



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** Committee held on **Monday 4th July, 2016**, Rooms 1A, 1B & 1C - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Nickie Aiken (Chairman), Tim Mitchell and Heather Acton

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

1 ALTITUDE 360, TWENTY EIGHTH FLOOR, MILLBANK TOWER, 21-24 MILLBANK, SW1

LICENSING SUB-COMMITTEE No. 2

Thursday 4th July 2016

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

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

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

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

**Review of Altitude 360, Twenty Eighth Floor, Millbank Tower, 21-24 Millbank, SW1 (“The Premises”)
16/02038/LIREVP**

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

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

The Police then set out for the Sub-Committee’s benefit the sequence of incidents on the morning of 27 March which had come to light from the CCTV footage and Police investigations. In summary at 23:00 on the 26 March there was an initial fight in the venue. A male threw a large vodka bottle at another male. Security had attempted to intervene and they both ran from the scene. This was not reported to the Police and was not captured on CCTV. The incident was referred to in Rosen Zehirov’s witness statement who had been employed as a member of the security staff for the event. At 23:15 there had been a further fight where a male had been punched and his watch had been stolen. The Police stated that the victim had requested help from

security staff who did not assist and he had then phoned the Police himself. There was no CCTV footage of this incident. At 00:32 Police received a phone call from the building security who told them that there were three males physically threatening a female member of security staff. CCTV showed them jumping over the electronic barriers in order to gain entry to the lift. From a security perspective this gave immediate concerns regarding the Applicant's ability to manage the premises effectively and efficiently because those males who were not known to the applicant were able to gain access to the Premises without being checked by security, thereby putting the health and safety of customers at risk.

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

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

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

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

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

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

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

The Police identified other failings relating to the 27 March event included that there had only been nine days' footage of CCTV when the Licence Holder was supposed to retain thirty one days of footage. The Police advised the Sub-Committee that the Licence Holder had after August 2015 installed an upgraded CCTV system which was of an excellent standard but this still did not get around the fact that a condition was in place that was breached. The Police had subsequently found that there had been no DPS in place between the period 28 February and 29 March and this led to question whether the running of the Premises was in fact being managed effectively in accordance with the conditions imposed on the Premises Licence and by whom. The application for transfer of DPS to Mr Skrina was received after the event of 26-27 March. The Police stated that a major failing was that there was no record of any phone calls by management to the Police despite at least seven separate assaults having taken place. The Police had recommended after the previous incident in August 2015 that as the Licence Holder was minded to replace the security firm, the replacement firm should be ACS registered. It was later found that the security firm, Valid, employed during the March 2016 event was not ACS registered. CCTV footage of 27 March 2016 had shown a group of customers inhaling nitrous oxide in full view of bar staff and no action had been taken. There had also been drinking directly from large vodka bottles. The Police also made the point that management

had been told several times by security staff on the night to stop the event but this advice had been completely ignored despite the serious incidents of assaults that had taken place inside the Premises, In addition, fire exits and the rear stairs were not managed by security. It was known by Police that suspects had managed to escape via the rear stairs. However, it was not known if people had managed to gain entry this way and avoided being searched. This posed serious safety concerns for customers if security staff were not stationed or carrying out regular checks of these areas of the Premises.

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

The Sub-Committee was then shown CCTV footage by the Police to support the written and oral evidence received. The Police described the sequence of events on 27 March as the most serious incidents in that officer's experience during his time with the Westminster Police Licensing Team. It was stated that the disorder had resulted in at least four serious injuries. The Police maintain the view that the poor management decisions, or lack thereof coupled with a complete disregard to the premises licence conditions led to the serious problems highlighted above. It was submitted by the Police that if there had been no promoted events and there had been pre-booked ticketed events and a comprehensive security plan in place, it is doubtful whether the incidents referred to above would ever have happened. Clearly, there was the absence of a DPS or management in control of security and staff. The Police described the situation as a total loss of control of the venue. Due to the serious nature of the incidents and the fact that the Police had had to engage with the Licence Holder after the incident in August 2015, the Police stated that they had no confidence in the Licence Holder's ability to run the Premises in accordance with the licence conditions. There had been failings to uphold the licensing objectives and it was the Police's view that the Premises licence should be revoked. Additional conditions being attached to the licence were not appropriate as conditions on the existing licence had not been adhered to previously, the actions of the licence holder were considered so severe that any further conditions the Sub-Committee might consider imposing would not be complied with based on the evidence.

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

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

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

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

Mr Walsh informed those present that there had been a risk assessment undertaken of the event. Eight door supervisors had been agreed upon on the basis of the advice of Valid security company who were aware of the capacity. The Sub-Committee was advised that Valid had provided security for Altitude events for some months prior to 27 March 2016 and had previously overseen a Paravana event. Altitude had also relied on building security as well. Mr Walsh maintained that there was always a 24 hour security presence in the lobby of the building. Mr Walsh asserted that management were aware that building security were responsible for calling the Police.

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

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

responsibility of the Licence Holder. However, the Licence Holder did not accept that the capacity for the venue was exceeded. It was believed to be considerably below the maximum permitted.

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

Mr Walsh addressed the Sub-Committee on the conditions that the Police had referred to as having been breached. In relation to the CCTV he commented that it was accepted by all parties that it was now of a particularly high standard. The issue of only nine days footage having been retained was because it had been found that the higher quality had resulted in more memory being used up. The Licence Holder had responded to this since March and additional memory capacity had now been introduced. He added that this had not been an intentional breach. In respect of capacity, the Licence Holder was firmly of the view that it had not been exceeded, there had been a guest list and people had not been clicked out when leaving the venue. In respect of the condition requiring licensable activities to only be to persons attending private pre-booked events, it had mistakenly been believed that it would be such an event. There would be events such as the one held on 27 March in the future. There had been a security assessment although it was accepted that this had not been served on the Police. In respect of the condition that no events booked by promoters would be permitted to take place on the premises, it had been believed by management that it would be privately run by Paravana.

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

Mr Walsh stated that if Members of the Sub-Committee were minded to revoke the licence due to having no faith in management it would be difficult for him to make submissions to the contrary. However, it was proposed that the premises licences would be suspended for a period of one month to allow a new management team

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

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

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

The Sub-Committee requested further information from Mr Coley on Mr Pantev's statement. Mr Pantev had stated that he had informed Mr Skrina and Mr Coley around 23:00 on the 26th March after having dealt with a fight that the venue was over capacity and that it was necessary to close the entrance to other arrivals. However, it was claimed Mr Coley had refused and had asked one of the security guards to clear the clickers. Mr Coley replied to the Sub-Committee that this

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

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

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

Members of the Sub-Committee also heard from Mr Nevitt on behalf of the Council's Environmental Health team ('Environmental Health'). He advised that Environmental Health were supporting the review on public safety grounds. The public safety implications on 26th to 27th March included that there had been a loss of control of some of the patrons. There was also an accessibility of objects to cause injury such as weapons, bottles and broken glass. Mr Nevitt expressed concern that heavy glass bottles such as a two litre size bottle of vodka could be used as a weapon. There had been patrons, staff and security personnel at risk as well as those located elsewhere in Millbank Tower, such as the business which operated at all hours on the 30th floor. Mr Nevitt referred to the wedged open fire doors, people slipping on liquids and staff seeking refuge which could be seen on the CCTV footage.

Mr Nevitt stated that one concern was regarding the capacities. A maximum of 499 people was permitted for a Temporary Event Notice which included staff. This meant that at least over 100 people had to leave the venue after 02:00 and there had been a lack of clarity over how this was managed. A further concern was that with incidents taking place escape routes had been breached. The man with the fractured leg was on the floor in the corridor, people were moving past him and there were no arrangements in place to protect an injured person. There had also been the lack of a warning system from when people had jumped the barriers to when they entered the 28th floor. Mr Nevitt queried how the proposals of the Licence Holder prevented the issues that he had raised. Would different barriers be put in place or would individuals who threatened security be prevented in another way if necessary from reaching the 28th floor from the ground level? There had been no proposals to resolve how the fire escape doors would be secured. It would also be of value to have procedures in place for emergency services accessing the 28th and 29th floors which were in an isolated position. It was submitted that there had been a lack of searching of the patrons as they had been able to bring weapons and apparently nitrous oxide into the venue. The management had allowed situations to prevail which were inherently unsafe not just for the patrons but for the staff, the other users of the building and the security personnel.

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

Mr Coley was asked by Mr Walsh to respond to Mr Nevitt's concerns regarding patrons with nitrous oxide. He believed that the people who had brought it into the building should have been ejected. Members of staff were aware that it was not permitted in the venue. Ms Linforth added that staff had since 26th to 27th March had received training so that they were now aware of what actions they should be taking going forward and would know what to do in respect of any future incident. Nine of the staff had also received personal licence holder training. Ms Linforth informed the Sub-Committee that a security consultant had recommended that in future a security person should be stationed at the revolving doors guiding people through the coffee

shop / cinema entrance and then the security controls. The security consultant had also recommended identifying on the floor plan the areas where security personnel have to position themselves. This it was believed would prevent people entering or egressing via the fire escape.

The Sub-Committee expressed concern that the Police had written to the Licensee following a male being assaulted at the venue on 16 August 2015 setting out why they thought the incident had been poorly managed and yet many of the same failings had come to light again when disorder took place on a much larger scale on 26 to 27 March 2016. These included bottles still being used as weapons. The event in March had again been poorly managed as was the case seven months later. There were similarities again in that in August 2015 the security team had not responded correctly with the suspect not being detained, Police called or a crime scene identified or preserved. The Sub-Committee brought to the attention of the Licensee that the indication from the statements of those employed as security personnel by Valid in March had been consistent that they had done all they could to resolve the issues which arose but that the two managers on duty that night (Mr Skrina and Mr Coley) failed to act when they had an equal responsibility to protect the safety of staff and patrons. Ms Linforth replied that she had not been working for the organisation in August 2015 but she believed having undertaken the review of the March incidents that it was the understanding of the Managing Director of Altitude in August that if the conditions were in place the company could continue to hold the nightclub style events. A decision had now been taken not to hold these events in the future.

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

Mr Walsh addressed the Sub-Committee on the Thomas & Thomas letter of 8 September 2015. He advised it was the case that the booking for 26 to 27 March had taken place in October 2015 which was prior to the commitment to book it at least three months in advance. There was no outside security company used which was not contracted to Altitude. Mr Walsh confirmed that the 696 form was completed but not submitted. Mr Coley added that he took responsibility. However, he had not been at the meeting with Police in August 2015. He had filled in the 696 form in case the Police or Council officers wished to check it. The Police made the point that the form clearly sets out that it should be submitted to Police 14 days in advance of an event. Mr O'Maoileoin provided the information that the Head of Valid Security Services, Will Barnes had written in August 2015 to Altitude's DPS at that time,

Suresh Abbas, stating that Valid was ACS Registered until June 2015 and that they were awaiting confirmation of renewal. This email had been forwarded to Mr O'Maoileoin by the Managing Director of Altitude who had since left the role. It was not known what had happened in terms of Valid's attempts to renew. However, the evidence appeared to be that Valid were not ACS Registered by March 2016.

The Police made the point that the Licence Holder had referred to the Paravana Project selling tickets for the March 2015 event and the staff having no knowledge of that. His colleague however had looked on the internet and it appeared that tickets were being sold on Altitude's Skyloft website for the event. He added that Paravana had posted a note to Facebook users apologising for the incidents and stating that they would be changing the way the tickets were distributed by ensuring that the parties were membership/guest list only in order to protect patrons. The Sub-Committee had noted that on Facebook Paravana had encouraged a member of the public to come along to the event on the 26th March even though that person did not have a ticket. An attendee at the March event had remarked on Facebook that it had been a 'nightmare' with 'lots of fights' having taken place. Mr Coley responded that the agreement with Paravana was to use Facebook as a communication platform. Altitude had not been made aware that they were selling tickets on the day. The London Skyloft ticket portal had been set up as a backup platform as Paravana had said they had issues meeting people and posting out their invitations. It was never activated and no tickets were sold via the portal. Mr Coley also provided the information to the Sub-Committee that the event in August 2015 had been a private birthday party and Paravana had not been involved. The person whose birthday it was, had without Altitude's knowledge, sold tickets for the event.

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

Mr Walsh reiterated that the answer to the problems was to prohibit the late nightclub style events taking place in the future. Ms Linforth added that Altitude was content

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

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

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

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

The Sub-Committee considered that even if the security guards' evidence was incorrect there were a whole series of breaches to demonstrate that management's

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

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

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

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

the Licensing Act 2003 states that 'every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act'. In determining the matter the Sub-Committee took the view that to fail to inform the Police for almost a month that the DPS had left the organisation displayed an obvious lack of responsibility on the part of the management in relation to the licence conditions and the promotion of the licensing objectives. It was questionable exactly when the Police would have been informed that the DPS had left had the incidents not occurred on 26-27 March.

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

**2 ALTITUDE 360, TWENTY NINTH FLOOR, MILLBANK TOWER, 21-24
MILLBANK, SW1**

LICENSING SUB-COMMITTEE No. 2

Thursday 4th July 2016

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

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

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

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

**Review of Altitude 360, Twenty Ninth Floor, Millbank Tower, 21-24 Millbank, SW1 (“The Premises”)
16/04072/LIREVP**

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

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

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

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

The Police then set out for the Sub-Committee’s benefit the sequence of incidents on the morning of 27 March which had come to light from the CCTV footage and Police investigations. In summary at 23:00 on the 26 March there was an initial fight in the venue. A male threw a large vodka bottle at another male. Security had attempted to intervene and they both ran from the scene. This was not reported to the Police and was not captured on CCTV. The incident was referred to in Rosen Zehirov’s

witness statement who had been employed as a member of the security staff for the event. At 23:15 there had been a further fight where a male had been punched and his watch had been stolen. The Police stated that the victim had requested help from security staff who did not assist and he had then phoned the Police himself. There was no CCTV footage of this incident. At 00:32 Police received a phone call from the building security who told them that there were three males physically threatening a female member of security staff. CCTV showed them jumping over the electronic barriers in order to gain entry to the lift. From a security perspective this gave immediate concerns regarding the Applicant's ability to manage the premises effectively and efficiently because those males who were not known to the Applicant were able to gain access to the Premises unchallenged and without being checked by security, thereby putting the health and safety of customers at risk.

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

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

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

The Police advised that they subsequently attended the venue. Three crime scenes were in place. To date two victims with head injuries and one with the fractured leg

had been identified. A victim who had suffered loss of blood in the corridor had not yet been identified. It was submitted felt by the Police that there were more victims and suspects as a result of the incidents than were known to date. The Sub-Committee was advised that investigations are still ongoing in this respect. The Police confirmed that they had had met David Coley (part of the applicant's Senior Management Team) when attending the venue after the incidents and he had said to them that the event had run largely peacefully, a statement which bears no resemblance to the evidence. The Police had requested that the Designated Premises Supervisor ('DPS') attend. Tomas Skrina had introduced himself as the DPS. When asked by the Police where Mr Abbas (who was known to the Police as the DPS) was, representatives of Altitude had said that he was still in place but that Mr Skrina was due to take over from him.

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

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

The Police identified other failings relating to the 27 March event included that there had only been nine days' footage of CCTV when the Licence Holder was supposed to retain thirty one days of footage. The Police advised the Sub-Committee that the Licence Holder had after August 2015 installed an upgraded CCTV system which was of an excellent standard but this still did not get around the fact that conditions was in place that was breached. The Police had subsequently found that there had been no DPS in place between the period 28 February and 29 March and this led to question whether the running of the Premises was in fact being managed effectively in accordance with the conditions imposed on the Premises Licence and by whom. The application for transfer of DPS to Mr Skrina was received after the event of 26-27 March. The Police stated that a major failing was that there was no record of any phone calls by management to the Police despite at least seven separate assaults having taken place. The Police had recommended after the previous incident in August 2015 that as the Licence Holder was minded to replace the security firm, the replacement firm should be ACS registered. It was later found that the security firm,

Valid, employed during the March 2016 event was not ACS registered. CCTV footage of 27 March 2016 had shown a group of customers inhaling nitrous oxide in full view of bar staff and no action had been taken. There had also been drinking directly from large vodka bottles. The Police also made the point that management had been told several times by security staff on the night to stop the event but this advice had been completely ignored despite the serious incidents of assaults that had taken place inside the Premises, In addition, fire exits and the rear stairs were not managed by security. It was known by Police that suspects had managed to escape via the rear stairs. However, it was not known if people had managed to gain entry this way and avoided being searched. This posed serious safety concerns for customers if security staff were not stationed or carrying out regular check of these areas of the Premises

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

The Sub-Committee was then shown CCTV footage by the Police to support the written and oral evidence received. The Police described the sequence of events on 27 March as the most serious incidents in that officer's experience during his time with the Westminster Police Licensing Team. It was stated that the disorder had resulted in at least four serious injuries. The Police maintain the view that the poor management decisions, or lack thereof coupled with a complete disregard to the premises licence conditions led to the serious problems highlighted above. It was submitted by the Police that if there had been no promoted events and there had been pre-booked ticketed events and a comprehensive security plan in place, it is doubtful whether, the incidents referred to above would ever have happened. Clearly, there was the absence of a DPS or management in control of security and staff. The Police described the situation as a total loss of control of the venue. Due to the serious nature of the incidents and the fact that the Police had had to engage with the Licence Holder after the incident in August 2015, the Police stated that they had no confidence in the Licence Holder's ability to run the Premises in accordance with the licence conditions. There had been failings to uphold the licensing objectives and it was the Police's view that the Premises licence should be revoked. Additional conditions being attached to the licence were not appropriate as conditions on the existing licence had not been adhered to previously, the actions of the licence holder were considered so severe that any further conditions the Sub-Committee might consider imposing would not be complied with based on the evidence.

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

The Sub-Committee heard from Stephen Walsh QC, representing the Licence

Holder. He stated that his client entirely accepted that the incidents of 27 March were appalling and there had been management failings on the night in question. He commented that there were some elements of the Police evidence that his client would challenge but this was in no way to excuse what had taken place.

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

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

Mr Walsh informed those present that there had been a risk assessment undertaken of the event. Eight door supervisors had been agreed upon on the basis of the advice of Valid security company who were aware of the capacity. The Sub-Committee was advised that Valid had provided security for Altitude events for some months prior to 27 March 2016 and had previously overseen a Paravana event. Altitude had also relied on building security as well. Mr Walsh maintained that there was always a 24 hour security presence in the lobby. Mr Walsh asserted that management were aware that building security were responsible for calling the Police.

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

In terms of the capacity, Mr Walsh stated that the number of tickets available between 14:00 on the 26 March and 04:00 on the 27 March was a maximum of 600. The anticipated number during the Temporary Event Notice after 02:00 was a

maximum of 400. Valid were required to have a presence on the ground floor and on the 28th floor as people would be leaving to smoke and use other parts of the building. These people would be clicked in and out as they entered or left. Mr Walsh explained that in Altitude's review of 27 March it had been found that one of the security team had not clicked people out. Mr Walsh added that whilst it may have been poor training on the part of the security company, it was ultimately the responsibility of the Licence Holder. However, the Licence Holder did not accept that the capacity for the venue was exceeded. It was believed to be considerably below the maximum permitted.

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

Mr Walsh addressed the Sub-Committee on the conditions that the Police had referred to as having been breached. In relation to the CCTV he commented that it was accepted by all parties that it was now of a particularly high standard. The issue of only nine days footage having been retained was because it had been found that the higher quality had resulted in more memory being used up. The Licence Holder had responded to this since March and additional memory capacity had now been introduced. He added that this had not been an intentional breach. In respect of capacity, the Licence Holder was firmly of the view that it had not been exceeded, there had been a guest list and people had not been clicked out when leaving the venue. In respect of the condition requiring licensable activities to only be to persons attending private pre-booked events, it had mistakenly been believed that it would be such an event. There would be events such as the one held on 27 March in the future. There had been a security assessment although it was accepted that this had not been served on the Police. In respect of the condition that no events booked by promoters would be permitted to take place on the premises, it had been believed by management that it would be privately run by Paravana.

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

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

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

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

The Sub-Committee requested further information from Mr Coley on Mr Pantev's

statement. Mr Pantev had stated that he had informed Mr Skrina and Mr Coley around 23:00 on the 26th March after having dealt with a fight that the venue was over capacity and that it was necessary to close the entrance to other arrivals. However, it was claimed Mr Coley had refused and had asked one of the security guards to clear the clickers. Mr Coley replied to the Sub-Committee that this conversation had never taken place. He also re-iterated the point made earlier by Mr Walsh that the reason for the supposed over capacity was that people leaving the premises, including to smoke, had not been clicked out. The Sub-Committee also sought additional information set out in Mr Pantev's statement that he had asked for the event to be stopped but Mr Coley had refused. Mr Coley responded that the only conversation he had had was with Mr Skrina and the Head of Security. They had been given full authority to shut down the event if need be. On the point in Mr Pantev's statement that 'during the whole night we did not have good connection on the equipment provided from the company for communication between the security guards', Mr Coley informed those present that his role was client liaison so he was not sure. However, it had been Mr Skrina's role to give out the hand held radios and Mr Coley had not been made aware that any equipment was faulty. Mr Coley was asked why security had not used the hand held radios to inform security on the 28th floor when the males were jumping over the barriers into the lift. He replied that it was a failing of the security firm. They had been good for corporate events but were not effective on 26 to 27 March. Ms Linforth added that during the course of the post event investigation she had been told that three of the radios had not been functioning and security had attempted to communicate via mobile phone. The coverage was sketchy in Millbank Tower. She did not believe that management had been made aware of some of the radios not functioning during the evening of the event.

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

The Sub-Committee also asked why, when in August 2015 the Police had advised Altitude to improve its procedures and employ a security company which was ACS registered, it had not done so. Ms Linforth replied that she had not been employed by Altitude when Valid were taken on. However, in her post event investigation she had found a number of issues with Valid which demonstrated they did not meet Altitude's requirements. These included that the security supervisor in charge on the night had his wife and daughter working with him. Valid had now been replaced by

Headline Security, who had been chosen following advice from other security companies. Mr Walsh added that all security employed by Valid were SIA regulated. ACS was a voluntary system and it was not a condition on the premises licence that a security company was employed which was ACS registered.

Members of the Sub-Committee also heard from Mr Nevitt on behalf of the Council's Environmental Health team ('Environmental Health'). He advised that Environmental Health were supporting the review on public safety grounds. The public safety implications on 26th to 27th March included that there had been a loss of control of some of the patrons. There was also an accessibility of objects to cause injury such as weapons, bottles and broken glass. Mr Nevitt expressed concern that heavy glass bottles such as a two litre size bottle of vodka could be used as a weapon. There had been patrons, staff and security personnel at risk as well as those located elsewhere in Millbank Tower, such as the business which operated at all hours on the 30th floor. Mr Nevitt referred to the wedged open fire doors, people slipping on liquids and staff seeking refuge which could be seen on the CCTV footage.

Mr Nevitt stated that one concern was regarding the capacities. A maximum of 499 people was permitted for a Temporary Event Notice which included staff. This meant that at least over 100 people had to leave the venue after 02:00 and there had been a lack of clarity over how this was managed. A further concern was that with incidents taking place escape routes had been breached. The man with the fractured leg was on the floor in the corridor, people were moving past him and there were no arrangements in place to protect an injured person. There had also been the lack of a warning system from when people had jumped the barriers to when they entered the 28th floor. Mr Nevitt queried how the proposals of the Licence Holder prevented the issues that he had raised. Would different barriers be put in place or would individuals who threatened security be prevented in another way if necessary from reaching the 28th floor from the ground level? There had been no proposals to resolve how the fire escape doors would be secured. It would also be of value to have procedures in place for emergency services accessing the 28th and 29th floors which were in an isolated position. It was submitted that there had been a lack of searching of the patrons as they had been able to bring weapons and apparently nitrous oxide into the venue. The management had allowed situations to prevail which were inherently unsafe not just for the patrons but for the staff, the other users of the building and the security personnel.

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

Mr Coley was asked by Mr Walsh to respond to Mr Nevitt's concerns regarding patrons with nitrous oxide. He believed that the people who had brought it into the building should have been ejected. Members of staff were aware that it was not permitted in the venue. Ms Linforth added that staff had since 26th to 27th March had

received training so that they were now aware of what actions they should be taking going forward and would know what to do in respect of any future incident. Nine of the staff had also received personal licence holder training. Ms Linforth informed the Sub-Committee that a security consultant had recommended that in future a security person should be stationed at the revolving doors guiding people through the coffee shop / cinema entrance and then the security controls. The security consultant had also recommended identifying on the floor plan the areas where security personnel have to position themselves. This it was believed would prevent people entering or egressing via the fire escape.

The Sub-Committee expressed concern that the Police had written to the Licensee following a male being assaulted at the venue on 16 August 2015 setting out why they thought the incident had been poorly managed and yet many of the same failings had come to light again when disorder took place on a much larger scale on 26 to 27 March 2016. These included bottles still being used as weapons. The event in March had again been poorly managed as was the case seven months later. There were similarities again in that in August 2015 the security team had not responded correctly with the suspect not being detained, Police called or a crime scene identified or preserved. The Sub-Committee brought to the attention of the Licensee that the indication from the statements of those employed as security personnel by Valid in March had been consistent that they had done all they could to resolve the issues which arose but that the two managers on duty that night (Mr Skrina and Mr Coley) failed to act when they had an equal responsibility to protect the safety of staff and patrons. Ms Linforth replied that she had not been working for the organisation in August 2015 but she believed having undertaken the review of the March incidents that it was the understanding of the Managing Director of Altitude in August that if the conditions were in place the company could continue to hold the nightclub style events. A decision had now been taken not to hold these events in the future.

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

Mr Walsh addressed the Sub-Committee on the Thomas & Thomas letter of 8 September 2015. He advised it was the case that the booking for 26 to 27 March had taken place in October 2015 which was prior to the commitment to book it at least three months in advance. There was no outside security company used which was not contracted to Altitude. Mr Walsh confirmed that the 696 form was completed but not submitted. Mr Coley added that he took responsibility. However, he had not

been at the meeting with Police in August 2015. Mr Coley stated that he had filled in the 696 form in case the Police or Council officers wished to check it. PC Janes made the point that the form clearly sets out that it should be submitted to Police 14 days in advance of an event. Mr O'Maoileoin provided the information that the Head of Valid Security Services, Will Barnes had written in August 2015 to Altitude's DPS at that time, Suresh Abbas, stating that Valid was ACS Registered until June 2015 and that they were awaiting confirmation of renewal. This email had been forwarded to Mr O'Maoileoin by the Managing Director of Altitude who had since left the role. It was not known what had happened in terms of Valid's attempts to renew. However, the evidence appeared to be that Valid were not ACS Registered by March 2016.

The Police made the point that the Licence Holder had referred to the Paravana Project selling tickets for the March 2015 event and the staff having no knowledge of that. His colleague however had looked on the internet and it appeared that tickets were being sold on Altitude's Skyloft website for the event. He added that Paravana had posted a note to Facebook users apologising for the incidents and stating that they would be changing the way the tickets were distributed by ensuring that the parties were membership/guest list only in order to protect patrons. The Sub-Committee had noted that on Facebook Paravana had encouraged a member of the public to come along to the event on the 26th March even though that person did not have a ticket. An attendee at the March event had remarked on Facebook that it had been a 'nightmare' with 'lots of fights' having taken place. Mr Coley responded that the agreement with Paravana was to use Facebook as a communication platform. Altitude had not been made aware that they were selling tickets on the day. The London Skyloft ticket portal had been set up as a backup platform as Paravana had said they had issues meeting people and posting out their invitations. It was never activated and no tickets were sold via the portal. Mr Coley also provided the information to the Sub-Committee that the event in August 2015 had been a private birthday party and Paravana had not been involved. The person whose birthday it was, had without Altitude's knowledge, sold tickets for the event.

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

Conditions could also address site specific aspects relating to the premises, including how lifts were used and how security is organised on the ground floor.

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

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

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

The Sub-Committee carefully considered all the written representations and oral evidence presented at the hearing. Members had seen and heard evidence of a number of horrendous incidents which had taken place on 26 to 27 March 2016. It was not disputed by any of the parties at the hearing that the event had been poorly managed and that conditions on the Premises licence had been breached. Patrons and staff at the event had not been protected as the incidents took place and the prevention of crime and disorder and public safety licensing objectives had been undermined. The Sub-Committee had read written representations from representatives of the security company, Valid Security Services. These had been consistent and Members saw no reason to believe that their statements were fabricated. These included that security had advised management on a number of occasions to stop the event but this advice had been ignored. It was also indicated

that security guards had been persuaded by management to let people into the venue without being searched.

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

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

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

The Sub-Committee had heard that the Licence Holder had not informed the Police that Mr Abbas, the DPS, had left his position on 28 February. The risk assessment that had not been sent to Police but had been kept as a record for the March 26-27 event had been filled in by Mr Skrina, under the title of 'Acting DPS'. There is no such position. The Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 states that 'every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act'. In determining the matter the Sub-Committee took the view that to fail to inform the Police for almost a month that the DPS had left the organisation displayed an obvious lack of responsibility on the part of the management in relation to the licence conditions and the promotion of the licensing objectives. It was questionable exactly when the Police would have been informed that the DPS had left had the incidents not occurred on 26-27 March.

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

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