



## Alcohol and Entertainment Licensing Sub-Committee – Supplementary papers

**Monday 27 September 2021 at 10.00 am**

This will be held as an online virtual Meeting

Details on how to access the link in order to view the meeting will be made available online via the following link: [HERE](#)

### Membership:

#### Members

Councillors:

Denselow (Chair)  
Long (Vice-Chair)  
Hylton

#### Substitute Members

Councillors:

Ahmed, Chohan, Hector, Grahl, McLeish, Maurice,  
Shahzad

:

**For further information contact:** Devbai Bhanji, Governance Assistant  
Tel: 020 8937 6841; Email: [devbai.bhanji@brent.gov.uk](mailto:devbai.bhanji@brent.gov.uk)

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**The press and public are welcome to attend this meeting as an online virtual meeting. The link to view the meeting will be made available via the following link: [HERE](#)**

### **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
  - To which you are appointed by the council;
  - which exercises functions of a public nature;
  - which is directed is to charitable purposes;
  - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

Introductions, if appropriate.

Item	Page
3 Application for the Review a Premises Licence by the Licensing Enforcement Officer for the premises known as The VIP Lounge, 546 High Road, Wembley, HA0 2AA, pursuant to the provisions of the Licensing Act 2003	1 - 44

Date of the next meeting: **Monday 27 September 2021 @ 2.00pm**



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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**MR MOHAMED (MIDO)  
RAHMAN**

**THE VIP LOUNGE  
546 HIGH ROAD  
WEMBLEY HA0 2AA**

**APPLICATION FOR REVIEW**

**PREMISES LICENCE HOLDER'S  
BUNDLE**

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**THE VIP LOUNGE  
546 HIGH ROAD  
WEMBLEY HA0 2AA**

**APPLICATION FOR REVIEW OF A PREMISES LICENCE**

**PREMISES LICENCE HOLDER'S CASE SUMMARY**

**BACKGROUND**

1. This is an application for a review of the premises licence for The VIP Lounge, which is located at 546 High Road, Wembley HA0 2AA ("the Premises").
2. The premises licence holder is Mr Mohamed (Mido) Rahman ("Mr Rahman"). Mr Rahman is a local business owner and entrepreneur.
3. The designated premises supervisor is Mr Darren Jules ("Mr Jules"). Mr Jules is a former DJ and promoter who has worked in hospitality for a number of years.
4. The application for review has been made by the Licensing Authority as a Responsible Authority. The application itself was completed by Ms Susana Figueiredo ("Ms Figueiredo") who is a Licensing Enforcement Officer. A copy of Ms Figueiredo's application for review can be found at pages 3 - 34 of your agenda papers.
5. The application for review is supported by the Metropolitan Police in the person of PC Gary Norton ("PC Norton"). A copy of PC Norton's representation can be found at pages 35 - 37 of your agenda papers.
6. A number of representations have been submitted in support of Mr Rahman and Mr Jules. Those representations have been submitted by

local residents, local businesses and persons who have attended the Premises and/or who have held events there. There are 14 in total. Copies of those representations can be found at pages 39 - 65 of your agenda papers.

7. The application for review alleges that the Premises are undermining two of the four Licensing Objectives, namely:
  - a. The Prevention of Crime and Disorder; and
  - b. Public Safety.
8. The application for review does not allege that the Premises are undermining the other two Licensing Objectives, namely:
  - a. The Prevention of Public Nuisance; and
  - b. The Protection from Children from Harm.
9. The application for review was validated on 12 August 2021 and the consultation period ran until 9 September 2021.

#### **ENGAGEMENT BETWEEN THE PARTIES**

10. A meeting between the parties to discuss the review application is scheduled for 11am on Thursday 23 September 2021. This case summary has been prepared in advance of that meeting and an update will be given verbally at the Licensing Sub-Committee hearing.

#### **LICENCE HOLDER'S RESPONSE TO GROUNDS FOR REVIEW**

11. The premises licence holder has been through the grounds for review and the supporting representation in great detail and has prepared a document setting out its response to each allegation made. Please refer to the premises licence holder's response to allegations document for further details.
12. The premises licence holder also engaged an experienced ex-police licensing officer to critically assess the review application and supporting representation. This assessment has been conducted by Andrew Bamber

of AB Conformitas. Please refer to Mr Bamber's report for his observations on the application for review and the assumptions underpinning it.

### **SUGGESTED OUTCOME AND REQUESTED DECISION**

13. The premises licence holder has accepted where they have erred and explained the circumstances behind those errors.
14. This is not a case where the revocation of the premises licence is an appropriate and proportionate response.
15. On behalf of the premises licence holder it is submitted that the correct outcome should be:
  - a. That the premises licence holder is issued with a formal warning in relation to the breach of its premises licence; and
  - b. That the conditions of the premises licence are reframed and redrafted so that they comply with section 182 guidance.
16. These measures are targeted at the root cause of the review application, namely the events of 3 July 2021 and the lack of clarity within the premises licence. Action over and above these two measures would, in our submission, be disproportionate.

**Luke Elford**

**Woods Whur**

**22/09/21**

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**THE VIP LOUNGE  
546 HIGH ROAD  
WEMBLEY HA0 2AA**

**APPLICATION FOR REVIEW OF A PREMISES LICENCE**

**PREMISES LICENCE HOLDER'S RESPONSE TO ALLEGATIONS**

This document sets out the Premises Licence Holder's response to the various allegations made in the application for review and the supporting representation from the Police Licensing Team.

**APPLICATION FOR REVIEW**

**16 October 2019 - allegation that the premises was allowing relevant entertainment and the sale of drugs**

*The Premises Licence Holder's understanding is that this was an anonymous complaint made to the Council's Licensing Service.*

*Following the complaint, Ms Figueiredo visited the Premises and spoke to Mr Rahman and Mr Jules. Ms Figueiredo stated that her opinion was that the complaint was fake, but explained that all complaints have to be investigated.*

*Ms Figueiredo was shown CCTV footage from the night in question which clearly showed that the allegations e.g. the provision of relevant entertainment and the sale of drugs were untrue. The Premises Licence Holder does not understand the comment that the Premises were unable to provide CCTV footage in relation to this allegation as Ms Figueiredo was shown the CCTV footage and could have been provided with a copy if one was requested. No such request was made.*

*As far as the Premises Licence Holder is aware, Ms Figueiredo was satisfied that the complaint was unfounded and with the Premises Licence Holder's response to that complaint. The Premises Licence Holder is disappointed that this allegation is being brought up again as part of these review proceedings and in particular that a great deal of context seems to have been left out.*

**17 November 2019 - allegation that the premises was open beyond the time stated on its premises licence**

*The Premises Licence Holder does not consider that this constitutes good evidence that the premises was open after 2am.*

*The persons observed entering the premises were staff engaged in cleaning the premises and the music heard at the rear of the premises was music that was being listened to whilst that cleaning was taking place. No customers were on the premises and there is no evidence that customers were on the premises.*

*The Premises Licence Holder accepts that a letter may have been sent requesting footage from the Premises Licence Holder's CCTV system, but no letter was ever received by the Premises Licence Holder. Post not being received at the premises has been a problem for the Premises Licence Holder generally. When the shutter of the premises is down there is no way for post to be put through the shutter. In any event, there was no follow up to the letter asking why the Premises Licence Holder was not responding.*

**14 August 2020 - allegation that the premises is operating as a "nightclub" and staying open beyond the time stated on its premises licence**

*The premises was not open on this date.*

**15 August 2020 - allegation that the premises staying open beyond the time stated on its premises licence**

*The premises was not open on this date.*

*The premises did not open as a "nightclub" during lockdown. The premises has, at times when it has been permitted to do so, opened for authorised events in*

*accordance with the coronavirus legislation, for example, commemorative events following a death (a permitted organised gathering).*

*More concerning to the Premises Licence Holder is that none of this was brought to the Premises Licence Holder's attention at the time, but is instead being cited as part of an application to review the Premises Licence Holder's premises licence.*

*The Premises Licence Holder is extremely concerned by the allegation that gunshots were heard in the vicinity of the premises, but finds it very strange indeed that if this were true, this was never discussed with the Premises Licence Holder and the first time the Premises Licence Holder was made aware of such an allegation is as part of these review proceedings.*

### **3 July 2021 - allegation that the premises is operating as a "nightclub" and staying open beyond the time stated on its premises licence as well as operating in breach of the conditions of that licence**

*The premises was open for an event on this date. The event in question was a "Nine", which is an event commemorating an individual's death that takes place 9 days after they have passed away and the day before the funeral takes place.*

*There were 26 people in attendance at the event plus staff, in line with government guidance. The majority of the persons in attendance were aged 60 or older.*

*The Premises Licence Holder does not accept that the premises was operating as a nightclub. Nine-nights are no longer a time to mourn, but a time to celebrate since the loved one is no longer suffering in life. When friends come, they do not come with just condolences, instead they come with food, drink, and music; this is after all a celebration of someone's life.*

*The Premises Licence Holder accepts that there were persons who had attended the Nine-Night within the premises after 02:00 hours. The Premises Licence Holder apologises unreservedly for this. The event finished at 2am however the Premises Licence Holder accepts that music was played thereafter. A decision was taken to exit attendees in small groups via the rear door of the premises a few at a time in intervals. The Premises Licence Holder had experienced issues with inebriated football fans (following England's 4-0 victory over Ukraine in the Euro 2020 semi-final) trying to gain access to the premises, which was not commensurate with the event taking place. The Premises Licence Holder decided*

*to shut the shutters at the front of the Premises to give the appearance of being closed and to exit the attendees through the rear door. The Premises Licence Holder accepts that they should not have done this and should have exited attendees onto High Road.*

## **POLICE REPRESENTATION**

### **2018 - allegation that the premises was being used for licensable activities without the benefit of a premises licence**

*The Premises Licence Holder took possession of the premises in 2019. Anything that took place prior to that date is not relevant to the Premises Licence Holder's management of the Premises, but would appear to have been included to try to tie the Premises Licence Holder to those allegations.*

### **19 June 2021 - allegation that the premises staying open beyond the time stated on its premises licence**

*The premises was not open on this date.*

### **20 June 2021 - allegation that the premises staying open beyond the time stated on its premises licence**

*The premises was not open on this date.*

### **25 June 2021 - allegation that the premises staying open beyond the time stated on its premises licence**

*The premises was open on this date for Mr Jules' 40<sup>th</sup> birthday party. The premises was not open to the public and all attendees were family or friends. No licensable activities took place on this date. The event finished at approximately 01:30 hours and a small number of attendees stayed behind to clean down the premises.*

**26 June 2021 - allegation that the premises staying open beyond the time stated on its premises licence**

*See above.*

**25 July 2021 - report of GBH where the victim was spotting leaving the venue on CCTV**

*The Premises Licence Holder was first made aware of the alleged GBH on 17 August 2021 (23 days after the alleged incident) at the hearing of a contested Temporary Event Notice. There had been no contact from the police regarding the allegation prior to this date.*

*On 24 August 2021 (30 - 31 days, depending on timing of footage requested, after the alleged incident) Mr Jules was contacted by telephone at approximately 13:00 hours by a person who gave their name as Sherry. Sherry asked Mr Jules to secure footage from 24 July 2021, but did not give any specific times or specific instructions as to which cameras were to be downloaded.*

*The CCTV system at the premises works on a 31 day rolling basis. What this means is that footage from 01:00 on day X starts to be overwritten at 01:00 on day Y (31 days later). It was not physically possible to provide the footage requested from 24 July 2021 because that footage had already been overridden.*

**Undated - Premises operates as a “nightclub” and sells tickets**

*Since 21 July 2021 there has been no operation on the premises operating as a nightclub. The Premises Licence Holder does not accept that the premises operated as a nightclub in breach of the coronavirus regulations or that there is any evidence to that effect.*

*The Premises Licence Holder is amused at the allegation that the Premises Licence Holder sells tickets to events at the Premises in light of condition 18 of the premises licence, requested by the police, that “Any events held at the premises shall be by way of a pre-paid ticket only.”*

**Undated - allegation that the premises is breaching various conditions of the premises licence including conditions 1 - 6, 11, 12, 13, and 15**

*Condition 1 of the premises licence obliges that the premises to have installed a CCTV system that is in good working condition that keeps recordings for 31 days. The Premises Licence Holder is happy to confirm that such a system exists at the premises and that recordings are kept for 31 days.*

*Condition 2 requires that recordings show the correct date and time. The Premises Licence Holder is happy to confirm that recordings do show the correct date and time.*

*Condition 3 requires the positioning of various cameras around the premises. The Premises Licence Holder advises that it has a 15 camera system covering the locations cited in the condition.*

*Condition 4 requires a member of staff to be on site who can use the CCTV system. The Premises Licence Holder confirms that this is complied with.*

*Condition 5 requires that the CCTV system be capable of capturing a head and shoulders image of anyone entering or exiting the premises. The Premises Licence Holder is happy to confirm that the system does this.*

*Condition 6 requires that the Premises Licence Holder or the DPS inspect and test that the CCTV is working on a weekly basis and to make a note of their findings. The Premises Licence Holder confirms that these checks take place.*

*Condition 11 requires that the Premises Licence Holder ensures that customers leave the premises in a quiet and orderly fashion. The Premises Licence Holder is of the view that it complies with this condition and that customers do leave the premises in a quiet and orderly fashion and that dispersal is managed by staff and SIA.*

*Condition 12 states that the external rear area shall not be used at any time other than for receipt of deliveries. In the Premises Licence Holder's view, this condition is problematic for a number of reasons. The Premises Licence Holder accepts that on 3 July 2021 it allowed customers to exit via the rear door of the premises, but respectfully, the condition does not say that customers cannot exit the premises via the rear door but rather that the rear area can't be used. The Premises Licence Holder suggests that this condition is removed and replaced (along with several other conditions of the licence) to state that customers will not be permitted to use the rear door of the premises, except in an emergency.*

*Condition 13 states that no noise or vibration shall be detectable at any neighbouring noise sensitive premises. There doesn't appear to be any evidence that the Premises Licence Holder is operating in breach of this condition save*

*that there have been some complaints from local residents. It is noted that none of those residents have submitted representations supporting the review application and furthermore, that the Council's environmental health team haven't supported the review application.*

*Condition 15 states that all doors and windows should remain closed during licensable activity. This is not a well-drafted condition as if all doors and windows are to remain closed during licensable activity how is anybody supposed to get in to or out of the premises?*

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**INDEPENDENT REPORT FOR  
BRENT COUNCIL'S  
LICENSING SUB-COMMITTEE**

**THE VIP LOUNGE**

**546 HIGH ROAD, Wembley HA0 2AA.**

**By Andrew Bamber**

**Dated: 22nd September 2021**

## **INTRODUCTION**

1. I have been asked by Luke Elford of Woods Whur to review two documents that form the basis of an application for review under the Licensing Act 2003 for The VIP Lounge, 546, High Road, Wembley HA0 2AA.
2. My assessment is completely independent of my instructing solicitor and the owner and the managers of the venue. I have no personal involvement with any business or resident in the area.
3. I am able to evaluate the application and the representations made based upon my extensive experience and qualifications.
4. In brief I have been:
  - A Divisional Licensing Inspector for a busy and challenging London Borough;
  - The Operations Manager for the Central London Clubs & Vice unit;
  - A Detective Chief Inspector managing divisional crime data, statistics and investigations;
  - A senior detective (Investigating Officer);
  - A Borough Commander for 2 London Boroughs, including the London Borough of Brent, responsible for developing and delivering local policing plans that include the night-time economy challenges; and
  - A Assistant Director in Local Government for 10 years. I was responsible for the Safer Communities portfolio that included the development and delivery of the Partnership Community Safety Strategy. I was directly responsible for the Licensing function and the night-time economy, problem solving local crime and ASB hotspots

and the Anti-social behaviour enforcement teams. I was also responsible for the Drug and Alcohol Treatment programmes for the borough.

5. I acknowledge that as an expert witness my primary duty is to the Licensing Sub-Committee, and if necessary, to the Court. All facts identified in this report are true to the best of my knowledge and experience. They were either witnessed or experienced by me personally or relayed to me in good faith and appear to be credible and reliable.
6. The opinions I have expressed within in this report are honestly held and correct to the best of my judgement and belief based on my extensive experienced in the field. My fee for preparing this report is not conditional on the opinions I have stated within or the eventual outcome of the case.
7. The two documents that I have reviewed are:
  - The review application submitted by Brent Council Licensing Enforcement Officer Susana Figueiredo and dated the 28<sup>th</sup> July 2021; and
  - A supporting document in the form of a representation submitted by Police Constable Gary Norton representing the Metropolitan Police, dated the 6<sup>th</sup> September 2021.
8. I also visited the venue and the surrounding area on Thursday the 16<sup>th</sup> September. This enabled me to assess the layout of the premises in the context of the alleged complaints, what other premises are nearby and also the setup of the premises. It also enabled me to meet with the management team and discuss the review proceedings with them.

**Brent Council licensing enforcement officer (Susana Figueiredo)**

**16 October 2019 - allegation that the premises 'were permitting stripping, the sale of drugs, and alcohol.'**

9. The alleged incident on the 16<sup>th</sup> of October 2019 appears to be an anonymous complaint. There is absolutely no evidence supplied by the officer to suggest that any offence has been committed or any condition of the premises licence breached. In addition, the officer does not detail what action was taken in respect of the allegation and the outcome. There is some suggestion that there was an investigation as the officer mentions a failure to provide CCTV footage.
10. I would have expected the officer to detail what was investigated, the response of the DPS, and the outcome of the investigation, especially if it was a vexatious complaint. None of that appears to have happened.
11. This account does not meet any evidential test and is not evidence of any wrongdoing. The only conclusion that I can draw from this is that this "incident" has been included to bolster the application for review and to try to leave the Sub-Committee with a negative impression of the premises licence holder/dps.

**17 November 2019 - allegation that the premises was open after 2am.**

12. The reported incident on the 17<sup>th</sup> of November 2019 is purely a suggestion and or an assumption that the venue is open.
13. The officer does not produce any evidence of any wrongdoing. The officer states that night inspections were being conducted. The officer does not say who was carrying out the inspections. However, the term 'we' is used in a paragraph and it may be that Susana Figueiredo was present.

14. The officer says that at 02.22 on the 17<sup>th</sup> of November 2019 the shutters at the venue were pulled up. A male was seen standing at the entrance, facing the road, and there was a male and female stood with him. The 3 entered the venue and the shutter was pulled down. The assertion seems to be that these people were customers, but there is no actual evidence to support that.
15. The officers then went to the rear of the premises and she says that she could hear the faint sound of music.
16. The officer gives no evidence of the investigation team trying to enter the venue to inspect and investigate what had been seen/heard. Other than seeing people enter the venue there is no evidence to support any wrongdoing. There are a number of reasons why people might enter a venue and the officers out on inspection visits did not investigate the circumstances to obtain the required level of evidence. For example, the people entering and exiting the venue could have been staff.
17. It appears from the officer's report that the shutters were up from 02.56 until 04.58 but no attempt was made to enter the venue to investigate what had been seen. I would have expected further investigations to have taken place and questions to have been asked of the premises licence holder/dps to ascertain whether the persons observed were customers, staff, or something else entirely.
18. On the 18<sup>th</sup> of November 2019 the officer says that the council CCTV was viewed and that at 02.46 the shutter was pulled up and at 02.49 three males who walked from the direction of Ealing Road entered the venue.
19. Then at 02.56 a female and 2 males leave the venue and at 04.58 the shutters were closed.

20. There is no mention of the CCTV recording confirming what the officers had seen in the street. The officer says that a letter was sent to the licence holder setting out what had been seen that evening.
21. It seems unusual that the officers did not seek to gain access when they saw people enter the venue.
22. In addition to viewing the council CCTV the officer says that she sent a letter requesting the venue's CCTV footage that covered the events on the 17th. The owners say that the letter was never received. I note that despite reference to the letter in the review paperwork the letter actually hasn't been produced.
23. Whilst the officer says that a letter was sent, surprisingly there is nothing to suggest that the officer followed up the request and that the matter was not progressed. I would have expected the officer to have followed up the letter with a phone call, email, or visit to the premises rather than to do nothing. Failure to follow-up on requests within a timely fashion appears to be a theme that runs throughout this application for review.
24. People entering and/or leaving a venue is not good evidence of any wrongdoing. There may have been a simple and completely reasonable explanation such as family, friends, staff coming and leaving the venue.
25. A failure to follow up the CCTV request and fully investigate the actual events of the 17<sup>th</sup> has resulted in there being no evidence to support any wrongdoing. At best the officer's opinion in the review application really is just an assumption that the venue was operating after hours. There is no evidence to support that assumption.
26. Again, the theme of assumption or a complaint equalling evidence of wrongdoing can be found throughout the application for review. The officer provides other information than is not evidence. These include.

**The 19<sup>th</sup>-20<sup>th</sup>, and 25<sup>th</sup> June 2020 – allegations that the venue was open and operating as a nightclub**

27. The officer includes allegations for the 19<sup>th</sup>, 20<sup>th</sup> and the 25<sup>th</sup> of June stating that the venue was operating as a nightclub. Other than an allegation made by an unknown 3<sup>rd</sup> party there is no evidence that the venue was operating as a nightclub. During this period, it was possible for venues to re-purpose and operate as a bar in accordance with the prevailing coronavirus regulations at the time. This is not explained by the officer and does not appear to have been taken into consideration.
28. Again, the overriding impression I have is that complaint = truth = evidence, which does not meet the required standard of proof for these proceedings.
29. In particular I note that the officer states that *"On 2 July 2021 a complaint was received stating that on 19<sup>th</sup> June, 20<sup>th</sup> June, 25<sup>th</sup> June and 3<sup>rd</sup> July the premises was open as a nightclub."* It is not possible for a complaint to have been made on the 2<sup>nd</sup> of July detailing events that had not yet taken place e.g. 3<sup>rd</sup> July. This is one of a number of inconsistencies throughout the review paperwork.

**14 and 15<sup>th</sup> August 2020 – an allegation that the premises is operating as a "nightclub."**

30. A complaint on the 14<sup>th</sup> of August stating that the venue is open in contravention of Covid-19 restrictions. And on the 15<sup>th</sup> of August stating that the venue is open every Friday evening. That people enter from Wembley High Road and exit from the rear into Market Way. That people gather in large crowds in Turton Road and Lancelot Road until the early hours. Also, that on the 15<sup>th</sup> of August 2 gunshots were heard at about 3.30.

31. Nothing is provided to support the allegation nor is any detail provided that shows any sort of investigation by the council or the police. It is unclear from the paperwork whether the complaints were received by the council, by the police, or by both. The paperwork is lacking in a significant amount of detail in this regard.
32. It's difficult to understand why allegations of Covid breaches are produced without any evidence and why such allegations were not investigated. The covid regulations were extremely complicated and changed frequently. What venues could and could not do often depended on the regulations in force at the time. It is accepted that nightclubs were not able to open until 21 July 2021, but there are a whole range of other ways that a venue could legally operate prior to that date.
33. The lockdown rules changed in July 2020 and it was then permissible to sell alcohol and operate as a bar but not as a nightclub. No explanation of this is provided by the officer and the officer did not investigate the circumstances to see if the venue had repurposed as it could under the guidelines. Without a full and thorough understanding of what rules were in force and when the Sub-Committee are being asked to take the officers word that anything the venue has done is contrary to the regulations and this simply isn't the case.
34. There is no mention of the two (2) other licensed premises that are located at this location.
35. One is situated in the High Road a few premises along from the VIP Lounge towards the junction with Lancelot Road, and that it also has an exit into Market Way and it a few metres from Turton Road.
36. The other venue is in Lancelot Road close to the junction with Turton Road.

37. Without any direct evidence to highlight that the people concerned came from the VIP Lounge it is quite possible that the other venues may have been the cause of the nuisance. There is simply no evidence to support the allegation that the VIP Lounge was the cause of the disturbances. In my view, given the timings of the suggested disturbance it is entirely possible that those causing a disturbance came from one of these two venues, but not from VIP Lounge.
38. The comment about gunshots is just not substantiated and, in my view, it is wrong to make such claims. It only serves to heighten community concerns when there is no evidence of such an event. The sole purpose of making this comment seems to be to attempt to link this venue with a very serious matter.
39. In the absence of any evidence, it could and should have been phrased differently. Somebody heard 2 bangs that they thought may be gunshots. No evidence that a police investigation was undertaken, and it has not been highlighted or corroborated by the police officer. I am told that the first time the venue were made aware of these "gunshots" was as a part of these proceedings. Had there been actual gunshots associated with a venue my experience is that the police response would have been immediate.
40. There are many sources of loud bangs. I note that the location is exceptionally close to railway lines that comprises of mainline and local-line services. This alleged incident occurred on a Friday night/Saturday morning. Track maintenance is normally carried out at night and at weekends. It is quite possible that the sound of safety percussion caps exploding was heard.
41. Without any '*evidence*' this is just speculation similar to many of the other allegations and statements made in support of this review application.

**3 July 2021 - allegation that the premises is operating as a "nightclub" and staying open beyond 2am and breaching licence conditions.**

42. On the 3<sup>rd</sup> of July the officer does provide some '*evidence*' of a visit that she made to the venue at 02.30. She states that the entrance on the High Road was closed and the shutters pulled down (they should have been at this time as the venue should have been closed). That while in Market Way she could hear the sound of music and that there was a door supervisor and around 5 people stood with the door supervisor. She says that she identified herself and requested entry and that it was refused until the door supervisor had contacted the DPS.
43. She also states that the rear doors should not be used as an entrance. She gives no evidence of people entering or leaving the venue by this route, just that people were stood outside with the door supervisor.
44. I have looked at the conditions and cannot see any condition that specifically states that people cannot enter or leave by this route. There is a condition that states that the external rear area should not be used at any time other than for receipt of deliveries.
45. The condition does not say that people cannot enter and leave by this door. The condition refers to the 'external rear area' not a door or entrance. It is ambiguous and can be taken to mean not to obstruct the road/passage for other business users. In my view this condition needs to be replaced with conditions that explicitly deal with customers entering/leaving via the rear door in Market Way and prohibiting that behaviour except in an emergency (when it would be only right that they should be able to leave by a fire exit). The wording of this condition is not the only issue with the conditions of the premises licence, some of which seem to be duplicated or ill-considered.

46. The officer says she stood and waited for the DPS. She does not detail any investigation that she might have made at this doorway by speaking to the people outside and/or the door supervisor.
47. She says that she heard the phrase 'Brent council is outside, please sit down and ensure social distancing' and this was repeated a number of times. This is phrased so as to be negative. In my opinion, that is not the only way of reading such an announcement and it could be considered that the management of the venue were sensible to make such an announcement in order to ensure that customers understood what was happening and did not become alarmed or try to leave the venue.
48. She states that she was met at the door by the DPS Darren Jules and then entered the basement area where she saw about 40 people who were in the main seated. She commented that the music was loud and that she went to the mezzanine floor to talk with Mr Jules.
49. Mr Jules disputes that the music was so loud that a conversation could not be held but suggests instead that the mezzanine floor was an appropriate place to talk because it was a) quieter and b) not in customer view. It is worth pointing out that at this time under the coronavirus regulations the venue was permitted to hold certain events e.g. commemorative events following a death, which I am told the event on 3 July was. It is also worth pointing out that there was no legal requirement for music to be played at a certain level. The government tried to impose a music level requirement earlier on in the pandemic and it was abandoned for being unenforceable/unworkable.
50. The officer comments that if the premises had been permitted to be open due to Government restrictions, then it would have been open past its licensable hours. The officer is correct that the venue should not have been open past 02:00. The premises licence holder and the dps accept this and have indicated that it was a mistake. When I spoke with them they told me

that they had decided to disperse attendees at the memorial event a few at a time from the rear of the venue and that this was because they had had issues earlier in the evening with drunk football fans trying to enter the venue (this was after England had beat Ukraine 4-0 in the Euro 2020 quarter finals).

51. My view is that the management team were trying to do the right thing, but at the wrong time. The management team should have ensured that all attendees had left the venue by 02:00.
52. Government restrictions did allow the venue to be open if it had repurposed as a bar but not as a nightclub. The regulations also allowed the venue to open for certain events (see ante). The officer does not provide any evidence of an investigation to establish the purpose of the venue being open, or any evidence that it was operating as a night club. Had the venue repurposed as a bar then it should have closed at 02.00 and the sale and supply of alcohol should have ceased at 01.30.
53. The officer says that she saw somebody being served with a drink as she was leaving. She provides no evidence relating to the type of drink that it was, if it was paid for, who supplied it, and who the person was that received the drink. There was no investigation of the circumstances and it would be possible to defend the action by saying that the person receiving the drink had felt unwell, asked for a bottle of water, and been provided it by the person behind the bar. There was no evidence provided that actual alcohol had been sold or supplied.
54. There is evidence that people were in the premises after 2am, but that is the extent of the evidence. The management team accept that the premises should have been closed, but have explained why the venue remained open e.g. to disperse attendees over a longer period and not on to the High Road because of the presence of drunk football fans. I am told that the average age of the person attending the memorial event was mid to late 50s.

55. The officer has not provided any detail or evidence describing the type of person in the venue at the time of her visit

**London Borough of Brent Enforcement Policy.**

56. I have read the above policy as it specifically relates to Licensing. My impression is that the officer has immediately opted for the review process without considering the guidance in the policy around the evidential tests and the section on compliance advice, guidance, and support. Had she considered this I would have expected the officer to document her decision making process for the benefit of the Licensing Sub-Committee.

**Police representation. Gary Norton 2965NW Licensing Constable – Brent Police**

57. The officer opens up his representation with an overview of the venue that has nothing to do with the current licence holders. It has no relevance to the review of the current licence and the comments have all the hallmarks of a makeweight for the review. This is similar to the use of unsubstantiated complaints e.g. the gunshots cited by the Licensing Enforcement Officer.
58. The officer does not appear to have been directly involved in any investigation relating to the venue and appears to rely entirely on third party comments.
59. He mentions complaints about noise in the rear service area and highlights times of 03.00 and 05.20 hrs. He fails to mention that there are 2 other premises at this location, and one of them has an exit into the service road (Market Way) exceptionally close to Turton Road.

60. Both of these venues have closing times closer to the hours that the behaviour was reported. The officer's commentary does not link to any specific documentary evidence. It appears that the officers simply accept that complaints are 100% accurate and assume that the persons involved have all come from the venue. There is no investigation, no evidence and such assumptions are, in my view, very unprofessional.
61. The officer refers to 'sick and needy' children without any reference to specific complainants or evidence, and his comments cannot be verified. This appears nothing more than a second attempt to add another makeweight. It is simply not supported by any evidence and should be disregarded entirely.
62. The officer states that; "The venue has had a spate of late clubbing events that took place without authority to conduct licensable activities, resulting in complaints." The officer provides absolutely no evidence to support the statement.
63. The officer says that a number of TENs were applied for and refused. He has not provided details of the applications and the reasons for the refusal. I understand that there have been two (2) TENs given in recent times. The first was for an event on 7 August 2021 and the second for an event on 21 August 2021. The first TEN was a Late TEN and when objected to by the police the event could not go (and did not) go ahead. The second TEN was contested by the police and was granted by the Sub-Committee. Further details of the circumstances of that grant will be provided by the dps at the hearing.
64. There was an alleged incident on the 25<sup>th</sup> of July 2021 that is referenced by the officer and again there is no supporting evidence. He refers to an alleged stabbing incident at the venue and a request for CCTV. (it is unclear whether the incident took place at the venue or whether the incident took place away from the venue).

65. In order to support the review I would expect the officer to provide a redacted copy of the crime report, redacted copies of any information/intelligence reports. The specific date and time, and how the CCTV request was made rather than a reference to within 31 days.
66. I would also expect a copy of the Data Protection Act request document supplied to the licensee stating the reason for the request, what was being investigated, the date, the time, and the location of the cameras that recorded the footage.
67. None of this has been provided by the officer to support his representation for a review of the licence.
68. The officer provides no evidence whatsoever to support the following comment in the review application. *The issue here isn't the nature of the music or D.J.s themselves, it's the simple fact the venue is breaching its existing licence, opting for late night licensable activity when they feel they can "get away with it", or hopefully have it granted officially for them outside of their agreed hours.* In my view this type of personal comment should not be included within a review application or representation.
69. The police officer refers to the rear doors of the venue but there is no specific condition that says the doorway cannot be used. The condition refers to the use of the 'area' at the rear of the venue, not the entry/access point to the venue. I have explained above why this condition is unclear and what can be done to correct that.
70. There is no evidence to support his comment; *The expectation of patrons to such events is a "late one", many such events can run until 0400hrs or even "sun up" at 0600hrs.* It is pure speculation on the part of the officer and seems designed to give a certain impression of the venue and management.

71. Equally there is no evidence to support the claim that; *The use of the rear service alley is most likely to hide the fact its open much later, allowing entry and exit via the rear away from CCTV.* It seems that the officer is unaware that the CCTV system covers the area at the rear of the venue even though it is a specific condition on the licence.
72. The officer cites that the venue is in breach of a number of conditions. He doesn't reference if he is referring to Annex 1 or Annex 2, but I make the assumption that he is referring to Annex 2 conditions.
73. The claim that there are breaches of conditions 1-6 is not supported by any evidence and actually throws doubt on whether the officer has actually visited the venue or has knowledge of it.
74. There is a fully operational CCTV system covering the venue and the rear area in the service road.
75. The recordings display the date and time, and cameras cover the front and rear of the venue.
76. Condition 1 of annex 2 includes a reference in relation to compliance with the Data Protection Act. It is interesting to note that neither officers appear to be aware of their own obligations under the act when making requests for CCTV. Neither the police nor council have provided evidence that they complied with the Data Protection Act when making requests for CCTV footage. The Data Protection Act is there to protect both the premises licence holder (as the data controller) and also the requesting authority (upon receipt of data). It is hugely concerning that non-compliant, effectively illegal, requests are being made seemingly routinely by officers within the borough.

77. The CCTV system in the venue captures full head and shoulder images of people entering and leaving the venue. Staff are trained and the system is checked weekly, and the checks are recorded and kept at the venue.
78. The police officer does not provide any evidence to support a breach of condition 11. I have spoken with the management of the premises and they have detailed to me the things they do at dispersal, many of which seem eminently sensible. These measures could be codified into a written dispersal policy and this condition replaced with one that is enforceable and that satisfies the criteria set out in the section 182 guidance.
79. Condition 12 is ambiguous and refers to the use of the *area* at the rear of the venue. It does not condition entry and departure of staff and customers. Having visited the venue it seems to me that it makes absolute sense for staff to come and go via the rear entrance door and furthermore for any staff who wish to smoke to use that area. It is lit and covered by CCTV cameras and would not put the staff out on to the street with customers or the general public.
80. Condition 13, noise sensitive premises have not been identified by the officer nor has he specifically evidenced that noise from the premises is a problem. In so far as the street noise is concerned the officer fails to identify the 2 other premises that stay open longer than The VIP lounge and that their closing times are more aligned to the street noise at 03.00 and 05.00.
81. During my visit to the area on the 16<sup>th</sup> of September 2021 there was clear evidence of street drinking near to the junction of Market Way and Turton Road. It seems that street drinking at this location is a significant problem because the area is a designated drinking control area (DCA) and the DCA notice is fixed to the street furniture at the junction of Turton Road and Market Way. It is feasible that any nuisance caused at this location is caused by street drinkers rather than customers from the VIP Lounge. (See photographs)

82. The officer provides no evidence for condition 15 having been breached.
83. The officer concludes his support for the review by stating; Licence Conditions are put in place for the responsible parties to ensure adherence to the licensing objectives and help prevent issues arising. However, when those same parties deliberately ignore or try to circumvent the conditions, despite recommendations and previous warnings, it is clear that the revocation of the premises licence is necessary.
84. The officer provides no evidence to support his representation and he does not qualify the reference to 'despite recommendations and previous warnings'.
85. In the absence of any evidence by the officer it is difficult to assess why he thinks that such action is necessary, and he does not explain why such action is proportionate in the circumstances.

### **Conclusion**

86. A review of a premises licence is an extremely serious matter, both in terms of breaching licensing legislation and the consequences and potential impact upon a business and the employees. The loss of a premises licence for a venue such as this will, effectively, close it down.
87. It is therefore essential that officers asking for, and supporting, a review of a premises licence provide evidence to support their application that is capable of meeting the burden of proof in these proceedings (the balance of probabilities).
88. Such evidence would normally constitute first-hand visits, the details of any investigation, and supporting evidence in document form or CCTV footage.

Anonymous complaints are purely information/intelligence which provide the grounds for any investigation. I note that there is minimal (or no) information given regarding the anonymous complaints other than the dates they were made.

89. I would have also expected the officer to set out the Covid 19 restrictions in place at the time, setting out what was legally permitted in licenced premises on the dates that have been cited. Where there are alternatives to the officer's point of view e.g. permitted events, then I would have expected these to be explained to provide a more balanced application.
90. Other than customers being in the venue past 2am as confirmed by the visit on the 3<sup>rd</sup> of July 2021 neither officer provides any other evidence of actual wrongdoing. The 2 documents in the main contain views, speculation, and assumptions.
91. The Sub-Committee appear to be invited to take the views of the officers, their speculation, and their assumptions as good tangible evidence that the conditions of the premises licence have been breached and the licensing objectives undermined.
92. My view is that the application is bereft of any actual or substantial evidence. That there has been a failure to properly investigate the venue and the application is a particularly basic piece of work, that is poorly structured and poorly presented.
93. That there has been an immediate push to revoke the licence without any consideration of other options and courses of action that could have been taken.
94. In addition, the officers should both demonstrate that their decision to apply for, and support, a review of the premises licence is both appropriate and proportionate in all of the circumstances. Neither officer has done so. The

Sub-Committee seem to be invited to revoke the premises licence without any real evidence and without any consideration of alternatives.

Ramber

**22<sup>nd</sup> September 2021**



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**THE VIP LOUNGE  
546 HIGH ROAD  
WEMBLEY HA0 2AA**

**SUGGESTED AMENDMENTS TO  
LICENCE CONDITIONS IN RESPONSE TO  
REVIEW APPLICATION**

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council. This must comply with the Data Protection Act including signage. - **TO REMAIN**
2. The CCTV system shall display on any recordings, the correct date and time of the recording. - **TO REMAIN**
3. CCTV camera shall be installed to cover the entrance of the premises, the rear door, the external area at the rear of the premises and further cameras installed to cover the full interior of the premises. - **TO REMAIN**
4. A member of staff trained in the use of the CCTV system shall be available at the premise at all times that the premises are open to the public. - **TO REMAIN**
5. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises. - **TO REMAIN**
6. The Licence holder /DPS/Manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Local Authority on request. - **TO REMAIN**

7. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises. - **TO REMAIN**
8. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any visit by a relevant authority or emergency service. - **TO REMAIN**
9. Notices shall be prominently displayed at all exits requesting patrons to respect needs of the local residents and businesses and leave the area quietly. - **TO REMAIN**
10. Customers shall not be permitted to take open glass containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority. - **TO REMAIN**
11. ~~The licensee shall ensure customers leave the premises in a quiet and orderly manner.~~ - **TO BE REPLACED WITH:**

*The Premises Licence Holder shall devise and implement a Dispersal Policy for the Premises to ensure that customers leave the Premises in a quiet and orderly fashion. A copy of the Dispersal Policy shall be kept at the Premises and made available to Responsible Authority Officers on request.*
12. ~~The external rear area, shall not be used at any time, other than for receipt of deliveries.~~ - **TO BE REPLACED WITH:**

*Customers shall not be permitted to enter or leave the Premises via the rear door in Market Way at any time except in the case of an emergency.*

*Customers shall not be permitted to congregate in Market Way at any time except in the case of an emergency.*

*After the Premises has closed to the public the Premises Licence Holder shall conduct a sweep of Market Way from the rear door to the Premises down to the junction with Turton Road to ensure that no customers have entered or are congregating in Market Way.*

13. No noise or vibration shall be detectable at any neighbouring noise sensitive premises. - **TO REMAIN**
14. A suitable intruder alarm complete with panic button shall be fitted and maintained. - **TO REMAIN**
15. All doors and windows shall remain closed during any licensable activity.  
- **TO BE REPLACED WITH:**

*With the exception of access/egress all doors and windows shall remain closed during Licensable Activities at the Premises.*

16. A sign stating 'No proof of age, No sale' shall be displayed at any point of sale. - **TO REMAIN**
17. The premises will operate a challenge 25 age verification policy at all times with the only acceptable forms of photographic identification being a driving licence or passport. - **TO REMAIN**
18. Any events held at the premises shall be by way of a pre-paid ticket only.  
- **TO REMAIN HOWEVER, WHAT CONSTITUTES AN "EVENT" SHOULD IN OUR VIEW BE CLEARLY DEFINED.**
19. Any outside hirers shall be given a copy of "Challenge 25" policy prior to commencement of events and will be required to sign declaration of understanding of the policy. - **TO REMAIN**

20. Contact details of all outside hirers/DJ's shall be logged and kept at the premises and made available for inspection by police and relevant authorities upon request. These contact details shall include; full name, address, telephone and email address. - **TO REMAIN**
21. No children shall be admitted unless accompanied by a responsible adult. - **TO REMAIN**
22. Persons under 18 will not be permitted to remain on the premises after 22:00hrs. - **TO REMAIN**
23. Alcohol shall only be provided as an accompaniment to a main meal in the restaurant area as defined on the plans submitted to the licensing authority. - **TO REMAIN**
24. Any staff directly involved in selling alcohol for retail to consumers and staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation (at least every 6 months). The training shall be documented and signed off by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request. - **TO REMAIN**
25. Door supervisors of a sufficient number and gender mix, shall be employed from 21:00hrs on any day when the premises are open past midnight. - **TO REMAIN**
26. SIA Security shall wear clothing that can be clearly and easily identified on CCTV. - **TO REMAIN**
27. A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept at the premises and made available to the Police and Licensing Authority. - **TO REMAIN**
28. SIA Security shall monitor the egress of customers at the end of the night and shall remain at the premises until the final customers have left. - **TO REMAIN**

29. No entry or re-entry shall be permitted after 23:00 hours on Sunday to Thursday and 00.00hrs on Friday and Saturday until the premises is closed to the public. - **TO BE REPLACED WITH**

*With the exception of persons who have left the premises temporarily e.g. to smoke, there shall be no entry or re-entry to the Premises after 23:00 hours Sunday to Thursday and after 00:00 hours Friday and Saturday until the Premises is closed to the public.*

30. Notices clearly explaining the licensee's drugs and weapons policy shall be displayed at the entrance and at suitable places throughout the premises. A more detailed policy shall be kept at the premises and made available to the Police and Licensing Authority - **TO REMAIN**

31. Notices explaining the licensee's policy on admission and searching shall be placed at each entrance. - **TO BE REPLACED WITH:**

*Notices explaining the Premises Licence Holder's admission and search policies shall be displayed at the entrance to the Premises*

32. After 20.00hrs, toilets shall be checked every two (2) hours for the use of drugs and other illegal activities. - **TO REMAIN**

33. A toilet check list shall be displayed on the wall in all toilets. Staff shall use these checklists to record their name and certify the time of the check. Checklists are to be replaced daily and old checklists must be retained and made available for inspection by the Police and authorised officers from Brent Council - **TO BE REPLACED WITH:**

*A toilet checklist shall be displayed on the wall in all customer toilets. Staff shall use these checklists to record their name and certify the time that the toilet check took place. Checklists are to be replaced daily and shall be retained by the Premises Licence Holder for a period of 6 months. Copies of the checklists shall be made available to Responsible Authority Officers on request.*

34. A personal licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol after 20.00hrs. - **TO REMAIN**

35. The designated smoking area (DSA) shall be located at the front of the premises facing High Road, Wembley. - **TO REMAIN**
36. When the premises licence is in operation the DSA shall be limited to no more than 4 (four) people at any one time. This shall be supervised at all times. - **TO REMAIN**
37. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways. - **TO REMAIN**
38. Adequate illumination shall be provided and maintained to the rear external area of the premises. - **TO REMAIN HOWEVER THE SUB-COMMITTEE SHOULD CONSIDER WHETHER IT IS SENSIBLE TO LIGHT THE REAR AREA OF THE PREMISES TO THE EXTENT THAT IT COULD ATTRACT CUSTOMERS, WHICH IS SOMETHING TO BE AVOIDED**
39. Customers carrying open or sealed bottles or glasses shall not be admitted to the premises. - **TO REMAIN**
40. Nudity, striptease and other entertainment of an adult nature shall not be permitted on the premises. - **TO REMAIN**
41. Public transport information including night time travel options shall be made available. - **TO REMAIN**
42. Notices advertising the number of a local licensed taxi service shall be displayed in a prominent position - **TO REMAIN**
43. Customers shall not be permitted in the areas where the spiral staircase is situated both on the first lower floor and second lower floor plan. Where there is a fire exit leading to this area, it may be accessed in case of an emergency. - **TO REMAIN**
44. There shall be no recorded music or live music on the first lower floor which shall be designated as a restaurant area only. - **TO REMAIN**
45. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily). - **TO REMAIN**

46. No children shall be permitted on the premises unless accompanied by a responsible adult. - **TO BE REMOVED DUPLICATES CONDITION 21**
47. **On Major football event days at Wembley Stadium, the following shall apply unless agreed in advance in writing with the Metropolitan Police and subject to an appropriate risk assessment.**
- a) Customers shall not be able to congregate outside the premises.
  - b) The DPS on deputy shall work in partnership with the police and if necessary comply with any direction given by a senior Police Officer on duty at the event.
  - c) No drinks shall be served in glass containers, but decanted into plastic, polycarbonate or toughened plastic drinking vessels.
  - d) A personal licence holder shall be present at the premises on football event days to supervise the sale of alcohol.
  - e) Sales of alcohol shall cease one (1) hour prior to the designated kick-off time and not re-open for the sale of alcohol until fifteen (15) minutes after kick --off. - **TO REMAIN**
48. The locks and flush latches on the exit doors shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises. - **TO REMAIN**
49. Any socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps). - **TO REMAIN**
50. No person shall be permitted to sit on the floor, on stairs or in gangways and passageways. - **TO BE REMOVED. THIS IS A CONDITION OF THE PREMISES LICENCE IN ANY EVENT (SEE CONDITION 37)**

51. All roller shutters that are operational as exit points must be fixed/locked up in the open position whilst the public/staff are on the premises. - **TO REMAIN**
52. A capacity specific risk assessment shall be conducted by a professionally qualified risk assessor. This assessment will include holding capacity, exit capacity and the calculations to demonstrate how that was reached, the lower of the two numbers shall be the final capacity. The guidance used to reach this capacity must be quoted. This risk assessment shall be appraised annually or at the time of any building or layout structural works. - **TO REMAIN**
53. The licensee shall ensure that the access and egress barriers (doors) to the venue is closed except during use. - **TO REMAIN**
54. The Licensee shall reduce Loud Amplified music noise levels from 8pm. - **TO REMAIN**
55. The Licensee shall crowd control measures shall be put in place to reduce negative noise impacts from heavy footfall on egress from the building. - **TO REMAIN**

#### **POTENTIAL ADDITIONAL CONDITIONS:**

***A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.***

***In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:***

***(a) The police (and, where appropriate, the London Ambulance Service) are called without delay;***

***(b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;***

***(c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and***

***(d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.***

## THE VIP LOUNGE

### RELEVANT SECTIONS OF THE S182 GUIDANCE

#### Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the

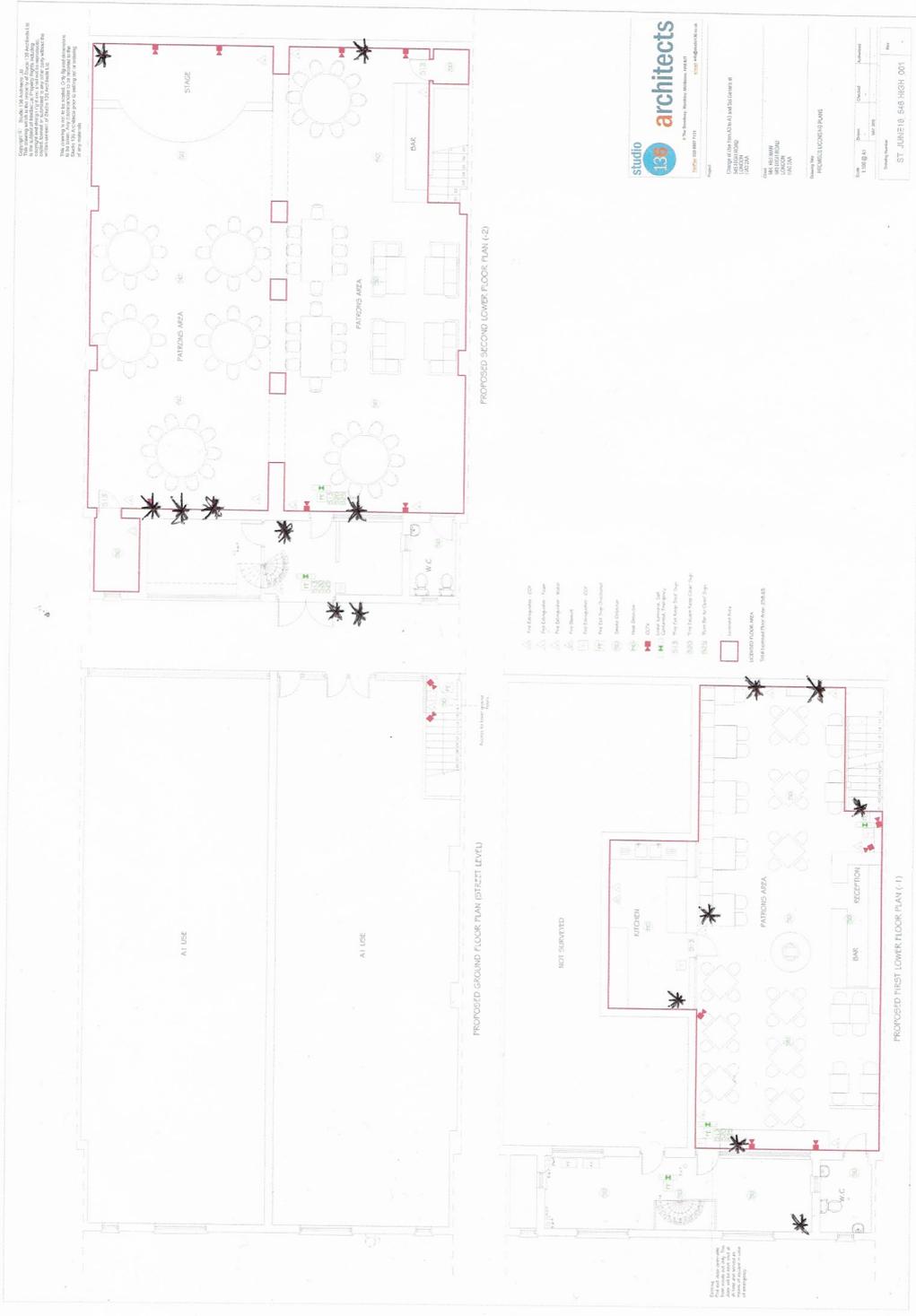
premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

- 9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
  - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - suspend the licence for a period not exceeding three months;
  - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and **should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.**

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