



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	14 May 2020
Licensing Ref No:	19/14886/LIPV - Premises Licence Variation
Title of Report:	Altitude 360 - 29th Floor Twenty Ninth Floor Right Millbank Tower 21-24 Millbank London SW1P 4QP
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:	Atmosphere Venues Ltd		
Premises:	Altitude 360 - 29th Floor		
Premises address:	Twenty Ninth Floor Right Millbank Tower 21-24 Millbank London SW1P 4QP	Ward:	St Vincent's Square
		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 32,33,37 and 38 • Amend conditions 13,15,16,39 and 42 		
Premises licence history:	The premises has had the benefit of a premises licence since 2009 and the current premises licence 18/05870/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						
Playing of Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	02:00	08:00	03:00	29 th Floor	No Change
Tuesday	08:00	02:00	08:00	03:00		
Wednesday	08:00	02:00	08:00	03:00		
Thursday	08:00	02:00	08:00	03:00		
Friday	08:00	02:00	08:00	03:00		
Saturday	08:00	02:00	08:00	03:00		
Sunday	08:00	02:00	08:00	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	

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	29 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:				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	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On Sales		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	02:00	08:00	03:00	29 th Floor	No Change
Tuesday	08:00	02:00	08:00	03:00		
Wednesday	08:00	02:00	08:00	03:00		
Thursday	08:00	02:00	08:00	03:00		
Friday	08:00	02:00	08:00	03:00		
Saturday	08:00	02:00	08:00	03:00		
Sunday	08:00	02:00	08:00	03:00		
Seasonal variations/ Non-standard timings:	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	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	02:00	07:00	03:00	29 th Floor	No Change
Tuesday	07:00	02:00	07:00	03:00		
Wednesday	07:00	02:00	07:00	03:00		
Thursday	07:00	02:00	07:00	03:00		
Friday	07:00	02:00	07:00	03:00		
Saturday	07:00	02:00	07:00	03:00		
Sunday	07:00	02:00	07:00	03:00		
Seasonal variations/ Non-standard timings:	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	

1-C Layout alteration

There are no changes sought to the layout of the premises by way of this variation.

1-D Conditions being varied, added or removed

Condition	Proposed variation
<p>13. 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 on request.</p>	<p>13. 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 on request, the information will be made available for a minimum of 14 days from the event date.</p>
<p>15. 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.</p>	<p>15. 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.</p>
<p>16. The sale of alcohol shall be restricted to pre-booked functions, corporate events and conferences and members of the Altitude Club, subject to the rules of the club as agreed from time to time by the Metropolitan police. 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 14 working days after the function. Details shall be made available to all relevant authorities when requested.</p>	<p>16. 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.</p>
<p>34. There shall be no deliveries between 2300 and 0800 hours.</p>	<p>34. There shall be no deliveries between 2300 and 0600 hours.</p>
<p>39. The number of persons accommodated (excluding staff) at the premises shall not exceed:</p> <p>Parliament View - 200 City View - 150 Knightsbridge View - 130 Chelsea View - 100 Belgravia View - 100 Parliament and City Views - 350 Knightsbridge and Chelsea Views - 300</p>	<p>39. The number of persons accommodated (excluding staff) at the premises shall not exceed:</p> <p>Parliament View - 200 City View - 150 Knightsbridge View - 130 Chelsea View - 100 Belgravia View - 100 Parliament and City Views - 350 Knightsbridge and Chelsea Views - 300</p>

<p>Chelsea and Belgravia Views - 300 Premises total if all concertina doors open 600</p> <p>Note: Following the grant of the premises licence bearing reference 12/06383/LIPN, the capacity figures for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.</p>	<p>Chelsea and Belgravia Views - 300 Premises total if all concertina doors open – 800</p> <p>Note: Following the grant of the premises licence bearing reference 12/06383/LIPN, the capacity figures for the 28th and 29th floors combined shall not exceed 800 at any one time excluding staff.</p>
<p>42. 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, Premises Management 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. All sound generating equipment shall be used through the sound limiter device approved by the Environmental Health Service.</p>	<p>42. All amplified sound generating equipment shall be routed through a sound limiter device as per an agreed noise management plan agreed with EHO.</p>
Condition proposed to be deleted	
<p>32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.</p>	
<p>33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.</p>	
<p>37. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.</p>	
<p>38. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.</p>	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Adam Deweltz
Received:	20 November 2019
<p>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.</p> <p>It is our belief that if granted the applications would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>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.</p> <p>I look forward to hearing from you.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Mr Dave Nevitt
Received:	10 December 2019
<p>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.</p>	

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

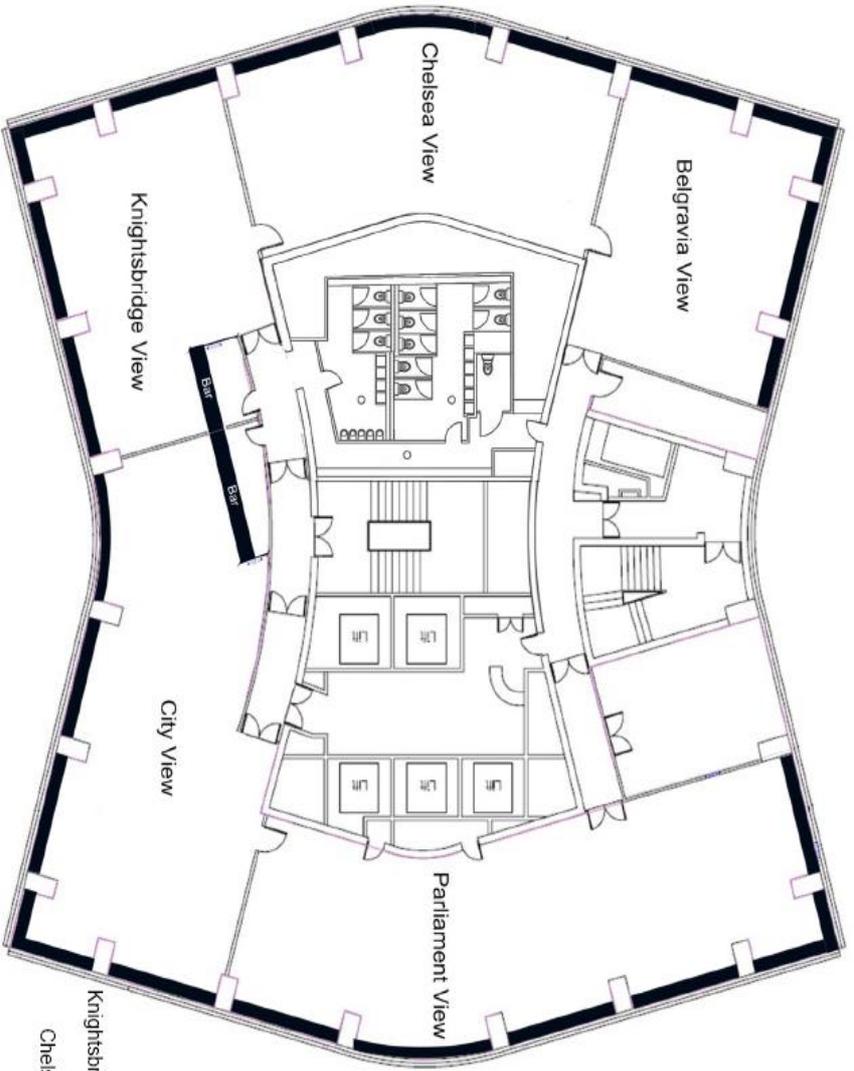
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Submissions from Environmental Health and Metropolitan Police
Appendix 4	Premises Licence and history
Appendix 5	Decisions from Review Hearings references 11/12567/LIREVP and 16/04072/LIREVP
Appendix 6	Proposed conditions
Appendix 7	Residential map and list of premises in the vicinity

Report author:	Michelle Steward Senior Licensing Officer
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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 Representation	20 November 2019
5	Environmental Health Service Representation	10 December 2019



Premises total if all concertina doors are open - 600

- 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.

EH & POLICE COMMENTS AND PROPOSED CONDITIONS

29TH FLOOR, MILLBANK TOWER

DAVE NEVITT & PC ADAM DEWELTZ

4.2.2020

The applicant seeks the following:

Semier Events Ltd Premises Licence proposed variations

Altitude 360 29th floor

- **Change venue name to Atmosphere 29**
- **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: 010033588261

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:	18/05870/LIPT
Original Reference:	09/05035/LIPN

Part 1 – Premises details

Postal address of premises:

Altitude 360 - 29th Floor
Twenty Ninth Floor Right
Millbank Tower
21-24 Millbank
London
SW1P 4QP

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Sunday: 08:00 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: 08:00 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

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 Ltd
Twenty Eighth Floor
Millbank Tower
21-24 Millbank
London
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: _____ 9th 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall install and maintain a comprehensive 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.
10. 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.
11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. There shall be no sales of alcohol for consumption off the premises.
13. 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 on request.
14. 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 or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. 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.
16. The sale of alcohol shall be restricted to pre-booked functions, corporate events and conferences and members of the Altitude Club, subject to the rules of the club as agreed from time to time by the Metropolitan police. 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 14 working days after the function. Details shall be made available to all relevant authorities when requested.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
20. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
21. 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).
22. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

23. 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.
- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
24. 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 provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
25. 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.
26. 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.
27. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
31. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- Any emergency lighting battery or system
 - Any electrical installation
 - Any emergency warning system
32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
34. There shall be no deliveries between 2300 and 0800 hours.
35. Patrons wishing to smoke only do so in the designated Millbank Tower smoking area to the rear of the building, or on the terrace as shown on the attached plan.
36. 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.
37. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.
38. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.

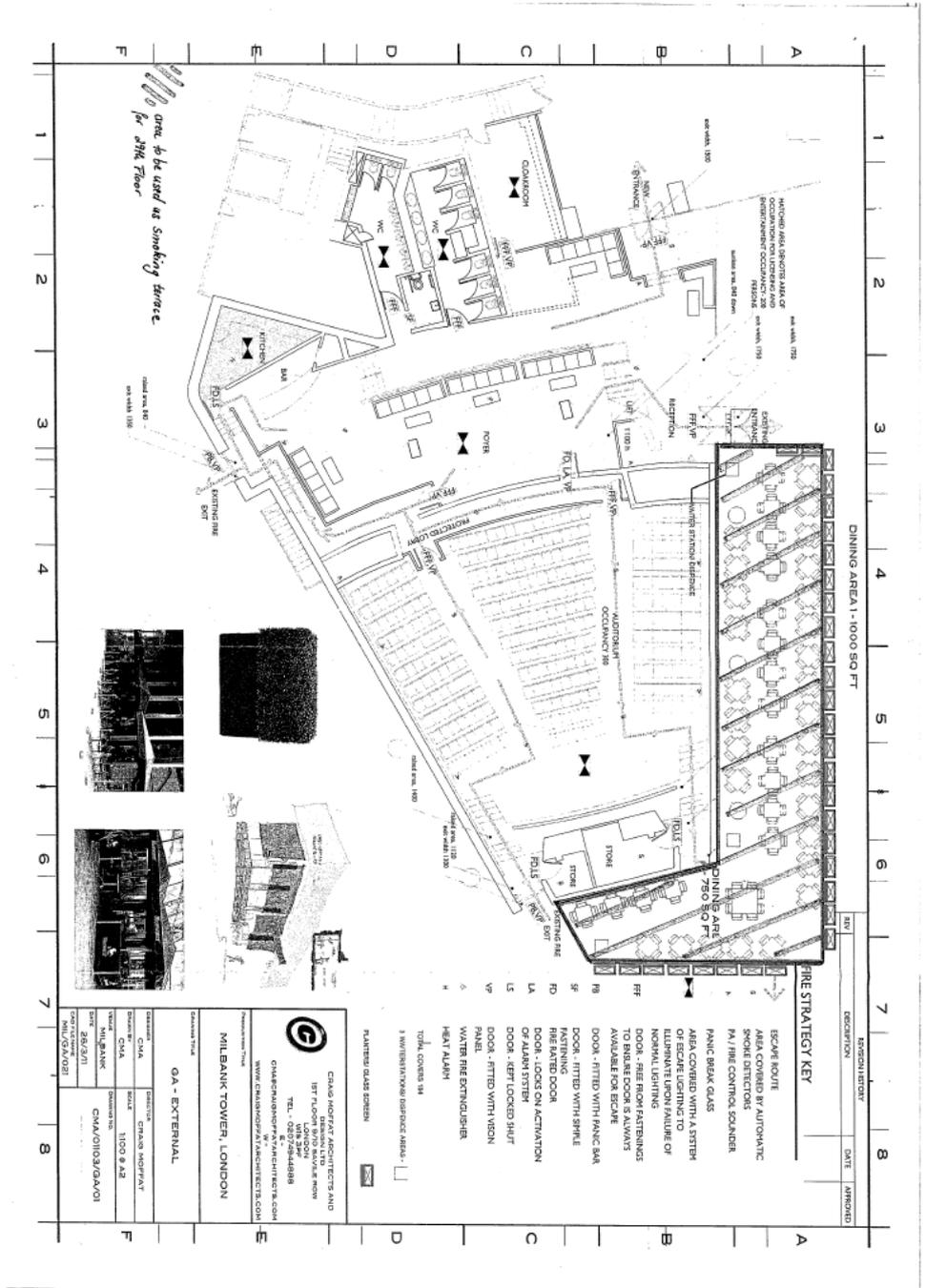
39. The number of persons accommodated (excluding staff) at the premises shall not exceed:

Parliament View - 200
City View - 150
Knightsbridge View - 130
Chelsea View - 100
Belgravia View - 100
Parliament and City Views - 350
Knightsbridge and Chelsea Views - 300
Chelsea and Belgravia Views - 300
Premises total if all concertina doors open - 600

Note: Following the grant of the premises licence bearing reference 12/06383/LIPN, the capacity figures for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.

40. Before 10.00 am the sale of alcohol on the premises shall be ancillary to a table meal and for consumption ancillary to that meal.
41. Before 10.00 am the sale of alcohol shall be by waiter/waitress service.
42. 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, Premises Management 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. All sound generating equipment shall be used through the sound limiter device approved by the Environmental Health Service.

Annex 4 – Plans



CHAOS ARCHITECTS AND DESIGN LTD
 187 FLOORS MILBANK TOWER
 100 MILBANK LONDON W1C 1LE
 TEL: 020 74644888
 CHAOSARCHITECTS@GMAIL.COM
 WWW.CHAOSARCHITECTS.COM

MILBANK TOWER, LONDON

QA - EXTERNAL

DESIGNED BY	CHAOS ARCHITECTS
DATE	11/09/12
PROJECT	MILBANK TOWER
NO	28/2/11
BY	QA/0103/09/01
DATE	11/09/12



Schedule 12
Part B

WARD: Vincent Square
UPRN: 010033588261

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

18/05870/LIPT

Part 1 – Premises details

Postal address of premises:

Altitude 360 - 29th Floor
Twenty Ninth Floor Right
Millbank Tower
21-24 Millbank
London
SW1P 4QP

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Sunday: 08:00 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: 08:00 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

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 Ltd
Twenty Eighth Floor
Millbank Tower
21-24 Millbank
London
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: 9 July 2018

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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
09/05035/LIPN	Application for a new Premises Licence	8 October 2009	Granted at Licensing Sub-Committee
09/09083/LIPRW	Removal of Works condition	16 November 2009	Granted under delegated authority
10/03448/LIPVM	Application for a Minor Variation	28 May 2010	Granted under delegated authority
10/04949/LIPDPS	Application to vary the Designated Premises Supervisor	16 July 2010	Granted under delegated authority
10/05118/LIPV	Application to vary the Premises Licence	14 October 2010	Granted under delegated authority
10/07243/LIDPSR	Application for a DPS removal	21 September 2010	Granted under delegated authority
10/07343/LIPDPS	Application to vary the Designated Premises Supervisor	08 November 2010	Granted under delegated authority
10/09208/LIPDPS	Application to vary the Designated Premises Supervisor	09 December 2010	Granted under delegated authority
11/04618/LIPT	Application to transfer the Premises Licence	31 May 2011	Granted under delegated authority
11/09071/LIPDPS	Application to vary the Designated Premises Supervisor	21 September 2011	Granted under delegated authority
11/11305/LIPVM	Application for a Minor Variation	05 December 2011	Granted under delegated authority
12/02730/LIPDPS	Application to vary the Designated Premises Supervisor	17 April 2012	Granted under delegated authority

12/08704/LIPDPS	Application to vary the Designated Premises Supervisor	31 October 2012	Granted under delegated authority
12/09918/LIPVM	Application for a Minor Variation	27 November 2012	Granted under delegated authority
13/00212/LIPT	Application to transfer the Premises Licence	30 January 2013	Granted under delegated authority
13/06384/LIPDPS	Application to vary the Designated Premises Supervisor	03 September 2013	Granted under delegated authority
13/06735/LIPT	Application to transfer the Premises Licence	04 October 2013	Granted under delegated authority
14/00095/LIPT	Application to transfer the Premises Licence	12 February 2014	Granted under delegated authority
14/00097/LIPDPS	Application to vary the Designated Premises Supervisor	12 February 2014	Granted under delegated authority
14/02496/LIPT	Application to transfer the Premises Licence	13 May 2014	Granted under delegated authority
14/05323/LIPV	Application to vary the Premises Licence	15 October 2014	Granted at Licensing Sub-Committee
14/09875/LIPT	Application to transfer the Premises Licence	09 December 2014	Granted under delegated authority
15/00861/LIPDPS	Application to vary the Designated Premises Supervisor	24 February 2015	Granted under delegated authority
15/10878/LIPDPS	Application to vary the Designated Premises Supervisor	8 December 2015	Granted under delegated authority
16/03287/LIPDPS	Application to vary the Designated Premises Supervisor	18 May 2016	Granted under delegated authority
16/06241/LIPDPS	Application to vary the Designated Premises Supervisor	26 September 2016	Granted under delegated authority
16/10553/LIPDPS	Application to vary the Designated Premises Supervisor	22 February 2017	Granted under delegated authority

17/02582/LIPDPS	Application to vary the Designated Premises Supervisor	22 June 2017	Granted under delegated authority
17/15050/LIPDPS	Application to vary the Designated Premises Supervisor	16 January 2018	Granted under delegated authority
18/02171/LIPT	Application to transfer the Premises Licence	09 April 2018	Granted under delegated authority
18/05870/LIPT	Application to transfer the Premises Licence	04 July 2018	Granted under delegated authority

There is no appeal history

LICENSING SUB-COMMITTEE No. 1*Thursday 8 March 2012*

Membership: Councillor Audrey Lewis (Chairman), Councillor Jan Prendergast and Councillor Ahmed Abdel-Hamid

Legal Adviser: Harjinder Bhela
Policy Adviser: Chris Wroe
Committee Officer: Jonathan Deacon

Present: Mr David Matthias QC (representing Applicant – Environmental Health), Mr Francis Keegan (Environmental Health), Ms Hayley Davies (Licensing Appeals Manager), Mr James Rankin (representing Hellman & Friedman LLP), Mr Jeremy Hudson and Mr Stuart Bank (Hellman & Friedman LLP), Mr Steven Walsh QC (Representing Licence Holder), Mr Thomas O'Maoileoin (on behalf of Licence Holder), Mr Alex Kersjes (Designated Premises Supervisor and Company Director) and Mr Steve Royle (Managing Director of Altitude 360).

Altitude 360, Twenty Ninth Floor Right, Millbank Tower, 21-24 Millbank, SW1 11/12567/LIREVP

An application for review of the Premises Licence for Altitude 360, Twenty Ninth Floor Right, Millbank Tower, 21-24 Millbank London SW1P 4QP was received by the Licensing Authority on the 22nd December 2011.

A review of the premises licence is sought on the grounds of prevention of public nuisance for the following reasons:

- (i) The commercial occupiers of the 30th floor often have to work throughout the night due to the international nature of their work and they are being disturbed by music and noise from Altitude 360 when they are trading.
- (ii) An Environmental Health Officer visited the premises on 28th November 2011 as a result of complaints made about the level of noise coming from the premises and he commented that the event was one of the most extremely loud events he had heard in many months. The noise was so loud that he deemed it appropriate to follow up his visit with the service of a noise abatement notice under section 80 of the Environmental Protection Act 1990.
- (iii) 12 noise nuisance complaints have been received by the Council's noise team specifically about the premises from 30 November 2010 to 15 July 2011.

The current activities permitted under the premises licence 11/11305/LIPVM are:
Provision of facilities for Dancing
Exhibition of a Film

Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing

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

Sale by retail of alcohol

Monday to Sunday 08:00 to 02:00

Late night refreshment

Monday to Sunday 23:00 to 02:00

The Environmental Health Service has requested the Licensing Sub Committee to:

- Revoke the premises licence or,
- Suspend the premises licence for up to three months to allow the premises to undertake further training of all relevant staff, to make alterations to the sound limiter and to undertake sound insulations works to the satisfaction of the Environmental Health Officer.

And remove the following licensable activities from the premises licence

Provision of facilities for dancing

Exhibition of a film

Provision of facilities for making music

Performance of live music

Playing of recorded music

Provision of facilities for entertainment of a similar description to making music or dancing

Anything of a similar description to live music or recorded music

And to modify conditions 11, 12, 13, 21 and 23 (if as appropriate)

Representations have been received from two local residents supporting the review application stating that:

- They have made several calls to the Council's Noise Team during the last year due to excessive noise from the premises.
- The Council's attempts to resolve matters have not had any effect as the licensee has continued to hold events which caused noise over subsequent months.
- Shouting and screaming from people leaving the premises in the early hours of the morning is an ongoing problem since the premises was opened.
- The disturbance caused by patrons leaving the premises has kept a resident awake and prevents him from sleeping.
- Residents living opposite the hotel suffer from noise generated by people leaving the hotel late at night

A representation in support of the application was made on behalf of Hellman &

Friedman LLP located on the 30th floor of Millbank Tower.

The Authority must have regard to the application and the representations, take such steps (if any) as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the licence (modify, delete or add conditions);
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence

Where the authority modifies the conditions or excludes a licensable activity from the scope of the licence it may provide that the modification or exclusion is to have effect permanently or for a period not exceeding 3 months.

The Sub-Committee initially heard from the parties present on a report by Vanguardia who had been employed by the Licence Holder to look at sound attenuation measures between the 29th and 30th floors in Millbank Tower. The report had been received by the Sub-Committee, the Applicant, Environmental Health and the interested party, Hellman & Friedman LLP, on the day of the hearing. Mr Matthias, representing Environmental Health said that it had not been received in due time, there had been no opportunity to take any acoustic advice, and it would therefore be the Licence Holder's own fault if the Sub-Committee decided not to consider it. Mr Rankin, representing Hellman & Friedman LLP, stated that his client would not be disadvantaged if it was considered at the hearing. Mr Walsh, representing the Licence Holder, informed Members that it was part of their proposed solution and it was therefore necessary for it to be considered by the Sub-Committee. The report had taken a long time to put together. The Sub-Committee decided to proceed with the wider application and consider later whether it was necessary, and if the report was to be read at length.

Mr Matthias stated that the issues which had led to the review application being submitted by Environmental Health were greater than that of the need for attenuation measures between the 29th and 30th floors. Essentially the problem was the woeful mismanagement of the premises. The 29th floor of Millbank Tower was an inappropriate place for a nightclub. The mismanagement included the failure to use the noise limiter included in the conditions on the licence since an application had been granted for licensable activities in October 2009. The licence permitted music and dancing, alcohol and late night refreshment from 10am to 2am and there had been noise nuisance during both the daytime and at night. Two conditions on the licence had been flagrantly and persistently breached, namely the need for the use of the noise limiter and that 'no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance'. There was abundant evidence that the noise limiter had been circumvented or not been used. If it had, there would not have been noise nuisance caused outside the premises. Condition 21 on the existing licence was also being ignored as the premises were being used as a nightclub with external DJs, as had been advertised on websites.

Mr Matthias referred to the representations in support of the review application from Hellman & Friedman LLP and 2 residents in Millbank Court. Hellman and Friedman was a private equity firm located on the 30th floor of Millbank Tower who had been there since 2007 and regularly had to work late into the night. Often, Mr Matthias asserted, they had not been able to as a result of noise from the 29th floor since 2009. The Licence Holder had received 2 noise abatement notices in December 2009 and December 2011. The first notice had been withdrawn as a result of an agreement between the Licence Holder and Environmental Health that the noise limiter would be set at a lower level. Mr Matthias stated that it was shocking that the residents 150 metres away in Millbank Court and at a significantly lower level than Millbank Tower should have been adversely affected by noise from the premises. Millbank Tower was inappropriate for a nightclub but it was wholly irresponsible management practices which were particularly responsible for the issues caused. Since Mr Kersjes had become a company director in September 2011 no improvement had been achieved. If anything matters had worsened. Mr Kersjes had worked at the premises in 2009 and 2010 and had not been able to control the noise issues then or now.

Mr Matthias stated that the review application identified 4 serious incidents of noise nuisance as examples. On 3 April 2011 the Council's Noise Team had received a complaint from a nearby resident and it had been admitted by the premises that the DJ had brought his own equipment in and it was not going through the sound limiter. On 17 July 2011, 29 October 2011 and 28 November 2011, there had been visits by licensing inspectors when music caused from the 29th floor caused public nuisance to employees on the 30th floor. These were mere samples of noise nuisance as could be seen in Hellman and Friedman's 'noise log' which had been included in the review application report and in the updated noise log, to which Mr Walsh did not object. Mr Matthias referred to a meeting between the management of the premises and Environmental Health when it had been asked by Mr O'Maoileoin, representing Mr Kersjes, how there could be any nuisance if the limiter had been set by Environmental Health. Mr Keegan for Environmental Health had stated that in his view managers had bypassed the noise limiter system in some way. Mr Kersjes then responded that the limiter was broken. Mr Matthias commented that if it had been broken then Environmental Health should have been informed immediately. Phil McIlwain's report included in the review application report demonstrated the number of occasions he had set the noise limiter. On 28th November, Dave Stewart of Environmental Health had visited following a complaint received by the Noise Team. He had found that at 11.05pm there had been a blast of noise at a very high level and loud bass music had been heard. He had commented that this was one of the worst cases of noise nuisance he had experienced in the last 5 years. The noise had been so significant that there had been complaints from across the River Thames. This had led to the review application and a noise abatement notice on 1 December 2011 which the Licence Holder had appealed against. Despite the review application and the threat of revocation, there had been a further instance of noise nuisance on 27 February 2012.

The Sub-Committee next heard from Mr Rankin. He stated that his client, Hellman & Friedman LLP, was not in the business of looking to close down other businesses. His client had been on the 30th floor of Millbank Tower for some time and had objected when the original application had been submitted for the 29th floor in 2009 and when the Licence Holder had also applied for licensable activities on the 2nd floor. Regardless of correspondence from his client, the Licence Holder had not

addressed the problems being experienced. It had reached the stage where empty promises did not mean much and the firm needed the Council to intervene on its behalf. Discussions had not helped to prevent issues occurring nor the threat of revocation. The issues were so pronounced that the Environmental Health officer had commented that the noise nuisance on 28th November 2011 had been one of the worst he had experienced in the last 5 years. Furniture and windows reverberated as a result of music played on the 29th floor. This meant that international telephone calls were very difficult to conduct. The Licence Holder had stated in 2009 that it would be having private functions at the premises but websites appeared to show that it was a nightclub at least on Fridays and Saturdays which was accessible to all. It was a rare accolade for Mr Kersjes to have received not one noise abatement notice but two. The Vanguardia report had been received at the eleventh hour. Mr Rankin stated that a responsible operator would have closed the premises and addressed the problems once a potential review had been threatened. Mr McIlwain of Environmental Health had gone back 4 times to fix the noise limiter.

The Sub-Committee at this stage permitted Mr Rankin to refer to Vanguardia's report. He made the point that according to the report even after the works noise would still be audible in his client's office on the 30th floor. His client had allowed access, including to Vanguardia, to the 30th floor for testing on a number of occasions. It had specifically been denied on 27th February 2012 because of the deafening music. Hellman and Friedman specifically wanted a solution to the issues raised. It could not be said that the Nokia event on 28th November 2011 was a one-off event.

Mr Walsh and Mr Kersjes looked to specifically address the points made regarding the Nokia event on 28th November 2011. Mr Walsh stated that this event had been arranged and authorised by the freeholder of Millbank Tower. It had not been arranged by the Licence Holder. There had been a show by an American DJ and light artist and the whole block had been illuminated with permission sought to close the road in front of it. The music on the ground floor was not that of the Licence Holder. The after presentation party was on the 29th floor but this was not what had led to complaints across the River Thames. Mr Walsh commented that this event was clearly what had particularly led to the application being made. The Licence Holder did accept that it was responsible for excessively loud noise nuisance being experienced by employees on the 30th floor as a result of the after presentation party and that there had been poor management on this occasion. It was believed however that the celebrations afterwards had the express permission of every tenant. This was a one-off event which would never be repeated in Millbank Tower and was not a fair indication of how the Licence Holder operated.

The Sub-Committee asked Mr Walsh and Mr Kersjes a number of questions on the Nokia event and after presentation party. It was accepted that there had been no sanction on behalf of the Council to waive conditions on the licence on 28 November 2011. The Licence Holder had provided event space to Mission Media on behalf of Nokia on that evening. The event had lasted from approximately 9pm to midnight. The external DJ had brought in his own equipment and not used the noise limiter. The Licence Holder had not told the DJ to use the noise limiter as it had been thought it was part of the overall event in Millbank Tower.

Mr Walsh then addressed the Sub-Committee more generally on the review application. The 29th floor was not just used for music and dancing late at night. His client had won international awards for the use of event space. There were awards

ceremonies and celebratory events, including following Mayoral and Conservative election wins. The letters submitted by the Licence Holder from Councillors Robert Davis and Angela Harvey demonstrated that it was a respected venue which treated its customers well and was spoken highly of by corporate bodies. Much of the concerns expressed in regard to noise breakout on the 30th floor were due to applause, announcements and cutlery. Sound attenuation between the 29th and 30th floors needed to be addressed and this had been the focus of the Vanguardia report. Events had been booked months in advance for the Summer, including the Olympics. The Licence Holder employed 200 people in all and revocation or the removal of licensable activities would mean that the premises would either not be able to operate or operate in the manner it needed to.

Mr Walsh stated that the problems experienced by the residents of Millbank Court had now been addressed. Mach Consultants had concluded that even when music on the 29th floor was at very significant levels this was now inaudible to the residents. The solution, he added, had been that Altitude had a ventilation top and the windows had now been sealed shut. The Mach report had been provided to the local residents. They had not responded and had not attended the hearing. Mr Walsh accepted that noise nuisance had been caused to the 30th floor and that it needed to be resolved. He did not accept that the situation had not improved or even worsened since Mr Kersjes had returned to the premises as a Company Director in September 2011. He stated that Mr Kersjes had left in Spring 2010 when a Managing Director and had identified management issues on his return in September 2011. The management structure had been changed. There had been less complaints and there had been incidents of noise on 28th November 2011, 13th December 2011 and 27th February 2012. The 27th February 2012 event had been used as testing to identify how best the premises could be soundproofed. It was necessary to examine not just the effect when music was being played but to have people present at the event. Mr Walsh added that there had been prior communication with the 30th floor to obtain permission for the event and testing. When Mr Kersjes had been contacted that night the music had immediately been turned down. It was recognised if the sound attenuation issues were not resolved then the future of the premises was limited. Vanguardia had noted that it was possible not only to hear music but various other noises which were not as a result of licensable activities. Vanguardia had looked at the structure of the building and found that between each of the floors of Millbank Tower there was a piece of concrete which worked effectively to prevent noise breakout. However it did not extend to the extremities of the perimeter of the building. It was being suggested by Vanguardia to extend the sound attenuation from the concrete base into the perimeter of the building so that soundproofing extended right across the floor area. A second element was being proposed to be constructed up the wall of the 29th floor to the 30th floor. According to Vanguardia if the works were undertaken, noise from announcements and cutlery and amplified music at mid levels to high frequency would be eradicated. There could in theory be issues with low frequency music but this would be addressed by a new sound system which would be zoned in and would be fitted into the sound limiting device in accordance with Vanguardia's advice. The Licence Holder was proposing a condition that no external sound equipment should be brought into the premises.

The Sub-Committee asked Mr Kersjes a number of questions on his role. He stated that the Licence Holder had operations on 28th floor, 2nd floor, ground floor and 6th floor in addition to the 29th floor. There were many different events with predominantly seminars and presentations in the ground floor auditorium. The 2nd,

28th and 29th floors hosted largely corporate events including presentations and award ceremonies. The 6th floor was smaller scale and was where the corporate offices were based. The 28th floor was currently used for meeting space but it was the Licence Holder's intention to apply for licensable activities there. Sound testing had been carried out between 29th and 28th floors and there had been no noise breakout. Mr Kersjes defended his record, stating that he was an excellent operator having had interests in a number of nightclubs and bars with no problems having arisen. It took time to turn round the operation at Altitude including explaining to employees how the premises should be operated. He explained that the 27th February complaints from the 30th floor had been a misunderstanding as he had approached staff on the 30th floor about the event and received permission for it. The lady he had dealt with had not explained the situation to Mr Banks. When Mr Banks had contacted him, he had turned the music down. It would not be possible to continue the operation if licensable activities were removed from the licence.

Mr Kersjes stated that the 29th floor had never been used as a nightclub. It was an event space which was booked out for weddings and parties. Agreements were in place with external promoters. Overzealous promoters had falsely advertised nightclub operations on their websites. It was not the Licence Holder's website. L'Cascade was similar to SkyBar which provided equipment and furniture to provide a party atmosphere. He commented that at no point apart from the Nokia event had the sound limiter been bypassed. The sound limiter had been used every single night since September 2011 and it was wrong to suggest that it was being bypassed on each occasion. Since September there had been minimal problems which had been caused by background music and not DJ's music apart from 28th November 2011. Roughly once a fortnight pre-booked events were provided to external promoters. A guest list was kept for externally promoted events with the security being employed by the Licence Holder. The public could not just pay at the door and enter. The premises did not operate as a members' club although there was a list of members. Of the 200 people employed at the premises, 60-70 were full time with a majority being office staff and the remainder being casual or contracted staff. In response to questions from the Sub-Committee, he stated that there was no suggestion that the 30th floor should contribute to the cost of noise attenuation works. It was noted from the papers that Hellman & Friedman had previously been invited to financially contribute to the works.

Prior to the summing up of the parties present, Mr Banks of Hellman & Friedman addressed the Sub-Committee. He stated that those present at the hearing had listened to the pleas of the Licence Holder that if the Sub-Committee revoked the licence or removed licensable activities, there would be a disruption to the business. His company had been disrupted over a lengthy period of time by the Licence Holder. There had been a considerable emphasis on the Nokia event on 28th November 2011 at the hearing but the issues had existed since 2009.

Mr Matthias in his summing up stated that the Vanguardia report (which had now been read by all parties) would not resolve the noise problems. The report was suggesting that some of the perceived problems like cutlery and announcements on microphones could be resolved. It was not known that any complaints had been received by the Noise Team about noise from announcements or cutlery. Bass rhythm however would remain residually audible on the 30th floor. Whatever was done there would still have to be proper management in place on the 29th floor. The Licence Holder was incapable of managing the premises correctly. There had been

a catalogue of noise outbreak incidents. For a significant period during this time, Mr Kersjes had been in charge and a noise abatement notice had resulted since he had returned in September 2011. Mr Matthias did not accept that the residents' concerns at Millbank Court had been addressed. They had submitted their representations in January 2012. He stated that Environmental Health did not ask to revoke the licence lightly.

Mr Walsh stated that he disagreed with Mr Matthias' interpretation of the report. The report did not say that the 29th floor could be completely acoustically sealed but if the two stages of works he had outlined earlier were undertaken there would be the removal of all noise breakout except some residual bass which could be controlled with the sound system and noise limiter. He made the point that there had been an emphasis by Mr Matthias on Mr Kersjes being an irresponsible and incompetent Designated Premises Supervisor but this was completely unfair. Mr Kersjes had looked to sort out managerial problems since his return to the premises in September 2011. He had made promises to Mr Banks but the situation had certainly not deteriorated at the premises since he had returned. The Nokia event was an exceptional one but the premises was operating on a regular basis with the noise limiter being used apart from the Nokia event and complaints were not being received recently as regularly as had been the case in the past.

Mr Walsh concluded with the points that the 29th floor was not a nightclub whatever other websites portrayed. It was not the Licence Holder's website stating this. The Licence Holder would be willing to accept a condition being added to the licence that there would be no externally promoted events. It was not the case that Millbank Tower was not the correct location for events to be held. If the operation was on the 28th floor rather than the 29th floor where planning permission had been granted but a licence had not been applied for and the sound attenuation measures were carried out, it was almost certain that there would be no noise breakout at all. It could not be said that the residents of Millbank Court maintained their representation if this had not been confirmed.

Decision (including reasons):

Having carefully considered the written representations and the comments of the parties present at the hearing, the Sub-Committee decided to remove the following licensable activities from the premises licence:

- Provision of facilities for dancing
- Exhibition of a film
- Provision of facilities for making music
- Performance of live music
- Playing of recorded music
- Provision of facilities for entertainment of a similar description to making music or dancing
- Anything of a similar description to live music or recorded music.

The Sub-Committee also removed from the existing licence (11/11305/LIPVM) conditions 11, 12, 13, 22 and 23 to reflect the exclusion of regulated entertainment from the scope of the licence. 'The provision of regulated entertainment' was removed from condition 21 on licence 11/11305/LIPVM (the revised condition is listed

as condition 18 below).

The Sub-Committee considered that the condition proposed by Mr Walsh that no external sound equipment should be brought into the premises did not go nearly far enough to address the issues at the premises. There had been a consistent failure by the Licence Holder to comply with conditions on the licence designed to promote the licensing objectives since the Licence Holder had first been granted licensable activities on the 29th floor by the Sub-Committee in October 2009. Members took the view that there would not have been a need for a new condition for external sound equipment to not be brought in the premises if operations had been managed correctly by the Licence Holder. With the granting of the licence came the responsibility to meet the licensing objectives, comply with conditions on the licence and ensure that having permitted external promoters for events, that they should not cause a public nuisance. Members of the Sub-Committee were not convinced that they should have confidence in those responsible for operating the premises now, including Mr Kersjes. There had been a significant number of complaints and two noise abatement notices whilst he had positions of authority at the premises. The Sub-Committee could also not rely purely on the recommendations of the engineer's reports resolving the problems. The Vanguardia report had referred to noise issues for employees that were as a result of non-licensable activities such as applause and cutlery but this was not what was at the heart of Hellman & Friedman LLP's complaints to the Council. Permitting the Licence Holder to have regulated entertainment had been shown to not promote the licensable objectives. Therefore the Sub-Committee had decided to remove regulated entertainment from the licence.

Revised Conditions on the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.

(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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) 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.

5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

8. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures

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.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. 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.

Additional Conditions

11. The premises shall install and maintain a comprehensive 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.
12. 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.
13. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
14. There shall be no sales of alcohol for consumption off the premises.
15. 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 on request.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, 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 or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

17. 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.
18. The sale of alcohol shall be restricted to pre-booked functions, corporate events and conferences and members of the Altitude Club, subject to the rules of the club as agreed from time to time by the Metropolitan police. 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 14 working days after the function. Details shall be made available to all relevant authorities when requested.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
21. 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.
22. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
23. 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).
24. 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.
25. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
26. 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.

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

27. 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 provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

28. 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.

29. 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.

30. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

31. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

34. The certificates listed below shall be submitted to the Licensing Authority upon written request.

- Any emergency lighting battery or system
- Any electrical installation
- Any emergency warning system

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

36. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.

37. There shall be no deliveries between 2300 and 0800 hours.

38. Patrons wishing to smoke may only do so in the designated Millbank Tower smoking area to the rear of the building.
39. 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.
40. All patrons and staff waiting for a taxi shall be encouraged to do so within the premises.
41. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested.
42. The number of persons accommodated (excluding staff) at the premises shall not exceed:

Parliament View - 200
City View - 150
Knightsbridge View - 130
Chelsea View - 100
Belgravia View - 100
Parliament and City Views - 350
Knightsbridge and Chelsea Views - 300
Chelsea and Belgravia Views - 300
Premises total if all concertina doors open - 600
43. Before 10.00 am the sale of alcohol on the premises shall be ancillary to a table meal and for consumption ancillary to that meal.
44. Before 10.00 am the sale of alcohol shall be by waiter/waitress service.

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

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

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

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

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

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

16/04072/LIREVP

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

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

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

The Police provided some background information on the venue location. It was stated that Millbank Tower is a thirty three floor building which has predominantly

office use. The 28th floor has a large 'U' shaped event space which had a bar in the middle for the event on 27 March. Access to the venue via the ground floor was via the Reels Cafe through double doors past electronic barriers to the lifts. It was submitted by the Police that the building layout was unsuitable for late nightclub style events. The event had been booked by Paravana Project which the Police described as an internationally known promotions company. The event was advertised as starting at 14:00 on Saturday 26 March and running until 04:00 on Sunday 27 March with the final two hours having been applied for separately under a Temporary Event Notice as part of the TENS process. The Police advised the Sub-Committee that they had been informed in the Temporary Event Notice that it was a pre-booked private event with all the conditions on the premises licence being applicable. However, the Police had

found subsequently that tickets were on sale to the general public via the internet and could be purchased at any time, even on the night of the event.

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

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

The Police informed those present that the incident at 03:00 led to serious crime and disorder. As the male's friends became aware of the incident they sought retribution. The Police referred to management and security losing control of the venue as various people were assaulted. CCTV showed two males fighting on the dance floor, one with a large vodka bottle who smashed it over the victim's head. A man armed

with a knife could also be seen on CCTV chasing two males in the corridor. Members of staff seemed oblivious to this going on but in any event feared for their safety and sought refuge in the kitchen area of the Premises, the doors having been closed shut with a broom handle. The two males barricaded themselves into a store room but the glass on the door was smashed, entry was forced and a suspect smashed a vodka bottle over the victim's head, knocking him to the ground.

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

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

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

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

The Police drew Members' attention to the fact that Police had requested a 696 risk assessment form after a previous incident in August 2015 had taken place on the Premises, when a male had been hit on the head with a bottle, the suspect had not been detained and the Police not called. The Licence Holder's legal representatives

had written to confirm that a 696 form would be completed for all future events. The Police stated that it was found that the Licence Holder had completed the form one day before when it was supposed to be sent to the Police 14 days prior to the event to accord with usual practice. The form had not been received by the Police and they had therefore not been able to carry out due diligence checks and make the necessary any enquiries regarding the event.

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

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

The Sub-Committee was then shown CCTV footage by the Police to support the written and oral evidence received. The Police described the sequence of events on 27 March as the most serious incidents in that officer’s experience during his time with the Westminster Police Licensing Team. It was stated that the disorder had resulted in at least four serious injuries. The Police maintain the view that the poor

management decisions, or lack thereof coupled with a complete disregard to the premises licence conditions led to the serious problems highlighted above. It was submitted by the Police that if there had been no promoted events and there had been pre-booked ticketed events and a comprehensive security plan in place, it is doubtful whether, the incidents referred to above would ever have happened.

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

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

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

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

Mr Walsh addressed the Sub-Committee on his client’s version of events. The Paravana Project had held two previous events at the premises which had taken place without incident. Management understood that the event from 26-27 March would be for members only. The

Paravana Project had booked the venue as a private event but intended to sell tickets. It was the Licence Holder's view when the event was being booked that on the face of it this complied with the condition on the licence. However, in hindsight management took a different view and accepted an error had been made. Mr Walsh stated that it was definitely not the type of event that

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

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

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

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

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

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

Mr Walsh addressed the Sub-Committee on the conditions that the Police had referred to as having been breached. In relation to the CCTV he commented that it was accepted by all parties that it was now of a particularly high standard. The issue

of only nine days footage having been retained was because it had been found that the higher quality had resulted in more memory being used up. The Licence Holder had responded to this since March and additional memory capacity had now been introduced. He added that this had not been an intentional breach. In respect of capacity, the Licence Holder was firmly of the view that it had not been exceeded, there had been a guest list and people had not been clicked out

when leaving the venue. In respect of the condition requiring licensable activities to only be to persons attending private pre-booked events, it had mistakenly been believed that it would be such an event. There would be events such as the one held on 27 March in the future. There had been a security assessment although it was accepted that this had not been served on the Police. In respect of the condition that no events booked by promoters would be permitted to take place on the premises, it had been believed by management that it would be privately run by Paravana.

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

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

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

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

evening was client liaison and he had not seen much of the disorder that had taken place. It was only later on the CCTV that he had realised the complete picture. In hindsight, he wished that management had called the Police.

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

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

been made aware of some of the radios not functioning during the evening of the event.

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

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

Members of the Sub-Committee also heard from Mr Nevitt on behalf of the Council's Environmental Health team ('Environmental Health'). He advised that Environmental Health were supporting the review on public safety grounds. The public safety implications on 26th to 27th March included that there had been a loss of control of some of the patrons. There was also an accessibility of objects to cause injury such as weapons, bottles and broken glass. Mr Nevitt expressed concern that heavy glass bottles such as a two litre size bottle of vodka could be used as a weapon.

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

Mr Nevitt stated that one concern was regarding the capacities. A maximum of 499 people was permitted for a Temporary Event Notice which included staff. This meant that at least over 100 people had to leave the venue after 02:00 and there had been a lack of clarity over how this was managed. A further concern was that with incidents taking place escape routes had been breached. The man with the fractured leg was on the floor in the corridor, people were moving past him and there were no

arrangements in place to protect an injured person. There had also been the lack of a warning system from when people had jumped the barriers to when they entered the 28th floor. Mr Nevitt queried how the proposals of the Licence Holder prevented the issues that he had raised. Would different barriers be put in place or would individuals who threatened security be prevented in another way if necessary from reaching the 28th floor from the ground level? There had been no proposals to resolve how the fire escape doors would be secured. It would also be of value to have procedures in place for emergency services accessing the 28th and 29th floors which were in an isolated position. It was submitted that there had been a lack of searching of the patrons as they had been able to bring weapons and apparently nitrous oxide into the venue. The management had allowed situations to prevail which were inherently unsafe not just for the patrons but for the staff, the other users of the building and the security personnel.

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

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

The Sub-Committee expressed concern that the Police had written to the Licensee following a male being assaulted at the venue on 16 August 2015 setting out why they thought the incident had been poorly managed and yet many of the same failings had come to light again when disorder took place on a much larger scale on 26 to 27 March 2016. These included bottles still being used as weapons. The event in March had again been poorly managed as was the case

seven months later. There were similarities again in that in August 2015 the security team had not responded correctly with the suspect not being detained, Police called or a crime scene identified or preserved. The Sub-Committee brought to the attention of the Licensee that the indication from the statements of those employed as security personnel by Valid in March had been consistent that they had done all they could to resolve the issues which arose but that the two managers on duty that night (Mr

Skrina and Mr Coley) failed to act when they had an equal responsibility to protect the safety of staff and patrons. Ms Linforth replied that she had not been working for the organisation in August 2015 but she believed having undertaken the review of the March incidents that it was the understanding of the Managing Director of Altitude in August that if the conditions were in place the company could continue to hold the nightclub style events. A decision had now been taken not to hold these events in the future.

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

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

The Police made the point that the Licence Holder had referred to the Paravana Project selling tickets for the March 2015 event and the staff having no knowledge of that. His colleague however had looked on the internet and it appeared that tickets were being sold on Altitude's Skyloft website for the event. He added that Paravana had posted a note to Facebook users apologising for the incidents and stating that they would be changing the way the tickets were distributed by ensuring that the parties were membership/guest list only in order to protect patrons. The Sub-Committee had noted that on Facebook Paravana had encouraged a member of the public to come along to the event on the 26th March even though that person did not have a ticket. An attendee at the March event had remarked on Facebook that it had

been a 'nightmare' with 'lots of fights' having taken place. Mr Coley responded that the agreement with Paravana was to use Facebook as a communication platform. Altitude had not been made aware that they were selling tickets on the day. The London Skyloft ticket portal had been set up as a backup platform as Paravana had said they had issues meeting people and

posting out their invitations. It was never activated and no tickets were sold via the portal. Mr Coley also provided the information to the Sub-Committee that the event in August 2015 had been a private birthday party and Paravana had not been involved. The person whose birthday it was, had without Altitude's knowledge, sold tickets for the event.

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

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

The Licence Holder was confident that the incidents of disorder on 26th to 27th March had been recorded in an incident log. The Licence Holder was asked what the current management structure was. Mr Walsh replied that in relation to Resolution Real Estate Limited which was the Licence Holder company, the Director and Proprietor was Justin Etzin, who was based in New York. Ms Linforth stated that in

relation to the management team, she was responsible for finance administration and Mr Coley handled commercial sales. One of the reasons it had been proposed that the premises licences for the 28th and 29th floors were suspended for a month was to give the company time to bring in a suitable Managing Director to oversee operations. The company had concluded in the review of the incidents that a Managing Director was needed to oversee the work of the DPS. A Managing Director had been identified, Pradeep Kumar, who had hotel and hospitality experience.

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

the next person in the DPS role. At the moment Mr Rothschild was the DPS with the company having a number of other personal licence holders.

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

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

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

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

required in condition 13 on the premises licence and that CCTV footage of the lift lobby area had not been provided to the Police.

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

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

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

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

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

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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall install and maintain a comprehensive 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.
10. 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.
11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. There shall be no sales of alcohol for consumption off the premises.
13. 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 on request.

Proposed condition 13 by the applicant:

13. **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 on request, the information will be made available for a minimum of 14 days from the event date.**
14. 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 or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. 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.

Proposed condition 15 by the applicant

15. **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.**
16. The sale of alcohol shall be restricted to pre-booked functions, corporate events and conferences and members of the Altitude Club, subject to the rules of the club as agreed

from time to time by the Metropolitan police. 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 14 working days after the function. Details shall be made available to all relevant authorities when requested.

Proposed condition 16 by the applicant

- 16. 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.**
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
20. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
21. 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).
22. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
23. 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.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
24. 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 provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

25. 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.
26. 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.
27. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
31. The certificates listed below shall be submitted to the Licensing Authority upon written request.

Any emergency lighting battery or system
Any electrical installation
Any emergency warning system

Proposed to be deleted by the applicant

- 32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.**
- 33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.**
34. There shall be no deliveries between 2300 and 0800 hours.

Proposed condition 34 by the applicant

- 34. There shall be no deliveries between 2300 and 0600 hours.**
35. Patrons wishing to smoke only do so in the designated Millbank Tower smoking area to the rear of the building, or on the terrace as shown on the attached plan.
36. 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.

Proposed to be deleted by the applicant

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

39. The number of persons accommodated (excluding staff) at the premises shall not exceed:

Parliament View - 200
City View - 150
Knightsbridge View - 130
Chelsea View - 100
Belgravia View - 100
Parliament and City Views - 350
Knightsbridge and Chelsea Views - 300
Chelsea and Belgravia Views - 300
Premises total if all concertina doors open - 600

Note: Following the grant of the premises licence bearing reference 12/06383/LIPN, the capacity figures for the 28th and 29th floors combined shall not exceed 600 at any one time excluding staff.

Proposed condition 39 by the applicant

39. **The number of persons accommodated (excluding staff) at the premises shall not exceed:**

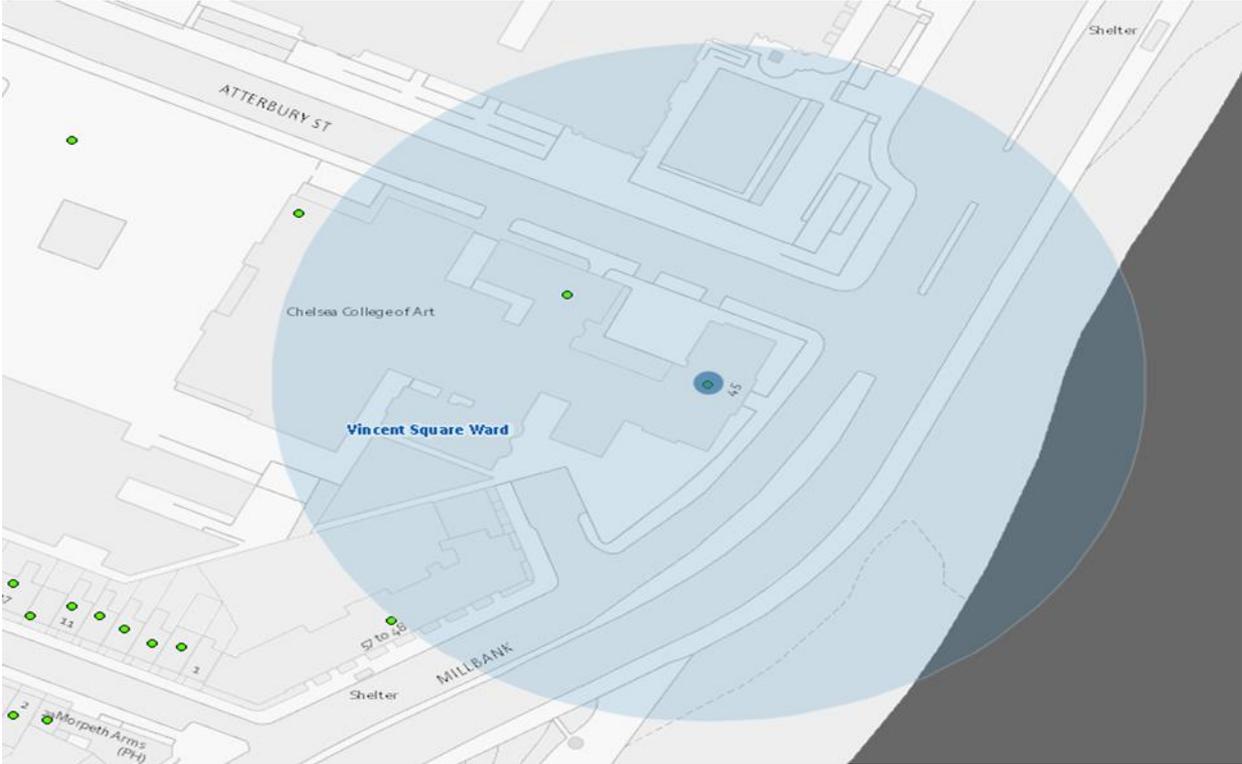
**Parliament View - 200
City View - 150
Knightsbridge View - 130
Chelsea View - 100
Belgravia View - 100
Parliament and City Views - 350
Knightsbridge and Chelsea Views - 300
Chelsea and Belgravia Views - 300
Premises total if all concertina doors open - 800**

Note: Following the grant of the premises licence bearing reference 12/06383/LIPN, the capacity figures for the 28th and 29th floors combined shall not exceed 800 at any one time excluding staff.

40. Before 10.00 am the sale of alcohol on the premises shall be ancillary to a table meal and for consumption ancillary to that meal.
41. Before 10.00 am the sale of alcohol shall be by waiter/waitress service.
42. 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, Premises Management 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. All sound generating equipment shall be used through the sound limiter device approved by the Environmental Health Service.

Proposed condition 42 by the applicant

42. **All amplified sound generating equipment shall be routed through a sound limiter device as per an agreed noise management plan agreed with EHO.**



Resident Count: 0

Licensed Premises: 0