



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (5)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** Committee held on **Tuesday 4th April, 2017**, Rooms 1A, 1B & 1C - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

Members Present: Councillors Peter Freeman (Chairman), Julia Alexander and Rita Begum

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 15TH & 16TH FLOOR, 20 EASTBOURNE TERRACE, W2

LICENSING SUB-COMMITTEE No. 5

Tuesday 4th April 2017

Membership: Councillor Peter Freeman (Chairman), Councillor Julia Alexander and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

**15th & 16th Floor, 20 Eastbourne Terrace, W2
17/00627/LIPN**

Granted under delegated powers prior to the hearing.

4 FIVE GUYS, UNIT 1, GROUND FLOOR, TROCADERO, 13 COVENTRY STREET, W1

LICENSING SUB-COMMITTEE No. 5

Tuesday 4th April 2017

Membership: Councillor Peter Freeman (Chairman), Councillor Julia Alexander and Councillor Rita Begum

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Heidi Lawrance

Relevant Representations: Licensing Authority, Environmental Health and Metropolitan Police.

Present: Ms Julia Palmer (Solicitor, representing the Applicant), Ms Sally Thomas (Environmental Health), PC Bryan Lewis (Metropolitan Police) and Mr David Sycamore (Licensing Authority).

Five Guys, Unit 1, Ground Floor, Trocadero, 13 Coventry Street, W1 17/01024/LIPN	
1.	Late Night Refreshment (Indoors)
	Monday to Thursday 23:00 to 23:30 Friday and Saturday 23:00 to 00:00.
	Amendments to application advised at hearing: The application was originally for late night refreshment (indoors and outdoors). However, this was amended to indoors only prior to the hearing.
	Decision (including reasons if different from those set out in report): The Sub-Committee heard from Ms Palmer, representing the Applicant. She addressed Members on the reasons as to why she believed the application should be granted in the West End Cumulative Impact Area. These included the nature of the proposed conditions, the fact that there were three other existing Five Guys sites in the West End Cumulative Impact Area, that it was proposed that there would be a small variety of beers sold and alcohol sales are only responsible for 1.1% of turnover across the Five Guys establishments. It was also not a very residential area. Ms Palmer expressed the view that the premises at Trocadero would have a positive benefit to the Cumulative Impact Area. She referred to the locality having a number of fast food outlets. However, Five Guys whilst a fast food outlet had a focus on fresh food and the premises at Trocadero would be large, open and spacious. There would be fixed seats, a capacity had been agreed and there would be no vertical drinking. The premises would be brightly lit in the evening, it would be monitored by staff and it would keep people who were attracted to fast food off the street.

Takeaway and off sales were not being applied for.

In response to a question from the Sub-Committee, Ms Palmer confirmed that there was no waiter or waitress service at the Five Guys establishments. There was also no bar and alcohol was not displayed, being served from behind a counter. A Challenge 25 condition was being proposed. She stated that the primary concern in the Council's Statement of Licensing Policy about fast food was about what happened outside the premises. There was a large capacity for eating inside at the premises. Customers were likely to leave more quietly.

In respect of the conditions, Ms Palmer referred to a proposed condition being agreed with Environmental Health that the premises would operate similarly to a restaurant in that alcohol would be ancillary to substantial table meals and customers would be seated. She clarified in response to a question from the Sub-Committee that in addition to the condition not being in keeping with the Council's model restaurant condition MC66 due to there being no waiter or waitress service, it was also the case that the crockery is disposable at Five Guys premises.

The Sub-Committee heard from Ms Thomas on behalf of Environmental Health. She stated that she had visited the site and the building was yet to be fitted out. She had agreed a capacity figure with the Applicant of 270, being content from a public safety point of view. Ms Thomas referred to the proposed condition which was amended from MC66. Customers would have to be seated and consume a substantial table meal. There would be disposable crockery and no waiter or waitress service and therefore the establishment was not able to operate completely in keeping with MC66. She was satisfied that the proposed conditions assisted in preventing public nuisance and promoting public safety. Her representation had been maintained as there were aspects within the application that were contrary to policy in the West End Cumulative Impact Area.

PC Lewis, addressing the Sub-Committee, stated that the Police supported the Council's policy. Five Guys was not in keeping with the model condition's definition of a restaurant and the Police maintained their representation on policy grounds.

Mr Sycamore on behalf of the Licensing Authority drew the Sub-Committee's attention to the fact that there was a proposed capacity of 270 people who would have access to alcohol in the heart of the West End Cumulative Impact Area. It was the Licensing Authority's view that due to the size of the operation the application would add to cumulative impact. He stated that the Council's Statement of Licensing Policy referred in paragraph 2.4.21 to on sales of alcohol not adding to cumulative impact if they ceased at 20:00. However, on sales was being sought until Core Hours and therefore would add to cumulative impact. The nature of the operation meant that it did not comply fully with MC66. He was therefore maintaining his representation.

Mr Wroe provided policy advice to the Sub-Committee. He confirmed that the condition that had been amended from MC66 was not in keeping with a restaurant as defined in the Council's policy. MC66 encapsulated the characteristics of a licensed premises which can be regarded as a bona fide

destination style restaurant where customers are going there primarily to eat and they are staying there for some time. He advised that there were two aspects that the Sub-Committee could take on board when considering the cumulative impact area policy. The first related to the sale of alcohol. 13 Coventry Street was not a premises whose primary purpose would be for the sale and consumption of alcohol as it would be ancillary to substantial table meals. Public houses and bars policy did not apply here. The relevant policy was that the application would be judged on its individual merits but the Applicant must show why this particular aspect would not add to cumulative impact. The second point related to the fast food element of the application. The application would provide for the sale and consumption of fast food on the premises after 23:00 from Monday to Saturday. There was a presumption against the grant of late night refreshment/fast food and the Applicant needed to demonstrate why the application was an exception to policy in this regard.

Mr Panto made some additional points to those set out by Mr Wroe. Takeaway was not being proposed after 23:00 but as there was no waiter or waitress service people would have to obtain their food or drink from a counter and customers would not be taken to their seats. In response to Ms Palmer's point that fast food policy was largely about what happened outside the premises and that Five Guys would not cause any problems in terms of its internal operation, Mr Panto referred to the Council's Policy that fast food premises are considered to attract people to them, including those who may have been drinking elsewhere, and the premises would therefore keep people in the cumulative impact areas. It was then a question of what people would do once they left the premises.

Ms Palmer was given an opportunity to respond to points which had been made previously. She stated that faster food is the trend of the moment. People would be going to fast food outlets in the Council's cumulative impact areas whether the application was granted or not. She reiterated that customers in Five Guys would be safely kept off the street and that paragraphs 2.5.18 and 2.5.19 of the Council's Statement of Licensing Policy referred to issues that took place outside the premises such as consumption of takeaway food and levels of crime and disorder. Being in a quieter environment than premises that were more alcohol led, customers would be more relaxed and leave quietly. Ms Palmer added that if the Licensing Authority's point about the sale of alcohol after 20:00 was of concern, the Applicant was willing to cease the sale of alcohol at that time.

The Sub-Committee considered that as applied for the application would add to cumulative impact. Members of the Sub-Committee granted a terminal hour of 20:00 for on sales in keeping with paragraph 2.4.21 of the Council's Statement of Licensing Policy. This sets out that 'where applications for licenses to sell alcohol for consumption on the premises are made and (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking; (ii) where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours; and (iii) when the sale of alcohol is not permitted beyond 20.00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to

add to cumulative impact in the cumulative impact area'. The Sub-Committee was satisfied that the application was appropriately conditioned so that the consumption of alcohol would not become a significant part of the operation of the premises being ancillary to a substantial table meal. After 20:00 the Sub-Committee did take the view that on sales would add to cumulative impact in the West End Cumulative Impact Area. A condition was attached to the licence by the Sub-Committee that 'the consumption of alcohol on the premises shall cease at 20:00'.

The Sub-Committee noted that Five Guys is a fast food premises and that late night refreshment (indoors) had been applied for until 23:30 Monday to Thursday and midnight Friday and Saturday. This was contrary to policy in the Cumulative Impact Area. The Sub-Committee did not consider that there was a genuine exception to the policy which should result in this aspect of the application being granted. It did not accept the submission made by Ms Palmer that customers would be kept off the street, other than for the relatively short time that it would take to consume the food, and did not agree that they would necessarily leave quietly. Despite the inability to sell alcohol after 20.00 hours, many of the customers will have been drinking alcohol elsewhere and it was their behaviour when they left the Five Guys that was of concern. The premises would add to the high concentration of fast food premises in the West End Cumulative Impact Area. Up to 270 people on any given evening would be attracted to come to the fast food premises, including those who may have been drinking elsewhere and they would be retained in the cumulative impact area. The Sub-Committee permitted customers to leave the premises no later than 23:30 Monday to Saturday and 22:30 on Sunday.

In respect of the conditions, the Sub-Committee decided that given the reduced hours granted, the amended version of MC66 would not be applied. The original condition that 'the sale of alcohol for consumption on the premises shall only to be persons purchasing a meal and as an ancillary to that meal, which is to be eaten at a table or counter' was attached to the licence. Two other amendments made to the proposed conditions was that the reference to the first floor was amended to the mezzanine floor which was in keeping with the plans and that it was agreed by the parties that 'no super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises' which was in keeping with the Council's model condition. The proposed condition had set a maximum of 6% ABV.

2. Sale by retail of alcohol (On)

Monday to Thursday 10:00 to 23:30
 Friday and Saturday 10:00 to 00:00
 Sunday 12:00 to 22:30.

Amendments to application advised at hearing:

The application was originally for on and off sales. However, this was amended to on sales only prior to the hearing.

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted a terminal hour of 20:00 for on sales (see reasons for decision in Section 1).</p>
3.	Hours premises are open to the public
	<p>Monday to Thursday 10:00 to 23:30 Friday and Saturday 10:00 to 00:00 Sunday 12:00 to 22:30.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee permitted customers to leave the premises no later than 23:30 Monday to Saturday and 22:30 on Sunday.</p>
4.	Seasonal variations / Non-standard timings
	<p><u>Late Night Refreshment, Sale by retail of alcohol and hours premises are open to the public</u></p> <p>Seeking an extension until 00:00 on Sundays before a Bank Holiday.</p>
	<p>Amendments to application advised at hearing:</p> <p>This was withdrawn by the Applicant prior to the hearing.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee was not required to consider this aspect of the application as it had been withdrawn by the Applicant.</p>

Conditions attached to the Licence
<u>Mandatory Conditions</u>

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

Additional Conditions

9. The sale of alcohol for consumption on the premises shall only to be persons

purchasing a meal and as an ancillary to that meal, which is to be eaten at a table or counter.

10. The consumption of alcohol on the premises shall cease at 20:00.
11. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
12. There shall be no self service of alcohol.
13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor 190 persons; Mezzanine 80 persons.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
20. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
22. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
23. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card

with the PASS Hologram.

24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
25. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

**5 NEW FOOK LAM MOON, BASEMENT AND GROUND FLOOR, 10
GERRARD STREET, W1**

LICENSING SUB-COMMITTEE No. 5

Tuesday 4th April 2017

Membership: Councillor Peter Freeman (Chairman), Councillor Julia Alexander and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

**New Fook Lam Moon, Basement And Ground Floor, 10 Gerrard Street, W1
17/01070/LIPV**

Granted under delegated powers prior to the hearing.

6 JEWEL OF LONDON - PASSENGER VESSEL, MILLBANK MILLENNIUM PIER, MILLBANK, SW1

LICENSING SUB-COMMITTEE No. 5

Tuesday 4th April 2017

Membership: Councillor Peter Freeman (Chairman), Councillor Julia Alexander and Councillor Rita Begum

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Heidi Lawrance

Relevant Representations: Metropolitan Police.

Present: Mr Gareth Hughes (Solicitor, representing the Applicant), Mr Robert Cairns and Mr John Williams (Directors, Applicant Company) and PC Bryan Lewis (Metropolitan Police).

Jewel Of London – Passenger Vessel, Millbank Millennium Pier, Millbank, SW1 17/00773/LIPN	
1.	Live Music (Indoors & Outdoors)
	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The application had been adjourned at the initial hearing for the two passenger vessels on 23 March 2017. This had been in order to obtain further information on an incident when the Jewel Of London had entered a Police cordon area which was established on the River Thames from Vauxhall Bridge to Charing Cross Bridge following the Westminster terrorist attack on 22 March 2017. It was agreed by all parties at the beginning of the rescheduled hearing on 4 April 2017 that the two applications submitted by the Applicant Company, London Party Boats Ltd, for the passenger vessels Jewel of London and Pearl Of London would be heard together. The Sub-Committee would consider the specific applications separately on their own individual merits. The Sub-Committee heard from Mr Hughes, representing the Applicant. Mr

Hughes advised the Sub-Committee that the terminal hour for late night refreshment for the two passenger vessels was amended to 01:00 in line with the other licensable activities applied for. The Jewel Of London was currently operating on the Thames as a result of 12 temporary event notices since January 2017. The Pearl Of London was currently located in a dry dock. It was intended to bring the Pearl Of London into operation in late spring. Mr Cairns who is the owner, director and captain of the Jewel Of London and Pearl Of London, also has a third boat, the Belle Of London, which already is in possession of a premises licence from Westminster Council.

Mr Hughes informed the Sub-Committee that Mr Cairns had operated on the Thames with Belle Of London and Jewel Of London for the last fourteen years. He had been permitted licensable activities by Southwark Council throughout this period but following a serious incident that had occurred on the Jewel Of London on 14 January 2017, the Police had sought a review of the premises licence at Southwark. It transpired that Southwark had originally issued a licence to Mr Cairns for an area that was outside of their borough (it was actually in Lambeth). Southwark then decided to void the licence. This had left the Applicant without any operating provision on the Thames. Mr Hughes stated that Mr Cairns' mooring had always been at Millbank and he had subsequently decided to apply to Westminster in January.

Mr Hughes drew Members' attention to Mr Cairns' experience. He had been an apprentice in the 1990s and had become a Freeman of the Company of Watermen and Lightermen. The Applicant Company had been in existence since 2003. Mr Hughes stated that in the last fourteen years it was estimated that Mr Cairns had transported approximately 200,000 people on the boats on the Thames. He had overseen 1,810 events on the vessels during that time. Mr Hughes made the point that the event in January 2017 when serious disorder had taken place should be seen as a one off event. The Police's application for a summary review had referred to this appearing to be 'an isolated incident'.

Mr Hughes informed the Sub-Committee that Mr Cairns was subject to regular auditing every six months by the Maritime and Coastguard Agency who checked a number of aspects including the procedures and systems on board the passenger vessels to ensure the safety of passengers. If Mr Cairns did not comply with the safety requirements of the audit, then his operational licence would be taken away. Mr Hughes had submitted prior to the hearing a reference from The Company of Watermen & Lightermen of the River Thames to give the Sub-Committee assurances about Mr Cairns' character.

Mr Hughes wished to emphasise that the passenger vessels were not floating nightclubs. There would be some events involving music and dancing. Activities on the vessels would include jazz, fashion, book launches, site seeing tours towards the O2 and the Thames Barrier, escorting wedding parties to their marriage venue, wakes and children's parties. Mr Hughes stated that there were risk assessments for 'football transfers' where people were taken to games such as at Fulham's ground, Craven Cottage and also parties for those under 21 years old, with security staff on board. There were also public ticket events where it is not known in advance who will be coming on board and these events would also therefore have security staff on board.

Mr Hughes addressed the Sub-Committee on the disorder which had taken place on the Jewel Of London on 14 January 2017. He stated that there had been an altercation between two males and door staff had intervened. The door staff had then told Mr Cairns in his capacity as the captain that the matter had been dealt with. Mr Cairns had turned the boat around, heading to Westminster when the major incident took place including a number of weapons being used. Mr Cairns had been able to contact the Police and they had dealt with the perpetrators.

The Sub-Committee was advised by Mr Hughes that lessons had been learnt following the 14 January incidents. Risk assessments were now being written and recorded which formalised what had been taking place for many years.

Mr Hughes quoted the final paragraph of PC Lewis' witness statement that 'the Police Licensing Team are not objecting outright to these two applications as we recognise that our concerns have been highlighted by one booking (of 14 January 2017) that went wrong'. There would need to be 'a list of appropriate licence conditions and operating policies to support them'. Mr Hughes advised Members that a number of conditions had been agreed with the Police, including more onerous conditions than other party boats on the Thames. The Applicant hoped it could be avoided that conditions attached to the licenses would not result in the business being uncompetitive and in a disadvantageous position in relation to other party boats.

In respect of the conditions, Mr Hughes stated that his client had agreed Environmental Health's proposed conditions (conditions 21-23). Environmental Health had subsequently withdrawn their representation. The majority of the Police's proposed conditions had been agreed by the Applicant. It was requested that a noise limiter condition (condition 34) was not attached to the licence as conditions to prevent public nuisance had been agreed with Environmental Health. Mr Hughes added that the removal of the condition was acceptable to the Police.

It was requested that a condition that 'there shall be a personal licence holder on duty on the vessel at all times alcohol is being sold' was not introduced (condition 39) as there were not currently sufficient employees to comply with this condition. Mr Hughes was requesting an alternative condition to be attached to the licence that there should be a responsible person authorised by the licence holder on duty on the vessel at all times alcohol is being sold. Mr Hughes was requesting an amendment to proposed condition 43 so that when SIA registered door staff are deployed there would be a minimum of 2 always working and an extra 1 for every additional 75 persons over 100 persons (the original condition had proposed an extra 1 for every additional 50 persons).

The Applicant's particular concern in respect of the Police proposed conditions was condition 24 and drinking vessels being required to be polycarbonate. Mr Hughes expressed the view that it was more applicable to a nightclub and that there were many events held on the passenger vessels which were not nightclub style events. It would be far more onerous than the requirements for other boats on the Thames and would not be appropriate for events such as wedding

parties. The Applicant was content to have polycarbonate drinking vessels or containers for football transfers, under 21 parties and public ticketed events. Mr Hughes advised that this was already taking place.

Mr Hughes then addressed the Sub-Committee on the events of 22 March 2017. There had been a detailed statement from Mr Cairns received by the Sub-Committee prior to the hearing. Mr Hughes stated that Mr Cairns and Mr Williams had attended a meeting at Tower Pier with London River Services at 14:00. As a result of receiving notification of the terrorist attack at Westminster the meeting was concluded. At Festival Pier Mr Cairns had waved down a Police maritime vessel and asked them to drop him off at the Jewel Of London at its mooring in Millbank, west of Millbank Pier which the Police duly did. This mooring was situated just within a cordon area that had been designated by the police following the terrorist incident. The cordoned area actually extended upstream as far as Vauxhall Bridge. He had told the Police that his boat was ready to disembark to Putney in order to bring passengers back down river. The crew had been onboard the Jewel Of London since 10:30. Mr Hughes added that Mr Cairns was aware by this time that the journey was curtailed as he could not take passengers past Vauxhall Bridge due to the terrorist attack.

Mr Hughes said that Mr Cairns had departed the mooring which was in the Police cordon area and headed up stream to Putney Pier. Mr Cairns collected the passengers and departed Putney Pier at 20:10. He could not go downstream from Putney Pier to Hammersmith Bridge due to rowers and scullers being in the water. When he approached Vauxhall Bridge again, Mr Cairns had realised due to a serious ebb tide that he would have to turn the boat just beyond the Bridge. If he had turned the boat short of the Bridge there was a risk this would have led the boat to strike one of the pillars of the Bridge. It was when Mr Cairns ventured beyond Vauxhall Bridge that the Police asked him to leave the cordoned area and he duly did so. Mr Cairns moved onto Putney pier where the passengers disembarked. Mr Cairns then headed down stream again to the mooring just below Vauxhall Bridge at Millbank. A Police boat had approached him as the Jewel Of London was in the cordoned area when it approached the mooring and asked Mr Cairns to leave the area. A Police officer boarded the Jewel Of London and a discussion ensued. The Police officer had taken the view that Mr Cairns could moor the vessel and leave on the work boat.

Mr Hughes made the point that there was no intention on the part of Mr Cairns to flout the Police cordon. He added that there was the question that if Mr Cairns did not moor the boat where he did, where else could he moor it and disembark? He could not simply stop at any other mooring down the river and his primary concern was the safety of his crew. Mr Hughes admitted that it was necessary to accept that the excursion into the cordoned area was a mistake.

Mr Hughes clarified in response to a question from the Sub-Committee that the mooring lies west of Millbank Millennium Pier and is located in the borough of Westminster.

The Sub-Committee next heard from PC Lewis. He advised Members that the reason he had submitted the Police statements was to provide them with the background to what had taken place. He stated that he and the Police Marine

Unit recognised that Mr Cairns had had numerous events on his boats and there had not been many incidents. They did not want to deprive him of a living. They had therefore reached a view as set out in PC Lewis' statement that if the appropriate conditions were in place then they would put their trust in Mr Cairns to operate a safe vessel. Potentially the Police might have withdrawn the representation. PC Lewis informed the Sub-Committee that following the events of 22 March however, the statement was now out of date.

PC Lewis explained to the Sub-Committee that the applications were difficult because licensable activities were sought on moving passenger vessels where unlike a land based premises it was not possible to eject people if there was anti-social behaviour and it was difficult for the emergency services to get there to assist or officers to conduct licensing visits. PC Lewis had searched the crime reporting system and had found that there was hardly any crime or disorder on Jewel Of London or Belle Of London. Potentially one factor in this was that any incidents were recorded against the pier as a venue rather than the boat as a premises which was what happened on 14 January.

PC Lewis commented that the large scale disorder which took place on 14 January on the Jewel Of London had resulted in three people being stabbed with a knife and a fourth person having received an injury from a bottle. This had led to Southwark Council Police Licensing Team submitting an expedited review because of the severity of the incident. The licence, as Mr Hughes had made reference to, had been made void and Mr Cairns had applied for licences for the two passenger vessels to Westminster.

PC Lewis advised the Sub-Committee that he had met Mr Cairns in March 2017 and it had become apparent that he had not filled in a 696 risk assessment form for the event on 14 January. He explained that the form is important to the Police as it enables them to carry out a search on those involved with an event including any organisers, promoters or DJs. A condition was now being proposed to require the Applicant to provide the risk assessment form.

PC Lewis also explained to the Sub-Committee that the information the Police had received in respect of the 14 January event was somewhat different to the Applicant's version. According to statements the fighting had commenced at about 22:00 near Greenwich between two males and was contained by security staff. However, the Police had been provided with a statement by the crew that whilst the security staff had indicated that the incident had been contained at that time they had told Mr Cairns that further disorder could flare up at any time. PC Lewis had discussed with Mr Cairns that there might have been an opportunity to have taken the boat to a nearby mooring and check the passengers in order to prevent the possibility of further disorder. Rather than doing this Mr Cairns had attempted to return to Westminster as quick as he possibly could. There was a mass brawl during the return journey.

PC Lewis referred to Sergeant Paul Hoppe's statement who had visited Westminster Pier on 23 February 2017 when an event was due to take place booked by Mr Cairns as a result of a temporary event notice. The TEN had not indicated that the event involved a large group of football supporters. Mr Cairns had given an undertaking to the Police that he would employ three security staff

for the event. Sergeant Hoppe had found no security staff for the event although Mr Cairns did subsequently arrange to employ some on the boat that day when this was pointed out. When PC Lewis had raised this matter with Mr Cairns in March he had replied that this was an administrative error. Sergeant Hoppe had also expressed concerns in his statement that following an event on the Jewel Of London on 3 March 2017 he had witnessed a group of youths leaving the boat that had been smoking cannabis. The Police spoke to the youths on land due to the fact they were shouting and screaming after they left the boat.

PC Lewis had said that in the days leading up to the initial hearing of the Sub-Committee on 23 March he had been prepared to say that whilst having some concerns he would not object to the applications for the two passenger vessels provided appropriate conditions were agreed. He would be prepared to treat the 14 January event as an isolated incident. However, Mr Cairns' actions on the day of the tragic terrorist attack on 22 March had changed the position. There had been a Police cordon on the Thames which Mr Cairns had breached on two separate occasions. PC Lewis informed the Sub-Committee that the cordon had been established under section 33 of the Terrorism Act 2000 because there could have been a wave of terrorist attacks and there was a crime scene where evidence gathering would take place. He commented that Mr Cairns could have been arrested but the Police did not want to use vital resources in doing so. Mr Cairns had been reported for the offence.

PC Lewis emphasised that Mr Cairns was told twice on the day not to enter the cordon. On the first occasion when being told not to do so over the radio he had replied that 'you better get out of the way, I can't stop that quickly'. This, PC Lewis commented, was willfully disobeying the instruction of a Police officer. PC Lewis added that later when Mr Cairns was reported for the offence he had said to the effect that through his eyes he had not done anything wrong. PC Lewis was of the view that Mr Cairns' statement still demonstrated that he did not accept that he had done anything wrong or broken any laws. The Police concern was that if Mr Cairns did not respect the law as set out in the Terrorism Act then there was a question of whether they could have confidence that he would adhere to the conditions on the licenses. The priorities of the Police were the safety of the public and to ensure the licensing objectives were promoted.

The Sub-Committee was advised by PC Lewis that his concern was that the Police would have to have total faith in Mr Cairns that he would operate in keeping with any conditions that were attached to the licence, including in relation to security staff and glassware. There would be few visits from licensing inspectors and some from the Police Marine Unit. PC Lewis added that he would have been more sympathetic had Mr Cairns apologised for the events of 22 March.

The Sub-Committee asked a number of questions. Mr Cairns was asked for his view of the conversation when he was given instructions by the Police to move the Jewel Of London on 22 March. He replied that he was only seeking to move the vessel back to the position that he had moved it from originally. He had believed it was acceptable to do that. He had also believed he had permission to leave originally to commence the event. When he had turned the vessel round beyond Vauxhall Bridge had been when the Police had become aware of

the Jewel Of London. Mr Cairns was of the view that the police boat should have been directly under Vauxhall Bridge at the time that he turned the Jewel Of London. He then told the Police that he was taking the boat back to its mooring. He made the point that if he had broken the law he was sorry but it was not his intention to do that. He believed he was taking the Jewel Of London back to where he was allowed to start from and had been 300 metres into the exclusion zone. It was his view that if proceeding with the event had been such a problem the Police would have told him that the Jewel Of London could not leave its mooring and it would have been cancelled. He had been nowhere near Westminster Bridge. Mr Cairns clarified that he had only said to the Police that he could not stop when he had 150 passengers on board and was turning the boat. This was not at the end of the evening prior to the Police officer boarding.

PC Lewis expressed the view that if Mr Cairns had been purely concerned about safety, he could have turned the boat well before Vauxhall Bridge. Mr Cairns responded that he could have turned the Jewel Of London further up river but he only had between Putney Bridge and Vauxhall Bridge as a cruising area because of the rowers and scullers. The safest point to turn would probably have been Battersea Power Station. After that there would not have been a safe point to turn other than below Vauxhall Bridge. He was using as much of the river as he possibly could to take up the four hours of the event duration. He did not believe the Police officers had a problem at the time with his explanation as to why he had turned the Jewel Of London below Vauxhall Bridge or his mooring at the end of the evening. He believed that the matter had been blown out of proportion at the Sub-Committee meeting.

Mr Cairns was asked by the Sub-Committee whether there was a discussion between him and the Police about the terrorist attack when he was being taken from Festival Pier to the Jewel Of London at its mooring by the Police after his meeting with London River Services had concluded. He replied that he did ask whether the river closure would be for a long period of time and the Police had said that it possibly could be. Mr Cairns had explained what the nature of his event was. He believed that it was at this point that he would have been informed that it was not appropriate to proceed with the event but this had not occurred.

Mr Cairns was asked by the Sub-Committee whether the Police had informed him that a very serious incident had taken place. Had he taken on board that there was a real emergency and Police resources would be focused on Westminster Bridge? He replied that the Police had told him that a serious incident had taken place. He had only taken the boat back to where it had left its mooring. If he had been told not to leave the mooring he would have cancelled the function. Mr Cairns was also asked why he had come back inside the Police cordon again after being told earlier not to enter it when turning the Jewel Of London under Vauxhall Bridge. He replied that he had no intention of going anywhere near Westminster Bridge and at the end of the evening he had only looked to return the boat to its mooring. Mr Cairns believed that the Police officer had been annoyed at the end of the evening because he had not recognised where the boat's mooring was.

The Sub-Committee asked Mr Cairns what he thought had gone wrong when

there had been serious disorder on 14 January and why it was different from the other events he had held on the Thames. Mr Cairns replied that the event on 14 January was not any different from any of the other events he had run. It was a repeat booking and an event which had booked by the same person previously had taken place with no problems. There had been no reason to refuse another booking with him. It was believed that one person in the party had begun the disorder, using a broken bottle. Mr Cairns did not believe that there had been any knives aboard the vessel.

In response to a question about his procedures in response to disorder, Mr Cairns wished to stress that there had been fights on board previously. He would have dropped passengers off it was felt that any disorder would escalate and would not be contained. He would also contact the Police. Safety for passengers was his priority. He added that he had been informed that the original altercation on 14 January had been resolved. He had taken the decision to turn the vessel anyway to head upstream. When he had been informed that there was further disorder, that was when the party had ended and the boat was heading back to Westminster. Mr Cairns also made the point that had he continued the trip to the Thames Barrier rather than heading back it would have taken even longer for medical assistance to be given. There had been three security staff for approximately 180 passengers.

Mr Cairns also provided the additional response to a Sub-Committee question that he believed the Police should have been located the upper side of Vauxhall Bridge rather than above Lambeth Bridge on 22 March. Mr Hughes stated that when he was asked to leave the cordoned area, Mr Cairns had done so. The cordoned area had gone right up to the House of Commons and there had been journalists standing right up to this area. There had been no indication from the Police that they were in an unsafe environment.

PC Lewis responded to the point that there had not been any knives aboard the vessel on 14 January. He said that CCTV had shown evidence of the use of a knife by a suspect and it was not possible for the victim to have a pierced lung from a broken bottle. Mr Hughes had been concerned that the CCTV footage had not been shown to his client. He also made the point that Mr Cairns did not suddenly become a bad operator after twenty years on the river because of one incident. He had learnt from the incident with the use of the risk assessments.

PC Lewis was asked whether there was likely to be any criminal action taken against Mr Cairns for entering the Police cordon. He replied that Mr Cairns would be called in for a Police interview with a view to a possible prosecution for the offence.

The Sub-Committee carefully considered the applications for the two passenger vessels. Having read and listened to all the evidence received, the Sub-Committee had great concerns about the manner in which Mr Cairns had dealt with the serious episodes on 14 January and 22 March. Members were troubled by Mr Cairns' attitude and insistence that he was right in the actions he had taken at the time. The Sub-Committee was astounded by Mr Cairns' interpretation of the instructions given by the Police on 22 and 23 March and his criticism of the Police's approach in terms of where they had been located on the

river. It was questionable at best that Mr Cairns should have believed that he had approval to re-enter the cordoned area to re-moor the vessel at the end of the day.

It was understood based on the advice of PC Lewis that criminal proceedings may be taken forward. This could potentially also have implications for Mr Cairns' licence to navigate the river. The duty of the Sub-Committee was to promote the licensing objectives. The Sub-Committee had seriously considered refusing the applications based on Members' concerns. However, in the light of Mr Cairns' previous record and with the imposition of strict conditions the Sub-Committee considered it appropriate to grant the applications. The Sub-Committee recognised that the Applicant has a long history of operating on the Thames without serious incident and without undermining any of the licensing objectives. It also recognized that the police were not seeking refusal of the application based on the incident on 14th January which the police themselves described as an isolated incident.

There were still serious concerns about how Mr Cairns had exercised his judgment on 22nd and 23rd March. The issue for the Sub-Committee was whether that poor judgment might undermine the licensing objectives in the future and, in particular, the objective relating to public safety. However, the members decided to give him the benefit of the doubt in view of his record of compliance with those objectives prior to the incident in March. His judgment on that date might yet be tested in criminal proceedings, where, if found guilty, he would be required to pay the penalty imposed. It was not considered to be appropriate to impose any further penalty on him in that regard by refusing a licence that he required to ensure the viability of his business. The incident on 22nd and 23rd March was, thankfully, exceptional but the Sub-Committee was confident that Mr Cairns had learnt from his experience and would fully comply with any cordon that might be designated by the police in the future.

If there were further serious incidents brought to the Sub-Committee's attention at a review hearing it was highly likely that this would lead to the revocation of Mr Cairns licenses. The Sub-Committee trusted that Mr Cairns would exercise much better judgement in the future.

The Sub-Committee considered that it was appropriate and proportionate to attach the condition that 'for all externally promoted events including DJs, birthday bookings (where the person whose birthday it is is aged 25 or under), all football related bookings and for publically ticketed events, all drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle'. In response to Mr Hughes' concern that the Police's proposed condition should not be imposed that 'there shall be a personal licence holder on duty on the vessel at all times alcohol is being sold' as there were not currently sufficient employees to comply with this condition, the Sub-Committee attached the condition that 'after 16 May 2017, there shall

	be a personal licence holder on duty on the vessel at all times alcohol is being sold'. This would give the Applicant 6 weeks to ensure that the condition was able to be complied with.
2.	Recorded Music (Indoors and Outdoors)
	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application, subject to conditions as set out below (see reasons for decision in Section 1).
3.	Performance Of Dance (Indoors and Outdoors)
	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application, subject to conditions as set out below (see reasons for decision in Section 1).
4.	Anything of a similar description (music / dance)
	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application, subject to conditions as set out below (see reasons for decision in Section 1).

5.	Late Night Refreshment (Indoors & Outdoors)
	Monday to Sunday 23:00 to 03:00.
	Amendments to application advised at hearing: Mr Hughes advised the Sub-Committee that the terminal hour was amended to 01:00 in line with the other licensable activities applied for.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application for the amended terminal hour, subject to conditions as set out below (see reasons for decision in Section 1).
6.	Sale by retail of alcohol (On and Off)
	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application, subject to conditions as set out below (see reasons for decision in Section 1).
7.	Hours premises are open to the public
	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application, subject to conditions as set out below.

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

Additional Conditions

10. Amplified music or regulated entertainment shall not take place whilst the vessel is moored at its Millbank moorings.

11. No noise shall emanate from the vessel which gives rise to a nuisance.

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

13. For all externally promoted events including DJs, birthday bookings (where the person whose birthday it is is aged 25 or under), all football related bookings and for publically ticketed events, all drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.

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

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

16. When alcohol is for sale a Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

17. A record shall be kept detailing all refused sales of alcohol. The record should

include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all discovery/seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. Alcohol shall not be taken or consumed off the vessel at any time.
20. The bar shall close 15 minutes prior to disembarkation, after this no alcohol shall be sold. This is to be announced on the public address system.
21. Passengers shall not be allowed to bring alcohol on board the vessel.
22. The crew shall make a comprehensive safety announcement over the PA system before every departure. This is to include a segment on drink aware and the ejection policy.
23. Any passenger that becomes abusive/aggressive to the crew or other passengers shall be asked to leave the vessel. Such persons will be ejected at the nearest available pier. A duty of care shall be provided for the ejected persons and to consider calling the emergency services.
24. Passenger numbers for each trip should be recorded on the Ships AIS system and on-board in the Ships Diary. The capacity of the vessel shall be determined and approved by the Maritime and Coastguard Agency (MCA) and placed on the ships certificate.
25. Passengers shall be advised by the crew to leave the vessel in a quiet and orderly fashion and not to do anything which is liable to disturb nearby residents. Prominent notices shall be displayed at the entrance and exit points.
26. Non-intoxicating drinks including drinking water shall be available at all times during the permitted hours for licensable activities with the exception of bookings not requiring a bar service.
27. After 16 May 2017, there shall be a personal licence holder on duty on the vessel at all times alcohol is being sold.
28. All SIA approved staff engaged in supervising or controlling queues as well as

engaged in duties on board the vessel shall wear high visibility yellow jackets or vests.

29. Registered SIA security staff to be on duty during all externally promoted events including DJ's, birthday bookings where the person's birthday is 25 or under and all football related bookings.
30. The licence holder shall ensure that there is a written risk assessment policy in place for every event to be held on the vessel and be available for inspection by police or authorised officers.
31. When SIA registered door staff are deployed there shall be a minimum of 2 always working, and an extra 1 for every additional 50 persons over 100 persons.
32. A Police 696m risk assessment form shall be submitted to the Westminster Police Licensing Team and the Police Marine Unit for all externally promoted events including DJ's, birthday bookings where the person's birthday is 25 or under and all football related bookings.
33. The SIA staff and crew will ensure that the pier is clear of all customers prior to leaving the pier. This includes a duty of care on all persons ejected during the duration of the trip.
34. It shall be a condition of entry that the customer agrees to an outer clothing and bag search being carried out or refusal of entry will be given, and notices to that effect shall be displayed. SIA Door Supervisors on duty will action as to when and whom is searched and a record of any decisions to be made. All searching shall be supplemented by the use of metal detector wands.

**7 PEARL OF LONDON - PASSENGER VESSEL, MILLBANK MILLENNIUM
PIER, MILLBANK, SW1**

LICENSING SUB-COMMITTEE No. 5

Tuesday 4th April 2017

Membership: Councillor Peter Freeman (Chairman), Councillor Julia
Alexander and Councillor Rita Begum

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon
Presenting Officer: Heidi Lawrance

Relevant Representations: Metropolitan Police.

Present: Mr Gareth Hughes (Solicitor, representing the Applicant), Mr Robert Cairns
and Mr John Williams (Directors, Applicant Company) and PC Bryan Lewis
(Metropolitan Police).

Pearl Of London – Passenger Vessel, Millbank Millennium Pier, Millbank, SW1 17/00570/LIPN	
1.	Live Music (Indoors & Outdoors)
	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application had been adjourned at the initial hearing for the two passenger vessels on 23 March 2017. This had been in order to obtain further information on an incident when the Jewel Of London had entered a Police cordon area which was established on the River Thames from Vauxhall Bridge to Charing Cross Bridge following the Westminster terrorist attack on 22 March 2017.</p> <p>It was agreed by all parties at the beginning of the rescheduled hearing on 4 April 2017 that the two applications submitted by the Applicant Company, London Party Boats Ltd, for the passenger vessels Jewel of London and Pearl Of London would be heard together. The Sub-Committee would consider the specific applications separately on their own individual merits.</p> <p>The Sub-Committee heard from Mr Hughes, representing the Applicant. Mr Hughes advised the Sub-Committee that the terminal hour for late night refreshment for the two passenger vessels was amended to 01:00 in line with the other licensable activities applied for. The Jewel Of London was currently operating on the Thames as a result of 12 temporary event notices since January 2017. The Pearl Of London was currently located in a dry dock. It was intended to bring the Pearl Of London into operation in late spring. Mr Cairns who is the owner, director and captain of the Jewel Of London and Pearl Of London, also has a third boat, the Belle Of London, which already is in possession of a premises licence from Westminster Council.</p> <p>Mr Hughes informed the Sub-Committee that Mr Cairns had operated on the Thames with Belle Of London and Jewel Of London for the last fourteen years. He had been permitted licensable activities by Southwark Council throughout this period but following a serious incident that had occurred on the Jewel Of London on 14 January 2017, the Police had sought a review of the premises licence at Southwark. It transpired that Southwark had originally issued a licence to Mr Cairns for an area that was outside of their borough (it was actually in Lambeth). Southwark then decided to void the licence. This had left the Applicant without any operating provision on the Thames. Mr Hughes stated that Mr Cairns' mooring had always been at Millbank and he had subsequently decided to apply to Westminster in January.</p>

Mr Hughes drew Members' attention to Mr Cairns' experience. He had been an apprentice in the 1990s and had become a Freeman of the Company of Watermen and Lightermen. The Applicant Company had been in existence since 2003. Mr Hughes stated that in the last fourteen years it was estimated that Mr Cairns had transported approximately 200,000 people on the boats on the Thames. He had overseen 1,810 events on the vessels during that time. Mr Hughes made the point that the event in January 2017 when serious disorder had taken place should be seen as a one off event. The Police's application for a summary review had referred to this appearing to be 'an isolated incident'.

Mr Hughes informed the Sub-Committee that Mr Cairns was subject to regular auditing every six months by the Maritime and Coastguard Agency who checked a number of aspects including the procedures and systems on board the passenger vessels to ensure the safety of passengers. If Mr Cairns did not comply with the safety requirements of the audit, then his operational licence would be taken away. Mr Hughes had submitted prior to the hearing a reference from The Company of Watermen & Lightermen of the River Thames to give the Sub-Committee assurances about Mr Cairns' character.

Mr Hughes wished to emphasise that the passenger vessels were not floating nightclubs. There would be some events involving music and dancing. Activities on the vessels would include jazz, fashion, book launches, site seeing tours towards the O2 and the Thames Barrier, escorting wedding parties to their marriage venue, wakes and children's parties. Mr Hughes stated that there were risk assessments for 'football transfers' where people were taken to games such as at Fulham's ground, Craven Cottage and also parties for those under 21 years old, with security staff on board. There were also public ticket events where it is not known in advance who will be coming on board and these events would also therefore have security staff on board.

Mr Hughes addressed the Sub-Committee on the disorder which had taken place on the Jewel Of London on 14 January 2017. He stated that there had been an altercation between two males and door staff had intervened. The door staff had then told Mr Cairns in his capacity as the captain that the matter had been dealt with. Mr Cairns had turned the boat around, heading to Westminster when the major incident took place including a number of weapons being used. Mr Cairns had been able to contact the Police and they had dealt with the perpetrators.

The Sub-Committee was advised by Mr Hughes that lessons had been learnt following the 14 January incidents. Risk assessments were now being written and recorded which formalised what had been taking place for many years.

Mr Hughes quoted the final paragraph of PC Lewis' witness statement that 'the Police Licensing Team are not objecting outright to these two applications as we recognise that our concerns have been highlighted by one booking (of 14 January 2017) that went wrong'. There would need to be 'a list of appropriate licence conditions and operating policies to support them'. Mr Hughes advised Members that a number of conditions had been agreed with the Police, including more onerous conditions than other party boats on the Thames. The Applicant hoped it could be avoided that conditions attached to the licenses would not

result in the business being uncompetitive and in a disadvantageous position in relation to other party boats.

In respect of the conditions, Mr Hughes stated that his client had agreed Environmental Health's proposed conditions (conditions 21-23). Environmental Health had subsequently withdrawn their representation. The majority of the Police's proposed conditions had been agreed by the Applicant. It was requested that a noise limiter condition (condition 34) was not attached to the licence as conditions to prevent public nuisance had been agreed with Environmental Health. Mr Hughes added that the removal of the condition was acceptable to the Police.

It was requested that a condition that 'there shall be a personal licence holder on duty on the vessel at all times alcohol is being sold' was not introduced (condition 39) as there were not currently sufficient employees to comply with this condition. Mr Hughes was requesting an alternative condition to be attached to the licence that there should be a responsible person authorised by the licence holder on duty on the vessel at all times alcohol is being sold. Mr Hughes was requesting an amendment to proposed condition 43 so that when SIA registered door staff are deployed there would be a minimum of 2 always working and an extra 1 for every additional 75 persons over 100 persons (the original condition had proposed an extra 1 for every additional 50 persons).

The Applicant's particular concern in respect of the Police proposed conditions was condition 24 and drinking vessels being required to be polycarbonate. Mr Hughes expressed the view that it was more applicable to a nightclub and that there were many events held on the passenger vessels which were not nightclub style events. It would be far more onerous than the requirements for other boats on the Thames and would not be appropriate for events such as wedding parties. The Applicant was content to have polycarbonate drinking vessels or containers for football transfers, under 21 parties and public ticketed events. Mr Hughes advised that this was already taking place.

Mr Hughes then addressed the Sub-Committee on the events of 22 March 2017. There had been a detailed statement from Mr Cairns received by the Sub-Committee prior to the hearing. Mr Hughes stated that Mr Cairns and Mr Williams had attended a meeting at Tower Pier with London River Services at 14:00. As a result of receiving notification of the terrorist attack at Westminster the meeting was concluded. At Festival Pier Mr Cairns had waved down a Police maritime vessel and asked them to drop him off at the Jewel Of London at its mooring in Millbank, west of Millbank Pier which the Police duly did. This mooring was situated just within a cordon area that had been designated by the police following the terrorist incident. The cordoned area actually extended upstream as far as Vauxhall Bridge. He had told the Police that his boat was ready to disembark to Putney in order to bring passengers back down river. The crew had been onboard the Jewel Of London since 10:30. Mr Hughes added that Mr Cairns was aware by this time that the journey was curtailed as he could not take passengers past Vauxhall Bridge due to the terrorist attack.

Mr Hughes said that Mr Cairns had departed the mooring which was in the Police cordon area and headed up stream to Putney Pier. Mr Cairns collected

the passengers and departed Putney Pier at 20:10. He could not go downstream from Putney Pier to Hammersmith Bridge due to rowers and scullers being in the water. When he approached Vauxhall Bridge again, Mr Cairns had realised due to a serious ebb tide that he would have to turn the boat just beyond the Bridge. If he had turned the boat short of the Bridge there was a risk this would have led the boat to strike one of the pillars of the Bridge. It was when Mr Cairns ventured beyond Vauxhall Bridge that the Police asked him to leave the cordoned area and he duly did so. Mr Cairns moved onto Putney pier where the passengers disembarked. Mr Cairns then headed down stream again to the mooring just below Vauxhall Bridge at Millbank. A Police boat had approached him as the Jewel Of London was in the cordoned area when it approached the mooring and asked Mr Cairns to leave the area. A Police officer boarded the Jewel Of London and a discussion ensued. The Police officer had taken the view that Mr Cairns could moor the vessel and leave on the work boat.

Mr Hughes made the point that there was no intention on the part of Mr Cairns to flout the Police cordon. He added that there was the question that if Mr Cairns did not moor the boat where he did, where else could he moor it and disembark? He could not simply stop at any other mooring down the river and his primary concern was the safety of his crew. Mr Hughes admitted that it was necessary to accept that the excursion into the cordoned area was a mistake.

Mr Hughes clarified in response to a question from the Sub-Committee that the mooring lies west of Millbank Millennium Pier and is located in the borough of Westminster.

The Sub-Committee next heard from PC Lewis. He advised Members that the reason he had submitted the Police statements was to provide them with the background to what had taken place. He stated that he and the Police Marine Unit recognised that Mr Cairns had had numerous events on his boats and there had not been many incidents. They did not want to deprive him of a living. They had therefore reached a view as set out in PC Lewis' statement that if the appropriate conditions were in place then they would put their trust in Mr Cairns to operate a safe vessel. Potentially the Police might have withdrawn the representation. PC Lewis informed the Sub-Committee that following the events of 22 March however, the statement was now out of date.

PC Lewis explained to the Sub-Committee that the applications were difficult because licensable activities were sought on moving passenger vessels where unlike a land based premises it was not possible to eject people if there was anti-social behaviour and it was difficult for the emergency services to get there to assist or officers to conduct licensing visits. PC Lewis had searched the crime reporting system and had found that there was hardly any crime or disorder on Jewel Of London or Belle Of London. Potentially one factor in this was that any incidents were recorded against the pier as a venue rather than the boat as a premises which was what happened on 14 January.

PC Lewis commented that the large scale disorder which took place on 14 January on the Jewel Of London had resulted in three people being stabbed with a knife and a fourth person having received an injury from a bottle. This had led to Southwark Council Police Licensing Team submitting an expedited review

because of the severity of the incident. The licence, as Mr Hughes had made reference to, had been made void and Mr Cairns had applied for licences for the two passenger vessels to Westminster.

PC Lewis advised the Sub-Committee that he had met Mr Cairns in March 2017 and it had become apparent that he had not filled in a 696 risk assessment form for the event on 14 January. He explained that the form is important to the Police as it enables them to carry out a search on those involved with an event including any organisers, promoters or DJs. A condition was now being proposed to require the Applicant to provide the risk assessment form.

PC Lewis also explained to the Sub-Committee that the information the Police had received in respect of the 14 January event was somewhat different to the Applicant's version. According to statements the fighting had commenced at about 22:00 near Greenwich between two males and was contained by security staff. However, the Police had been provided with a statement by the crew that whilst the security staff had indicated that the incident had been contained at that time they had told Mr Cairns that further disorder could flare up at any time. PC Lewis had discussed with Mr Cairns that there might have been an opportunity to have taken the boat to a nearby mooring and check the passengers in order to prevent the possibility of further disorder. Rather than doing this Mr Cairns had attempted to return to Westminster as quick as he possibly could. There was a mass brawl during the return journey.

PC Lewis referred to Sergeant Paul Hoppe's statement who had visited Westminster Pier on 23 February 2017 when an event was due to take place booked by Mr Cairns as a result of a temporary event notice. The TEN had not indicated that the event involved a large group of football supporters. Mr Cairns had given an undertaking to the Police that he would employ three security staff for the event. Sergeant Hoppe had found no security staff for the event although Mr Cairns did subsequently arrange to employ some on the boat that day when this was pointed out. When PC Lewis had raised this matter with Mr Cairns in March he had replied that this was an administrative error. Sergeant Hoppe had also expressed concerns in his statement that following an event on the Jewel Of London on 3 March 2017 he had witnessed a group of youths leaving the boat that had been smoking cannabis. The Police spoke to the youths on land due to the fact they were shouting and screaming after they left the boat.

PC Lewis had said that in the days leading up to the initial hearing of the Sub-Committee on 23 March he had been prepared to say that whilst having some concerns he would not object to the applications for the two passenger vessels provided appropriate conditions were agreed. He would be prepared to treat the 14 January event as an isolated incident. However, Mr Cairns' actions on the day of the tragic terrorist attack on 22 March had changed the position. There had been a Police cordon on the Thames which Mr Cairns had breached on two separate occasions. PC Lewis informed the Sub-Committee that the cordon had been established under section 33 of the Terrorism Act 2000 because there could have been a wave of terrorist attacks and there was a crime scene where evidence gathering would take place. He commented that Mr Cairns could have been arrested but the Police did not want to use vital resources in doing so. Mr Cairns had been reported for the offence.

PC Lewis emphasised that Mr Cairns was told twice on the day not to enter the cordon. On the first occasion when being told not to do so over the radio he had replied that 'you better get out of the way, I can't stop that quickly'. This, PC Lewis commented, was willfully disobeying the instruction of a Police officer. PC Lewis added that later when Mr Cairns was reported for the offence he had said to the effect that through his eyes he had not done anything wrong. PC Lewis was of the view that Mr Cairns' statement still demonstrated that he did not accept that he had done anything wrong or broken any laws. The Police concern was that if Mr Cairns did not respect the law as set out in the Terrorism Act then there was a question of whether they could have confidence that he would adhere to the conditions on the licenses. The priorities of the Police were the safety of the public and to ensure the licensing objectives were promoted.

The Sub-Committee was advised by PC Lewis that his concern was that the Police would have to have total faith in Mr Cairns that he would operate in keeping with any conditions that were attached to the licence, including in relation to security staff and glassware. There would be few visits from licensing inspectors and some from the Police Marine Unit. PC Lewis added that he would have been more sympathetic had Mr Cairns apologised for the events of 22 March.

The Sub-Committee asked a number of questions. Mr Cairns was asked for his view of the conversation when he was given instructions by the Police to move the Jewel Of London on 22 March. He replied that he was only seeking to move the vessel back to the position that he had moved it from originally. He had believed it was acceptable to do that. He had also believed he had permission to leave originally to commence the event. When he had turned the vessel round beyond Vauxhall Bridge had been when the Police had become aware of the Jewel Of London. Mr Cairns was of the view that the police boat should have been directly under Vauxhall Bridge at the time that he turned the Jewel Of London. He then told the Police that he was taking the boat back to its mooring. He made the point that if he had broken the law he was sorry but it was not his intention to do that. He believed he was taking the Jewel Of London back to where he was allowed to start from and had been 300 metres into the exclusion zone. It was his view that if proceeding with the event had been such a problem the Police would have told him that the Jewel Of London could not leave its mooring and it would have been cancelled. He had been nowhere near Westminster Bridge. Mr Cairns clarified that he had only said to the Police that he could not stop when he had 150 passengers on board and was turning the boat. This was not at the end of the evening prior to the Police officer boarding.

PC Lewis expressed the view that if Mr Cairns had been purely concerned about safety, he could have turned the boat well before Vauxhall Bridge. Mr Cairns responded that he could have turned the Jewel Of London further up river but he only had between Putney Bridge and Vauxhall Bridge as a cruising area because of the rowers and scullers. The safest point to turn would probably have been Battersea Power Station. After that there would not have been a safe point to turn other than below Vauxhall Bridge. He was using as much of the river as he possibly could to take up the four hours of the event duration. He did not believe the Police officers had a problem at the time with his explanation as

to why he had turned the Jewel Of London below Vauxhall Bridge or his mooring at the end of the evening. He believed that the matter had been blown out of proportion at the Sub-Committee meeting.

Mr Cairns was asked by the Sub-Committee whether there was a discussion between him and the Police about the terrorist attack when he was being taken from Festival Pier to the Jewel Of London at its mooring by the Police after his meeting with London River Services had concluded. He replied that he did ask whether the river closure would be for a long period of time and the Police had said that it possibly could be. Mr Cairns had explained what the nature of his event was. He believed that it was at this point that he would have been informed that it was not appropriate to proceed with the event but this had not occurred.

Mr Cairns was asked by the Sub-Committee whether the Police had informed him that a very serious incident had taken place. Had he taken on board that there was a real emergency and Police resources would be focused on Westminster Bridge? He replied that the Police had told him that a serious incident had taken place. He had only taken the boat back to where it had left its mooring. If he had been told not to leave the mooring he would have cancelled the function. Mr Cairns was also asked why he had come back inside the Police cordon again after being told earlier not to enter it when turning the Jewel Of London under Vauxhall Bridge. He replied that he had no intention of going anywhere near Westminster Bridge and at the end of the evening he had only looked to return the boat to its mooring. Mr Cairns believed that the Police officer had been annoyed at the end of the evening because he had not recognised where the boat's mooring was.

The Sub-Committee asked Mr Cairns what he thought had gone wrong when there had been serious disorder on 14 January and why it was different from the other events he had held on the Thames. Mr Cairns replied that the event on 14 January was not any different from any of the other events he had run. It was a repeat booking and an event which had booked by the same person previously had taken place with no problems. There had been no reason to refuse another booking with him. It was believed that one person in the party had begun the disorder, using a broken bottle. Mr Cairns did not believe that there had been any knives aboard the vessel.

In response to a question about his procedures in response to disorder, Mr Cairns wished to stress that there had been fights on board previously. He would have dropped passengers off if it was felt that any disorder would escalate and would not be contained. He would also contact the Police. Safety for passengers was his priority. He added that he had been informed that the original altercation on 14 January had been resolved. He had taken the decision to turn the vessel anyway to head upstream. When he had been informed that there was further disorder, that was when the party had ended and the boat was heading back to Westminster. Mr Cairns also made the point that had he continued the trip to the Thames Barrier rather than heading back it would have taken even longer for medical assistance to be given. There had been three security staff for approximately 180 passengers.

Mr Cairns also provided the additional response to a Sub-Committee question that he believed the Police should have been located the upper side of Vauxhall Bridge rather than above Lambeth Bridge on 22 March. Mr Hughes stated that when he was asked to leave the cordoned area, Mr Cairns had done so. The cordoned area had gone right up to the House of Commons and there had been journalists standing right up to this area. There had been no indication from the Police that they were in an unsafe environment.

PC Lewis responded to the point that there had not been any knives aboard the vessel on 14 January. He said that CCTV had shown evidence of the use of a knife by a suspect and it was not possible for the victim to have a pierced lung from a broken bottle. Mr Hughes had been concerned that the CCTV footage had not been shown to his client. He also made the point that Mr Cairns did not suddenly become a bad operator after twenty years on the river because of one incident. He had learnt from the incident with the use of the risk assessments.

PC Lewis was asked whether there was likely to be any criminal action taken against Mr Cairns for entering the Police cordon. He replied that Mr Cairns would be called in for a Police interview with a view to a possible prosecution for the offence.

The Sub-Committee carefully considered the applications for the two passenger vessels. Having read and listened to all the evidence received, the Sub-Committee had great concerns about the manner in which Mr Cairns had dealt with the serious episodes on 14 January and 22 March. The Sub-Committee appreciated that they had taken place on Jewel Of London rather than Pearl Of London and Pearl of London was located in dry dock. However, their concerns were relevant in that the same Applicant Company was involved with Mr Cairns being a director of that company. Members were troubled by Mr Cairns' attitude and insistence that he was right in the actions he had taken at the time on 14 January and 22 March. The Sub-Committee was astounded by Mr Cairns' interpretation of the instructions given by the Police on 22 and 23 March and his criticism of the Police's approach in terms of where they had been located on the river. It was questionable at best that Mr Cairns should have believed that he had approval to re-enter the cordoned area to re-moor the vessel at the end of the day.

It was understood based on the advice of PC Lewis that criminal proceedings may be taken forward. This could potentially also have implications for Mr Cairns' licence to navigate the river. The duty of the Sub-Committee was to promote the licensing objectives. The Sub-Committee had seriously considered refusing the applications based on Members' concerns. However, in the light of Mr Cairns' previous record and with the imposition of strict conditions the Sub-Committee considered it appropriate to grant the applications. The Sub-Committee recognised that the Applicant has a long history of operating on the Thames without serious incident and without undermining any of the licensing objectives. It also recognized that the police were not seeking refusal of the application based on the incident on 14th January which the police themselves described as an isolated incident.

There were still serious concerns about how Mr Cairns had exercised his

	<p>judgment on 22nd and 23rd March. The issue for the Sub-Committee was whether that poor judgment might undermine the licensing objectives in the future and, in particular, the objective relating to public safety. However, the members decided to give him the benefit of the doubt in view of his record of compliance with those objectives prior to the incident in March. His judgment on that date might yet be tested in criminal proceedings, where, if found guilty, he would be required to pay the penalty imposed. It was not considered to be appropriate to impose any further penalty on him in that regard by refusing a licence that he required to ensure the viability of his business. The incident on 22nd and 23rd March was, thankfully, exceptional but the Sub-Committee was confident that Mr Cairns had learnt from his experience and would fully comply with any cordon that might be designated by the police in the future. If there were further serious incidents brought to the Sub-Committee's attention at a review hearing it was highly likely that this would lead to the revocation of Mr Cairns licenses. The Sub-Committee trusted that Mr Cairns would exercise much better judgement in the future.</p> <p>The Sub-Committee considered that it was appropriate and proportionate to attach the condition that 'for all externally promoted events including DJs, birthday bookings (where the person whose birthday it is is aged 25 or under), all football related bookings and for publically ticketed events, all drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle'. In response to Mr Hughes' concern that the Police's proposed condition should not be imposed that 'there shall be a personal licence holder on duty on the vessel at all times alcohol is being sold' as there were not currently sufficient employees to comply with this condition, the Sub-Committee attached the condition that 'after 16 May 2017, there shall be a personal licence holder on duty on the vessel at all times alcohol is being sold'. This would give the Applicant 6 weeks to ensure that the condition was able to be complied with.</p>
2.	Recorded Music (Indoors and Outdoors)
	Monday to Sunday 07:00 to 01:00.
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application subject to conditions as set out below (see reasons for decision in Section 1).</p>

3.	Performance Of Dance (Indoors and Outdoors)
	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application, subject to conditions as set out below (see reasons for decision in Section 1).
4.	Anything of a similar description (music / dance)
	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application, subject to conditions as set out below (see reasons for decision in Section 1).
5.	Late Night Refreshment (Indoors & Outdoors)
	Monday to Sunday 23:00 to 03:00.
	Amendments to application advised at hearing: Mr Hughes advised the Sub-Committee that the terminal hour was amended to 01:00 in line with the other licensable activities applied for.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the amended terminal hour, subject to conditions as set out below (see reasons for decision in Section 1).
6.	Sale by retail of alcohol (On and Off)

	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application, subject to conditions as set out below (see reasons for decision in Section 1).
7.	Hours premises are open to the public
	Monday to Sunday 07:00 to 01:00.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application, subject to conditions as set out below (see reasons for decision in Section 1).

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do

not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible

person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

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

Additional Conditions

10. Amplified music or regulated entertainment shall not take place whilst the vessel is moored at its Millbank moorings.

11. No noise shall emanate from the vessel which gives rise to a nuisance.

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

13. For all externally promoted events including DJs, birthday bookings (where the person whose birthday it is is aged 25 or under), all football related bookings and for publically ticketed events, all drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
16. When alcohol is for sale a Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all discovery/seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

19. Alcohol shall not be taken or consumed off the vessel at any time.
20. The bar shall close 15 minutes prior to disembarkation, after this no alcohol shall be sold. This is to be announced on the public address system.
21. Passengers shall not be allowed to bring alcohol on board the vessel.
22. The crew shall make a comprehensive safety announcement over the PA system before every departure. This is to include a segment on drink aware and the ejection policy.
23. Any passenger that becomes abusive/aggressive to the crew or other passengers shall be asked to leave the vessel. Such persons will be ejected at the nearest available pier. A duty of care shall be provided for the ejected persons and to consider calling the emergency services.
24. Passenger numbers for each trip should be recorded on the Ships AIS system and on-board in the Ships Diary. The capacity of the vessel shall be determined and approved by the Maritime and Coastguard Agency (MCA) and placed on the ships certificate.
25. Passengers shall be advised by the crew to leave the vessel in a quiet and orderly fashion and not to do anything which is liable to disturb nearby residents. Prominent notices shall be displayed at the entrance and exit points.
26. Non-intoxicating drinks including drinking water shall be available at all times during the permitted hours for licensable activities with the exception of bookings not requiring a bar service.
27. After 16 May 2017, there shall be a personal licence holder on duty on the vessel at all times alcohol is being sold.
28. All SIA approved staff engaged in supervising or controlling queues as well as engaged in duties on board the vessel shall wear high visibility yellow jackets or vests.
29. Registered SIA security staff to be on duty during all externally promoted events including DJ's, birthday bookings where the persons birthday is 25 or under and all football related booking
30. The licence holder shall ensure that there is a written risk assessment policy in place for every event to be held on the vessel and be available for inspection by police or authorised officers
31. When SIA registered door staff are deployed there shall be a minimum of 2 always working, and an extra 1 for every additional 50 persons over 100 persons.
32. A Police 696m risk assessment form shall be submitted to the Westminster Police Licensing Team and the Police Marine Unit for all externally promoted

events including DJ's, birthday bookings where the persons birthday is 25 or under and all football related booking

33. The SIA staff and crew will ensure that the pier is clear of all customers prior to leaving the pier. This includes a duty of care on all persons ejected during the duration of the trip.
34. It shall be a condition of entry that the customer agrees to an outer clothing and bag search being carried out or refusal of entry will be given, and notices to that effect shall be displayed. SIA Door Supervisors on duty will action as to when and whom is searched and a record of any decisions to be made. All searching shall be supplemented by the use of metal detector wands.

The Meeting ended at Time Not Specified

CHAIRMAN: _____

DATE _____