

Tab 3

*Liquorette*

Environmental Audit  
&  
Risk Assessment

February 2019

## **1. Introduction**

- 1.1 I have been asked by Mr Luke Elford of TLT solicitors of 20 Gresham Street, London, EC2V 7JE to conduct a risk assessment for an application for extended hours by the premises known as Genuine Liquorette, 6, Rathbone Place, Fitzrovia, London W1T 1HL. The risk assessment, in line with the requirements of the Westminster City Council's Statement of Licensing Policy, assesses the criteria set out for each of the 4 licensing objectives set out in the Statement of licensing Policy (SLP) and its appendices. The risk assessment also includes an environmental audit of the environment that the venue operates in.
- 1.2 Genuine Liquorette operates as a cocktail bar and the venue opened in September 2017 in a former public house. The bar now caters for the 'craft' cocktail market in the City of Westminster and is within the West End cumulative impact zone.
- 1.3 The hours of operation are currently fixed in line with the Westminster City Council's ("WCC") Statement of Licensing Policy and the core hours as stipulated within Policy HRS1.
- 1.4 The management of Genuine Liquorette wish to apply for an extension to their core hours and are mindful of the Statement of Licensing Policy, the cumulative impact zone (CIZ), and their own operating environment within the cumulative impact zone.
- 1.5 I have looked at the proposals that have been developed by Genuine Liquorette against the WCC's Statement of licensing Policy and based the company's audit and risk assessment on the criteria set out by the WCC's Licensing Committee in their statement of Licensing Policy and its appendices.

## **2. Personal summary**

- 2.1 I retired from the Metropolitan Police in January 2007 having served 34 years of exemplary service. Throughout my service I have been regularly involved in the enforcement, management, and development of licensing initiatives and policies. I retired as a Borough Commander.

- 2.2 As a constable I worked as an undercover officer detecting offences in late night licensed premises in central and west London. As an Inspector I was the licensing Inspector for a very busy inner London policing division.
- 2.3 Whilst working as a Chief Inspector I was the operations manager in the central London Clubs and Vice unit from 1990-1996. As part of this role I had responsibility for late night licensing in Westminster and I supported other London boroughs as appropriate. During this period, I managed both covert and overt police operations on behalf of the police and the local authority to ensure compliance with the legislation and to prosecute breaches where necessary. The overt licensing visits were structured in a way that ensured that all premises operating with late night licences received at least 4 visits a year from a joint licensing team of police officers and local authority officers. It was during this period that I was involved in the development of the initial licensed door supervisors' scheme, commissioned by Westminster City Council, which was implemented and managed by myself within the Clubs and Vice unit. During the same period I researched, with a local authority counterpart, the potential for the introduction of 'Lap Dancing' clubs in Westminster. The work resulted in the introduction of 'lap dancing' establishments in the borough. The initiative and the supervision of the licence was then monitored covertly and overtly by officers under my direction.
- 2.4 As a Borough Commander on 2 London boroughs, between 2001 and the beginning of 2007 (January), I worked with both local authorities to develop the respective licensing and enforcement policies. The work with the Local Authority formed a significant part of Community Safety and local policing plans. With the introduction of the new Licensing Act 2003 I oversaw the transfer of responsibilities to the local authority and was instrumental in setting up a joint licensing team for a busy inner London borough.
- 2.5 In 2007 having retired from the police I was employed by an inner London Local Authority as an Assistant Director for Safer Communities. I held this post for 10 years.

- 2.6 I had responsibility for the wide ranging Safer Communities portfolio that included crime reduction strategies and the enforcement functions for the authority. My work involved comprehensive partnership working with all agencies involved in the crime reduction partnership, problem solving local hotspots and environmental audits with the associated action plans. Amongst the many responsibilities I had responsibility for the councils licensing function, the night time economy, and treatment regimes for drugs and alcohol.
- 2.7 During the 10 years that I spent with the authority I worked closely with the local policing teams to ensure that licensed premises were effectively supervised and managed in line with local initiatives and the borough licensing and enforcement policies.
- 2.8 As the principal officer for licensing in the local authority I worked closely with local community groups, ward councillors, and members of the licensing committee to develop knowledge and understanding of local enforcement policies and crime and disorder initiatives linked to drugs and alcohol. The work included the supervision of licensed premises, the management of the licensing objectives and working with legal services to take appropriate and proportionate action where necessary.
- 2.9 I was responsible for delivering a structured approach to licensing management, supervision, and enforcement, the council's community safety plan, the enforcement policy, and licensing policy. My role also included the consultation, development, and delivery of the boroughs controlled drinking zone, cumulative impact zone, Sexual Entertainment Venues, late night levy, early morning restriction orders, Best Bar None, and alcohol treatment programmes.
- 2.10 On my retirement from Local Government I set up my own compliance consultancy and offer independent advice and compliance audits, and risk assessments for licensed premises. I have given evidence at licensing hearings/ reviews, and appeals on behalf of the Metropolitan Police, Local Authorities and individual premises in each of my respective roles.
- 2.11 I have a Masters Degree in Business Administration, I am a member of the Institute of Licensing, and I have completed my alcohol personal licence course. I have

also been trained in Strategic Emergency and Crisis Management (Cabinet Office EPC), Emergency Control Management (Cabinet Office EPC), Gold Support London Emergency Planning (LLAG), and I was a qualified Authorising Officer for Covert surveillance in both the police and Local Authority.

### 3. Methodology

In order to compile the required environment audit and risk assessment I have'

- Considered the WCC statement of licensing policy.
- Considered policies HRS1, CD1, PS1, PN1, CH1, and CIP1, and the associated appendices.
- Visited the TFL information website relating late night travel. {Underground and buses}
- Looked at the stress area in the West End Ward.
- Looked at the ward data for the West End Ward and Marylebone High Street Ward.
- Interviewed Marco Attanasio the Designated Premises Supervisor
- Conducted evening and night time walkabouts in the area around the venue
- Reviewed the policies and procedures for the venue.
- Assessed the understanding and commitment to the Licensing Objectives by the current management.

### 4. Environmental Audit.

#### 4.1 Location

- 4.1.1 Genuine Liquorette is situated at 6 Rathbone Place on the east footway about 40 meters north from the Junction with Oxford Street. The premises is a unique casual cocktail bar over 2 floors and it offers classic cocktails and a new experience to develop your own bespoke drink under the guidance of a bartender. There is a basement area capable of use but at this time it is currently used primarily as storage space.



- 4.1.2 The frontage of the venue is clean and well presented there is no garish or obtrusive lighting. During the locality visits no noise could be heard emanating from the building and the facade fits in with similar types of venues in the immediate area.
- 4.1.3 The venue itself tends to cater for the local business community in and around Rathbone Place. Judging from my visits the clientele appear to be older and distinctly different from the younger clientele going to other late venues. At the moment the basement area is not open to the public although it falls within the licensed area on the existing premises licence. The ground floor is set out to tables and chairs making it exceptionally difficult for groups of people to stand in groups and drink. The emphasis is on sitting down. On the first floor is another bar area that has ample seating and booths for the clientele. Whilst there is standing room, on my visits most of the customers were sitting on stools around the bar. This is not a traditional "vertical drinking" establishment.
- 4.1.4 During my visits there was no boisterous or unruly behaviour. The atmosphere was a relaxed one with people obviously enjoying a drink with company after work. There was no underage drinking and the venue was well managed and controlled. At the end of the evening I watched people leave the venue and they appeared to do one of two things. Either to make their way from the area or migrate into the Soho area looking for other venues to finish their night in.
- 4.1.5 The environment in Rathbone Place appears to have two different operating environments that have quite different characteristics. During the day the road is busy with pedestrians who give the appearance of local office workers, construction workers, and tourists. There is also a steady flow of road traffic travelling south towards Oxford Street. The peak pedestrian times after the rush hour is lunch time, as people frequent food and drink outlets, and then again in the early evening as people leave work to go home or go out for the evening.
- 4.1.6 During the late evening and the late night environment there is very little road traffic and very few pedestrians actually in Rathbone Place.

- 4.1.7 The pedestrian flow that exists in Rathbone Place tends to be either people going to or coming from the Charlotte Street area, Oxford Street, and Soho. On the evenings that I have spent in that neighbourhood the traffic flow and pedestrian flow along Rathbone Place has been very light.
- 4.1.8 People out in the night time economy in the Charlotte Street area tended to mostly walk away from the area along Windmill Street and Percy Street towards Tottenham Court Road at the end of their evening to catch buses or the tube.
- 4.1.9 There also appeared to be a flow of people walking south to enter the Soho area to continue their evening in venues that stayed open to a later hour
- 4.1.10 Once the night time economy is up and running in Rathbone Place the road appears to have 3 distinct areas.

#### **The junction with Oxford Street.**

Close to the junction with Oxford Street there are two venues, Genuine Liqueur and one other venue, a club called the Roxy, next door to Genuine Liqueur. They are both on the east footway

#### **From Genuine Liqueur up to the junction with Gresse Street.**

Apart from a discreet members club the entire length of the west footway from Oxford Street is clear of bars and clubs. The east side is clear of outlets running north from Genuine Liqueur. There are no retail outlets until you approach the junction with Gresse Street.

#### **North of Gresse Street into Charlotte street.**

As you reach the junction with Gresse Street the night time economy becomes very apparent as you walk north to the junction with Percy Street and into Charlotte Street.

- 4.1.11 The only obvious residential property appeared to be on the west footway of Rathbone Place at the junction with Gresse Street where there was actually a higher concentration of premises that were linked to the night time economy.



## 4.2 Core hours. Policy HRS1

4.2.1 The current licence, number 18/05719/LIPDPS, was issued on the 27th July 2018 and the venue has been licensed to sell alcohol in line with the council's core hours set out in policy HRS1.

4.2.2 The premises licence permits supply for consumption both on and off the premises

Monday to Thursday.	10.00 to 23.00
Friday to Saturday.	10.00 to 00.00
Sunday.	12.00 to 22.30
Sundays before BH.	12.00 to 00.00

4.2.3 The licence also permits {see appendix A for full details}

- Exhibition of a film
- Indoor sporting event
- Playing of recorded music
- Late night refreshment

4.2.4 In seeking to apply for extended hours the management are mindful of the Council's policy on Core Hours (HRS1) and the pressures created by late night entertainment that are identified in appendix 12, and the data set out in Appendix 13.

4.2.5 When considering the application the management recognise that they are situated on the edge of the West End stress area and that Westminster has the greatest concentration of licensed premises in the United Kingdom.

4.2.6 The management has considered the local environment that they operate in and the core hours of the venues around them. As a consequence they have decided to apply for extended hours that ensure that their venue closing time, if agreed, does not correspond with similar closing times in the same street. In fact they have made a conscious decision to maintain the status quo in relation to the sequence of

terminal hours within Rathbone Place. If the extended hours are granted then Genuine Liquorette will still close after the Wheatsheaf public house and some hours before the Roxy night club and the Jerusalem Kitchen and Bar.

- 4.2.7 There will still be a significant interval between Genuine Liquorette closing and the other late night venues in Rathbone Place.
- 4.2.8 They have considered their customer base, their responsible drinking policy, and their street management policy. Their customer cohort tends to be older, people that work in the local area, and are looking for a social, relaxed, after work experience. The venue is subtly different from most 'drinking establishments' and offers that experience. The management are also conscious that their current closing time may be an encouragement for some customers to migrate further south into Soho once they close looking for later establishments. Therefore adding to the cumulative effect south of Oxford Street. The after hours clean up outside the venue is designed to assist the "window of opportunity" and help public realm services keep the city clean.
- 4.2.9 The owners recognise that the continued staggered approach to closing times with their neighbours, and their strong management of the venue, will create an environment that will not adversely impact upon the 4 licensing objectives.
- 4.2.10 The current rail transport facilities that now exist after 00.00 on a Friday through to Sunday morning and the proximity of the rail stations to the venue now ensures that people leaving Rathbone Place, who are looking for transport away from the area, are actually on the street for a relatively short period of time.

### **4.3 West End Stress Area (SLP Appendix 14)**

- 4.3.1 Westminster City Council has a stress area in place over much of the West End Ward and it includes the whole of the Soho area. The zone also extends north of Oxford Street by about a 100 meters and takes in the southern part of Rathbone Place and Berners Street, the length of Eastcastle Street, and the southern end of Great Portland Place. Genuine Liquorette sits just within the cumulative impact

zone because the zone ends just north of the venue at the junction with Gresse Street. The zone is also very close to the borough boundary with Camden Borough to the east of Rathbone Place.



4.3.2 Whilst the main Soho area has a very vibrant and concentrated night time economy, by comparison the same cannot be said about the area to the north of Oxford Street. There are a few night time economy focal points such as Charlotte Street adjacent to the zone and this particular hub sits within both the borough of Camden and the City of Westminster.

4.3.3 Rathbone Place runs north from Oxford Street up to the junction with Rathbone Street and Percy Street it is a relatively quiet road in terms of the night time economy. There are 3 other venues that are significant players in the night time economy and they are;

- The Roxy night club next door to Genuine Liqourette that is licensed
 

Monday to Thursday	17.00 to 03.00
Friday and Saturday	17.00 to 03.30
- Jerusalem Bar and Kitchen about a 100 metres to the north of Genuine Liqourette
 

Monday to Wednesday	12.00 to 23.00
Thursday to Saturday	12.00 to 03.00
- The Wheatsheaf public house about 130 meters to the north of genuine Liqourette
 

Monday to Saturday	11.30 to 23.00
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4.3.4 The Genuine Liqueur and the Roxy are placed side by side in the south of Rathbone Place close to the junction with Oxford Street and there are no apparent residential properties close to the venues. They are 2 very different venues offering very different experiences to 2 very different customer cohorts.

4.3.4 The Jerusalem Bar and kitchen and the Wheatsheaf public house are about a 100 meters north of Genuine Liqueur and close to the junctions with Gresse Street and Percy Mews. It is an area where residential properties are much more evident especially in and around Rathbone Square.



4.3.5 During my walkabouts, on Friday and Saturday nights, vehicle traffic was exceptional light. Pedestrian traffic was also very light and the pedestrians appeared to use the street as a gateway to and from restaurants and bars to the north of Rathbone Place. It also offered a route at the end of the evening for people to walk towards Oxford Street where the transport facilities at Tottenham Court Road and Oxford Circus provide the night tube and buses. They used it as a route to walk further south into the Soho area to go to later venues to continue their night out.

4.3.6 Throughout my time in the area there were only ever a couple of people standing outside of Genuine Liqueur smoking and talking quietly and they showed no signs of intoxication. Drinking outside the venue is not permitted after 9pm.

4.3.7 Outside the Roxy club, next door to the Genuine Liqueur, there were very small gatherings on the pavement behind a roped off area in front of the club. They were very clearly a different customer group to those customers in Liqueur. The people

were quiet and did not obstruct the footway, thus enabling the light flow of pedestrian traffic to use the footway without having to step out into the road.

4.3.8 The Jerusalem Bar and Kitchen, and the Wheatsheaf were also quiet venues.

4.3.9 In designing their licensed premises policies the management have always been mindful that they had the additional responsibility of operating within a stress area and the sensitivities associated with such areas.

4.3.10 The management of Genuine Liqueur has looked at the characteristics of stress areas to ensure that their venue does not contribute to the cause of a cumulative impact. They are however, aware that some of their customers leave the venue to look for later premises in the Soho area and inevitably add to the cumulative impact south of Oxford Street.

4.3.11 As part of the environmental audit I have assessed the environmental footprint of the venue in this particular area against the cumulative impact characteristics highlighted in the Statement of licensing policy at appendix 14.

**Cumulative impact characteristics; Appendix 14**

High levels of noise and vibration from premises and noise and disturbance from the very large numbers of people on the street on most nights during the week even when relatively well behaved (Public Nuisance).

No noise emanates from the venue and there are no obvious vibrations. There is a limiter fitted and music inside the venue is set at a level for people to drink and enjoy a conversation without having to shout to be heard. No large numbers gather on the footway outside and drinks are not permitted to be taken outside after 9pm.

High levels of bad behaviour in public places, particularly at night though not exclusively so, can be characterised as anti-social, dangerous or criminal, much of it is associated with excessive drinking of alcohol, or drug-taking (Public Nuisance and Crime and Disorder).

Rathbone Place is a quiet street with very low levels of pedestrian footfall. The greater concentrations associated with the nighttime economy tend to be along Oxford Street and to the north in Charlotte Street. The venue has not had one complaint of nuisance or a crime recorded in the venue since opening.

Numbers of pedestrians on footways which in places are insufficient to accommodate them safely and the spilling of crowds onto the roadway (Public Safety and Public Nuisance).

The pedestrian footfall is light. The pavements are unobstructed and pedestrians have unimpeded access along the entire street when the night-time economy is operating.

High volumes of litter generated by fast food outlets and nightclub flyers which is a public nuisance and creates an atmosphere of disorder which is unwelcoming.

During the night-time economy there are no fast food outlets close to the venue and flyers are not part of the venues marketing strategy. There is a street management plan in place for litter caused by smokers and at the end of each evening the area outside the venue is cleaned to remove litter dropped by pedestrians.

The fouling of doorways, alleyways and streets, which in addition to being antisocial, has consequences for public safety and health (Public Safety and Public Nuisance).

There is an alleyway running alongside the venue and the street management plan ensures that the area is kept clean and is supervised by the door supervisor.

Considerable difficulty in providing, to an appropriate standard, street cleaning, refuse collection and servicing of commercial and residential premises (Public Nuisance).

Street cleaning services have easy access to the frontage of the venue. The owners ensure that they comply with the councils waste management plan and they have their own street management plan to keep the front and side of the building clean and tidy to go with the image of the venue and their branding style.

Traffic congestion late at night caused by the dropping-off and picking up of people visiting entertainment uses (Public Nuisance).

During the period that the night-time economy is operating the vehicle traffic in the road is exceptionally light. There are no congestion issues.

#### 4.4 Transport ;

**The capacity of the transport system to serve late night economy.** (Appendix 12 SLP)

##### 4.4.1 Underground services

The councils Statement of Licensing Policy [SLP] identifies the potential problems when the transport system closes down before the night time economy and then there is not much available to move people away from areas that are vibrant and busy hubs of entertainment.

4.4.2 On the effective date of the policy, in January 2016, before the night time underground service was operational, concern was expressed about the capacity of the transport system to serve late night activity. Two statements from Chief Inspector Scott that were highlighted in the SLP relate directly to the transport system that operated at that time, until 00.00 to 01.00.

He says that;

- 1 "There are in my view more people on the streets of the area that I am responsible for after 1 am than can be carried and safely catered for by the supporting transport infrastructure. This is mainly due to the tube network

closing down between midnight and 1am.”

- 2 “That between 250,000 and 500,000 revellers frequently attend venues within Mayfair and Soho on Thursday Friday and Saturday Nights.” He also states that from his experience “This Station (West End Central) regularly runs out of officers to attend emergency calls between the hours of 1 am and 4 am due to the demand generated by intoxicated people leaving premises with extended liquor licences.”

4.4.3 Since the introduction of Westminster City Councils Statement of Licensing Policy, Transport for London has introduced the 24 hour underground service from Friday through Saturday to Sunday, and it commenced in the latter half of 2017.

4.4.4 At the time of publishing the Statement of Licensing Policy the council recognised the potential for improved crowd flow away from the West End due to the introduction of the 24 hour underground service and included in the policy that they were committed to assessing the local impact of new arrangements to extend the running of the underground network.

4.4.6 The night time underground service is now well embedded and the following tube lines currently operate for 24 hours from Friday through to Sunday

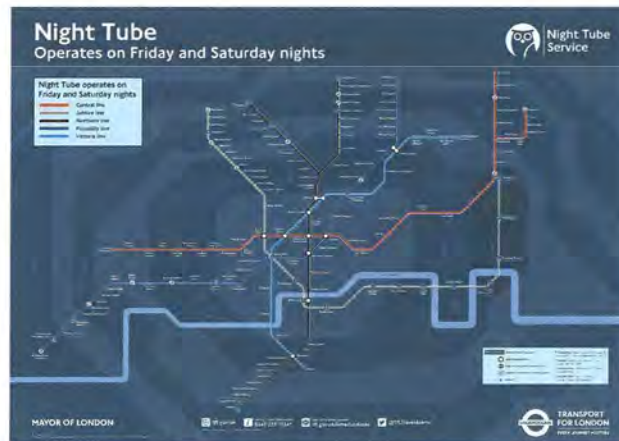
- Jubilee Line
- Northern Line
- Central Line
- Victoria Line
- Piccadilly Line

4.4.7 Consequently, within a very short walk of Genuine Liquorette, all of the 5 night time underground lines are easily accessible for people leaving the Rathbone Place area.

- |                        |                                          |
|------------------------|------------------------------------------|
| • Tottenham Court Road | <b>Northern Line and Central Line.</b>   |
| • Oxford Circus        | <b>Central Line, Victoria Line.</b>      |
| • Holborn              | <b>Piccadilly Line and Central Line.</b> |
| • Bond Street          | <b>Jubilee Line and Central Line.</b>    |

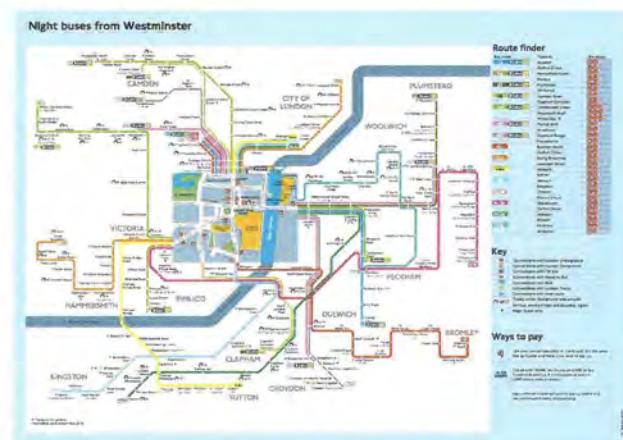


- 4.4.8 Additional stations providing access to these services, that are also close to Rathbone Place, are Leicester Square, Goodge Street, and Warren Street.



#### 4.5 Buses

- 4.5.1 In addition to the relatively new 24 hour underground service on Friday through to Sunday there is a very comprehensive night bus facility available to people frequenting the night time economy in the West end of London. This is a well established network that now supplements the underground service and also provides services beyond the night time rail infrastructure.



#### 4.6 Taxis

- 4.6.1 The area is also well served by the taxi industry that include the Black Cab trade, on line Uber services, and mini cab services.

#### 4.7 **Crime**

- 4.7.1 I have reviewed the crime data on the Metropolitan Police website and the 2 most significant crime types for Westminster City Council is theft and violence. The location of Genuine Liqueur is on the boundary of 3 safer neighbourhoods, Cavendish Square, Oxford Street, and Soho. In each of these wards the crime patterns are very similar, except for the crime totals.
- 4.7.2 I have also reviewed the crime data set for the last 12 months on the public website provided by Police UK. The website provides street based data and in Rathbone Place. The website records that theft appears to be the most prevalent of all crime types. It includes shoplifting, theft from the person, robbery, and other thefts. There are a small number of violent crimes. None of which are attributed to Genuine Liqueur and the management confirm that since they have opened they have not had one instance of crime inside or outside of their venue and neither have they had any complaints of anti-social behaviour. In short their presence has not contributed to the crime figures published for the area.
- 4.7.3 The Statement of Licensing Policy, at appendix 7, references a police document called Safe and Sound in respect of drugs and weapons in licensed premises. The document is not published on line, the Safer Neighbourhood Team have no knowledge of the document, and a Freedom of Information request has been responded to with the statement that there is no document published by the MPS under that heading.

#### 5. **Representations.**

5.1 I have been provided with the representations submitted by

1. Bryan Lewis PC4161CW  
Westminster Police Licensing Team
2. Anil Drayan  
Environmental Health Officer  
Westminster City Council

3. Mrs Angela Seaward  
Senior Licensing Officer  
Westminster City Council

- 5.2 The police have made no comment about the operation of the venue. The objection is based upon the belief that the application will undermine the licensing objectives and the location of the venue, "This premises is located in the West End Cumulative Impact Area".
- 5.3 Section 2.4.7 in the Statement of Licensing Policy highlights that police have identified that a reduction in the capacity of venues is a proven method of promoting the licensing objectives in relation to the prevention of crime and disorder.
- 5.4 It may be that the officer was unaware of the proposal to reduce the capacity of the venue at the time he made his representation, and that the offer to significantly reduce the capacity of customers by closing the basement area of the venue actually supports the licensing objectives. Therefore his concern about policing problems will have been addressed.
- 5.5 The Westminster City Council Representations;
- 5.6 The Environmental Health Officer, Anil Drayan, comments that the operation may have a likely effect of causing an increase in problems in the area.

*A. The increase in the terminal hours compared to the existing Licence for the Provision of Late Night Refreshment 'indoors' may have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area*

*B. The increase in the terminal hours compared to the existing Licence for the Supply of Alcohol 'on' and 'off' on Wednesday to Saturday may have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area.*

- 5.7 I would have expected some local crime data, anti-social behaviour data, or complaints that are linked to the venue to support the view that the venue and its operation contributes to problems in the area, and that the change in hours would exacerbate the local issues.

- 5.8 No police or Council data has been produced, and there are no resident or business representations, to suggest that the venue or the exact location in Rathbone Place are areas of specific concerns.
- 5.9 Mrs Angela Seaward the Senior Licensing Officer makes comment that  
The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:
- Public Nuisance
  - Prevention of Crime & Disorder
  - Public Safety
  - Protection of Children from harm
- 5.10 Prior to the application being made the owners have conducted a substantial risk assessment of their operation and the local environment. In undertaking the exercise they have used the appendices contained in the City Councils Statement of licensing Policy as the benchmark.
- 5.11 The substantial piece of work is available for the officer to view and will answer all of the questions in relation to the 4 licensing objectives.
- 5.12 The officer has also made recommendations and seeks further clarification from the owners in relation to hours and 'off' sales. As these are on-going consultations between parties I will not comment at this stage.

## **6. Comment**

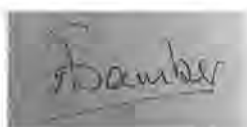
- 6.1 The management of Genuine Liquorette is mindful of the demands and challenges that Westminster City Council face from the night time economy, local residents, and people visiting the West End to enjoy the varied night life on offer in the city.

- 6.2 They have given due consideration to all the aspects of such an application to the Licensing Authority and the impacts on the environment, the 4 licensing objectives, and their location in the stress area.
- 6.3 Whilst the application is for extended hours, in reality the hours applied for actually maintains the status quo in terms of the order in which the venues close in Rathbone Place and the dispersal of the respective customers. The application for extended hours still places the terminal hour for Genuine Liquorette after the closure of the Wheatsheaf public house and before the closure of the Roxy night club and the Jerusalem Bar and Kitchen.
- 6.4 The management has also recognised, that because of their earlier closing time many customers leave the venue and move into the Soho area to continue their night out, thus increasing the cumulative impact on the South side of Oxford Street in the more vibrant atmosphere.
- 6.5 At the moment only 2 of the 3 levels in the venue are open to the public. The basement area is not currently used to accommodate customers. However given that the basement falls within the licensed area this floor could very easily be opened to the public.
- 6.6 I understand that the operators are considering removing the basement area from the licensed area. This will result in a significantly lower potential capacity limit for the venue. This will further reduce any negative impact arising from the extended hours and is likely to benefit the local cumulative impact. It also aligns with the view of the police, in that, a reduction of capacity at a venue is a proven method of promoting the licensing objectives in relation to the prevention of crime and disorder.
- 6.7 The venue seems to attract older customers who, in the main, appear to come from the local business community. There is almost a corporate feel to the venue. The venue is not indicative of the more traditional drinking establishments where the vast majority of customers stand while consuming their drinks. There is ample seating for all customers who can remain seated throughout the evening.

- 6.8 Rathbone Place is well positioned for all the current transport provisions in the West End and it sits in a relatively quiet part of the West End stress area.
- 6.9 The materialisation of the night tube and the proximity of the stations in relation to the venue for all of the 5 underground lines ensure that people now move more effectively away from the area on Fridays through to Sunday, and it reduces the pressure on the night bus facilities. The night transport provision means that people who disperse slowly and stay on to visit night cafes or pick up takeaway food will disperse faster and no longer need to remain on the street after venues have closed while they wait for the underground system to reopen in the early morning.
- 6.10 Even though the suburban overground system has not followed suit and still operates last services somewhere between 12.00 and 01.00 the affect is a staggered transport system that allows people to filter away from London by a variety of transport options.
- 6.11 Having conducted an environmental audit of the immediate area, undertaken a comprehensive risk assessment of the operating environment, noted the absence of local community representations, and reviewed the representations of officers I form the opinion that the application, if granted, would not negatively impact on the licensing objectives or the West End Stress Area.

Andrew Bamber

June 2019

A rectangular stamp containing a handwritten signature in cursive script that reads "Bamber".

## **Section 2**

### **Risk Assessment**

**5. Risk Assessment**

5.1 The following risk assessment of Genuine Liquorette’s operating schedule has been benchmarked against the criteria set out in the Westminster City Councils Statement of Licensing Policy [SLP], and takes account of the appendices contained in the policy.

5.2 In setting out the operating schedule the management of Genuine Liquorette have identified with the vision statement contained in the Licensing Policy as the barometer for assessing the effectiveness of their schedule.

**Licensing Policy vision statement**

5.3 "We want to make sure that Westminster continues to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit."

5.4 Genuine Liquorette’s objective is to provide high quality and well managed entertainment in a safe and orderly environment that will not make any significant contribution to levels of crime and disorder, and nuisance, in the cumulative impact area and in Rathbone Place and its immediate surroundings. It also strives to provide a safe place for customers to enjoy the experience provided by Genuine Liquorette as part of Westminster’s night time economy.

5.5 From the outset the Operating Schedule for the venue has been based on an adequate risk assessment of the likelihood of crime and disorder occurring as a result of their original application. This additional exercise hopefully demonstrates the companies commitment to the vision of Westminster City Councils Licensing Committee and the 4 Licensing Objectives. Therefore, the following risk assessment is based upon the 4 Licensing Objectives and is benchmarked against the criteria set out in the Statement of licensing Policy.

**Licensing Objective 1.  
Prevention of crime and Disorder**

SLP	
To prevent crime and disorder, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:	
<p><b>Criteria set out by WCC in the Statement of Licensing Policy.</b> Whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the grant of the application.</p>	<p>In risk assessing the venue against the first Licensing Objective "Prevention of Crime and Disorder" I have directly linked the risk assessment to appendices 7, 8, 9 and 12 in the Statement of Licensing Policy. It highlights the issues that are referenced by the Licensing Authority and that the LA will take the same into consideration when determining applications and reviews</p> <p>By using the councils appendices in the SLP it will hopefully satisfies the Licensing Committee that a comprehensive risk assessment has been carried out against their set criteria,</p>

5.6 For this, the first licensing objective 'Prevention of crime and disorder' [Westminster City Councils - Policy CD1] the risk assessment is in 3 segments or parts. Each segment identifies with a specific appendix in the Statement of Licensing Policy that has been identified as supporting the criteria for the objective.

- Part 1** Appendix 7 - Metropolitan Police crime prevention and effective management checklist.
- Appendix 8 - The recommended 'minimum' requirements for CCTV systems within Westminster.
- Part 2** Appendix 9. Prevention of crime and disorder
- Part 3** Appendix 12 - the likelihood of aggression and violence is heavily influenced by both the characteristics of licensed premises and the surrounding environment.



# Part 1

## Risk Assessment for Appendix 7 and 8 Metropolitan Police crime prevention and effective management checklist

Measure/risk	Mitigation	
Links to health and safety policy and legislation:	<p>There is a Health and Safety Policy in place. The Health and Safety Policy and risk assessment is managed by Peninsula Business Services.</p> <p>Fire safety; The fire alarm system is tested on a weekly basis and is fully maintained by ACE Security &amp; Electrical Limited and serviced every 6 months. Full fire evacuation drills are carried out monthly.</p> <p>The fire risk assessment was completed on the 5th October 2018 by Lime Tree Solutions Limited and a review of the assessment has been booked by the management for the 31st January 2019 to ensure strict compliance with the fire regulations.</p> <p>All staff are trained in the use of fire fighting equipment and the evacuation process.</p> <p>There is also a Responsible Drinking Policy in place to ensure that customers are aware of the health issues concerning the consumption of alcohol.</p> <p>The company has registered with the councils Environmental Health and Hygiene Team and they are waiting for a visit from the inspectors. In the meantime they have engaged Food Alert for 12 months and are working to a plan provided by them.</p>	1
Incident logs – Crime & Disorder incidents to be recorded	<p>There are no crime hotspots within the venue. An incident log book is kept at the premises, and it is immediately available on request to authorised officers.</p> <p>Entries must be completed within 3 hours of the incident and shall record the following;</p> <ul style="list-style-type: none"> <li>• All crimes reported at the venue by a member of the public and the action taken.</li> <li>• Any accident or injury to any customer or member of the public</li> <li>• Any complaints received.</li> <li>• Any incidents of disorder</li> <li>• Any refusal of the sale of alcohol</li> <li>• Any seizure or discovery of a controlled substance or weapon, including the disposal process</li> <li>• Where a person is removed from the premises;</li> <li>• Any faults in the cctv system;</li> <li>• Any visit by the relevant authority of emergency service.</li> </ul>	1

<p>Staff training – training to resolve identified risks</p>	<p>There is a comprehensive staff training structure that is managed by the Operations Director.</p> <p>In addition to the Health and Safety Training, fire training, food hygiene, and alcohol management there are training modules for staff that relate directly to managing the environmental impact of the venue.</p> <p>A key factor in training is the friendliness of the staff, effective and responsible service, and good communication between staff.</p> <p>Crime prevention and victim care across a number of crime types are also catered for. Staff have been trained to assess alcohol and drug abuse and to refuse entry or remove people from the venue. They are trained to use measures that prevent the use of drugs in the venue. Staff use drug wipes as part of the daily inspection regime.</p> <p>Theft is also another prevalent crime type in Westminster and hooks are provided for customers with a bag and staff are trained to remind customers about their bags if they leave them on tables etc.</p> <p>Staff have also been trained in victim care and crime scene preservation, crime scene tape and evidence bags are available in the venue.</p> <p>One primary source document that has been used in the development of staff training and venue policies is the governments 'Crowded Places' publication for the night time economy.</p> <p>The Street Management Plan is managed by the operations director who ensures that all staff and the door security team understand how to manage the venue on the run up to the end of the evening. By reducing the sound level of the music, changing the style of the music and gradually increasing the lighting levels, along with the involvement of staff the management seek to prevent any anti-social behaviour by customers as they leave the venue. The door security staff have also been trained in conflict management and are placed outside the venue</p>	<p>1</p>
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Crime Prevention

The management is fully conversant with crime prevention advice and initiatives that relate to the security of their business, the safety of their staff and customers, and the wider community.

Genuine Liqueur is partnered with Pernod Ricard UK who invest heavily in responsible drinking organisations. They are a founding member of the Portman Group, a Board member of the Wines and Spirits Trade Association, a Principal Sponsor of Best Bar None and are a key funder in the leading alcohol education charity Drinkaware. Consequently the venue's Responsible Drinking Policy is driven by the 4 pillars forming the structure of Pernod Ricard's responsible drinking policy.

Management is conversant with the Government's Crowded Places on Inevacuation and Evacuation, and the Mayor of London's document on 'Alcohol Consumption in the Night-time Economy 2012'.

In addition, the management is aware that the availability of food has been shown to reduce the number of assaults and police call-outs. The International Centre for Alcohol Policies' 'Responsible Service of Alcohol: A Server Guide' and 'Policy Tools: Blue Book' recommend serving food as a way of reducing violence and disruptive behaviour. As a consequence the venue serves a range of hot pizzas throughout opening hours.

Management has signed up to Drinkaware and the alcohol awareness training. All drinks menus carry the drink awareness logo [drinkaware.co.uk](http://drinkaware.co.uk)

Although not a specific requirement they have installed a quality CCTV system [see CCTV risk assessment] for crime and disorder prevention purposes.

The entry towards the toilet facilities is monitored and all flat surfaces are smeared with baby oil to prevent drug use.

There is only one entrance into the venue and that is monitored by CCTV and staff. Anybody exhibiting signs of intoxication and possibly substance abuse is not admitted to the venue. There is a street management policy and there is a structured and managed end of evening policy to prevent anti-social behaviour in the street.

Staff have been trained to monitor the customer areas to ensure that customers pay attention to their property and counter hooks are provided for personal bags.

There is a glassware removal policy in place and glasses are removed as soon as they are empty.

The ground floor of the venue is predominantly set out with tables and chairs to prevent crowding and potential conflict.

The toilets are an area where information is made available to customers.

A door supervisor is employed on the busier evenings from Thursday through to Saturday.

Informative, cheerful staff, and effective service are key elements to prevent customer conflict and the staff are trained accordingly, and good communication between staff is a priority.


<p>Managing the effects on the local environment .</p>	<p>The venue has a street management plan that is managed by the duty manager and the operations director. On Thursday through to Saturday the street is monitored by the SIA Door supervisor. If a queue starts to form it is managed by the door supervisor in accordance with the entry and dispersal policy that has been documented. Any person suspected of being under the influence of alcohol or a controlled substance is asked to leave and told that they will not be admitted to the venue.</p> <p>Street drinking is not permitted after 9pm to ensure that street noise levels are not adversely affected. After 9pm the only people outside are people smoking and they are not permitted to take their drinks outside. Care is also taken to prevent customers going into the mews entrance that is next to the venue.</p> <p>The interior noise level has been set so that it does not emanate from the venue and a noise limiter has been installed.</p> <p>There is a delivery policy in place to ensure there is a minimum of noise pollution and nuisance caused to neighbours and the general public.</p> <p>The pavement outside the venue is kept clear to ensure that pedestrian flow is not affected. At the end of the evening on Thursday to Saturday the door supervisor manages the egress from the venue and the conduct of customers immediately outside the venue.</p> <p>Street smoking is managed to ensure that detritus is not left on the footway and the area around the venue is regularly cleaned during and at the end of the evening. The waste management policy ensures that refuse collection meets the requirements of the council.</p> <p>Before closing time the manager starts to increase the lighting in the venue and to slowly decrease the volume of the music so as to avoid any shouting or anti-social behaviour outside the venue as customers leave. Customers are reminded to leave the venue quietly.</p>
<p>Commercial policies – i.e. happy hours. Positive Victim Care Policy?</p>	<p>There is a Responsible drinking policy in place that the staff are trained in. The bar staff have been trained not to mix multiple quantities of spirits and to watch for irresponsible drinking by individuals or groups.</p> <p>Company policy is that there are no drink promotions offering customers; 2 for 1, or other discounts pricing, etc.</p> <p>Soft drinks are offered at average prices so as to encourage soft drink options.</p> <p>There is a fully documented victim care policy if a customer should become a victim of crime and the crime preservation policy is also in place.</p>

<p><b>CCTV</b> This section also takes account of the recommendations contained in Appendix 8 - <b>Recommended 'minimum' requirements for CCTV systems within Westminster.</b></p> <ul style="list-style-type: none"> <li>Westminster Police recommend that you read and understand the aide memoire for effective CCTV systems produced by the Association of Chief Police Officers (ACPO). The system must comply with the Data Protection Act 1998 and be registered with the Data Protection Commissioner's Office</li> <li>All recording equipment must be stored in a secure area with access restricted to authorised staff only. The video recorder and tapes must be stored in lockable cabinets. A written record must be made by the person accessing the equipment showing the time, date, printed name and signature. Tapes must be kept for 31 days on a roll around basis.</li> <li>All 'Entry' and 'Exit' points must be monitored (recorded CCTV pictures), by a camera that records every person entering in any light conditions to a minimum standard of 'frontal' Identification. In certain circumstances 'full frontal' recognition may be acceptable (see ACPO guidelines to explain Identification and recognition).</li> <li>Additionally night-clubs / pubs must have dance floors, fire exits and areas where security searches are carried out monitored in all light conditions.</li> <li>Constant recording is recommended for all cameras. A 'real time' recorder giving an update time of less than one second between camera pictures of the same scene will be required.</li> <li>No split screen or rolling monitors should be on view to the public as this identifies monitored areas.</li> </ul>	<p>The installation of a CCTV system is not a requirement of the premises licence. However, the owners have installed a high quality system with the primary function of ensuring compliance with the 4 Licensing objectives and to provide the Licensing Authority and the police with high quality images to enable enforcement officers to effectively supervise the venue and in the unfortunate event that a crime is committed; provide quality imagery to ensure an effective and timely investigation. The owners are aware that good quality evidence allows for very cost effective prosecutions.</p> <p>The door supervisor will also be equipped with a body camera that will only be switched on if an incident is likely to develop.</p> <p>The system is registered with the Information Commissioners Office and the data controller has been nominated and he is conversant with</p> <ul style="list-style-type: none"> <li><b>CCTV Operational requirements manual 2009.</b></li> <li><b>UK Police requirements for digital cctv systems</b></li> <li><b>CCTV code of practice.....ICO.</b></li> <li><b>The Data protection Act</b></li> <li><b>General data protection act regulations.</b></li> </ul> <p>The Privacy Impact Assessment has been completed and is held with the CCTV policy in the Licensing manual.</p> <p>The cctv map highlights the location of each camera and the screen/monitor is placed in the basement office and is not visible to any customer in the venue.</p> <p>There is only one camera that has potential collateral intrusion into public space. That is the camera that monitors the entrance to the venue. It is a fixed camera and not a PTZ type that offers the ability to move the camera to survey the general street. It is specifically focused upon the door and customers entering and leaving the venue</p> <p>The imagery is recorded on a continuous loop for 31 days and then automatically deletes after the 31 day retention period.</p> <p>All entry and exit points to the venue are monitored and the correct signage explaining that CCTV is in operation is displayed.</p> <p>Access to footage and the disclosure policy is fully documented along with the process to view and receive downloads of footage by interested parties. All interested parties must comply with the Human Rights Act.</p> <p>Access to the system is only through the operations manager and the duty manager.</p> <p>There is a full maintenance contract for the system that is set out in the CCTV policy.</p>
<p><b>Access Control</b></p>	<p>The security staff are supervised by the duty manager and the operations director. There is a written access, egress, and street management policy along with an end of evening policy that ensures that the lights are slowly turned up and that the music is changed and slowly turned down.</p> <p>The door security staff monitor the entry into the venue on Thursday through to Saturday nights. On the very quiet nights the operations director or the duty manager manage the front of house.</p> <p>If people are waiting to enter the venue they will be asked to queue orderly. They will be kept up to date with availability. If the waiting time is excessive they will be asked to leave. The policy also includes keeping the mews clear and the footway free for the passage of pedestrians.</p>

<p>Outside eating &amp; drinking</p>	<p>There are no tables and chairs outside the venue and street drinking is not permitted after 9pm. Pedestrians are able to use the footway outside the venue without obstruction.</p> <p>There is a street management plan in place that is managed by the duty manager Sunday to Wednesday and then the area is kept clear by a registered door supervisor Thursday to Saturday.</p> <p>Only people that want to smoke stand outside the venue.</p> <p>Receptacles for rubbish are provided and the area is swept clear at the end of the night to clear any detritus.</p>
<p>Drugs and Weapons</p> <ul style="list-style-type: none"> <li>• Does the premises have a search policy?</li> <li>• Are notices prominently displayed explaining the policy?</li> <li>• Do security staff patrol inside the premises?</li> <li>• Are staff trained in identifying problems within the venue?</li> <li>• Are efforts made for close supervision of toilets and poorly lit areas?</li> <li>• Are police informed of seizures?</li> <li>• Are seizures correctly documented?</li> <li>• Has the premises been supplied with self-sealed property bags and plastic weapon containers?</li> <li>• Are door staff trained in how to deal with weapons?</li> <li>• Do management/staff keep written notebooks for 'original notes'?</li> <li>• Has the venue provided search arch, provided search wands?</li> <li>• Are door staff registered?</li> <li>• Does the venue provide local police with details of events involving outside one month notice?</li> <li>• Does the premises enter into contractual agreements with outside promoters?</li> <li>• Are police contacted before such agreements are signed?</li> </ul>	<p>There is a drug and weapons policy for the venue.</p> <p>There is a search policy for bags carried into the venue.</p> <p>All staff are trained to monitor the effects of alcohol and drugs and to report potential issues to the management.</p> <p>The street management policy also incorporates the zero tolerance to substance misuse and anybody that is suspected of being under the influence of alcohol or a controlled substance will not be admitted in to the venue.</p> <p>The Statement of Licensing Policy makes reference to a police document called 'Safe and Sound'.</p> <p>There is no document on-line and a response to a freedom of information request for the document has revealed that it does not exist. The Safer Neighbourhood Team also have no knowledge of the document. As a consequence the Safer Neighbourhood officer and the Metropolitan Police Licensing Engagement Officer met with the management of the venue, along with myself, to discuss the search, seizure, and storage aspects of a venue policy. As a result there is now a documented policy for the venue.</p> <p>Suitably qualified door security staff have been employed from a reputable company to manage the door and the venue on Thursdays through to Saturday. The rest of the week the operations manager and the duty manager are responsible for the drug and weapon policy practices and they have been trained.</p> <p>Movement to and from the toilet facilities are monitored by CCTV. The cubicles are well lit and at the commencement of each evening any flat/level surface is smeared with baby oil to deter substance misuse. In addition the toilets are regularly checked and drug wipes are used in the venue.</p> <p>The policy has a seizure and evidence capture section and all staff are trained in preserving evidence. At this time the management is waiting on the SNT to supply evidence bags and sign off the drug seizure policy and procedures.</p> <p>There is a fully document victim care policy.</p>
<p>Admission of children</p> <ul style="list-style-type: none"> <li>• Ensure door supervisors are trained and empowered to deal with underage drinking.</li> <li>• Put in place robust systems to monitor and control the access of young people.</li> <li>• Have a policy statement to deal with underage access which should include reference to the use of approved 'Proof of Age' schemes which include photo identity cards as in the PASS scheme.</li> <li>• Display of Policy on checking of age.</li> </ul>	<p>This section is dealt with under Licensing Objective 4, Protecting Children from Harm.</p>

## Part 2

### Risk assessment for: Appendix 9. Prevention of crime and disorder

Measure/Risk	Mitigation	
Effective measures to check the age of those possibly under 18.	<p>There is an age verification Policy in place and all staff have been trained to question the age of potential customers. Challenge 25 is an integral part of the business model and alcohol will not be served if individuals cannot or refuse to provide suitable identification. A very reputable door supervisor company has been employed and customers to the venue are vetted upon entry and again when ordering drinks.</p> <p>The identification required is; A photo card driving licence. A passport. A proof of age card bearing the PASS hologram.</p>	1
Ensure door supervisors are trained and empowered to deal with underage drinking. Put in place robust systems to monitor and control the access of young people.	See above. All door supervisors are SIA accredited and work for a very reputable company that regularly supplies staff for the NTE in Westminster.	1
Have a policy statement to deal with underage access which should include reference to the use of approved 'Proof of Age' schemes that include photo identity cards such as the PASS scheme	<p>There is a policy statement that deals with the identification of people under the age of 18 and under the apparent age of 25. All staff are regularly trained and incidents are reviewed at the weekly management meeting.,</p> <p>The identification required is; A photo card driving licence. A passport. A proof of age card bearing the PASS hologram.</p>	1
Display of policy on checking of age.	The age verification scheme is displayed at the entrance to the venue for the information of all customers and the challenge 25 policy is pointed out by the door supervisor upon entry so as to reduce the potential for arguments if challenged inside of the venue.	1
<p>Whether the design and layout of the premises are likely to lead to local overcrowding.</p> 	<p>The venue has been designed to eliminate the potential problems of overcrowding and to provide an environment where customers can enjoy their drinks in a relaxed and cordial environment. The first floor has a limit of 60 people including staff and this is monitored throughout the evening to ensure compliance. On the ground floor virtually the entire area is set out to seating to prevent large groups standing in the area that customers sit and socialise. The bar area at the front of the venue is deliberately small to prevent overcrowding and 2 tables for standing drinkers dominate the bar to reduce numbers of standing drinkers. Drinking outside the venue is not permitted after 9pm and there is a robust street management policy in place.</p>	1

<p>Measures to discourage excessive drinking and drunkenness.</p>	<p>The management has developed a responsible drinking policy and all staff are trained to monitor and deal with the attempts to drink excessively. There are no irresponsible drinking promotions allowed in the venue. Drinkaware is a key training element for staff and is advertised across the venue.</p> <p>There are no irresponsible promotions to purchase or consume large quantities of alcohol and 2:1 type deals are not utilised or employed to encourage customers into the venue. Consequently there is no such advertising outside the venue.</p> <p>The ethos and style premises has been developed to encourage an older type of customer that wants to enjoy the atmosphere of the cocktail experience. There is no 'club' type culture.</p> <p>There is an entry policy that includes door checks to ensure that people who are showing signs of intoxication are refused entry and the staff are trained to identify signs of intoxication and drug abuse.</p> <p>There is awareness that the availability of food has been shown to reduce the number of assaults and police call-outs and the International Centre for Alcohol Policies' 'Responsible Service of Alcohol: A server Guide' and 'Policy tools: Blue Book' recommend serving food as a way of reducing violence and disruptive behaviour. As a consequence the venue serves a range of hot pizzas throughout opening hours.</p>	<p>1</p>
<p>Measures to promote 'sensible drinking' including measures to encourage purchase of soft drinks including pricing of soft drinks to below that of alcoholic drinks.</p>	<p>The management has produce a responsible drinking policy and all members of staff are trained in line with the policy. Soft drinks are an integral part of the cocktail industry and alcohol free cocktails are promoted and readily available.</p> <p>There is a large selection of soft drinks that can be purchased without the need to include alcohol.</p> <p>The provision of free potable water is always available upon request.</p> <p>See the section above re; the sale of food.</p>	<p>1</p>
<p>Regard paid to good practice guides and industry codes; e.g. on packaging and labelling; drink promotions especially discounted promotions such as "happy hours", "buy one get one free' offers</p>	<p>Discounted promotions to customers are not an element of the operating model and are not promoted in the venue.</p>	<p>1</p>
<p>Whether drinking vessels are made of toughened glass or plastic and are designed to not have a sharp edge when broken</p>	<p>The venue is not a traditional pub, bar, night club but a convivial cocktail bar providing a relaxed atmosphere to drink cocktails. Traditional cocktail glasses are part of the experience. The layout of the venue has been designed to maximise on the comfort of customers and minimise the potential for overcrowding. There is an effective glass clearance policy to ensure that all drinking receptacles are quickly removed from tables and bars.</p>	<p>1</p>
<p>Whether the taking of glasses or glass bottles outside of the premises is proposed to be permitted.</p>	<p>No drinking is permitted outside of the venue after 9pm and there is a strict street management policy in place.</p>	<p>1</p>
<p>Whether licensed door supervisors are to be deployed and their responsibilities for prevention of disorder in the vicinity of the premises.</p>	<p>All door supervisors are SIA accredited. There is a risk assessment and deployment plan that has been developed by the management and security company to ensure effective street management. The dispersal policy is designed to</p> <p>Policy Aims</p> <ol style="list-style-type: none"> <li>1. To ensure there is a minimum of noise pollution and nuisance caused to neighbours and the general public.</li> <li>2. To reduce risk of crime and disorder outside the venue.</li> </ol>	<p>1</p>



Whether suitable use of CCTV is proposed inside and outside the premises to provide recordings of a quality to be of use in prosecutions. (See Metropolitan Police's minimum requirement.)	Whilst there is no licence condition for the use of CCTV the owners have installed a security system in line with CCTV guidelines. The primary purpose for its use is crime prevention. The system has been registered with the ICO, a data controller has been appointed, the privacy impact assessment has been completed, and there is a clear policy and procedure manual in place. All procedures for authorised officers from the council and the police are in place.	1
Adequate measures to prevent the use and supply of illegal drugs.	There is a drug policy in place and staff are trained in what to look for and specific behaviour. <b>The website <a href="https://www.talktofrank.com">https://www.talktofrank.com</a> is used to train staff on drug related issues.</b>  The toilets are regularly checked, flat surfaces in the toilet facilities are wiped with baby oil. Staff use drug wipes at the end of the evening to assess activity for the early identification of potential abuse.	1
Adequate search procedures to prevent the bringing of illegal drugs or weapons onto the premises.	The door supervisor is trained in search techniques. There is a search policy to check bags upon entry in line with CT guidance which covers the weapons element.	1
Information displayed for staff and patrons and the training for staff on drug awareness including the spiking of drinks with drugs.	Drug awareness notices along with drink tampering notices are clearly displayed to the toilet facilities for the information and protection of customers.	1
Procedures agreed with the police, for searches, the surrender and seizure of drugs and weapons. The Metropolitan Police have produced a Guidance booklet "Safe and Sound- helping you manage the threat posed by drugs and weapons" which has sections on seizure procedure.	At this time there has been no involvement with the local Safer neighbourhood team. They have been contacted and the management are waiting for an appointment to be agreed by them.	1
Participation in a Pubwatch or Clubwatch scheme.	The venue is a signed up member of the local pub watch scheme in the local area.	1

5.9

## Part 3

As part of appendix 12 the Statement of Licensing Policy identifies that;

The analytic study preceding the Government's Alcohol Harm Reduction Strategy recognises that the likelihood of aggression and violence is heavily influenced by both the characteristics of licensed premises and the surrounding environment. The factors on the premises identified affecting incidence of violence include

### The Government's Alcohol Harm Reduction Strategy

The Government's Alcohol Harm Reduction Strategy recognises that the likelihood of aggression and violence is heavily influenced by both the characteristics of licensed premises and their surrounding environment. The factors on the premises identified affecting incidence of violence include ;

- The skill, experience attitude, and management
  - A young clientele especially if allowed to drink to intoxication
  - The layout and design of the premises, if leading to crowding and queuing.
  - Unpleasant, poorly ventilated premises.
  - A lack of seating.
  - Playing loud music.
- When reviewing the operating schedule the management have also taken into account the UK Alcohol Harm Reduction Strategy in respect of the environment that may encourage violence in licensed premises.
- Staff working at Genuine Liqueur have been well trained in all public safety matters. The staff are also trained in conflict management and there is recognition that cheerful, attentive staff that provide a good service and are in communication with each other reduce the potential for conflict.
- The venue and commercial offer has been designed around an older customer base to manage out the young 'club type' of customer. There are robust age verification policies and processes in place.
- The layout of the venue has been designed to eliminate the potential for over crowding. There is ample seating on both levels to ensure that customers are able to sit comfortably and it prevents groups of people standing and drinking.
- The venue is very well ventilated and loud music is not a feature of the premises and nothing can be heard from the street outside the venue.

## Licensing Objective 2

### Public safety - Policy PS1

To promote public safety the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

#### Criteria

Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

There is a full suite of policies aimed at public safety;

There is a Health and Safety Policy in place. The Health and Safety Policy and risk assessment is managed by Peninsula Business Services.

Fire safety;

The fire alarm system is tested on a weekly basis and is fully maintained by ACE Security & Electrical Limited and serviced every 6 months. Full fire evacuation drills are carried out monthly.

The fire risk assessment was completed on the 5th October 2018 by Lime Tree Solutions Limited and a review of the assessment has been booked by the management for the 31st January 2019 to ensure strict compliance with the fire regulations.

All staff are trained in the use of fire fighting equipment and the evacuation process.

There is also a Responsible Drinking Policy in place to ensure that customers are aware of the health issues concerning the consumption of alcohol.

The company has registered with the councils Environmental Health and Hygiene Team and they are waiting for a visit from the inspectors. In the meantime they have engaged Food Alert for 12 months and are working to a plan provided by them.

All the relevant documentation is available for inspection by any relevant responsible person and the Licensing authority upon request. It also forms part of the Licensing Manual kept in the venue for inspection by authorised officers.

The documentation and due diligence highlights the importance that the management place on public safety to ensure that the public will be safe inside and outside of the venue.

## Licensing Objective 3

### Prevention of public nuisance - Policy PN1: Statement of licensing Policy Appendix 11

To prevent public nuisance the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

#### Criteria

The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.

When assessing the application for longer hours the prevention of public nuisance has been a primary concern.

For that reason the application seeks to maintain the status quo in respect of the order for closing times in Rathbone Place. With the extended hours, if granted, the venue will still close after the Wheatsheaf Public House, and before The Roxy club venue (Thursday 3am and Friday and Saturday 3.30 am) and the Jerusalem Kitchen and Bar 9 Thursday, Friday, and Saturday 3am).

TFL's 24 hour night time underground service on Friday and Saturday night has changed the complexities of street based anti-social behaviour because people no longer wander the West End waiting for the underground service to open in the morning. (As described by Chief Inspector Scott in his statement before the 24hr service was launched.)

The extended hours applied for on the Thursday also ensure that customers can still get to the last tube if they leave slightly later but before the terminal hour. Friday is also a working day which is likely to have a moderating factor for people returning to work on the Friday morning.

The environmental audit did not identify any permanent residential accommodation in the immediate vicinity of the venue. The nearest apparent residential block is north of venue in Rathbone Place/Square. The location is about 80 - 100 meters away from the venue and the Jerusalem Kitchen and Bar is located in the same residential complex with a terminal hour of 3am.

In addition to the status quo being maintained with the terminal hours the venue also manages a range of policies and procedures to ensure that nuisance is not an issue that can be attributed to the bar.

- The venue is set out on the ground floor with tables and chairs to prevent overcrowding.
- There is a street management policy enforced and supervised by registered door supervisors on the days that the extensions are being sought.
- Any queue is supervised by the same door supervisor that has been trained to identify alcohol and substance misuse. Any person suspected of exhibiting such signs will not be admitted to the venue.
- The queue is reminded of the approximate wait time and noise management by potential customers is part of the policy. Potential customers are excluded if they do not follow the instructions of the door supervisor.
- Customers are not allowed to drink outside the venue after 9pm.
- The outside of the venue is kept clear of any detritus and is swept at the end of the evening.
- There is a delivery policy in place to prevent a nuisance to neighbours.
- Towards the terminal hour on Thursdays customers will be reminded of the last tube from Tottenham Court Road.
- On all evenings the music is changed and the volume reduced as the terminal hour approaches and the light levels are increased.
- There is a responsible drinking policy in place and all staff are trained to spot potential problems. They do not condone or encourage irresponsible drinking.
- In addition to cocktails there is a full range of alcohol free cocktails, Soft drinks, beers, and water available.

**Licensing Objective 3; Prevention of public nuisance Continued:**

Appendix 11, Guidance on noise.

Applicants should consider the potential sources of noise and the hours when it may be generated. The Licensing Authority's noise criteria relate to all these sources of noise whether indoors or in the open air, including:

- Music and human voices, both amplified and unamplified
- Other internal activities
- Use of open areas
- Patrons queuing
- Patrons and staff entering and leaving the premises and in its vicinity
- Vehicles arriving, waiting, parking and departing.
- Deliveries and collections including refuse and collection of recyclable materials
- Plant, machinery and associated equipment
- any other factors that could cause noise disturbance.

Whilst I am not an acoustic expert I have used my knowledge of environmental assessments and public nuisance to make the following comments in relation to noise sources.

- Having stood directly outside the venue on a number of occasions there was no noise emanating from the venue.
- When the doors opened for customers to come and go there was a very limited amount of noise and at it could not be heard from the other side of the road.
- There are no other internal activities other than customers drinking, talking and mood music.
- There is very limited use of public space outside the front of the venue and it is supervised by the registered door security staff.
- There is a street management policy in place and people are not permitted outside after 9pm with their drinks.
- There is also an end of evening policy to ensure that public nuisance is not a product of the venue.
- The access policy covers the queuing policy, scanning for alcohol and substance misuse, and noise,
- If a queue does form customers are kept informed of queuing times to ensure that lack of information is not a contributory factor in peoples behaviour.
- Rathbone Place is a one way Street and is particularly quiet after the evening rush hour.
- Deliveries are personally managed by the manager and obstructions are avoided in line with the delivery policy.
- All refuse is managed in accordance with the WCC waste management policy for the area.

5.12

**Licensing Objective 4**

**Protecting children from harm - Policy CH1**

To protect children from harm, the Licensing Authority will apply the following criteria and take in to account the following considerations, where relevant, in determining applications and reviews:

**Criteria**

Whether there are appropriate measures in place to protect children from harm.

There are tight controls around the management of the age profile in and around the venue.

There are no advertisements outside the venue that encourages or motivates people to drink.

The age policy incorporates the admittance of young people during the lunch period up to 6pm. Unaccompanied young people are not permitted to enter the venue. However on Friday and Saturday from opening time until 6pm young people accompanied by an adult are permitted to enter to have lunch.

Staff have been trained and know that alcohol is not permitted to be purchased by or served to persons under 18 unless it is purchased by an adult, it is ancillary to a table meal, and they are eating together. (beer, wine or cider)

After 6pm under 18s are not permitted to enter the venue

Regular guidance is given to staff at management meetings to ensure that there is strict compliance.

## 6. Conclusion

- 6.1 The owners of Genuine Liquorette understand that their venue sits in the West End Stress Area and that they must be able to demonstrate to the Licensing Committee of Westminster City Council that any application that they make will not have any adverse impact upon not only the Licensing Objectives, but also the local area.
- 6.2 The risk assessments, environmental audit, interviews with the management, and evening visits all confirm that the venue is exceptionally well managed. Great care is taken to ensure that all of the environmental issues are managed effectively to make sure that the neighbours, the day time and night time local community, and the council are not affected by the venue. To that end the management have also met with the Safer Neighbourhood Team and the Police Licensing Engagement Officer to review the search, seizure, and retention policies given that the document cited in the Statement of licensing policy no longer exists.
- 6.3 The venue does not contribute to the local crime and disorder issues that impact on the immediate or wider area around the venue.
- 6.4 Whilst the management of Genuine Liquorette is aware that their due diligence and their ability to effectively manage the venue is not considered an 'exceptional circumstance' within the guidelines set out in the Statement of licensing Policy. They have however, been mindful when considering the request for an extension so that their request is proportionate to the local circumstances so that the application can be viewed as exceptional in the following circumstances.
- 6.5 1. The application sets out to maintain the equilibrium, or a state of balance, in Rathbone place. Whilst the extension is for later hours the sequence of closure times in Rathbone Place remains the same. The venue would close a little after the Wheatsheaf public house but still significantly earlier than the Roxy club and the Jerusalem Kitchen and Bar. The Roxy being inside the cumulative impact area and the Jerusalem Kitchen and Bar outside of the area. In addition, the later closure time would also mitigate the number of clientele leaving the venue at closing time and then migrating south into Soho as customers seek a later closing venue to continue their night out, and adding to the cumulative impact of people in Soho itself.
- 6.6 2. The night tube operating from Friday through to Sunday is now well established and moves people out of the west end throughout the night and effectively reducing the numbers of people wandering the streets waiting for the early morning rail services to commence. The development of other transport services such as Uber, Gett and Hailo, means that customers can travel onwards from licensed premises in more ways than ever before.
- 6.7 I would support this application as exceptional, on the basis that it is not typical because the owners are not seeking to extend the licensing hours excessively. They have given due consideration to the operating environment in Rathbone Place and sought to maintain the balance and continuity of the terminal hours in the street so as not to add to the cumulative impact of people in the street at any one time. In addition, the introduction and effectiveness of the night tube facility by Transport for London has made a marked difference to the night time environment.

Signed: A Bamber

