

## **MINUTES OF THE LICENSING (HEARING) SUB COMMITTEE**

**HELD ON 17 JULY 2012 AT 10:05 AM**

**APPLICANT: INVENTIVE LEISURE SERVICES LIMITED**  
**PREMISES: REVOLUTION, 140 – 144 LEADENHALLSTREET**

### **PRESENT**

#### **Panel**

Marianne Fredericks CC (Chairman)  
Sophie Fernandes CC  
Chris Punter CC

#### **In attendance**

Rakesh Hira           Town Clerk's Department  
Paul Chadha           Comptroller and City Solicitor's Department  
Peter Davenport      Markets and Consumer Protection

#### **Applicant**

Represented by Felicity Harris-Knott, Kuit Steinart Levy LLP accompanied by Michael Perry - DPS, Michael Buckley – Risk and Compliance Officer and Joseph Kemp – Risk and Compliance Officer.

#### **Representations from Other Persons**

Mr Robert Benton, Mr Yarema Ronish, Yvonne Courtney and Anna Marie-Davies

#### **Also in attendance**

Alderman Simon Walsh MA CC

Mr Paul Holmes, City of London Police

### **Licensing Act 2003 (Hearings) Regulations 2005**

- 1) A public hearing was held at 10:05am in the Committee Rooms, Guildhall, London, EC2, to consider the representations submitted in respect of a variation of a premises licence application made by Inventive Leisure Services Limited for the premises known as 'Revolution, 140-144 Leadenhall Street, London, EC3V 4QT'.

The Sub Committee had before them a report of the Director of Markets and Consumer Protection, which appended copies of:-

Appendix 1: Copy of the Application

Appendix 2: Current Premises Licence

Appendix 3: Conditions consistent with the Operating Schedule

Appendix 4 Representations from Other Persons  
(i – v):

Appendix 5: Map of subject premises together with other Licenced Premises in the area and their latest terminal time for alcohol sales

Appendix 6: Plan of the Premises

The application sought to extend various licensable activities as follows:

<u>Activity</u>	<u>Current Licence</u>	<u>Proposed Licence</u>
Live Music, Recorded Music, Performance of Dance	Mon-Sun 08:00 - 03:00	<b>Mon-Sun 08:00 - 04:00</b>
Making Music, Provision of facilities for dancing	Mon-Sun 08:00 - 03:00	<b>Mon-Sun 08:00 - 04:00</b>
Anything similar to above	Mon-Sun 08:00 - 03:00	<b>Mon-Sun 08:00 - 04:00</b>
Plays, Films, Indoor Sporting Events	Mon-Sun 08:00 - 03:00	<b>Mon-Sun 08:00 - 04:00</b>
Supply of Alcohol	Mon-Sun 08:00 - 03:00	<b>Mon-Sun 08:00 - 04:00</b>
Late Night Refreshment	Mon-Sun 23:00 - 03:30	<b>Mon-Sun 23:00 - 04:30</b>

The application also seeks to extend the premises' opening hours from 08:00 - 03:30 Mon-Sun to **08:00 - 04:30 Mon-Sun.**

- 2) The Chairman introduced herself and the other Members of the Sub Committee and explained that the procedure for the Hearing was set out the papers.
- 3) Ms Fredericks pointed out that she knew Mr Benton and the residents in her capacity as Deputy Chairman of the Licensing Committee.
- 4) The Sub Committee felt that it would be helpful if the applicant's representative, Mrs Harris-Knott, would briefly explain the application. Mrs Harris-Knott explained that the application for a variation had been submitted following a meeting with Inspector Jones of the City of London Police where it was agreed that some conditions would be amended and some removed. She explained

that the DPS had been operating a series of TEN's until 04:00 hours this year and no complaint had been received and therefore it was felt that the later hours should be put on a more permanent footing. Following a consultation period with the residents a meeting took place on 9 July 2012 to discuss and potentially alleviate the concerns of the residents, however not all residents attended. She explained that there had not been an objection to the application from any Responsible Authority.

- 5) Mrs Harris-Knott took the Sub Committee and residents through the detailed variations sought which were as follows:-

### **Annex 2**

Remove Condition 2 – “An additional hour may be added to all standard and non-standard timings, for all licensed activities, on the day that British Summertime begins”.

Retain Condition 4 – “No noise from any entertainment, which takes place at the premises as a result of the exercises of this licence, shall be audible at a distance of 1 metre external to the nearest noise sensitive property”.

Retain Condition 5 – “The exercise of the licence must not result in any structure borne noise that may adversely affect other users of the building”.

### **Annex 3**

Remove Condition A – “After 21:00 on Sunday to Fridays, every 1 in 10 patrons, DJs or performers (along with their guests and entourages) entering or re-entering the premises shall be search by the use of functional metal-detecting wands”.

Amend Condition B – from “On Saturdays and at promoted events, all patrons, DJs or performers (along with their guests and entourages) entering or re-entering the premises shall be searched by the use of functional metal-detecting wands” to “at all promoted events, all patrons, DJs or performers (along with their guests and entourage) entering or re-entering the premises shall be searched in accordance with the risk assessment contained within Form 696. At all other times, the searching of customers shall take place in accordance with the premises own risk assessment or at the direction of the DPS”.

Amend Condition K – from “a comprehensive victim/witness care policy shall be implemented at the premises which meets the requirements of the Police” to “A comprehensive victim/witness care policy shall be implemented at the premises”.

Remove Condition L – “there shall be no drinks promotion or discounting of drinks at the premises unless the promotion is linked to a substantial meal. For all other drinks promotions, the Police must be consulted. The Police shall provide written confirmation to the premises that consultation has taken place

and that there are no objections to the drinks promotion. Police consent will be required for these promotions and will provide justification for rejecting any drinks promotion”.

Amend Condition M – from “all managerial staff employed at the premises shall receive training in Crime Scene Management to a level acceptable to the Police” to “all managerial staff employed at the premises shall receive training in Crime Scene Management”.

Amend Condition S – from “a lockable drug box must be secured at the venue. Police attendance must be requested for removal of the contents” to “a lockable drug box must be secured at the venue”.

Remove Condition U – “the total capacity for the premises is set at 900”.

Remove Condition V – “the premises management will become members and actively participate in a Pubwatch or Clubwatch scheme operating in the area of the venue”.

Finally if the Sub Committee were minded to grant the application there would be no need for the additional hour for all licensable activities on the day that British Summer Time begins or for Christmas Eve and Boxing Day which falls on Sundays to Thursdays or an additional hour on Sunday and Monday of Bank Holiday weekends.

- 6) Mrs Harris-Knott explained that all the objectors apart from Mr Benton were content with these variations to the licence.
- 7) In response to a question by the Chairman, Mrs Harris-Knott explained that the premises were now operating under new management and that the TEN's had been operating without any issue. In relation to the Dispersal Policy it was noted that there was a decrease in noise, the lighting would go on and security officers (on a 1:50 ratio) in high visibility jackets were on patrol on the street and on the junction with St Mary Axe to assist with dispersing patrons.
- 8) Mr Benton began presenting his representation querying whether the premises had received permission for a 2 for 1 promotion on cocktails to which Mr Perry responded that it had and that email confirmation from Inspector Jones had confirmed this. In response to a question from Mr Benton, Mr Perry explained that the premises would still probably still do drug searches on Saturdays. Customers were admitted into the club up until midnight at which point no new customers would be allowed to enter the premises, however, customers usually only came to attend a specific event which start at 10.30pm otherwise it would generally be City workers.
- 9) Mr Ronish explained that in relation to the risk assessment form (696), it should be referred to in any condition, if imposed by the Sub Committee, with ‘any other replacement form’. In relation to the drugs box it was pointed out that this needed to be secure and retained at the premises.

- 10) Mrs Harris-Knott explained that if the Sub Committee were minded to grant the application for Saturday night only with licensable activities ceasing at 04:00 hours her clients would be content and that along with Condition J (no glass bottles containing beverages other than wine and champagne, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff away from the bar on Thursdays, Fridays or Saturdays between the hours of 21:00 and 00:00 hours) could be retained if this was the Sub Committee's wish.
- 11) The Chairman thanked all those present at the hearing and informed them that a decision would be reached and that the Sub Committee would retire and the decision would be communicated to all parties in due course.
- 12) The Members of the Sub Committee withdrew to deliberate and make their decision, accompanied by the representatives of the Town Clerk and the Comptroller and City Solicitor.

**The meeting closed at 10.45am**

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**CHAIRMAN**

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*Decision of the Sub Committee circulated to all parties on 24 July 2012*

**City of London Licensing Sub Committee – Decision**

**Applicant:** Inventive Leisure Services Limited  
**Premises:** Revolution, 140 – 144 Leadenhall Street, EC3V 4QT  
**Date / time of Hearing:** Tuesday 17 July 2012, 10.00am  
**Venue:** Committee Room 1, Guildhall, London EC2

Marianne Frederick CC (Chairman)  
Sophie Fernandes CC  
Chris Punter CC

An application was submitted on 23<sup>rd</sup> May 2012, by Inventive Leisure Services for their premises at 140 – 144 Leadenhall Street, EC3V 4QT. The current licence allows for the following:

*Alcohol Sales, Performance Plays, Exhibition of Film, Indoor Sporting Events, Live Music (e), Recorded Music (f), Performance of Dance (g), Similar to (e) (f) or (g), Making Music (i), Provision of Dance (j), Similar to (i) or (j): Monday – Sunday 08.00 – 03.00 and the Provision of Late Night Refreshments Monday – Sunday 23.00 – 03.30.*

The application sought to vary the premises licence by extending the terminal hour for each licensable activity by one extra hour, and extending the premises' opening hour from 08.00 – 03.30 Monday – Sunday, to 08.00 – 04.30, Monday – Sunday.

The application also sought to remove conditions 2, 4, and 5, in Annex 2, which were placed on the licence as they were consistent with the operating schedule and in Annex 3 remove conditions a, b, l, m, s, u and v, which had been attached to the licence by the Licensing Authority following a review hearing.

This application was advertised in the usual way. Written representations were received from five local residents, all raising concerns that the removal of the conditions would undermine the licensing objectives concerning the prevention of crime and disorder, and prevention of public nuisance. No representations were received from responsible authorities.

The Applicant was represented at the Hearing by Mrs Harris-Knott from Kuit Steinart Levy LLP, and Mr Perry the premises DPS was present, along with his two Risk and Compliance Officers, Mr Buckley and Mr Kemp. Mrs Harris-Knott explained that the premises had held a number of Temporary Events, until 04.00 and no complaints had been received. The Applicant now wanted to regularise the situation, putting it on a permanent footing by amending the premises licence. Before submitting the application, they had a pre application meeting with Inspector Jones, City of London police, to discuss the licence extension, along with the removal and amendment of certain conditions, to ensure they were clear, appropriate and enforceable.

Mrs Harris–Knott explained that once objections from local residents were received, her client arranged to meet with them to discuss their concerns and try and resolve the issues. Not all objectors were able to attend the meeting, but she confirmed that she had been able to discuss the matter with Mr Benton. Following that meeting the Applicant decided to retain the conditions relating to noise and vibrations, amend the search condition and withdraw the part of the application which sought an additional hour for non standard timings, by removing conditions 1 and 3 of Annex 2. Mrs Harris- Knott handed the Sub Committee a summary sheet of conditions her client now wish to remove, retain and amend.

At the hearing we heard in person from Mr Benton and Mr Ronish, who was also speaking on behalf of Mr Whitby and Ms Courtney who was present along with Dr. Davies. Mr Benton felt the current terminal was late enough and seeking a licence for 04.30 seven days a week was excessive. He spoke of frequently being disturbed in the early hours of the morning as people left late night venues. However, he was most concerned with the request to move conditions, especially those relating to drink promotions and searches for drugs and weapons. He highlighted two very recent serious incidents in the City of London relating to knives, and stressed how important searches were in promoting the prevention of crime and disorder in licensed premises.

Mr Ronish reiterated the concerns regarding the noise and search conditions and was pleased the Applicant had agreed to their retention and removal on the additional non standard timings, as a closing time of 04.30 was late enough. He stressed conditions needed to be worded to ensure they were unambiguous and enforceable.

In response to questions Mr Perry informed the Sub Committee, that they conduct searches under the terms of their licence, as well as bag searches. Customers were admitted into the club up until midnight, at which point no new customers were allowed to enter the premises, unless they had tickets. Mr Perry explained in detail the premises dispersal policy, which started with a winding down period, a decrease in noise, lights up and security officers patrolling the streets outside of the club to ensure customers left the area quickly.

Mrs Harris–Knott confirmed that her client would be content if the Sub Committee would be minded to grant the additional hour on the Saturday night only. She also agreed that if the conditions had been placed on the licence because they were necessary, under the new guidance they were certainly appropriate.

The Sub Committee has considered the application and carefully considered the representations submitted in writing and orally at the hearing by the applicant's representatives and the local residents.

In reaching the decision the Sub Committee were mindful of the provisions of the Licensing Act 2003, in particular the statutory licensing objectives, together with the guidance issued by the Secretary of State in pursuance of the Act and the City of London's own Statement of Licensing Policy dated January 2011.

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 was the prevention of public nuisance and the prevention of crime and disorder.

**It is the Sub-committee's decision to grant the following variation to the premises licence:**

*Alcohol Sales, Performance Plays, Exhibition of Film, Indoor Sporting Events, Live Music (e), Recorded Music (f), Performance of Dance (g), Similar to (e) (f) or (g), Making Music (i), Provision of Dance (j), Similar to (i) or (j):*

**Saturday 08.00 – 04.00**

*Late Night Refreshment:*

**Saturday 23.00 – 04.30**

*The opening hours of the premises:*

**Saturday 08.00 – 04.30**

*The Sub Committee agree to remove the following conditions:*

**Annex 2, Condition 1) 2) 3)**

**Annex 3, Condition a) h) l) u) v)**

The Sub Committee agree to retain and amend conditions

**b), g), j), k), m), s) t) in Annex 3, so they now read:**

b) From 21.00 Thursdays – Saturdays and at all promoted events\*, all patrons, DJs or performers (along with their guests and entourage) entering or re-entering the premises shall be searched by the use of functioning metal-detecting wands.

g) An incident book or log shall be kept at the premises, all management staff shall be trained to use and maintain the incident book or log, which will be made available on request to the police or an authorised officer of the City of London Corporation. The book or 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 sale of alcohol during the hours the premises is licensed to sell it

(Condition g) and h) are now amalgamated, so condition h) can be removed.)

j) No glass bottles containing beverages other than wine and champagne, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff away from the bar on Thursdays, Fridays, Saturdays and at promoted events\*, between 21.00 and the terminal hour.

k) A comprehensive victim/witness care policy shall be implemented at the premises.



m) All managerial staff employed at the premise shall receive training in Crime Scene Management.

s) There must be at the premises a lockable 'Drugs Box' to which no member of staff, save the Designated Premises Supervisor and any employee acting under the authority of the Designated Premises Supervisor, shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the City of London Police for appropriate disposal.

t) Door supervisors shall be employed on a ratio of 1:75 patrons from 21.00 until the premises closes. At least one member of the door team shall be female. All door staff must be SIA registered.

The application for non- standard timings as set out in the application was withdrawn. The application to remove conditions condition 4 and 5, Annex 2 was withdrawn.

Annex 2 Condition 6), contained a typographical error and therefore should read:

Where door supervisors are employed at the premises a register shall be maintained in which the name, SIA registration number and signature of all door supervisors employed shall be entered on a daily basis. Each entry must be verified by signature of the manager or such other person authorised by the management to do so. The register shall be at all times *available for inspection* by an officer of the City of London Corporation or police officer.

The conditions will be renumbered accordingly when the licence is issued.

If the Sub-committee was wrong, all parties are reminded that any responsible authority, business, resident or a Member of the Court of Common Council is entitled to apply for a review of the licence which may result, amongst other things, in a variation of the conditions, the removal of a licensable activity or the complete revocation of the licence.

If any party is dissatisfied with the decision, he or she is reminded of the right to appeal, within 21 days, to a Magistrates' Court. Any party proposing to appeal is also reminded that under s181(2) of the Licensing Act 2003, the Magistrates' Court hearing the appeal may make such order as to costs as it thinks fit.