

[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**

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

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Madison Restaurants Limited
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<b>Number of premises licence or club premises certificate (if known)</b> LN/200502050
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**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) <b>020 7601 2791</b>
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 ✓

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**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

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**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 27<sup>th</sup> 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 30<sup>th</sup> 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 17<sup>th</sup> 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 19<sup>th</sup> 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.