy Elwood working out of West End Central police station, which is 0.03 miles from our shop. The policing priorities are ASB, pick-pocketing and street begging. Policing levels are high and commensurate with a world famous shopping and tourist area. The nearest underground station is Oxford Circus and 75 metres from our shop. **Homeless persons sleeping on the streets are a local problem.** The nearest schools to our premises are 2 primary schools 0.05 miles from our shop and the nearest secondary school is St Marylebone C of E 0.7 miles from us.

This shop has an entrance door at street level and the main shop is in the basement and has all the security equipment for a modern Inner London betting shop as detailed in the control measures. The current security measures installed at this LBO includes a counter-to-ceiling security screen. Ladbrokes have traded from this outlet since 7/9/76.

The nearest LBO's to this outlet are both Ladbrokes. The first is 27, Maddox St, W1S 2QJ, which currently has a full security screen. We have traded from this outlet since 21/4/10. Current trading hours are between 0930 – 2200. The other LBO is situated at 22-44, Great

Portland St, W1W 8QS, which currently has a full security screen. We have traded from this outlet since 27/9/79. Current trading hours are between 0800 – 2200

Local Risks: Vulnerable persons	Licensing objective(s) at risk: Protecting children and other vulnerable persons from being harmed or exploited by gambling.				
Hazard	Who/what might be harmed and how?	Control Measures	Comment of assessor and recommendation(s)	Action by whom? Include target date	Completed
Customers developing gambling problems and Self excluded persons gambling	<p>Individual customers losing control of spend level leading to leading to physical, mental, financial problems for them and their families.</p> <p>Issues leading to involvement in crime i.e. criminal damage</p> <p>Risk to individual PML Holders and operating Licence</p>	<p>Colleague Training</p> <p>Positive interaction training</p> <p>Behaviour indicator training</p> <p>Area Manager responsible gambling expert training</p> <p>Positioning of Game Machines and SSBTs enabling staff to monitor activity.</p> <p>Machine alerts and interaction logging</p> <p>Central Responsible Gambling Compliance team tasked with identification and reporting of potential gambling problems with individual customers</p> <p>Self Exclusion Scheme (Multi-Operator)</p> <p>Colleagues fully trained in managing breaches of SE</p>	<p>Awareness of CBT content and customer interaction procedures.</p> <p>Report all incidents to the Control Room and record any challenges in the diary for inspection purposes.</p> <p>This is a West End shop and homelessness in the locality is a reality. Some of these homeless persons beg for money in the street and also display signs of mental health issues and are to be treated as vulnerable persons and excluded from the premises.</p>	<p>No specific action required at present</p> <p>Awareness and vigilance of who is coming onto the premises in current and on-going.</p>	

		Updating / regular review of Self Exclusion breach process and procedures Area Manager Responsible Gambling expert training			
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APPENDIX F

Mrs Sumeet Anand-Patel
Westminster City Council
64 Victoria Street
London
SW1E 6QP

Mr Steven Rowe
Senior Licensing Officer

Tel: 020 7641 7825
Fax: 020 7641 7815
Email : srowe@westminster.gov.uk
Team Email : licensing@westminster.gov.uk

Date: 8th February 2016

Ref: 16/00086/LIREVG

Dear Mrs Anand-Patel

Ladbroke's, 25 Argyll Street, London, W1F 7TU

Please accept this letter as confirmation that the Licensing Authority supports the review application submitted by the Metropolitan Police Service in relation to the above premises. The Licensing Authority are concerned that the premises are not promoting the following licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Although the Licensing Authority has met with the operators and are satisfied that the premises have upgraded their CCTV the review by the Metropolitan Police Service is seeking to codify this by adding conditions to the licence.

This provides certainty to the Licensing Authority for the future and reassures us that such incidents will be prevented in the future.



If you have any questions relating to this matter or wish to discuss it further please do not hesitate to contact me.

Yours sincerely

Mr Steven Rowe
Environmental Health Case Officer
Premises Management

In partnership with



APPENDIX G

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Our Ref: RLD01/CJP01/301550
Your Ref:
Doc Ref: 3540706v1

8 February 2016

BY POST & EMAIL: licensing@westminster.gov.uk

Dear Sirs

Ladbrokes - 25 Argyll Street, London W1F 7TU

Please find enclosed Ladbrokes representation in relation to the review of their Premises Licence at the above named shop.

We understand that the last day for making representations is today. Please therefore find enclosed Ladbrokes representation to the same.

We look forward to hearing from you in due course in relation to our other email.

Yours faithfully



Trethowans LLP

Enc

REPRESENTATIONS BY LADBROKES BETTING AND GAMING LIMITED
PURSUANT TO SECTION 197(6) GAMBLING ACT 2005

1. This review application has been brought by PC Bryan Lewis. The review is based on a single incident, involving a single staff member, at the above premises. The grounds for review are stated to be:

“On 19 November 2015 there was an alleged serious assault by a Ladbrokes member of staff on a member of the public”.

2. The assault was an unforeseeable incident by an experienced member of staff which Ladbrokes could not have prevented. Ladbrokes deeply regrets that a member of staff behaved in this way and have dismissed the staff member concerned.
3. Ladbrokes is a national company, with well-established procedures to reduce crime and protect staff. Ladbrokes is the only betting and gaming business to have assured advice from a Primary Authority in relation to single scheduling. Its primary authority is Liverpool City Council. The primary authority is satisfied with and has approved Ladbrokes' relevant policies and procedures.
4. Ladbrokes has also worked with the Metropolitan Police, Community Union, LACORS and others to produce a voluntary code of security and safety prevention measure, the Safe Bet Alliance, which is implemented within the Ladbrokes estate.
 - Following this incident, Ladbrokes has taken steps in relation to security and crime prevention in the premises, namely: Two additional CCTV cameras have been fitted.
 - The camera at the top of the stairs has been repositioned to improve monitoring of the front door, to enable staff to operate the maglock if necessary; A new light has also been fitted above the door on the exterior side to aid with the above.
 - A new monitor and quad unit has been fitted on the counter to enable staff to view four cameras simultaneously rather than the single camera monitor previously installed.
5. It is respectfully submitted that Ladbrokes, which is a responsible organisation with a strong relationship with its primary authority and with statutory authorities locally, is taking all appropriate measures in light of this incident.
6. PC Bryan Lewis has proposed draft conditions to Ladbrokes. The conditions have yet to be fully agreed, but it is hoped and expected that agreement will be reached before the hearing of this matter. The conditions proposed by PC Bryan Lewis and Ladbrokes' comments are as follows:-

Proposed Condition 1:-

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirement of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

CCTV images from each Ladbrokes betting office are held, stored and administered nationally.

- **CCTV footage can be supplied electronically direct to Westminster City Council's CCTV control room.**
- **Still images can be supplied electronically direct to individual betting offices.**

This system has occasioned no difficulty or complaint from any local authority or Police force. It results in images being held securely by Police without the need for them to be burned onto disks or memory sticks, and resolving issues as to compatibility. Moreover, it enables the Westminster City Council control room immediately to cascade the footage to Council or Police personnel as required.

Ladbrokes suggest that in the proposed condition the word "immediately" be replaced with "as soon as reasonably practicable."

Condition 2:-

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised Council Officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

Ladbrokes agree to this condition, although "staff member" in line two should be replaced with "Ladbrokes"

Condition 3:-

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:-

- (a) All crimes reported to the venue
- (b) All ejections of patrons
- (c) Any complaints received concerning crime and disorder
- (d) Any incidents of disorder
- (e) Any faults in the CCTV system
- (f) Any visit by a relevant authority or emergency service

Ladbrokes agree to this condition.

Condition 4:-

There shall be no preplanned single staffing after 8pm. Should the premises be single staffed after this time, the magnetic door locking system must be in constant use.

Ladbrokes have a well-established process of risk assessment in relation to single staff, which has been approved by Ladbrokes' Primary Authority and which has not been subject to any relevant criticism. Moreover, only staff members willing to single-staff do so. These premises have not been assessed as requiring double-staffing after 8 p.m.

Ladbrokes propose the following condition:

At all times when the premises are manned by a single member of staff, he or she will be provided with and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff for a pre- determined period of time. Should the premises be single manned after 8pm, the magnetic door locking system must be in constant use.

7. As stated above it is hoped that these conditions can be agreed. The real question in this case is whether the attack on the customer by the Ladbrokes staff member occurred as a consequence of any regulatory breach, and whether Ladbrokes can be relied upon to take appropriate steps in consequence thereof. It is not being suggested by the applicant that there was any regulatory breach or that Ladbrokes cannot be trusted to react appropriately. The Sub-Committee will therefore be invited to attach the agreed conditions to the licence.

Dated this 8 February 2016

Trethowans LLP
Trethowans LLP

London Road Office Park

London Road

Salisbury SP1 3HP

Reference:RLD/ Ladbrokes/301550

APPENDIX H

Conditions proposed by Metropolitan Police:

Proposed amended conditions for Ladbrokes, 25 Argyll Street. These conditions are proposed following two meetings with Ladbrokes representatives, the Police and Licensing Authority. The amendments from the original proposed conditions or reasoning for the additional conditions are detailed below each condition in *italics*.

1. The licensee shall:
 - (a) install and maintain a comprehensive CCTV system on the premises as per the minimum requirements of the Westminster Police Licensing Team,
 - (b) ensure that all entry and exit points will be covered by this system to enable frontal identification of every person entering and / or exiting in any light condition,
 - (c) ensure that the system continually records whilst the premises is open for licensable activities and during all times when customers remain on the premises, and
 - (d) store all recordings from the system for a minimum period of 31 days with date and time stamping.

This condition has been amended from the original proposed version to remove the last sentence relating to the viewing of recordings being made available immediately upon request of the Police, Authorised Officer throughout the preceding 31 day period. It has been replaced in part by condition 2 and 3 below.

3. The licensee shall provide a facility for the viewing of recorded CCTV video (moving images) footage on the premises upon the request of a Police Officer, Enforcement Officer of the Gambling Commission or an Authorised Officer of the Licensing Authority.

This will enable police officers and other authorised officers to view CCTV footage on the premises upon request. This will enable Ladbrokes to provide either a tablet device or the use of an existing computer to enable the viewing of CCTV footage. It is essential that the images shown to the police or other authorised officers are not stills and show the incident in full. This was demonstrated on site via the use of a shop computer which was operated remotely to show the footage.

4. The licensee will provide recorded CCTV footage to the police on a DVD, memory stick or other easily accessible storage device within 3 hours from the time of the request when a suspect is in custody or a serious incident has occurred. For all other requested for recorded CCTV footage this shall be provided within 36 hours from the time of request.

It was agreed that Ladbrokes staff that when serious incidents occurred or an offender had been taken into custody that there would be a need for them to provide CCTV footage in a usable format to the Police. This was to enable offenders to be questioned about the offence in question and for the CCTV footage to be shown as evidence. It would also be used in any investigation associated with a serious incident. It was agreed that in these incidences that CCTV footage could be provided within 3 hours. For any other requests for CCTV Ladbrokes are being required to provide the CCTV footage within 36 hours from the time and date of the request.

5. An Infra-Red Beam connected to a sounder will be installed and maintained at the entrance of the premises so as to notify staff when a customer enters or exits the premises.

Ladbrokes are installing an infra-red alarm for the entrance of this premises and the condition is being requested to meet our concerns about staff not being aware when customers are entering the basement premises. Although Ladbrokes have installed a CCTV monitor behind the counter where staff can view CCTV images from the internal cameras staff need to be alerted when they are on the shop floor and cannot see the CCTV monitor.

6. An incident log shall be kept at the premises, and made available on request to a Police Officer, Enforcement Officer from the Gambling Commission or Authorised Officer from the Licensing Authority, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visits by a relevant authority or emergency service

No change to the original proposed condition.

7. The licensee shall ensure that a magnetic door locking system (Maglock) shall be in constant use when the premises are single staffed and between the hours of 8pm and 10pm.

This condition has been split from the original proposed single staffing and maglock condition. The premises already have a maglock device installed and the use of this system is an integral part of the risk assessment associated with single staffing. This condition will address our concerns associated with door control when single manning is in use in this basement premises and later into the evening.

8. There shall be no pre-planned single staffing after 8pm.

We believe that the premises should not be singled manned beyond 8pm at night. Although Ladbrokes do have specific policies in place concerning single manning there are still concerns that this premises and the issues that it has had with the local homeless population warrant double staffing beyond 8pm to closing time.

Conditions proposed by the Licensee

1. The licensee shall:
 - (a) install and maintain a comprehensive CCTV system on the premises,
 - (b) ensure that all entry and exit points will be covered by this system to enable frontal identification of every person entering and / or exiting in any light condition,
 - (c) ensure that the system continually records whilst the premises is open for licensable activities and during all times when customers remain on the premises, and
 - d) store all recordings from the system for a minimum period of 31 days with date and time stamping.

2. The licensee will provide recorded CCTV footage to the police on a DVD, memory stick or other easily accessible storage device within 3 hours from the time of the request when a suspect is in custody or a serious incident has occurred. If the CCTV footage cannot be provided due to exceptional circumstances, notification will be given to the requesting officer within 1 hour of the request. For all other requests CCTV footage shall be provided within 48 hours from the time of request.
3. The licensee shall provide a facility for the viewing of recorded CCTV video (moving images) footage on the premises upon the request of a Police Officer attending a serious incident.
4. An incident log shall be kept at the premises, and made available on request to a Police Officer, Enforcement Officer from the Gambling Commission or Authorised Officer from the Licensing Authority, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visits by a relevant authority or emergency service