

LICENSING (REVIEW HEARING) SUB COMMITTEE

HELD ON TUESDAY, 24th JANUARY 2017 at 2.15 pm

APPLICANT: CITY OF LONDON POLICE
PREMISES: MADISON, 1 NEW CHANGE, LONDON, EC4M 9AF

PRESENT

Sub Committee:

Peter Dunphy (Chairman)
Michael Hudson
Graham Packham

Applicant:

Mr Gary Grant, Counsel for City of London Police
Inspector Simon Douglas, City of London Police

Premises:

Stephen Walsh QC – (instructed by Harris Hagan)
Elizabeth Southorn, Consultant - Harris Hagan
Francesca Burnett-Hall, Associate - Harris Hagan
David Loewi, Managing Director and Deputy Chairman - D&D London (*of which Madison is a wholly owned subsidiary*)
Emma Pospieszalska, PA to David Loewi – D&D London
Leslie Kwarteng - Senior General Manager of Madison.

Responsible Authorities and Other Persons:

Mr Garry Seal, City of London Environmental Health Officer
Mr Simon Larter-Evans, Headmaster - St Paul's Chorister School
Mr Martin Kiddle, Bursar – St Paul's Chorister School

In Attendance:

Mr Paul Chadha, Comptroller and City Solicitor's Department
Mr Steve Blake, Department of Markets and Consumer Protection
Mr Peter Davenport, Department of Markets and Consumer Protection
Mrs Julie Mayer, Town Clerk's Department
Ms Stephanie Basten, PR, Town Clerk's

Licensing Act 2003 (Hearings) Regulations 2005

A Review Hearing was held at 2.15pm Committee Room 1, Guildhall, London, EC2, to consider and determine, through review, measures regarding the premises licence for 'Madison, 1 New Change, London EC4M 9AF.'

The Sub Committee had before them the following documents:-

Appendix 1 – Report of the Director of Markets and Consumer Protection:
Application Review

Appendix 2 – s.53A Certificate

Appendix 3 – Copy of Current Licence

Appendix 4 – Plan of Premises

Appendix 5 – Representations from Responsible Authorities:
Environmental Health
London Fire & Emergency Planning

Appendix 6 – Representations from Other Persons
St Paul's Chorister School

Appendix 7 – Map of subject premises together with other licenced premises in the area and their latest terminal time for alcohol sales.

Together with late papers circulated subsequent to the Sub Committee agenda being published; comprising - Copy of Body Worn Camera footage from Madison Security; Copy of CCTV Footage from One New Change dated 30/10/16 (which was available for inspection at the meeting); arrest reports and correspondence between relevant parties agreeing to the proposed new conditions.

The Hearing commenced at 2:15 pm.

The Chairman introduced the Sub-Committee Members and confirmed that all papers, including those circulated after the agenda packs, had been considered by the Sub-Committee and relevant parties in advance of the Hearing. The Chairman asked those present to introduce themselves and state the capacity in which they were attending.

The Chairman invited Mr Grant to present on behalf of the City of London Police. Mr Grant briefly summarised the grounds for the review; i.e. the prevention of crime and disorder and public nuisance and outlined the evidence provided in support. The Sub Committee noted that this review application had been a last resort after previous measures had failed. Mr Grant advised that the premises' previous management had proposed steps for the Sub Committee to consider, designed to ensure that the restaurant element of Madison could continue and subject to adherence to the proposed conditions. Mr Grant emphasised that any breach of these conditions would result in a further review application.

It was also suggested that the Sub-Committee might wish to take this opportunity to 'tidy up' some of the existing licence conditions by deleting all items listed at 'Annex 2 – Conditions Consistent with the Operating Schedule', as they were no longer necessary or appropriate and to impose a new condition regarding the use of a comprehensive digital colour CCTV system.

Mr Grant reported that the D&D London and the City of London Police had agreed the proposed conditions, prior to the Hearing, and there were no outstanding issues between the parties. The Licensing Sub Committee was therefore asked to approve these conditions, or suggest further amendments, if appropriate.

The Sub Committee noted specifically the conditions in respect of a reduction in opening hours, capacity and the replacement of Madison's previous management team. Furthermore, a new Designated Premises Supervisor had been appointed, with 12 years' experience in managing similar venues.

Mr Grant explained that the number of incidents over a 16-month period, up to 21 September 2016, had put the premises at the top of the Police's 'traffic light' warning system. However, there had been no incidents since November 2016 and the Christmas period had been particularly quiet. The Police therefore felt that the proposals were worthy of trial and they should also attract a different clientele.

Notwithstanding the Fire Authority's safe capacity level, the Police had sought a reduction in capacity due to the high risk of crime and disorder in crowded, late night drinking establishments. Mr Grant concluded by stating that he had been encouraged by the positive, business like and co-operative approach of D&D London in resolving this matter.

The Chairman invited those representing the responsible authorities to address the Sub-Committee and noted that their concerns had been addressed by proposals made by the Premises ahead of this Hearing. The Fire and Emergency Planning Authority did not send representation. The Sub-Committee specifically noted the LFEPA's concerns about the previous management of the Premises, which D&D London had sought to address with the recent change in management and the appointment of a new Designated Premises Supervisor.

Mr Seal, of the Environmental Health Responsible Authority, confirmed that concerns had been raised about noise levels from the premises but they had mainly been in 2014-15, with fewer recently. The Sub Committee noted that, under the previous management, the acoustic levels recommended may have been exceeded, possibly by external promoters. Mr Seal was satisfied with the proposals put forward by D&D London, which included the prohibition of dedicated base speakers and that all amplified music must be played through Madison's PA system.

Mr Simon Larter-Evans, Headmaster of St Paul's Chorister School and Mr Martin Kiddle, Bursar of St Paul's Chorister School had found Madisons to be a good neighbour; management had been readily accessible and responded to their concerns promptly. However, there had been instances where amplified music from the premises late at night had caused nuisance to teachers and pupils. The School's concern for the pupils' wellbeing was paramount; given they were aged between 7 and 12 years and had to rise by 7 am. The Headmaster and Bursar were pleased with D&D London's proposals relating to reducing the impact of amplified music and were confident they would satisfy the school's concerns. Mr Kiddle asked the Sub Committee to be mindful that noise nuisance could be more prevalent in the summer months but the School had accepted the Police's satisfaction with the conditions proposed and felt they were worthy of trial.

Mr Walsh addressed the Sub Committee as to D&D London's reputable standing in similar venues across London, which had operated well with very few incidents. The Managing Director of D&D London had some 30 years' experience in managing similar venues and had never been required to attend a Review Hearing prior to this one.

In addition to the Conditions proposed, there would be no further social media marketing of Madison as a 'party venue' and it would be managed robustly as a food led, entertainment venue, in order to attract a different clientele. A similar standard of publicity would also apply to any external promoters, operating under Temporary Event Notices, who would be closely supervised by Madison's Management Team. D&D London had a very high expectation on their management team for regular, detailed communications. Mr Loewi reiterated his sincere regret at the circumstances leading to the Review, which had only come to his attention just before the application was made by the City of London Police. Since the application, he had instigated a thorough investigation which led to the proposals before this Licensing Sub Committee.

During questions from the Panel, the following points were clarified:

1. The Sub Committee sought clarity as to the capacity and boundaries of the internal and external areas, which were explained by the Licensing Manager and Mr Walsh. The Sub Committee noted that Madison's terrace area was clearly de-lineated, with the use of planters and a colour scheme.
2. The Landlord of Once New Change, who was present in the public area, advised that One New Change and Maddison's Security worked closely on cctv monitoring and number control and explained the availability of an alternative lift for use by the public who are not visiting Madison's.
3. The new Designated Premises Supervisor, Mr Kwarteng, advised the Sub Committee as to the location of fire exits and how he would deal with an altercation, either inside or outside of the premises. Mr Kwarteng advised that he would seek to be on duty during the busiest times and had an effective management rota in place to provide cover at

other times. Mr Walsh reiterated the calibre of Mr Kwarteng's experience, particularly in the welfare of customers and working with local authorities. Mr Loewi advised that he has visited the premises regularly prior to the review application but had not witnessed any drunken violent incidents. However, he had appointed a new Operations Director to increase resources and ensure more regular and targeted visits.

Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk Department and the Comptroller and City Solicitor Department.

In determining the application, the Sub-Committee first and foremost put the promotion of the licensing objectives at the heart of their decision; in this instance the most relevant of those objectives being the prevention of crime and disorder and the prevention of public nuisance.

Based on the evidence put before it, the Sub-Committee decided that it was necessary and appropriate to take the following steps in respect of the premises licence to prevent crime and disorder and public nuisance:

1. The terminal hour for licensable activities will be reduced to 1 am, with the premises closing at 1.30 am.

The Sub Committee further decided that it was necessary and appropriate to add the following conditions to the licence to prevent crime and disorder and public nuisance.

2. For the purposes of the prevention of crime and disorder, the capacity of the premises will be reduced to a maximum of 750, with a maximum capacity of 400 within the premises and 350 within the external areas of the premises. All capacities to exclude staff.
3. There shall be no promoted events on the premises other than those permitted by a Temporary Event Notice.
4. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings of the preceding two days immediately when requested.
5. All glasses used for the consumption of beer in the external areas of the premises shall be of a polycarbonate material.

6. The consumption of beer in glass bottles is prohibited in the external areas of the premises.
7. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the City of London Corporation. The log will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of customers
 - (c) any incidents of disorder (disturbance caused either by one person or a group of people)

[There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]

- (d) seizures of drugs or offensive weapons
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol during the hours the premises is licensed to sell it
- (g)

The Sub-Committee also agreed that condition 2 of 'Annex 2' of the premises licence was, in light of condition 4 above, no longer necessary or appropriate. It therefore decided that this condition should be removed from the premises licence:

The Chairman said that a full decision containing the Sub-Committee's reasons would be circulated in due course and thanked all parties for attending the Hearing. The Chairman underlined the fact that the City of London Corporation took the threat of crime and disorder and the prevention of public nuisance within their licensed premises very seriously and wanted to avoid any further recurrence of the events leading to this Hearing

The Chairman went on to thank both parties for reaching what the Sub-Committee felt was a sensible agreement on a way forward. Finally, she highlighted to the Premises Licence Holder that the City of London had a Code of best Practice for all its licensed premises and asked that they familiarise themselves with this document.

The meeting closed at 4.15pm

Chairman

Contact Officer: Julie Mayer

Tel. no. 020 7332 1410

E-mail: julie.mayer@cityoflondon.gov.uk

TUESDAY, 24 JANUARY 2017