



City of Westminster

# Executive Summary and Recommendations

<b>22/10879/LIREVX</b>	Licensing Sub-Committee Report	
<b>Date:</b>	Tuesday 15 November 2022	
<b>Subject:</b>	<p>Initial consideration for any Interim measures pending the full review of the premises licence for:</p> <p>The Manette Café &amp; Bar Basement And Ground Floor 16 Manette Street London W1D 4AR</p>	
<b>Premises Licence Holder:</b> Mr Brian Kavanagh	<b>Ward:</b> West End	<b>Cumulative Impact Area:</b> West End
<p><b>Summary</b></p> <p>An application was made by the Metropolitan Police Service on 11 November 2022 to review the premises licence for The Manette Café &amp; Bar, Basement And Ground Floor, 16 Manette Street, London, W1D 4AR (“The Premises”) under Section 53A(1)(b) of the Licensing Act 2003 (“The Act”). The police consider that the Premises are associated with serious crime or serious disorder or both.</p> <p><b>Powers of the Licensing Sub-Committee</b></p> <p>The Licensing Sub-Committee after considering this report and the evidence presented at the hearing may take such interim steps as it considers necessary, pending a full review for the promotion of the licensing objectives. These steps are:</p> <ul style="list-style-type: none"> <li>(a) modification of the conditions of the premises licence (modify, delete or add conditions);</li> <li>(b) to exclude the sale by retail of alcohol from the scope of the licence;</li> <li>(c) to remove the designated premises supervisor;</li> <li>(d) to suspend the licence;</li> </ul>		

## **1. Summary of review application**

- 1.1 On Saturday 29 October 2022, Police were made aware that a female had allegedly recently been seriously sexually assaulted within the venues toilets. Police arrived at the Premises around 02:45. Officers had to make numerous attempts to enter the Premises and once inside, the officers could see licensable activity taking place. They state that the staff and manger were obstructive and unhelpful in their dealing with them. Officers were showed the toilets and the manager told Police that he might know the suspects who had now left. He also stated that the toilets had been cleaned and used since the offence and there would be nothing there. When officers looked inside the toilet, it was dirty and did not appear to be clean. The manger then tried to clean the toilet and Police had to remove him. When officers identified CCTV at the Premises the manager could not operate it and it now transpires that the CCTV was not working.
- 1.2 Police Licensing were informed of this serious incident. Looking at the Premises licence they noted not just breaches of the licence conditions but also that the Premises had been carrying on licensable activity nearly 3 hours past their Premises licence allows. Officers made multiple attempts to contact the Premises Licence Holder and Designated Premises Supervisor. Eventually officers managed to meet with the Premises Licence Holder, the manager at the time of the incident and a City Inspector from Westminster Council on 9 November at the Premises where the incident was discussed along with the various breaches of licence conditions. During this meeting further breaches became apparent, along with a clear lack of management of the Premises.
- 1.3 Due to the seriousness of the offence, the multiple breaches of the licence and the clear lack of control of the Premises the Police believe that the Premises have failed to uphold the prevention of crime and disorder licensing objective. As such, the Police believe that the Premises is a risk to the public.
- 1.4 Police request the licensing Sub Committee consider the imposition of interim steps –
- Suspend the premises licence
- 1.5 These interim steps are deemed both necessary and proportionate to reduce the risk of further serious violence or disorder; pending a full hearing where the Metropolitan Police will seek modification of the Premises Licence.

## **2. Submissions from Licensee**

- 2.1 Due to the short notice of the hearing to consider interim steps it has not been possible for the licence holder to submit evidence in time for the publication of this report.
- 2.2 Any submissions from the premises licence holder will be provided to members in advance of the hearing.

### **3. Interim steps**

- 3.1 Under the provisions of section 53A(2)(a) of the Act the Licensing Authority must within 48 hours of receiving the review application consider whether it is necessary to take interim steps pending the determination of a full review of the premises licence.

### **4. Options**

- 4.1 The Authority must, having regard to the application, take such interim steps as it considers necessary for the promotion of the licensing objectives. The steps are:
- (a) to modify the conditions of the premises licence (modify, delete or add conditions);
  - (b) to exclude sale of alcohol from the scope of the licence;
  - (c) to remove the designated premises supervisor;
  - (d) suspend the licence

### **5. Appendices**

- 5.1 Appendix 1 – Premises Licence  
Appendix 2 – Summary Review Application Form  
Appendix 3 – Supporting evidence  
Appendix 4 – Licence History

**If you have any queries about this report or wish to inspect one of the background papers please contact Jessica Donovan on 020 7641 6500, or email [Jdonovan@westminster.gov.uk](mailto:Jdonovan@westminster.gov.uk).**

### **Background Papers**

- Licensing Act 2003
- Violent Crime Reduction Act 2006
- The Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007
- Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Department for Culture Media and Sport, Licensing Act 2003 – Expedited/Summary Licence Reviews Guidance (October 2007)

**APPENDIX 1**



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

Schedule 12  
Part A

WARD: West End  
UPRN: 010033537848

Premises licence

Regulation 33, 34

Premises licence  
number:

21/04707/LIPN

Original Reference:

21/04707/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Basement And Ground Floor  
16 Manette Street  
London  
W1D 4AR

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Sale by Retail of Alcohol

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

**Playing of Recorded Music**

Monday to Sunday:

09:00 to 00:00

**Sale by Retail of Alcohol**

Monday to Sunday:

11:00 to 22:30

**The opening hours of the premises:**

Monday to Sunday: 07:00 to 23:00

**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:**

Mr Brian Kavanagh

*Please note: It is the policy of the Licensing Authority not to display the address details of a licence holder where that is an individual.*

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

Not Applicable

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

Name: Mr Brian Kavanagh

*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/000020323  
Licensing Authority: London Borough Of Islington

Date: 8 February 2022

This licence has been authorised by Mary Pring 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. 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.
10. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
11. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
12. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day
16. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
17. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

18. The supply of alcohol shall be by waiter or waitress service only
19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises

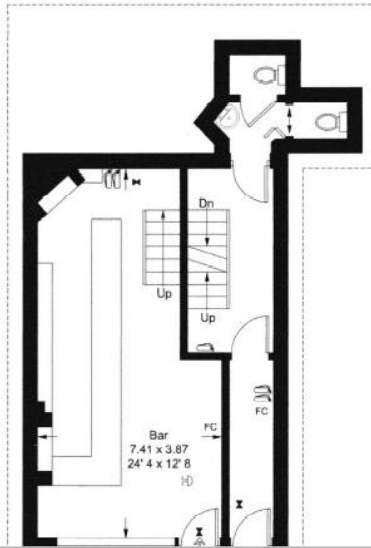
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
21. A Challenge 21 or 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
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them
23. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated
24. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined, not to exceed 40, excluding staff.
25. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority
26.
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
27. 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.

28. 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.

# Annex 4 – Plans

key	
Emergency Sign	⚡
Emergency Lighting	⚡
CCTV Camera	c
Fire Extinguishers	🔥
Fire Alarm	🔊
Fire Call Point	FC
Ambit of Licensed Area	-----



key	
Emergency Sign	⚡
Emergency Lighting	⚡
CCTV Camera	c
Fire Extinguishers	🔥
Fire Alarm	🔊
Fire Call Point	FC
Ambit of Licensed Area	-----

☐ = Reduced headroom below 1.5m / 5'0"





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

Schedule 12  
Part B

Premises licence  
summary

WARD: West End  
UPRN: 010033537848

Regulation 33, 34

Premises licence  
number:

21/04707/LIPN

Part 1 – Premises details

Postal address of premises:

Basement And Ground Floor  
16 Manette Street  
London  
W1D 4AR

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music  
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Sunday: 09:00 to 00:00

Sale by Retail of Alcohol

Monday to Sunday: 11:00 to 22:30

**The opening hours of the premises:**

Monday to Sunday: 07:00 to 23:00

**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:**

Mr Brian Kavanagh

*Please note: It is the policy of the Licensing Authority not to display the address details of a licence holder where that is an individual.*

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

Not Applicable

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

Name: Mr Brian Kavanagh

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

Restricted

**Date: 8 February 2022**

**This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.**

PROTECTIVE MARKING



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

Form 693

**Form for Applying for a Summary Licence Review**  
**Application for the review of a premises licence under section 53A of the Licensing Act 2003**  
(premises associated with serious crime, serious disorder or both)

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink.  
Use additional sheets if necessary.

**Insert name and address of relevant licensing authority and its reference number:**

<b>Name:</b>	City of Westminster		
<b>Address:</b>	Westminster City Hall, 64 Victoria Street		
<b>Post town:</b>	London	<b>Post code:</b>	SW1E 6QP
<b>Ref. No.:</b>	21/04707/LIPN		

<b>I Pc Steve Muldoon</b> on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.
--

<b>1. Premises details</b>
<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description:</b>
The Manette Café and Bar, 16 Manette Street
<b>Post town:</b> London <b>Post code:</b> (if known) W1D 4AR
<b>2. Premises licence details</b>
<b>Name of premises licence holder or club holding club premises certificate (if known):</b>
Brian Kavanagh
<b>Number of premises licence or club premises certificate (if known):</b>
21/04707/LIPN



PROTECTIVE MARKING

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:

**4. Details of association of the above premises with serious crime, serious disorder or both**  
(Please read guidance note 2)


*On Saturday 29<sup>th</sup> October 2022, Police were made aware that a female had recently been seriously sexually assaulted within the venues toilets. Police arrived at the premises around 02:45. Officers had to make numerous attempts to enter the premises and once inside, the officers could see licensable activity taking place. They state that the staff and manger were obstructive and unhelpful. Officers were showed the toilets and the manager told Police that he might know the suspects who had now left. He also stated that the toilets had been cleaned and used since the offence and there would be nothing there. When officers looked inside the toilet, it was dirty and did not appear to be clean. The manger then tried to clean the toilet and Police had to remove him. When officers identified CCTV at the venue the manager could not operate it and now it transpires that the CCTV was not working.*

*Police Licensing were informed of this serious incident. Looking at the licence they noted not just breaches of the licence conditions but also that the premises had been carrying on licensable activity nearly 3 hours past their premises licence allows.*

*Officers made multiple attempts to contact the PLH and DPS. Eventually officers managed to meet with PLH, the manager at the time of the incident and a City Inspector from Westminster Council on 9<sup>th</sup> November at the premises where the incident was discussed along with the breaches of licence conditions. Whilst at the meeting further breaches became apparent, along with a clear lack of management of the premises.*

*Due to the seriousness of the offence, the multiple breaches of the licence and the clear lack of control of the premises the Police believe that the premises have failed to uphold the prevention of crime and disorder licensing objective. As such, the Police believe that the premises is a risk to the public and it is necessary to suspend the premises licence until the full hearing.*

PROTECTIVE MARKING

Signature of applicant			
Signature:		Date:	11/11/2022
Capacity:	Police Constable		
Contact details for matters concerning this application			
Surname:	Muldoon	First Names:	Steve
Address: Westminster City Hall, 4th Floor, 64 Victoria Street			
Post town:	London	Post code:	SW1E 6QP
Tel. No.:	07442 419872	Email:	Steve.muldoon@met.police.uk

Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.  
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:
  - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
  - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

PROTECTIVE MARKING



METROPOLITAN POLICE

TOTAL POLICING

Form 693A

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

I hereby certify that in my opinion the premises described below are associated with: serious crime

Premises (Include business name and address and any other relevant identifying details):

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

Manette Café and Bar, 16 Manette Street

Post town:

London

Post code:  
(if known)

W1D 4AR

Premises licence number (if known):

21/04707/LIPN

Name of premises supervisor (if known):

Brian Kavanagh

I am a Superintendent\* in the Metropolitan Police Service.

\*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

A summary review of this premises is necessary due to the serious nature of the offence that has been disclosed and the complete lack of failure to run the premises by the owner and the DPS. The interim steps are deemed both necessary and proportionate to reduce the risk of further serious offences or disorder pending a full hearing where the Metropolitan Police will seek revocation of the premises licence. The numerous breaches of conditions and admissions of the owner that there has not been a DPS on site for months displays a clear disregard for licencing objectives that a standard review will not be appropriate to deal with.

Signature

Signature:

V. GA

Date:

10/11/22

**APPENDIX 4**

**Licence and Appeal History**

**Premises licence history**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
21/04707/LIPN	New premises licence	23.09.2021	Granted by Licensing Sub-Committee

There is no Temporary Event Notice or appeal history for the premises.