



LICENSING (HEARING) SUB COMMITTEE

Date: TUESDAY, 24 JANUARY 2017

Time: 2.15 pm

**Venue: COMMITTEE ROOM 1 - 2ND
FLOOR WEST WING, GUILDHALL**

**APPLICANT:
CITY OF LONDON POLICE**

**PREMISES:
MADISON ROOFTOP RESTAURANT,
1 NEW CHANGE, LONDON EC4M 9AF**

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LICENSING (HEARING) SUB COMMITTEE PROCEDURE FOR PUBLIC HEARINGS

1. This procedure shall apply to all public hearings conducted under the provisions of the Licensing Act 2003.
2. Public hearings conducted under the provisions of the Licensing Act 2003 shall take the form of a discussion led by the licensing authority. Cross-examination will be permitted when the Sub Committee considers it to be required. The conduct of hearings shall be broadly based, subject to the discretion of the Sub Committee, on the points set out below.
3. At the start of the hearing the Chairman of the Sub Committee will introduce him/herself and other Members of the Sub Committee as well as the City Corporation officers present. Anyone making representations will then be asked to introduce themselves and anyone accompanying them. The applicant will then do likewise.¹
4. The Chairman will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Sub Committee will then make any rulings necessary in respect of requests for witnesses to be heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support, consideration should be given to having one spokesman on behalf of all parties so as to avoid repetition. Although the use of a spokesman will be encouraged by the Sub Committee, the decision rests with those parties making representations.
6. In the event of disorder or persistent disregard of the authority of the Chair, the Chairman may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Sub Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.

¹ In hearings where a licence is being reviewed, references in this procedure to ‘applicant’ should be read as references to the licence holder and references to ‘those making representations’ should be read as references to those applying for the review.

9. In the event that the Sub Committee has decided that cross-examination will be permitted, those making representations will be invited to ask questions of the applicant and their witnesses (if any). The applicant and any witnesses giving evidence in support will then answer any questions put to them by members of the Sub Committee.
10. The Chairman will ask all parties if there is anything else they would like to add in support of their respective cases.
11. Those making representations will then be invited to make closing submissions followed by the applicant.
12. The Sub Committee will then retire to consider their decision. They may call for assistance by the representatives of the Town Clerk and/or the Comptroller & City Solicitor but those persons will play no part in the decision-making process.
13. In due course, the Sub Committee will return to announce their decision or to inform those present when the decision will be given.

Committee: Licensing Sub Committee	Hearing Date: 24 January 2017
Subject: Licensing Act 2003: Application for the review of a premises licence Name of Premises: Madison Rooftop Restaurant Address of Premises: 1 New Change, EC4M 9AF	
Report of: Director of Markets and Consumer Protection	
Report author: P Davenport, Licensing Manager	Public
Ward (if appropriate): Bread Street	

1 Introduction

- 1.1 To consider and determine, by public hearing, the application for a review of a premises licence under the Licensing Act 2003, taking into account the representations of responsible authorities detailed in paragraph 4, and the policy considerations detailed in paragraph 7 of this report.
- 1.2 The decision of the Sub-Committee must be made with a view to promoting one or more of the four licensing objectives, namely:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

2 Summary of Application

- 2.1 An application under s.51 of the Licensing Act 2003 made by **Inspector Simon Douglas** was received by the Licensing Authority on 30 November 2016 for the review of a premises licence in respect of the premises:

Madison Rooftop Restaurant
1 New Change
EC4M 9AF

on the grounds of ‘The Prevention of Crime and Disorder’. A copy of the application is contained at Appendix 1(i).

- 2.3 The applicant has submitted a number of items which are referred to in the application and are therefore part of the application. These are referred to by the applicant as appendices 1 to 17 of the application. These documents have been provided to the relevant parties in advance of the Hearing and will be available at the Hearing. Madison’s initial response to the Application is shown at Appendix 1 (ii).
- 2.4 Appendices 12 and 13 can be viewed by prior arrangement with the licensing service on 0207 332 3406 or by emailing licensing@cityoflondon.gov.uk. Both items will be available for viewing at the hearing.

3 Licensing History of Premises

- 3.1 The premises was first licensed on 2 March 2011 with the licence holder being Greenwich Inc. Ltd. The licence was transferred on 7 August 2013 to Madison New Trading Limited.
- 3.2 The licence was further transferred to Licensing Solutions Ltd in December 2013 and finally to Newincco 1289 Limited on 22 May 2014.
- 3.3 On 28 April 2015 the premises changed its name to Madison Roof Top Restaurant and Licence Holder to Madison Restaurant Limited.
- 3.4 The current licence permits the following licensable activities:
- | | |
|---|--------------------------|
| i) Supply of alcohol | 07:00 - 02:00 Mon to Sun |
| ii) Live Music, Recorded Music,
Performance of Dance | 07:00 - 02:00 Mon to Sun |
| iii) Late Night Refreshment | 23:00 - 01:00 Mon to Sun |

N.B. Provision of dance facilities is no longer a licensable activity

The licence states that the opening hours will be 07:00 - 02:00 Mon to Sun. A copy of the current premises licence can be seen as Appendix 2. A copy of the current conditions can be seen as Appendix 3 and plans of the premises as Appendix 4.

4 Representations from Responsible Authorities

- 4.1 There are two representations from responsible authorities, Environmental Health (Pollution Team) and London Fire and Emergency Planning Authority.
- 4.2 The representation from Environmental Health is concerned that inadequate measures are in place to prevent the licensing objective of 'the prevention of public nuisance' from being undermined.
- 4.3 The representation from the Fire Authority details fire safety issues that they have had with the premises over the past few years.
- 4.4 The representations can be seen in full as Appendix 5.

5 Representations From Other Persons

- 5.1 There is one representation from 'other persons'. The representation is from a local resident who has concerns with the premises undermining the licensing objective of 'the prevention of public nuisance'. The representation is attached as Appendix 6.

6 Policy Considerations

- 6.1 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing policy and statutory guidance issued under s 182 of the Licensing Act 2003.

City of London Corporation's Statement of Licensing Policy

- 6.2 The following sections/paragraphs of the City of London Corporation's Statement of Licensing Policy are particularly applicable to this application (2013 Policy).

Paragraphs 51-54 states the Corporation's policy on setting conditions which may be applicable dependant on the step(s) taken by members as outlined in paragraph nine.

Paragraphs 59 addresses the need to strike a fair balance between the benefits to the community of licensed venues and the risk of disturbance to local residents and workers.

Paragraph 58 states, 'Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23:00 and 07:00'.

Paragraph 66 introduces a number of relevant matters to be considered by the City Corporation when assessing the likelihood of a particular licensable activity causing an unacceptable adverse impact particularly on local residents and businesses.

Paragraph 68 states that, '*[the City Corporation]* will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses'.

Statutory Guidance

- 6.3 The following sections/paragraphs of the statutory guidance issued under s182 of the Licensing Act 2003 are particularly applicable to this application (revised March 2015):

Chapter 11 provides specific guidance on reviews. Paragraphs 11.16 to 11.23 set out the powers available to the licensing authority where it considers that action is necessary to promote the licensing objectives. Paragraph 11.20 stating that any remedial action, '*...should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review*'.

Chapter 10 refers to conditions attached to premises licences with paragraph 10.10 stating that, '*Conditions should be determined on a case-by-case basis and standard conditions which ignore these individual aspects should be avoided.*' Also, '*Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.*'

7 Map of area and nearby premises

- 7.1 A map showing the location of the premises together with nearby licensed premises is attached at Appendix 7. A key of those premises is included which indicates the maximum permitted hours for alcohol sales in respect of each premises.

8 Summary

- 8.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1998. The Corporation must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in the City.

9 Options

- 9.1 The sub-committee must, having regard to the application and any relevant representations, take such of the following steps (if any) as it considers necessary for the promotion of the licensing objectives:
- i) modify the conditions of the licence (this includes altering or removing any existing condition or adding any new condition);
 - ii) exclude a qualifying activity from the scope of the licence;
 - iii) remove the designated premises supervisor;
 - iv) suspend the licence for a period not exceeding three months;
 - v) revoke the licence

In the event that the Sub-Committee decides to take either of the steps set out in i) and/or ii) above, it may provide that the modification or exclusion is to be permanent or temporary. If temporary, it shall have an effect for only such period that it may specify (not to exceed 3 months).

Any decision of the Sub-Committee will not have effect until the end of 21 days following notification of the decision to the appellant by the licensing authority. In the event of an appeal against the Sub-Committee's decision, the decision will be suspended pending the determination of the appeal.

10 Recommendation

10.1 It is therefore RECOMMENDED that your Sub-Committee determine this application for a review of a premises licence in accordance with paragraph 9 of this report.

Prepared by P Davenport
Licensing Manager
peter.davenport@cityoflondon.gov.uk

Background Papers

<u>BACKGROUND PAPER</u>	<u>DEPT</u>	<u>FILE</u>
Corporation of London Statement of Licensing Policy (revised Jan 2013)	MCP	5th Floor Walbrook Wharf
Statutory Guidance – ‘Revised Guidance Issued Under Section 182 Of The Licensing Act 2003’. March 2015		Statutory Guidance

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

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 this 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. You may wish to keep a copy of the completed form for your records.

I **Inspector Simon Douglas**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Madison Rooftop Restaurant, 1 New Change	
Post town London	Post code (if known) EC2M 9AF

Name of premises licence holder or club holding club premises certificate (if known) Madison Restaurants Limited
--

Number of premises licence or club premises certificate (if known) LN/200502050

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Inspector Simon Douglas Wood Street Police Station London EC2P 2NQ
Telephone number (if any) 020 7601 2791
E-mail address (optional) Simon.Douglas@cityoflondon.pnn.police.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

Please see attached document: City of London Police - Grounds of Review and associated documentation

Please provide as much information as possible to support the application (please read guidance note 3)

Please see attached document: City of London Police - Grounds of Review and associated documentation

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **24th November 2016**

.....

Capacity **Licensing Inspector**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Inspector Simon Douglas
Walbrook Wharf
78-83 Upper Thames Street

Post town
London

Post Code
EC4R 3TD

Telephone number (if any) 020 7601 2791

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

“Madison”

1 New Change, London, EC4M 9AF

City of London Police - Grounds of Review

Introduction and Police Submission

1. “Madison” is located on the rooftop of 1 New Change, St Paul’s, London, EC4M 9AF (near St Paul’s underground station). It operates as a restaurant and late night bar with DJ’s. Madison’s daytime and early evening pure restaurant offering causes little significant problems as would be expected. However, its evening bar offering, particularly on Friday and Saturday nights, has long been associated with a disproportionate level of drunken violent incidents involving its customers. These incidents are undermining the licensing objectives of preventing crime & disorder and public nuisance and public safety.
2. Considerable engagement by the City of London Police with the premises licence holder for over a year, as well as voluntary measures taken by the venue’s operators, have not, regrettably, resulted in the resolution the police had hoped for.
3. This premises licence review has been brought as a last resort. It is designed to permit the premises to continue to operate as a restaurant but to remove the high-risk late night bar element in order to promote the licensing objectives in an appropriate and proportionate manner.

The nature of the premises

4. Under its Premises Licence, Madison is currently permitted to open to the public, sell alcohol and provide regulated entertainment (live/recorded music and dance) from 07:00 – 02:00hrs all week. Late night refreshment is permitted until 01:00hrs. However, the venue publicises its usual operating hours as:

- a. Monday to Wednesday: 11am - late
- b. Thursday to Saturday: 11am - 1am
- c. Sunday: 11am - 9 pm

5. Madison's can accommodate up to 960 guests in the restaurant, bar and terrace areas. The venue's website describes its offering as follows:

"Step out of the lift onto the top floor of One New Change and you seemingly step into another world of drinks, food, music and party. Comprising not only bars and rooftop terraces, Madison boasts a real Manhattan style restaurant with Head Chef Robin Tarver at the helm!

Open from midday for lunch until late, the Madison menu features superb grills from the wood fired Josper Oven, Prime USDA meat and Day Boat Fish. The menu also boasts delicious salads, crab cakes, hamburgers and dogs and a comforting selection of slow cooked classics.

The restaurant is renowned for its buzzing atmosphere and real party feel, making it the ideal spot to let your hair down with friends and enjoy good food, drinks and music from our in house DJs."

And,

"Our resident DJ plays Wednesday, Thursday and Friday evenings 19:00 – 01:00 and Saturday's from 16:00- 01:00

6. The venue is available for *"parties and private hire"* and according to its website:

"Madison boasts numerous outstanding areas to hire for private parties, corporate networking evenings or even a night out to just let your hair down and party!"

And,

"Madison's glamorous main bar is a hive of buzzing activity, with a comprehensive drinks list, canapés and bar snack menu, making it an ideal place to host a drinks party. Whether it is a night out with friends, a corporate networking evening; Madison's lounge areas are London's premier destination for a fun filled evening of drinks, food and music from our in house DJs from Thursdays through to Saturdays.

Dedicated sofas and areas can be hired for groups as small as 10, up to a full hire with a maximum of 140 guests. You can enjoy table service, order bottles where we can go as large as the 9 litre Salamanazar, and enjoy some mouth watering canapés, all in the heart of the city!"

7. Its dress code is described as *"smart-casual"*.

The operator

8. Madison is operated by the D&D London Group (the premises licence holder is "Madison Restaurant Group"). They operate luxury restaurants (including Le Pont de la Tour, Avenue and Quaglino's), bars and a hotel based principally in London

but also abroad. They appear to be an experienced, reputable and professional organisation.

9. D&D operate 8 other venues in the City of London, none of which experience the levels of drunken violence associated with Madison. Indeed, they have been incident free since June 2015 (see Appendix 1). It is worthy of note that one of their City venues is similarly a rooftop terrace offering (Coq D'Argent). It is clear that there are particular issues with Madison associated with its particular culture of City drinking and partying. Despite the reputation of the D & D Group generally, the operators of Madison have proved themselves to be unable to solve the unacceptable levels of violence associated with this particular venue.

The level of violence

- 10.A Schedule of Incidents associated with Madison and its customers is at Appendix 2. The premises is well into the "red" zone of the Corporation's traffic light system (issued in conjunction with the City of London's Code of Good Practice for Licensed Premises). The venue currently sits at the top of the 'points' league table, as it did at the same time last year 2015

11. Between 20 June 2015 and 30 October 2016, a period of 16 months, there were some 21 incidents involving violence and/or public disorder occurring either inside Madison, or outside but involving its (usually drunk) customers. These incidents included several glassings, GBH's, as well as affrays and ABH's.

12. The overwhelming number of incidents occurred on a Friday or Saturday night (sometimes drifting into the early hours of the following morning). They occur at

various times from the early evening through to the early hours of the morning. A minority occurred during externally promoted events at the venue (sometimes during extended hours under the authority of a Temporary Event Notice) but by no means most. What is clear is that a significant factor in most of the incidents is the level of alcohol (and sometimes also other illegal intoxicants) consumed by the people involved whilst they were inside Madison.

13. In the experience of City of London Police, and after having checked police records, this level of violent incidents in a venue of Madison's size, and operating to these hours, is wholly disproportionate to what we would expect of a safe and well-run venue. In any event, and regardless of comparators, the number of incidents at Madison is, the police strongly believe, unacceptable and cannot be permitted to continue. The track record of Madison demonstrates that, unless appropriate action is now taken, it is only a matter of time before further serious incidents occur in which people get badly hurt.

Police engagement and voluntary measures

14. Between 20 June 2015 and 17 October 2015, nine crimes of violence were recorded against the premises. As a consequence, several representatives of the operator met with the Licensing Team on 27th October 2015. There was a frank discussion about the level of crime and the reasons for it. Excess alcohol consumption was a strong feature in all the crimes. At this stage, the police made the premises' operator aware that they were seriously considering instigating a Review of the Premises Licence. An offer was made by the venue to reduce its closing hour voluntarily from 02:00hrs to 01:00hrs. Additionally, the

venue was planning to close in January 2016 for a refit. This seemed to the police to be a good opportunity to give the venue a chance to rethink their business strategy and make any appropriate adjustments that would achieve the necessary change. It transpires that the closure of the premises never took place.

15. The next violent incident occurred on 20 February 2016. The trend of violent incidents identified in 2015 soon re-appeared with six crimes of violence recorded between 20 February 2016 and 3 July 2016. As a result of this poor performance, the Senior General Manager Simon Hands (who was also the DPS), was invited to meet with the Police Licensing Team. This meeting was held on 6 July 2016. Part of the discussion between Simon Hands, Deborah Belcher and John Hall related to a crime at the premises where there was a particularly unpleasant incident which Simon Hands admitted had sickened him. The notes of that meeting are at Appendix 3.

16. Police seriously considered instigating licence review proceedings in July 2016, but held off to give the operator a final chance to prove they could remedy the problems voluntarily. On 20 July 2016 Inspector Douglas sent a letter to Simon Hands focusing on the level of violent crime and the high incidence of drunkenness at the venue. Inspector Douglas pointed out that the voluntary reduction of hours to 01:00hrs had clearly not addressed the issues. The letter is at Appendix 4.

17. There was no response to that letter.

18. It was established that the venue held a promoted event on 21 August 2016, which had not been alerted to police as was expected. An e-mail exchange between Paul Holmes (of City of London Police) and Simon Hands regarding the matter is at Appendix 5.
19. Following further incidents in September 2016, Inspector Douglas wrote to Simon Hands again on 27 September. Having identified that the violent crime trend was undiminished at Madison, Inspector Douglas asked Mr Hands to urgently prepare an Action Plan. See letter at Appendix 6.
20. Mr Hands responded to this letter within a few days indicating that he intended to implement a number of further measures relating to staff training, door supervisors, and the monitoring of his customers' intoxication levels. The email exchange is at Appendix 7.
21. On 20 October 2016, Paul Holmes sent an e-mail to the manager of Madison, Greg Botelho, relating to an event to be held there which appeared to be a promoted event and for which, once again, no 696 Risk Assessment had been submitted – Appendix 8. On 21 October Simon Hands responded, indicating it was a joint venture with a Kieran Chang, seemingly implying it was not a promoted event: Appendix 9. Having researched the manner in which the event was being advertised, Paul Holmes sent a further e-mail to Greg Botelho indicating the police stance, that this clearly was a promoted event and should be treated as such: Appendix 10.
22. This event apparently went without incident until towards the end when, on exiting Madison at least two fights broke out.

23. The first occurred at between 02:00 – 02:20hrs on 30 October 2016 (Saturday night into early hours of Sunday morning – it should be noted the time is GMT after the clocks went back). See Crime Report CR/6619/16 at [Appendix 11](#). Police were called to a fight at Madison. Upon arrival they saw an unconscious male on the floor with a small amount of blood coming from his ears. As he regained consciousness and whilst being attended to by paramedics, he became aggressive and “anti-police”. Believing him to be a danger to himself and others, the paramedics had to sedate him with injections; body cam footage is at [Appendix 12](#). Witness reports indicate that the victim was the original protagonist in a fight and had been punched in the back of his head by an untraced male. The victim did not assist police with their enquiries and later discharged himself from hospital against medical advice. His injuries were consistent with an ABH.

24. CCTV footage was obtained showing the ground floor of 1 New Change covering the lift/lobby area (see [Appendix 13](#)). The males involved in the fracas had been in Madison. A group of youths are seen to scuffle in the foyer which is soon broken up by security. The scuffle spills into a group exiting the lift. A male is assaulted and punched to the ground. The CCTV then shows the male on the floor being punched and kicked multiple times by different assailants. There are other scuffles and multiple assaults, a male with his shirt in tatters and another with blood streaming from his head.

25. The second incident on 30 October 2016 is recorded as occurring between 03:00 – 03:10 hrs (again it should be noted these times are GMT after the clocks have gone back). See Crime Report CR/6610/16 at [Appendix 14](#). Police officers were informed by passers-by that there was a fight occurring on Cheapside. Outside

127 Cheapside, officers observed a group of 15-20 people watching two other males fighting. One of these males appeared to be holding a knife. When challenged by police he walked away and appeared to throw something away. The object was later found to be a lock-knife with a 4-5" blade. When questioned, the male admitted he had been drinking in Madison (just around the corner). The male was described by police as intoxicated and tested positive for cocaine.

26. After the events of 30th October, PC Daniel White attended the premises and spoke to Greg Botelho. Mr Botelho told the officer that the event was indeed a promoted event and it had been agreed by Simon Hands. A statement by the officer is at Appendix 15.

27. On 17th November 2016, officers on plain clothes duty saw a car pull up in Bread Street; the driver exited the car and the passenger remained. A third male got into the car and shortly after left the car. This appeared to be a drug deal, which was confirmed when a search was completed. As a result, three males were arrested, two for supply and one for possession of Class A drugs. At interview the person arrested for possession stated that he had been in Madison, had contacted his supplier and went down to the car to receive the drugs. He also stated he was going to take the drugs back into Madison to use. He was cautioned for the offence. One of the persons arrested for supply was the designated driver as the main dealer had been banned from driving; he was in possession of drugs that when tested were proved to be cocaine. He was cautioned for possession. The passenger in the car admitted to supplying drugs, he admitted he had acquired ten wraps from another and had sold four to the

person who got into the car for £200. He has previous convictions and received a four-year custodial sentence for supply of Class A drugs in 2005. CR/7068/16, CR/7078/16 and CR/7079/16 refer at Appendix 16.

28. On 19th November 2016, two males exited Madison and shortly after engaged in an argument with five males who had only just exited St Paul's underground station. A fight ensued and three of the five became victims of the two from the venue sustaining cuts to the head and cheek, eye and jaw. The two were arrested for ABH and whilst in custody tested positive for cocaine. CR/7110/16, CR/7111/16 and CR/7112/16 refer at Appendix 17

Police proposals at review

29. The police invite the licensing authority to consider all available options at this review hearing. Given that Madison's operator has already tried to implement all the measures it believed were required to end the drink-related incidents, and they clearly have not worked, the police do not believe that a mere tinkering with their licence conditions or procedures will serve to promote the licensing objectives in any meaningful way. Instead, the police are of the strong view that a real change to the style and nature of Madison's operation is required to ensure that in the future it focuses on its lower-risk restaurant offering and moves away from its high-risk drinking element.

30. Given the financial impact this may have on the premises, the police do not believe that the operator will voluntarily agree to operate as a proper restaurant-only premises with reduced hours. That is precisely why this Review is required. It enables a sub-committee to impose such measures as it deems to be appropriate and proportionate in order to

further the interests of the wider community as reflected in the licensing objectives. In this regard, the Section 182 Guidance on the Licensing Act 2003 (to which licensing authorities must have regard), indicates:

11.26 ... It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

31. Among the steps the Police invite the Sub-Committee to consider, are those set out below. They are designed to ensure that the restaurant element of Madison can continue but the high-risk later night bar offering is prohibited:

- a. All licensable activities must end at 23:30 hours (and the premises must close at midnight) all week;
- b. The supply of alcohol at the premises shall be by waiter or waitress service and only to persons seated taking a table meal there and for consumption by such a person as ancillary to their meal. Notwithstanding this condition, alcohol may be supplied to and consumed by persons prior to their booked meal in the bar area (designated on the plan), up to a maximum at any one time, of 240 persons dining at the premises.
- c. No Promoted Events are to be held at the premises. A "promoted event" is an event involving music and/or dancing where the musical entertainment is provided at any time by a disc jockey or disc jockeys one or some of

whom are not employees of the licensee (premises licence holder) and/or the event is (independent of the licensee) promoted to the general public.

- d. Delete condition 1 at Annex 2 (re food – replaced by conditions above)

- e. Delete condition 2 at Annex 2 (re CCTV) and substitute the following: 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.

Madison, Roof Top Restaurant, Café and Roof Deck, One New Change, London EC4M 9AF

Initial response on behalf of Madison Restaurant Limited (the licence holder) to the application by the City of London Police for a review of the premises licence for Madison, One New Change, London EC4

1. The premises known as Madison were acquired by D&D London Limited (D&D) in May 2014 and traded under the premises licence held by Madison Restaurant Limited since that time.
2. D&D is a well-known operator of high quality bar/restaurant and food led venues worldwide with a high concentration of its estate located in London. In the City of London D&D operates premises such as Coq D'Argent at 1 Poultry, the Paternoster Chop House in Paternoster Square, Restaurant Sauterelle at Royal Exchange and The Old Bengal Warehouse in New Street.
3. The calibre of its management teams is of the highest importance to D&D and significant emphasis is placed upon regulatory compliance at all of its premises together with good operating relationships with business and residential neighbours.
4. In consequence, D&D premises have traded without giving rise to major concerns on the part of responsible authorities and no D&D premises has ever been the subject of review proceedings to date.
5. The circumstances giving rise to this review were first drawn to the attention of D&D at senior level upon service of the review papers on 28th November 2016. Since that time the company has been in the process of conducting a thorough investigation of its previous management practices at Madison since acquiring the premises in 2014.
6. Particular focus has been placed upon the manner in which the premises have been marketed, its mix of clientele and the extent to which management has conducted the premises to the standard expected by D&D. There has also been ongoing and fruitful liaison with the landlords of One New Change who have recognised significant improvements in the operation of Madison recently.
7. Once that investigation has been concluded and following a meeting with the City of London police in early January 2017 it is proposed to submit detailed representations concerning the implementation of certain managerial and operational changes at Madison to ensure that the premises trade to the same high standards of compliance that all D&D premises have historically achieved.

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**Licensing Act 2003
Section 24
Premises licence**

Trading Standards (Licensing Section), City of London
PO Box 270 Guildhall, London EC2P 2EJ

Premises licence number

LN/200502050

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description Madison, Roof Top Restaurant, Café and Roof Deck, One New Change	
Post town London	Post code EC4
Telephone Number	

Where the licence is time limited - the dates

Licensable activities authorised by the licence

Alcohol Sales, Live Music, Recorded Music, Perform Dance,
Provision of Dance, Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol Sales, Live Music, Recorded Music, Perform Dance, Provision of Dance

Sunday	07:00 - 02:00	-
Monday	07:00 - 02:00	-
Tuesday	07:00 - 02:00	-
Wednesday	07:00 - 02:00	-
Thursday	07:00 - 02:00	-
Friday	07:00 - 02:00	-
Saturday	07:00 - 02:00	-

Late Night Refreshment

Sunday	23:00 - 01:00	-
Monday	23:00 - 01:00	-
Tuesday	23:00 - 01:00	-
Wednesday	23:00 - 01:00	-
Thursday	23:00 - 01:00	-
Friday	23:00 - 01:00	-
Saturday	23:00 - 01:00	-

The opening hours of the premises

Opening Hours

Sunday	07:00 - 02:00	-
Monday	07:00 - 02:00	-
Tuesday	07:00 - 02:00	-
Wednesday	07:00 - 02:00	-
Thursday	07:00 - 02:00	-
Friday	07:00 - 02:00	-
Saturday	07:00 - 02:00	-

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

On the Premises

Part 2

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

Madison Restaurant Limited
16 Kirby Street
London
EC1N 8TS

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

08981325

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

Gregory Joseph Botelho
Flat 1, 53 Iverson Road
London
NW6 2QT

Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol

PERS-LIC/1842 – London Borough of Camden

Date granted 2nd March 2011

Latest amendment 22nd November 2016

Director of Environmental Services

Annex 2 - Conditions consistent with the Operating Schedule

1. Food will be available to the public at all times the licence is in use.
2. A digital CCTV system will be maintained, images stored for 28 days. The CCTV system shall be to BSEN50132-7 standards. Images will be made available to the police and licensing authorities upon request.
3. Notices shall be prominently displayed at all exits requesting that patrons leave the area quietly. In addition, the notices will ask that after 23.00 hours, patrons exit One New Change via Bread Street and not New Change.

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Breese, Robert

From: Seal, Garry
Sent: 14 December 2016 11:21
To: M&CP - Licensing
Cc: Davenport, Peter; Sambells, Rachel
Subject: Madison Representation

Representation from the Pollution Team

Introduction

I note that an application has been made by the Police responsible authority to review the premises license of Madison, One New Change, London EC4M 9AF. The review application, dated 25th November 2016 has been made on the grounds that the premises has been associated with serious crime and serious disorder. On behalf of the environmental health responsible authority, I would like to make a representation in support of the Police review. This is because the environmental health responsible authority believes that the public nuisance licensing objective is adversely affected by loud amplified music played on the terrace at the premises. The City of London Pollution Team has been seeking to promote the prevention of public nuisance from the time of the development of One New Change. Unfortunately the actions taken and the advice given by the Pollution Team have not prevented the amplified music from Madison causing nuisance the residential occupiers of 2 New Change.

The chronology laid out below shows that frequent intervention has been required by the Environmental Health Responsible authority. The management of Madisons have been unable to consistently maintain control of the amplified music so as not to cause a nuisance to neighbouring occupiers despite many undertakings to do so.

The Pollution Team is reporting to the Licensing Sub-Committee.

Chronology:

7/6/2006 Planning permission for redevelopment includes condition 15 that no live or recorded music that can be heard outside the premises is permitted. This condition was requested by the Pollution Team to protect neighbours. (document 1)

17/1/2012 Pollution Team consulted on minor variation to premises licence for Madison (wk201200761). Applicant agrees to amend the operating schedule so that music will not be audible outside St Paul's Choir School which has residential accommodation for school staff and for boarders. (document 2).

17/7/2014 Complaint received of loud music (wk201409175). Out of hours officer observed drum and bass type music in New Change at 22.55. Simon Hands approached who asked if the complaint was from the Choir School. Agreed to request to turn down the volume of the music.

18/7/2014 Complaint received of loud music (wk201409234). Simon Hands again advised music too loud and could be heard at ground floor level. Bass level of music reduced when requested.

22/7/2014 Garry Seal, Environmental Health Officer met with Simon Hands and advised volume of music should be controlled so that it is not audible outside the Choir School and regular checks must be made and a record kept.

25/7/2014 Simon Hands confirms actions to be taken. (document 3).

26/7/2014 Intermittent loud bass observed at ground level in New Change following receipt of complaint (wk201409510) at 00.20 on 27/7. Manager Rabah was not aware of the level that could be played. Music level reduced by 00.40 so that it could only be faintly heard at ground floor level.

28/7/2014 Simon Hands notified by email of further justified complaint. (document 4).

22/8/2014 Complaint received at 23.03. Music again turned down on request by Simon Hands (wk201411137). Adam Spencer, Environmental Health Officer follows up with meeting and suggestion to install noise limiting device. (document 5).

3/10/2014 Michelle Vancayseele, Environmental Health Officer visits to advise setting of noise limiter. (document 6).
9/10/2014 Report from Vanguardia Consulting on setting of noise levels at premises (document 7)
17/10/2014 Above report also submitted by Simon Hands (document 8).
27/10/2014 Response to report and further advice from Pollution Team. (document 9).
16/2/2015 Rachel Sambells, Pollution Team Manager gives advice re proposed change in sound system. (document 10)
21/5/2016 Complaint received at 15.57 (wk201605711) of loud music. Complainant advised the music level had been reduced to an acceptable level at 16.50 when visited by out of hours officer.
24/5/2016 Simon Hands advised of complaint and reminded of relevant planning condition. (document 11).
4/6/2016 Out of hour officer witnessed loud music inside complainant's premises at 18.24 on receipt of a complaint (wk20166292). Although there was a high level of ambient noise at this time there was significant penetration of the bass into the complainant's premises. The high bass level was drawn to the attention of the General Manager, Greg Botelho.
8/6/2016 Follow up visit to Greg Botelho by Garry Seal, Environmental Health Officer who advised that a statutory nuisance was witnessed on 4/6/2016 and any further recurrence would mean the service of a statutory nuisance notice. Further reminder to make checks outside and liaise with Head Teacher. Email to Greg Botelho re planning condition (document 12).
17/6/2016 Greg Botelho forwards email regarding liaison with Choir School (document 13).

Conclusion

The pollution team is concerned that the management of Madison have not effectively taken the advice given to prevent public nuisance due to the persistent playing of amplified music at excessive levels of volume.

Recommendation

The Environmental Health Responsible Authority requests the Committee to consider attaching the following control as a condition to the license:

The prohibition of amplified music within the premises between 2300 and 0700 and the prohibition of amplified music on the outside terraces at any time should ensure the licensing objective of the prevention of public nuisance in so far as amplified music affecting the nearby residents in New Change.

Regards

Garry

Garry Seal

Environmental Health Officer
Pollution Team

Dept. of Markets & Consumer Protection
City of London, PO Box 270,
Guildhall, London, EC2P 2EJ



Peter Davenport
Senior Licensing Manager
Markets and Consumer Protection
PO Box 270
Guildhall
London Fire Brigade EC2P 2EJ

London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date 6 December 2016
Our Ref 00-010548
Your Ref Maddison Rooftop Restaurant-
review of Licence

Dear Sir/Madam

LICENSING ACT 2003

Premises: Maddison Rooftop Restaurant, 1 New Change London EC4M 9AF

With reference to the premises licence review notification received from City of London Police Inspector Simon Douglas on 25th November 2016, concerning the above premises, I can advise that **the Fire Authority will make a representation** to the licensing committee about the Public Safety objective.

The items that are of concern to this authority are detailed on the attached statement of Fire Safety Inspecting Officer Nigel Bedford and contain a detailed history of the occupier of the premises known as Maddison 1 New change .

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,

for Assistant Commissioner (Fire Safety)
Directorate of Operations
FSR-AdminSupport@london-fire.gov.uk

Reply to Nigel Bedford

LONDON FIRE AND EMERGENCY PLANNING AUTHORITY

**STATEMENT OF WITNESS (Criminal Justice Act 1967, Section 9,
Magistrates' Court Act 1980, Section 102; Magistrates' Courts Rules 1984,
Rule 70)**

STATEMENT OF WITNESS

Statement of: NIGEL HAINES BEDFORD

Age if under 18 (if over 18 insert "over 18"): Over 18

Profession or Occupation of Witness: FIRE SAFETY INSPECTING OFFICER

Address: London Fire Brigade Headquarters . 169 Union Street London SE1 0LL

This statement consisting of 3 page(s), signed by me, is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature of Witness:.....

Signature Witnessed by:.....

Dated:.....

1. I NIGEL HAINES BEDFORD, am a Fire Safety Inspecting Officer for the LONDON FIORE BRIGADE. I am attached to the North East Area Fire Safety team . I was previously employed as an operational Fire fighter and served at a variety of stations, over a twenty three year period, in a variety of job roles . I re joined the London Fire Brigade in 2007, when I started my current placement as a fire safety inspecting officer, I have been on numerous training courses and I am currently trained to level four Fire Safety certificate by the Fire Protection Association .
2. The fire authority enforce using the legislation - Regulatory (Fire Safety) order 2005
3. I have been asked to provide a statement of the LONDON FIRE BRIGADES dealings with the premises known as MADDISON at 1 NEW CHANGE LONDON EC4M 9AF LFB file number 00-010548 .
4. The company called D and D took over the premises early 2014 after the previous company were placed in administration , all the fire safety records had been removed from the premises by the administrator's. No fire safety manuals or management plans were in place for the premises at the time of an inspection on 30th May 2014 .
5. During the inspection of 30th May 2014 various deficiencies were noted that resulted in an Enforcement notice being issued to rectify the deficiencies with a three month time limit to get the works carried out. The defects included ,maintenance of the means of escape from the rear of the restaurant area where the floor was damaged and lifting , the serving of drinks from the escape rout area where tables were being used for dispensing drinks at busy times , storage in the means of escape rout which included about 100 chairs and rubbish bags ,fire doors not closing or working correctly .

Signature :

Signature Witnessed by :

Continuation statement of.....

6. The premises was again inspected on 7th August 2014 and all issues previously highlighted had been rectified and audit trail of works carried out was available for inspection.
7. The premises has been inspected as part of the LONDON FIRE BRIGADE peak activity schedule these are carried out once per year unless concerns or a fire occurs in the premises.
8. On 11th April 2016 a peak activity inspection was carried out due to concerns being brought to the attention of the fire authority about a means of escape from the roof terrace area not being managed correctly with no key being available to open a fire door . I inspected the fire door at this time , a key was available and an electronic override had also been fitted to the door to allow the door to be opened in an emergency.
9. No defects were found on this inspection and discussions with D and D management at the time resolved the issue about the secondary means of escape from the roof terrace .
10. On the 4th May 2016 a small fire had occurred in electrical equipment on the roof area that was extinguished by a member of staff using a portable fire extinguisher .The LONDON FIRE BRIGADE were not called to the incident , I am unsure from records of how we were informed about this incident .
11. Fire safety inspecting officer ROBERT HAWTIN attended and gave advice about the electrical installation , as well as completing a satisfactory audit at the time.
12. On the 1st December 2016 at 16:00 hrs I was accompanied by PC DANIEL WHITE of the CITY POLICE LICENSING TEAM we attended the MADDISON roof terrace area and carried out a peak activity inspection in the run up to the CRISTMAS.
13. I introduced my self to the front desk and explained the purpose of my inspection and exhibited my warrant card for inspection , the duty manager was called over who I believe was called MR GREG BOTELHO .
14. I inspected the rear means of escape route from the main restaurant , a few minor issues were discussed with the manager concerning a door not locked shut and storage of coats and hand bags of customers in the escape route .This was resolved after discussion with the duty manager . I was then invited to question any member of staff in the kitchen about fire safety .
15. I proceeded to ask a member of kitchen staff what he would do if the deep fat fryer was alight to which he replied "Nothing I would just leave the kitchen " he appeared to be laughing and joking not taking my question seriously .
16. The manager told the employee this is serious "what would you do !" The member of staff said he would leave again , I prompted the staff member by asking how would you raise the alarm , he laughed and said tell the manager .
17. I asked what the device on the wall was for (I was pointing at a suppression system that discharges an extinguishing agent over the deep fat fryers to extinguish a fire) .
18. The staff member was not sure and thought that the device raised the alarm.
19. I ended the discussion , the manager assured me that at the end of the shift all staff would be retrained again in fire safety and how to raise the alarm and extinguish a small fire in the kitchen by use of the suppression system.

Signature :

Signature Witnessed by :

Continuation statement of.....

20. The impression that I got of the staff was that they did not respect the manager and were treating the inspection and questioning as a joke.

21. The manager did apologise about the staff member , we carried on our inspection and discussed other safety issues concerning the newly installed outside Christmas scene furniture and its suitability for the outside roof terrace area.

22. The manager again assured me that the fire safety training would be going ahead tonight after we left , and I left the premises at 16:30 hours

Signature :

Signature Witnessed by :

Breese, Robert

From: Simon Larter-Evans <[REDACTED]>
Sent: 15 December 2016 13:32
To: M&CP - Licensing
Subject: FW: Review of Madison' license

To whom it may concern.

The license for Madison's, at 1 New Change, is up for review.

I have made an effort to be neighbourly with Madison's, and now have direct contact numbers for the General Managers. So far, they have always been courteous and always responded quickly when I have sent a text alerting to them to the noise volume.

What they don't have control over is the public's behaviour once they have left the premises. The public can be particularly rowdy late at night, but this is not exclusive to Madison's. As the main bus stop on New Change is adjacent to residential boarding for children, the street noise can be a problem at times.

This is a real dilemma for licensing authorities, and hope that you are able to find a solution.

Best wishes

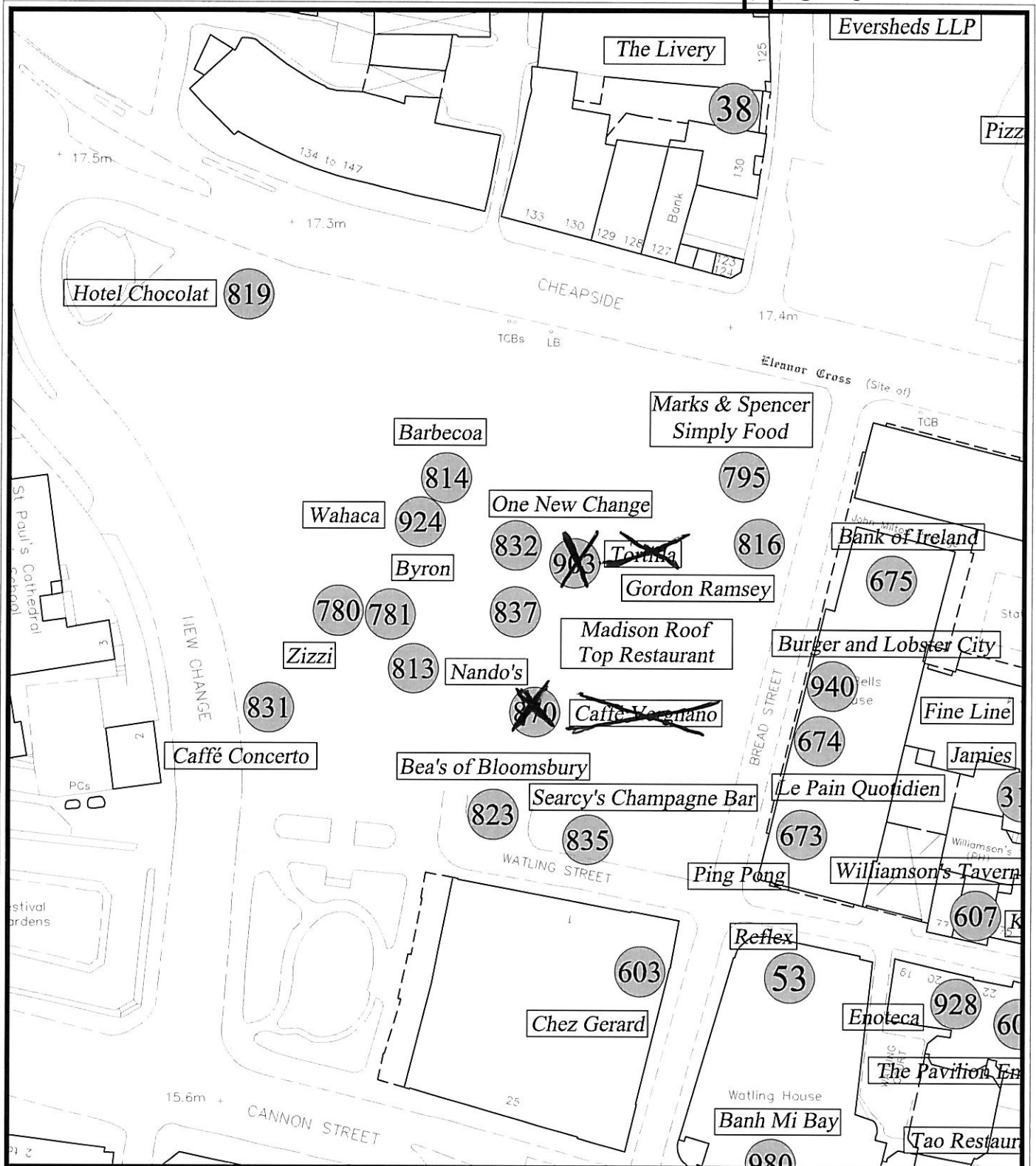
Simon

Simon Larter-Evans
Headmaster
St Paul's Cathedral School | 2 New Change, London, EC4M 9AD | [REDACTED]
[REDACTED] | **Web:** www.spcslondon.com

ST PAUL'S
CATHEDRAL
SCHOOL

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Address :
Madison Roof Top Restaurant,
 (ref 837),
 1 New Change,
 London, EC2M 9AF.

PLAN PREPARED BY THE CARTOGRAPHIC
 CAD & RESEARCH SECTION OF THE
 PROPERTY PROJECTS GROUP
P.G. Wilkinson, Bsc MSc MRICS
 City Surveyor

CITY SURVEYOR'S DEPARTMENT

CITY OF LONDON

MARKETS AND CONSUMER PROTECTION
Enviromental Health and Public Protection Section

PO BOX 270, GUILDHALL,
 LONDON, EC2P 2EJ.
 Tel : 020 7332 3227 Fax : 020 7332 3536

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Madison Roof Top Restaurant, 1 New Change, London, EC4M 6DL

<u>Map Reference</u>	<u>Name</u>	<u>Maximum Permitted Hours for Alcohol Sales</u>
1. (980)	Banh Mi Bay	Sun - Sat: 11:00 – 23:00
2. (604)	The Pavilion End	Thu – Sat: 10:00 – 02:00
3. (928)	Enoteca	Mon – Sat: 11:00 – 00:00
4. (603)	Chez Gerard	Mon – Sat: 08:00 – 00:00
5. (53)	Reflex	Thu - Sat: 10:00 – 04:00
6. (607)	Kurumaya	Mon – Sat: 10:00 – 23:00
7. (312)	Williamsons Tavern	Thu – Sat: 10:00 – 01:00
8. (673)	Ping Pong	Sun – Sat: 10:00 – 00:00
9. (835)	Searcy's	Sun – Sat: 07:00 – 00:00
10. (823)	Bea's of Bloomsbury	Sun - Sat: 10:00 – 23:00
11. (314)	Jamie's	Sun – Sat: 07:00 – 02:00
12. (674)	Le Pain Quotidien	Mon – Fri: 11:00 – 23:00
13. (831)	Caffe Concerto	Mon – Sat: 09:00 – 23:00
14. (19)	Fine Line	Sun – Sat: 08:00 – 00:00
15. (813)	Nando's	Sun - Sat: 11:00 – 00:00
16. (780)	Zizzi	Sun – Sat: 11:00 – 00:00
17. (781)	Byron	Sun – Sat: 11:00 – 00:00
18. (924)	Wahaca	Sun – Sat: 11:00 – 00:00
19. (675)	Bank of Ireland	Sun – Sat: 09:00 – 00:00
20. (832)	One New Change	Mon – Sat: 10:00 – 22:00
21. (816)	Gordon Ramsey	Sun - Sat: 10:00 – 00:00
22. (814)	Barbecoa	Mon – Sat: 07:00 – 02:00
23. (795)	Marks & Spencer's Simply Food	Mon – Sat: 08:00 – 23:00
24. (819)	Hotel Chocolat	Sun – Sat: 08:00 – 23:00
25. (38)	The Livery	Mon - Sat: 10:00 – 03:00
26. (677)	Eversheds LLP	Sun – Sat: 00:00 – 23:59