



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	19 March 2020
Licensing Ref No:	19/14884/LIPV - Premises Licence Variation
Title of Report:	Altitude 360 - 28th Floor Twenty Eighth Floor Millbank Tower 21-24 Millbank
Report of:	Director of Public Protection and Licensing
Wards involved:	Vincent Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	12 November 2019		
Applicant:	Atomsphere Venues Limited		
Premises:	Atomsphere 28		
Premises address:	Twenty Eighth Floor Millbank Tower 21-24 Millbank London	Ward:	St Vincent's
		Cumulative Impact Area:	None
Premises description:	The premises currently operates as a bar and event space.		
Variation description:	<p>The changes sought by way of this variation are as follows:</p> <ul style="list-style-type: none"> • Change the Venue name to Atmosphere 28 • Change the name of the Premises Licence Holder to Atmosphere 28 (Company Registration number remains the same) • Extend the terminal hour for all applied licensable activities to 3am • Remove conditions 23,40,41,45,46,51 • Amend conditions 12,17,19,42,47 		
Premises licence history:	The premises has had the benefit of a premises licence since 2012 and the current premises licence 18/05866/LIPT can be seen at Appendix 3 of this report together with the full history.		
Applicant submissions:	There are no submissions from the applicant.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Exhibition of films, Performance of Live Music, Playing of Recorded Music and Anything of a similar description to Live or Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	02:00	10:00	03:00	28 th Floor	No Change
Tuesday	10:00	02:00	10:00	03:00		
Wednesday	10:00	02:00	10:00	03:00		
Thursday	10:00	02:00	10:00	03:00		
Friday	10:00	02:00	10:00	03:00		
Saturday	10:00	02:00	10:00	03:00		
Sunday	12:00	02:00	12:00	03:00		
Seasonal variations:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				No Change	
Non-standard timings:	Current:				Proposed:	
	None				No Change	

Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
			Indoors			No Change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	02:00	23:00	03:00	28 th Floor	No Change
Tuesday	23:00	02:00	23:00	03:00		
Wednesday	23:00	02:00	23:00	03:00		
Thursday	23:00	02:00	23:00	03:00		
Friday	23:00	02:00	23:00	03:00		
Saturday	23:00	02:00	23:00	03:00		
Sunday	23:00	02:00	23:00	03:00		
Seasonal variations/ Non-standard timings:	Current: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day					

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Indoors			No Change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	02:00	10:00	03:00	28 th Floor	No Change
Tuesday	10:00	02:00	10:00	03:00		
Wednesday	10:00	02:00	10:00	03:00		
Thursday	10:00	02:00	10:00	03:00		
Friday	10:00	02:00	10:00	03:00		
Saturday	10:00	02:00	10:00	03:00		
Sunday	12:00	02:00	12:00	03:00		
Seasonal variations/ Non-standard timings:	Current: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day					

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	02:00	10:00	03:00	28 th Floor	No Change
Tuesday	10:00	02:00	10:00	03:00		
Wednesday	10:00	02:00	10:00	03:00		
Thursday	10:00	02:00	10:00	03:00		
Friday	10:00	02:00	10:00	03:00		
Saturday	10:00	02:00	10:00	03:00		
Sunday	12:00	02:00	12:00	03:00		
Seasonal variations/ Non-standard timings:	Current: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day					

1-C Layout alteration

There are no changes to the lay of the premises sought by way of this application.

1-D Conditions being varied

Condition	Proposed variation
12. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.	12. All amplified sound generating equipment shall be routed through a sound limiter device as per a noise management plan agreed with EHO.
17. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer in request.	17. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer at request, the information will be made available for a minimum of 14 days from the event date.
19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.	19. 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. Substantial food only need to be made available for a limited period during an event.
42. There shall be no deliveries between 23:00 and 08:00 hours.	42. There shall be no deliveries between 23:00 and 06:00 hours.
47. The capacity for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.	47. The capacity for the 28th and 29th floors combined shall not exceed 800 at any one time excluding staff.
Conditions proposed to be removed:	
23. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.	
40. All waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection time.	
41. No rubbish, including bottles, shall be moved, removed or placed in outside areas	

between 23:00 hours and 08:00 hours.

45. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.
46. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.
51. No events booked by promoters shall be permitted to take place on the premises.

2. Representations

2-A Responsible Authorities

Responsible Authority:	Metropolitan Police Service
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Representative:	PC Adam Deweltz
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Received:	202 November 2019
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With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making representations against these applications.

It is our belief that if granted the applications would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

I have spoken to Mr Nevitt from Environmental Health. Would it be possible to set up a site visit and discuss the application in more detail please.

I look forward to hearing from you.

Responsible Authority:	Environmental Health Service
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Representative:	Mr Dave Nevitt
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Received:	10 December 2019
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I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy COMB1 applies:	<p>(i) Where a premises proposes to operate as a 'combined use premises' applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1, CH1, CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies. It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1 & PB2, FFP1 & FFP2, MD1 & MD2.</p>

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Appendices

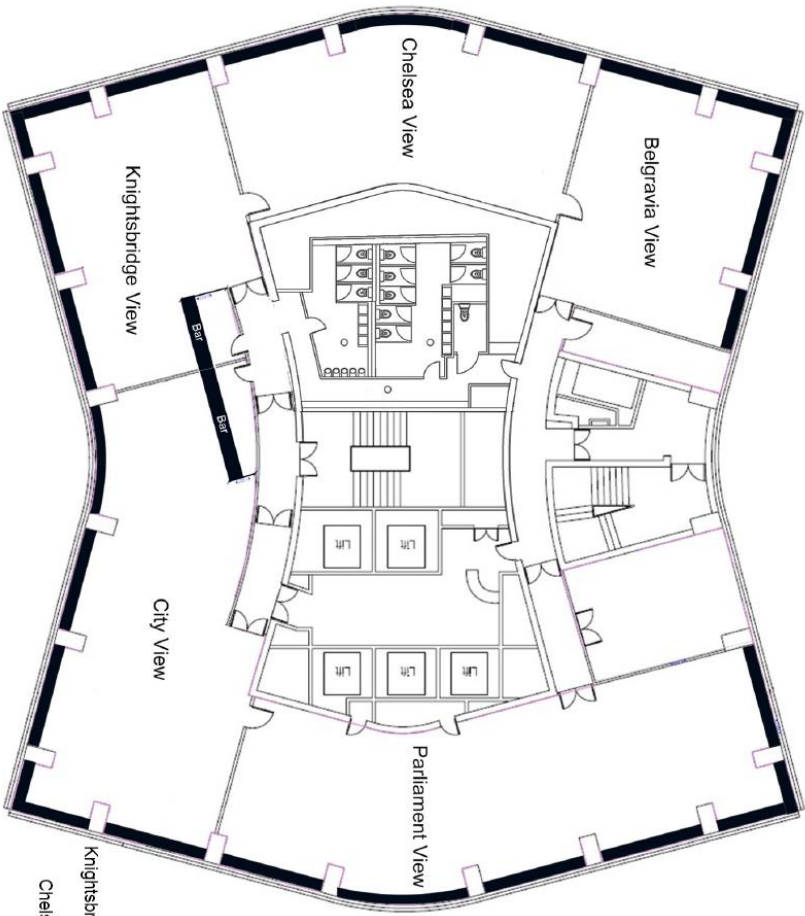
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Submissions from the Metropolitan Police and Environmental Health Service
Appendix 4	Premises Licence 18/05866/LIPT and history
Appendix 5	Decision from the Review reference 16/04069/LIREVP
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: msteward1@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	20 November 2019
5	Environmental Service	10 December 2019



Prermiss total if all concertina doors are open - 500

- Parliament View - 200
- City View - 150
- Parliament and City Views - 350
- Knightsbridge View - 130
- Knightsbridge View and Chelsea View - 300
- Chelsea View - 100
- Chelsea View and Belgravia View - 300
- Belgravia View - 100



Applicant Supporting Documents

Appendix 2

There are no submissions from the applicant.

28TH FLOOR, MILLBANK TOWER

REF: 19/14884/LIPV

DAVE NEVITT & PC ADAM DEWELTZ

4.2.2020

The Licence ref is: 18/05866/LIPT

The applicant seeks the following:

Semier Events Ltd Premises Licence proposed variations

Altitude 360 28th floor

- **Change venue name to Atmosphere 28**
- **Change name of Premises Licence holder to ATMOSPHERE VENUES LTD (Company reg. No. remains the same)**
- **Extend hours to 3am**

Applicant proposed changes to Licence Conditions:

- 12. Re-word to: - All amplified sound generating equipment shall be routed through a sound limiter device as per a noise management plan agreed with EHO.**
- 17. Insert – the information will be made available for a minimum of 14 days from the event date**
- 19. Add: - Substantial food only need to be made available for a limited period during an event.**
- 23. Already covered in condition 12. Discuss with EHO.**
- 40. Remove condition as central area for waste. Bottle bins not emptied but are done by building services**
- 41. Remove condition for same reason above**
- 42. Change times to 2300 and 0600 hrs**
- 45. Remove condition**
- 46. Remove condition – most people now use apps to get taxis**
- 47. Increase capacity to 800**
- 51. Remove condition, already covered in condition 20.**

EH and Police make the following comments:

1. **In relation to name changes – NO OBJECTION**
2. **Extend hour to 0300hrs** – this would be the subject of EH and Police Representations and will need to be adjudicated by the Licensing Sub-Ctee at a Hearing – the application will be judged on its merits in the light of the City Council’s Licensing Policy.
3. In relation to existing Conditions 12 and 23 – EH would like the following Model Conditions imposed:

MC11 A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

MC12 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.

4. In relation to Condition 17 – EH and Police are happy with **‘31 days’**
5. In relation to Condition 19 – the provision of substantial food. EH and Police would prefer the Condition to remain as is and it would be for the applicant to explain to the Ctee why it should be removed/changed.
6. In relation to Conditions 40, 41 and 42 – Conditions about refuse collections and deliveries – the applicant will need to submit information to the Ctee to detail what the proposed arrangements will be on site and how this will not be a source of nuisance.
7. Removal of Condition 45 (taxis) – the applicant will need to submit details of their Dispersal Policies/arrangements
8. Condition 47 – increase capacity to 800 from 600- EH (and possibly Police) will maintain Rep in relation to this aspect of the application on Public Safety grounds. EH will request advice/comments from LFB (David Doyle) and District Surveyor (Alan Lynagh). The main concern here is pressure and intensification on the escape staircases.
9. Removal of Condition 51 – Events not to be booked by promoters. EH and Police would like to propose a condition that prohibits events at the premises run by external promoters. Possible Condition wording: **‘There shall be no externally promoted events held at the premises’**.
10. EH and Police propose the following Conditions, some of which are updated Model Conditions which are similar to existing Licence Conditions, others are new:

MC45 No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

MC57 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

MC94 Alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. Such functions or events are to be booked no less than 24 hours in advance. A register of persons attending the event shall be

kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.

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

MC02 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

MC47 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.

MC49 An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

MC69 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.

Notwithstanding above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events.

ID Scanning:

When the premises is open, all customers entering after 19:00 hours will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). All customers entering shall have their facial image captured by the ID scanner camera, except for persons who enter using fingerprint scanning and have provided a recent facial image captured by the ID Scanner. The above requirement is subject to the following exceptions, namely that a maximum number of 10 guests per night may be admitted at the Managers discretion without their ID necessarily being scanned and recorded.

SIA provision:

A minimum of 5 SIA door supervisors on duty at premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. BWV must be activated at an early stage during any incident involving conflict.



Schedule 12
Part A

WARD: Vincent Square
UPRN: 010033538319

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

18/05866/LIPT

Original Reference:

12/06383/LIPN

Part 1 – Premises details

Postal address of premises:

Altitude 360 - 28th Floor
Twenty Eighth Floor
Millbank Tower
21-24 Millbank
London
SW1P 4QP

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music or Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Exhibition of a Film

Monday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Performance of Live Music

Monday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Playing of Recorded Music

Monday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Anything of a similar description to Live Music or Recorded Music

Monday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Late Night Refreshment

Monday to Sunday: 23:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Sale by Retail of Alcohol

Monday to Sunday: 07:00 to 02:00

(Before 10:00 - See conditions 48 & 49)

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

The opening hours of the premises:

Monday to Sunday: 07:00 to 02:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Semier Events Limited
6TH Floor
Millbank Tower
21-24 Millbank
London
England,
SW1P 4QP

Registered number of holder, for example company number, charity number (where applicable)

11352001

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**Name:** Alan Charles Turtill

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**Licence Number:** LN/00001678**Licensing Authority:** London Borough of Haringey

Date: 4 July 2018

This licence has been authorised by Mrs Taruna Adnath on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

10. There shall be no dedicated low frequency bass bins/cabs used within the premises.
11. Any DJ monitor speakers must be isolated from the building structure and any other surface where they may be placed.
12. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
13. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. There shall be a personal licence holder on duty on the premises at all times when the premises are authorized to sell alcohol.
16. There shall be no sales of alcohol for consumption off the premises.
17. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer in request.
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, which will record the following:
 - a) All crimes reported to the venue.
 - b) All ejections of patrons
 - c) Any complaints received.
 - d) Any incidents of disorder.
 - e) Seizures of drugs and offensive weapons
 - f) Any faults in the CCTV system or searching equipment or scanning equipment
 - g) Any refusals of the sale of alcohol
 - h) Any visit by a relevant authority or emergency.
19. 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.
20. The provision of licensable activities at all times shall only be to persons attending a private, pre-booked event. Functions are to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests shall be kept for a minimum of 28 days after the function. Details shall be made available to all relevant authorities when requested.
21. In respect of all individual events, the need for SIA security staff be risk assessed and a documentary copy of the assessment be retained for a minimum of 28 days for inspection by the Responsible Authorities.
22. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community

Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

24. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
27. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
28. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
29. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
30. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - o dry ice and cryogenic fog
 - o smoke machines and fog generators
 - o pyrotechnics including fire works
 - o firearms
 - o lasers
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
32. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provision of Section 2(1A) and 5 of the Hypnotism Act 1952.
33. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
34. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
35. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

38. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
39. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system.
40. All waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection time.
41. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
42. There shall be no deliveries between 23:00 and 08:00 hours.
43. Patrons wishing to smoke may only do so in the designated Millbank Tower smoking area to the rear of the building.
44. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
45. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.
46. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.
47. The capacity for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.
48. Before 10:00am the sale of alcohol on the premises shall be ancillary to a table meal and for consumption ancillary to that meal.
49. Before 10:00am the sale of alcohol shall be by waiter/waitress service.
50. There shall be no new entry or re-entry to the premises after midnight save for the purposes of patrons wishing to smoke in accordance with condition 43 above.
51. No events booked by promoters shall be permitted to take place on the premises.



Schedule 12
Part B

WARD: Vincent Square
UPRN: 010033538319

City of Westminster
64 Victoria Street, London, SW1E 6QP

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

18/05866/LIPT

Part 1 – Premises details

Postal address of premises:

Altitude 360 - 28th Floor
Twenty Eighth Floor
Millbank Tower
21-24 Millbank
London
SW1P 4QP

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music or Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Exhibition of a Film

Monday to Saturday: 10:00 to 02:00
Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Performance of Live Music

Monday to Saturday: 10:00 to 02:00
Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Playing of Recorded Music

Monday to Saturday: 10:00 to 02:00
Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Anything of a similar description to Live Music or Recorded Music

Monday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Late Night Refreshment

Monday to Sunday: 23:00 to 02:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Sale by Retail of Alcohol

Monday to Sunday: 07:00 to 02:00

(Before 10:00 - See conditions 48 & 49)

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

The opening hours of the premises:

Monday to Sunday: 07:00 to 02:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

Semier Events Limited
6TH Floor
Millbank Tower
21-24 Millbank
London
England,
SW1P 4QP

Registered number of holder, for example company number, charity number (where applicable)

11352001

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Alan Charles Turtill

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: ____ 4 July 2018 ____

This licence has been authorised by Mrs Taruna Adnath on behalf of the Director - Public Protection and Licensing.

Application	Details of Application	Date Determined	Decision
12/06383/LIPN	Application for a new premises licence	20 September 2012	Granted at Licensing Sub-Committee
12/08692/LIPDPS	Application to vary the Designated Premises Supervisor	10 December 2012	Granted under delegated authority
12/09903/LIPVM	Application for a minor variation	30 November 2012	Refused
13/00211/LIPT	Application to Transfer the Premises Licence	01 February 2013	Granted under delegated authority
13/06615/LIPDPS	Application to vary the Designated Premises Supervisor	19 September 2013	Granted under delegated authority
13/06739/LIPT	Application to Transfer the Premises Licence	25 September 2013	Granted under delegated authority
14/00086/LIPT	Application to Transfer the Premises Licence	24 January 2014	Granted under delegated authority
14/00093/LIPDPS	Application to vary the Designated Premises Supervisor	24 January 2014	Granted under delegated authority
14/00165/LIPDPS	Application to vary the Designated Premises Supervisor	24 January 2014	Granted under delegated authority
14/02495/LIPT	Application to Transfer the Premises Licence	08 April 2014	Granted under delegated authority
14/09866/LIPT	Application to Transfer the Premises Licence	30 January 2015	Granted under delegated authority
15/00849/LIPDPS	Application to vary the Designated Premises Supervisor	13 August 2015	Granted under delegated authority
15/10890/LIPDPS	Application to vary the Designated Premises Supervisor	08 December 2015	Granted under delegated authority

16/03284/LIPDPS	Application to vary the Designated Premises Supervisor	28 April 2016	Granted under delegated authority
16/03633/LIPDPS	Application to vary the Designated Premises Supervisor	26 April 2016	Granted under delegated authority
16/06214/LIPDPS	Application to vary the Designated Premises Supervisor	26 September 2016	Granted under delegated authority
16/07094/LIPDPS	Application to vary the Designated Premises Supervisor	26 September 2016	Granted under delegated authority
16/10556/LIPDPS	Application to vary the Designated Premises Supervisor	21 February 2017	Granted under delegated authority
17/02583/LIPDPS	Application to vary the Designated Premises Supervisor	18 September 2017	Granted under delegated authority
17/15049/LIPDPS	Application to vary the Designated Premises Supervisor		Granted under delegated authority
18/02174/LIPT	Application to Transfer the Premises Licence	09 April 2018	Granted under delegated authority
18/05866/LIPT	Application to Transfer the Premises Licence	04 July 2018	Granted under delegated authority

There is no appeal history

TEMPORARY EVENT NOTICES

Application	Details of Application	Event Date	Decision
18/12221/LITENP	Late Night Refreshment, Regulated Entertainment and Sale by Retail of Alcohol	27 October 2018	Granted
19/04550/LITENP	Late Night Refreshment, Regulated Entertainment and Sale by Retail of Alcohol	05 May 2019	Granted
19/13840/LITENP	Late Night Refreshment and Sale by Retail of Alcohol	15 December 2019	Granted
19/15821/LITENP	Late Night Refreshment, Regulated Entertainment and Sale by Retail of Alcohol	8 December 2019	Granted
20/00589/LITENP	Late Night Refreshment and Sale by Retail of Alcohol	20 February 2020	Granted

LICENSING SUB-COMMITTEE No. 2
Thursday 4th July 2016

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

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

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

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

Review of Altitude 360, Twenty Eighth Floor, Millbank Tower, 21-24 Millbank, SW1 ("The Premises")

16/04069/LIREVP

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

The Police provided the Sub-Committee with some background information on the venue location. It was stated that Millbank Tower is a thirty three floor building which has predominantly office use. The 28th floor has a large 'U' shaped event space which had a bar in the middle for the event on 27 March. Access to the venue via the ground floor was via the Reels Cafe through double doors past electronic barriers to the lifts. It was submitted by the Police that the building layout was unsuitable for late

nightclub style events. The event had been booked by Paravana Project which the Police described as an internationally known promotions company. The event was advertised as starting at 14:00 on Saturday 26 March and running until 04:00 on Sunday 27 March with the final two hours having been applied for separately under a Temporary Event Notice as part of the TENS process. The Police advised the Sub-Committee that they had been informed in the Temporary Event Notice that it was a pre-booked private event with all the conditions on the premises licence being applicable. However, the Police had found subsequently that tickets were on sale to the general public via the internet and could be purchased at any time, even on the night of the event.

The Police then set out for the Sub-Committee's benefit the sequence of incidents on the morning of 27 March which had come to light from the CCTV footage and Police investigations. In summary at 23:00 on the 26 March there was an initial fight in the venue. A male threw a large vodka bottle at another male. Security had attempted to intervene and they both ran from the scene. This was not reported to the Police and was not captured on CCTV. The incident was referred to in Rosen Zehirov's witness statement who had been employed as a member of the security staff for the event. At 23:15 there had been a further fight where a male had been punched and his watch had been stolen. The Police stated that the victim had requested help from security staff who did not assist and he had then phoned the Police himself. There was no CCTV footage of this incident. At 00:32 Police received a phone call from the building security who told them that there were three males physically threatening a female member of security staff. CCTV showed them jumping over the electronic barriers in order to gain entry to the lift. From a security perspective this gave immediate concerns regarding the Applicant's ability to manage the premises effectively and efficiently because those males who were not known to the applicant were able to gain access to the Premises without being checked by security, thereby putting the health and safety of customers at risk.

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

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

with a broom handle. . The two males barricaded themselves into a store room but the glass on the door was smashed, entry was forced and a suspect smashed a vodka bottle over the victim's head, knocking him to the ground.

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

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

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

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

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

been able to carry out due diligence checks and make the necessary enquiries regarding the event.

The Police identified other failings relating to the 27 March event included that there had only been nine days' footage of CCTV when the Licence Holder was supposed to retain thirty one days of footage. The Police advised the Sub-Committee that the Licence Holder had after August 2015 installed an upgraded CCTV system which was of an excellent standard but this still did not get around the fact that a condition was in place that was breached. The Police had subsequently found that there had been no DPS in place between the period 28 February and 29 March and this led to question whether the running of the Premises was in fact being managed effectively in accordance with the conditions imposed on the Premises Licence and by whom. The application for transfer of DPS to Mr Skrina was received after the event of 26-27 March. The Police stated that a major failing was that there was no record of any phone calls by management to the Police despite at least seven separate assaults having taken place. The Police had recommended after the previous incident in August 2015 that as the Licence Holder was minded to replace the security firm, the replacement firm should be ACS registered. It was later found that the security firm, Valid, employed during the March 2016 event was not ACS registered. CCTV footage of 27 March 2016 had shown a group of customers inhaling nitrous oxide in full view of bar staff and no action had been taken. There had also been drinking directly from large vodka bottles. The Police also made the point that management had been told several times by security staff on the night to stop the event but this advice had been completely ignored despite the serious incidents of assaults that had taken place inside the Premises. In addition, fire exits and the rear stairs were not managed by security. It was known by Police that suspects had managed to escape via the rear stairs. However, it was not known if people had managed to gain entry this way and avoided being searched. This posed serious safety concerns for customers if security staff were not stationed or carrying out regular checks of these areas of the Premises.

The Police referred the Sub-Committee to the evidence of Mr Zehirov, a security guard employed by Valid Security on 26-27 March that Mr Coley had ordered him not to call the Police

and to allow people to enter without being searched. It was known to the Police that the victim who had a fractured leg and held a knife was found in possession of a large amount of drugs. The Police in their submissions also referred to the evidence of Krasimir Pantev, another security guard employed on 27 March that the venue was over capacity and Mr Coley was asked to close the entrance but had refused to do so and later asked one of the security guards to clear the clickers.

The Sub-Committee was then shown CCTV footage by the Police to support the written and oral evidence received. The Police described the sequence of events on 27 March as the most serious incidents in that officer's experience during his time with the Westminster Police Licensing Team. It was stated that the disorder had resulted in at least four serious injuries. The Police maintain the view that the poor management decisions, or lack thereof coupled with a complete disregard to the premises licence conditions led to the serious problems highlighted above. It was submitted by the Police that if there had been no promoted events and there had been pre-booked ticketed events and a comprehensive security plan in place, it is doubtful whether the incidents referred to above would ever have happened. Clearly,

there was the absence of a DPS or management in control of security and staff. The Police described the situation as a total loss of control of the venue. Due to the serious nature of the incidents and the fact that the Police had had to engage with the Licence Holder after the incident in August 2015, the Police stated that they had no confidence in the Licence Holder's ability to run the Premises in accordance with the licence conditions. There had been failings to uphold the licensing objectives and it was the Police's view that the Premises licence should be revoked. Additional conditions being attached to the licence were not appropriate as conditions on the existing licence had not been adhered to previously, the actions of the licence holder were considered so severe that any further conditions the Sub-Committee might consider imposing would not be complied with based on the evidence.

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

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

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

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

that external promoters came in and ran without any management involvement on the part of the Licence Holder. After the incidents Altitude had asked Paravana to review the event. Paravana had concluded that those involved in the incidents were not their members.

Mr Walsh informed those present that there had been a risk assessment undertaken

of the event. Eight door supervisors had been agreed upon on the basis of the advice of Valid security company who were aware of the capacity. The Sub-Committee was advised that Valid had provided security for Altitude events for some months prior to 27 March 2016 and had previously overseen a Paravana event.

Altitude had also relied on building security as well. Mr Walsh maintained that there was always a 24 hour security presence in the lobby of the building. Mr Walsh asserted that management were aware that building security were responsible for calling the Police.

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

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

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

Mr Walsh addressed the Sub-Committee on the conditions that the Police had referred to as having been breached. In relation to the CCTV he commented that it was accepted by all parties that it was now of a particularly high standard. The issue of only nine days footage having been retained was because it had been found that the higher quality had resulted in more memory being used up. The Licence Holder had responded to this since March and additional memory capacity had now been introduced. He added that this had not been an intentional breach. In respect of capacity, the Licence Holder was firmly of the view that it had not been exceeded,

there had been a guest list and people had not been clicked out when leaving the venue. In respect of the condition requiring licensable activities to only be to persons attending private pre-booked events, it had mistakenly been believed that it would be such an event. There would be events such as the one held on 27 March in the future. There had been a security assessment although it was accepted that this had not been served on the Police. In respect of

the condition that no events booked by promoters would be permitted to take place on the premises, it had been believed by management that it would be privately run by Paravana.

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

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

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

alternative was to revoke the premises licence which he believed to be disproportionate.

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

The Sub-Committee requested further information from Mr Coley on Mr Pantev's statement. Mr Pantev had stated that he had informed Mr Skrina and Mr Coley around 23:00 on the 26th March after having dealt with a fight that the venue was over capacity and that it was necessary to close the entrance to other arrivals.

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

Ms Linforth accepted the point made by the Sub-Committee that there had been a breakdown in the relationship between Altitude and Valid security. The Sub-

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

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

Members of the Sub-Committee also heard from Mr Nevitt on behalf of the Council's Environmental Health team ('Environmental Health'). He advised that Environmental Health were supporting the review on public safety grounds. The public safety implications on 26th to

27th March included that there had been a loss of control of some of the patrons. There was also an accessibility of objects to cause injury such as weapons, bottles and broken glass. Mr Nevitt expressed concern that heavy glass bottles such as a two litre size bottle of vodka could be used as a weapon.

There had been patrons, staff and security personnel at risk as well as those located elsewhere in Millbank Tower, such as the business which operated at all hours on the 30th floor. Mr Nevitt referred to the wedged open fire doors, people slipping on liquids and staff seeking refuge which could be seen on the CCTV footage.

Mr Nevitt stated that one concern was regarding the capacities. A maximum of 499 people was permitted for a Temporary Event Notice which included staff. This meant that at least over 100 people had to leave the venue after 02:00 and there had been a lack of clarity over how this was managed. A further concern was that with incidents taking place escape routes had been breached. The man with the fractured leg was on the floor in the corridor, people were moving past him and there were no arrangements in place to protect an injured person. There had also been the lack of a warning system from when people had jumped the barriers to when they entered the 28th floor. Mr Nevitt queried how the proposals of the Licence Holder prevented the issues that he had raised. Would different barriers be put in place or would individuals who threatened security be prevented in another way if necessary from

reaching the 28th floor from the ground level? There had been no proposals to resolve how the fire escape doors would be secured. It would also be of value to have procedures in place for emergency services accessing the 28th and 29th floors which were in an isolated position. It was submitted that there had been a lack of searching of the patrons as they had been able to bring weapons and apparently nitrous oxide into the venue. The management had allowed situations to prevail which were inherently unsafe not just for the patrons but for the staff, the other users of the building and the security personnel.

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

Mr Coley was asked by Mr Walsh to respond to Mr Nevitt's concerns regarding patrons with nitrous oxide. He believed that the people who had brought it into the building should have been ejected. Members of staff were aware that it was not permitted in the venue. Ms Linforth added that staff had since 26th to 27th March had received training so that they were now aware of what actions they should be taking going forward and would know what to do in respect of any future incident. Nine of the staff had also received personal licence holder training. Ms Linforth informed the Sub-Committee that a security consultant had recommended that in future a security person should be stationed at the revolving doors guiding people through the coffee shop / cinema entrance and then the security controls. The security consultant had also recommended identifying on the floor plan the areas where security personnel have to position themselves. This it was believed would prevent people entering or egressing via the fire escape.

The Sub-Committee expressed concern that the Police had written to the Licensee following a male being assaulted at the venue on 16 August 2015 setting out why they thought the incident had been poorly managed and yet many of the same failings had come to light again when disorder took place on a much larger scale on 26 to 27 March 2016. These included bottles still being used as weapons. The event in March had again been poorly managed as was the case seven months later. There were similarities again in that in August 2015 the security team had not responded correctly with the suspect not being detained, Police called or a crime scene identified or preserved. The Sub-Committee brought to the attention of the Licensee that the

indication from the statements of those employed as security personnel by Valid in March had been consistent that they had done all they could to resolve the issues which arose but that the two managers on duty that night (Mr Skrina and Mr Coley) failed to act when they had an equal responsibility to protect the safety of staff and patrons. Ms Linforth replied that she had not been working for the organisation in August 2015 but she believed having undertaken the review of the March incidents that it was the understanding of the Managing Director of Altitude in August that if the conditions were in place the company could continue to hold the

nightclub style events. A decision had now been taken not to hold these events in the future.

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

Mr Walsh addressed the Sub-Committee on the Thomas & Thomas letter of 8 September 2015. He advised it was the case that the booking for 26 to 27 March had taken place in October 2015 which was prior to the commitment to book it at least three months in advance. There was no outside security company used which was not contracted to Altitude. Mr Walsh confirmed that the 696 form was completed but not submitted. Mr Coley added that he took responsibility. However, he had not been at the meeting with Police in August 2015. He had filled in the 696 form in case the Police or Council officers wished to check it. The Police made the point that the form clearly sets out that it should be submitted to Police 14 days in advance of an event. Mr O'Maoileoin provided the information that the Head of Valid Security Services, Will Barnes had written in August 2015 to Altitude's DPS at that time, Suresh Abbas, stating that Valid was ACS Registered until June 2015 and that they were awaiting confirmation of renewal. This email had been forwarded to Mr O'Maoileoin by the Managing Director of Altitude who had since left the role. It was not known what had happened in terms of Valid's attempts to renew. However, the evidence appeared to be that Valid were not ACS Registered by March 2016.

The Police made the point that the Licence Holder had referred to the Paravana Project selling tickets for the March 2015 event and the staff having no knowledge of that. His colleague however had looked on the internet and it appeared that tickets were being sold on Altitude's Skyloft website for the event. He added that Paravana had posted a note to Facebook users apologising for the incidents and stating that they would be changing the way the tickets were distributed by ensuring that the parties were membership/guest list only in order to protect patrons. The Sub-Committee had noted that on Facebook Paravana had encouraged a member of the public to come along to the event on the 26th March even though that person did not have a ticket. An attendee at the March event had remarked on Facebook that it had been a 'nightmare' with 'lots of fights' having taken place. Mr Coley responded that the agreement with Paravana was to use Facebook as a communication platform. Altitude had not been made aware that they were selling tickets on the day. The London Skyloft ticket portal had been set up as a backup platform as Paravana had said they had issues meeting people and posting out their invitations. It was never

activated and no tickets were sold via the portal. Mr Coley also provided the information to the Sub-Committee that the event in August 2015 had been a private birthday party and Paravana

had not been involved. The person whose birthday it was, had without Altitude's knowledge, sold tickets for the event.

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

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

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

Managing Director was needed to oversee the work of the DPS. A Managing Director had been identified, Pradeep Kumar, who had hotel and hospitality experience.

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

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

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

The Sub-Committee had observed a distinct lack of determination on the part of the Licence Holder to improve the management of the premises after a male had been assaulted with a bottle at the venue in August 2015. The Sub-Committee considered that the Licence Holder should have been more proactive in his approach by taking

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

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

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

the Licensing Act 2003 states that 'every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act'. In determining the matter the Sub-Committee took the view that to fail to inform the Police for almost a month that the DPS had left the organisation displayed an obvious lack of responsibility on the part of the management in relation to the licence conditions and the promotion of the licensing objectives. It was questionable exactly when the Police would have been informed that the DPS had left had the incidents not occurred on 26-27 March.

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

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

10. There shall be no dedicated low frequency bass bins/cabs used within the premises.
11. Any DJ monitor speakers must be isolated from the building structure and any other surface where they may be placed.
12. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Proposed condition 12 from the applicant:

12. All amplified sound generating equipment shall be routed through a sound limiter device as per a noise management plan agreed with an Environmental Health Officer.

Alternative conditions proposed by the Metropolitan Police and Environmental Health Service:

12. **A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.**
- 12A. **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.**
13. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

15. There shall be a personal licence holder on duty on the premises at all times when the premises are authorized to sell alcohol.
16. There shall be no sales of alcohol for consumption off the premises.
17. A record shall be maintained to ensure that the capacity limit set for the premises is recorded for each event and can be properly monitored. Information regarding the capacity will be given to an authorised officer or Police Officer in request.
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, which will record the following:
 - a) All crimes reported to the venue.
 - b) All ejections of patrons
 - c) Any complaints received.
 - d) Any incidents of disorder.
 - e) Seizures of drugs and offensive weapons
 - f) Any faults in the CCTV system or searching equipment or scanning equipment
 - g) Any refusals of the sale of alcohol
 - h) Any visit by a relevant authority or emergency.
19. 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.

Condition proposed by the applicant:

19. **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. Substantial food only need to be made available for a limited period during an event.**
20. The provision of licensable activities at all times shall only be to persons attending a private, pre-booked event. Functions are to be booked no less than 24 hours in advance. Details of the type of function, the host, and the number of guests shall be kept for a minimum of 28 days after the function. Details shall be made available to all relevant authorities when requested.
21. In respect of all individual events, the need for SIA security staff be risk assessed and a documentary copy of the assessment be retained for a minimum of 28 days for inspection by the Responsible Authorities.
22. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
23. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
24. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
27. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
28. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
29. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
30. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- o dry ice and cryogenic fog
- o smoke machines and fog generators
- o pyrotechnics including fire works
- o firearms
- o lasers
- o explosives and highly flammable substances.
- o real flame.
- o strobe lighting.

32. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provision of Section 2(1A) and 5 of the Hypnotism Act 1952.
33. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
34. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
35. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

36. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
39. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system.

Conditions proposed to be removed by the applicant:

- 40. All waste shall be properly present and placed out for collection no earlier than 30 minutes before the scheduled collection time.**
- 41. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.**
42. There shall be no deliveries between 23:00 and 08:00 hours.

Proposed alternative condition by the applicant:

- 42. There shall be no deliveries between 23:00 and 08:00 hours.**
43. Patrons wishing to smoke may only do so in the designated Millbank Tower smoking area to the rear of the building.
44. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

Conditions proposed to be removed by the applicant:

- 45. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.**
- 46. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.**

Condition proposed to be amended by the applicant:

- 47. The capacity for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.**
- 47. The capacity for the 28th and 29th floors combined shall not exceed 800 at any one time excluding staff.**
48. Before 10:00am the sale of alcohol on the premises shall be ancillary to a table meal and for consumption ancillary to that meal.
49. Before 10:00am the sale of alcohol shall be by waiter/waitress service.

50. There shall be no new entry or re-entry to the premises after midnight save for the purposes of patrons wishing to smoke in accordance with condition 43 above.

Condition proposed by the applicant to be removed:

51. No events booked by promoters shall be permitted to take place on the premises.

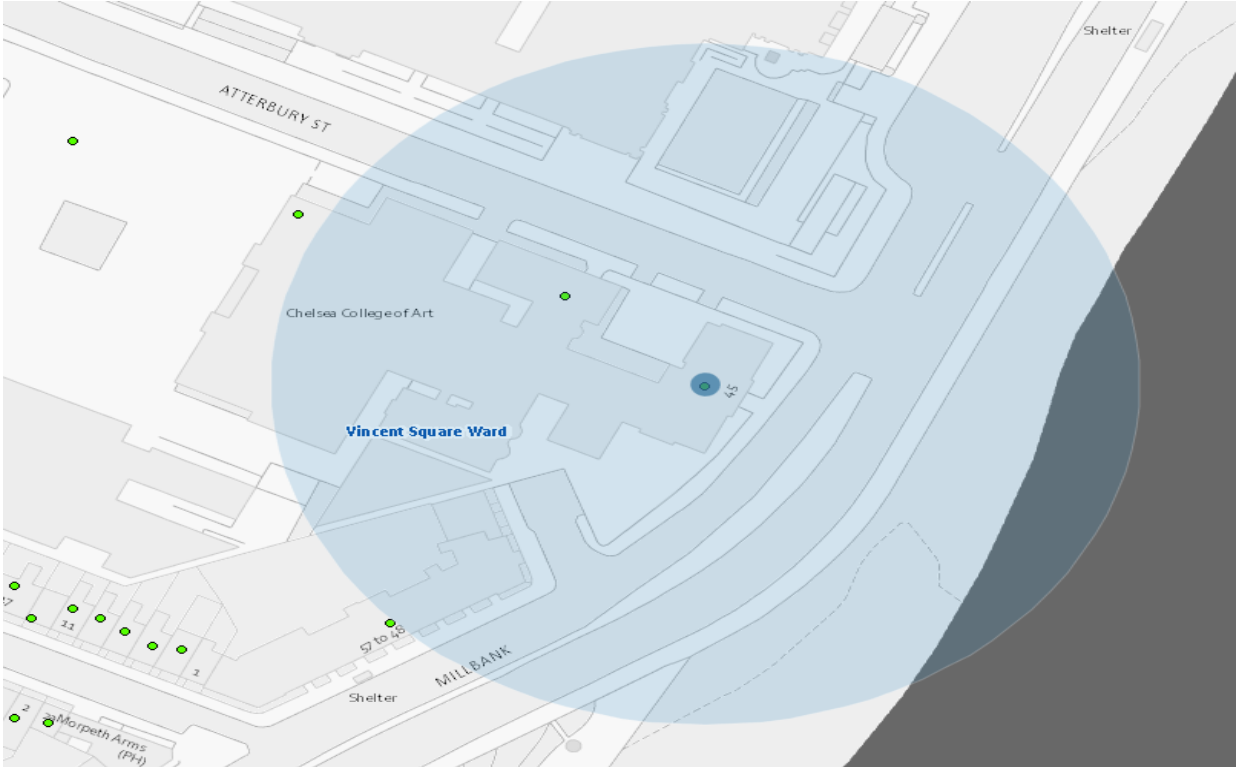
Metropolitan Police and Environmental Health Service preferred condition 51:

51. There shall be no externally promoted events held at the premises.

Conditions proposed by the Metropolitan Police and Environmental Health Service so as to form part of the operating schedule:

52. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
53. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
54. Alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. Such functions or events are to be booked no less than 24 hours in advance. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
55. 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.
56. 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.
57. 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.
58. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons

- (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
59. 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.
60. Notwithstanding above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events.
61. When the premises is open, all customers entering after 19:00 hours will have their ID scanned on entry or be subject to a biometric scanning system (when fingerprint scanning will be required for all customers who have previously shown identification at the premises). All customers entering shall have their facial image captured by the ID scanner camera, except for persons who enter using finger print scanning and have provided a recent facial image captured by the ID Scanner. The above requirement is subject to the following exceptions, namely that a maximum number of 10 guests per night may be admitted at the Managers discretion without their ID necessarily being scanned and recorded.
62. A minimum of 5 SIA door supervisors on duty at premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. BWV must be activated at an early stage during any incident involving conflict.



Resident Count: 0

Licensed Premises: 0