



1. Introduction

- 1.1 I have been asked by Mr Matthew Phipps of TLT solicitors of 20 Gresham Street, London, EC2V 7JE to comment on the licence application by the Munich Cricket Club to open a venue at Unit E2 (formerly La Tasca), Hertsmere Road, Canary Wharf.

2. Personal summary

- 2.1 I retired from the Metropolitan Police in January 2007 having served 34 years of exemplary service. Throughout my service I have been regularly involved in the enforcement, management, and development of licensing initiatives and policies. I retired as a Borough Commander.
- 2.2 As a constable I worked as an undercover officer detecting offences in late night licensed premises in central and west London. As an Inspector I was the licensing Inspector for a very busy inner London policing division.
- 2.3 Whilst working as a Chief Inspector I was the operations manager in the central London Clubs and Vice unit from 1990-1996. As part of this role I had responsibility for late night licensing in Westminster and I supported other London boroughs as appropriate. During this period, I managed both covert and overt police operations on behalf of the police and the local authority to ensure compliance with the legislation and to prosecute breaches where necessary. The overt licensing visits were structured in a way that ensured that all premises operating with late night licences received at least 4 visits a year from a joint licensing team of police officers and local authority officers. It was during this period that I was involved in the development of the initial licensed door supervisors scheme, commissioned by Westminster City Council, which was implemented and managed by myself within the Clubs and Vice unit. During the same period I researched, with a local authority counterpart, the potential for the introduction of 'Lap Dancing' clubs in Westminster. The work resulted in the introduction of 'lap dancing' establishments in the borough. The initiative and the supervision of the licence was then monitored covertly and overtly by officers under my direction.
- 2.4 As a Borough Commander on 2 London boroughs, between 2001 and the beginning of 2007 (January), I worked with both local authorities to develop the respective licensing and enforcement policies. The work with the Local Authority formed a significant part of Community Safety and local policing plans. With the introduction of the new Licensing Act 2003 I oversaw the transfer of responsibilities to the local authority and was instrumental in setting up a joint licensing team for a busy inner London borough.
- 2.5 In 2007 having retired from the police I was employed by an inner London Local Authority as an Assistant Director for Safer Communities. I held this post for 10 years.
- 2.6 As the Assistant Director I had responsibility for crime reduction strategies and the enforcement functions for the authority. These included the Licensing, Trading Standards, and the Environmental Health Teams (including noise). My work involved comprehensive partnership working with all agencies involved in the crime reduction partnership, problem solving local hotspots and environmental audits with the associated action plans.
- 2.7 During the 10 years that I spent with the authority I worked closely with the local policing teams to ensure that licensed premises were effectively supervised and managed in line with local initiatives and the borough licensing and enforcement policies.
- 2.8 As the principal officer for licensing in the local authority I worked closely with local community groups, ward councillors, and members of the licensing committee to develop knowledge and understanding of local enforcement policies and crime and disorder initiatives linked to drugs and alcohol. The work included the

supervision of licensed premises, the management of the licensing objectives and working with legal services to take appropriate and proportionate action where necessary.

- 2.9 I was responsible for delivering a structured approach to licensing management, supervision, and enforcement, the councils community safety plan, the enforcement policy, and licensing policy. My role also included the consultation, development, and delivery of the boroughs controlled drinking zone, cumulative impact zone, Sexual Entertainment Venues, late night levy, early morning restriction orders, Best Bar None, and alcohol treatment programmes. I was the Authorising Officer for all covert surveillance, under the Regulation of Investigatory Powers Act.
- 2.10 On my retirement from Local Government I set up my own compliance consultancy and offer independent advice, compliance audits, and risk assessments for licensed premises. I have given evidence at licensing hearings/reviews, and appeals on behalf of the Metropolitan Police, Local Authorities and individual premises in each of my respective roles.
- 2.11 I have a Masters Degree in Business Administration, I am a member of the Institute of Licensing, and I have personal alcohol licence. I have also been trained in Strategic Emergency and Crisis Management (Cabinet Office EPC), Emergency Control Management (Cabinet Office EPC), Gold Support London Emergency Planning (LLAG), and I was a qualified Authorising Officer for Covert surveillance in both the police and Local Authority.

3. Methodology for the review.

- 3.1 In order to make an objective assessment of the proposal by Munich Cricket Club to open a venue in the West India Quay complex I have;
- Used my previous knowledge of Canary Wharf and the West India Quay complex.
 - Revisited the area of West India Quay and the surrounding area to examine the current environment
 - Undertook 2 unannounced visits to the MCC venue in Victoria to inspect the venue during the evening operating hours and to assess performance against the 4 licensing objectives.
 - I also conducted a document review before commencing any assessment. That review consisted of
 - I. The Licence application
 - II. The representation by a resident who lives in the West India Quay complex.
 - III. The Property and Landlord pack.
 - IV. The acoustic assessment of the proposed venue.
 - V. The proposed licence conditions
 - VI. The premises plans and,
 - VII. The DPS application form.

4. West India Quay:
Unit E2 (formerly La Tasca), Hertsmere Road, Canary Wharf.



- 4.1 West India Quay is owned and managed by Landsec, the largest commercial property company in the UK. Their website <https://westindiaquayquarter.com> advertises 'WIQ' as a destination, or 'quarter' for entertainment. The website provides information on how the travel to the area, what is at WIQ, and the events that are taking place. (See examples at appendix 2).
- 4.2 The area is not in a cumulative impact zone.
- 4.3 Hertsmere Road runs west to east at the north end off the Isle of Dogs. It sits just south and runs just about parallel to the West India Dock Road.
- 4.4 The old wharf buildings are placed along the south footway of Hertsmere Road and the old wharf building sits between Hertsmere Road and the old dock known as West India Dock.
- 4.5 Almost opposite the main entrance into the wharf building on the north side of Hertsmere Road is a large cinema complex, Cineworld.

- 4.6 The wharf complex comprises of a mixed economy that includes residential living, a museum, some small commercial outlets, and eight substantial retail (bar/restaurants) outlets that cater for the afternoon and evening/night time economy.
- 4.7 Apart from the museum at the west end of the wharf complex the eight outlets (one closed) occupy the ground floors (and in some cases the basements) along the entire stretch of the complex.
- 4.8 Along the dock side of the wharf building the bars/restaurants extend out from the building line by some distance creating large open areas that are sectioned off to define each premises.
- 4.9 These substantial areas are an extension of the bar/restaurants and they provide an 'al fresco' environment where customers sit under large parasols to eat and drink during the day, evening, and into the night. (See photographs at appendix 1)
- 4.10 The table below lists the advertised terminal hours for each of the venues that occupy the ground level of the West India Quay building.

The advertised terminal hours for the bar/restaurants in the West India Quay wharf building in Hertsmere Road.							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Browns.	00.00	00.00	00.00	01.00	01.00	01.00	00.00
Burger and Lobster.	00.00	00.00	01.00	01.00	01.00	01.00	00.00
The Sipping Room.	01.00	01.00	01.00	03.00	03.00	03.00	01.00
Temple Lounge.	22.30	22.30	22.30	22.30	22.30	22.30	22.30
Pizza Pilgrims.	23.00	23.00	00.00	00.00	00.00	23.00	23.00
Rum and Sugar.	00.00	00.00	00.00	01.00	02.00	02.00	00.00
Marriott Hotel	00.00	00.00	00.00	00.00	00.00	00.00	23.00
The Ledger Building	01.00	01.00	01.00	01.00	02.00	02.00	01.00
Docklands; London Museum	23.59	23.59	23.59	2.00	2.00	2.00	23.00
Empty Premises.							

Cineworld	23.30	23.30	23.30	23.30	23.30	23.30	22.30
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- 4.11 At the West end of the complex there is a reasonably large public House called 'The ledger Building'. Is is open daily until 12 midnight. At the East end of the complex is the Marriott Hotel occupying part of a tower block with a restaurant and bar on the ground floor.

4.12 A short walk across the dock, over a footbridge, to the south side of the dock are 3 other significant premises that operate in the night time economy. They are set out in a similar way to the venues on the north side of the dock. They occupy the lower floor of the building and extend out onto the dock side and provide parasols, and tables and chairs for their customers.

4.13 These venues are clearly visible from the wharf building on the north side of the dock.

They are;

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Davys	01.00	01.00	01.00	01.00	01.00	01.00	22.30
The Merchant	00.00	00.00	00.00	01.00	01.00	01.00	00.00
The Pagnation	00.00	00.00	00.00	00.00	00.00	00.00	00.00

4.14 Private party yacht
<https://absolutepleasureyacht.com/photos/>

In addition to venues that occupy the ground and basement areas around the dock, There is a private motor yacht moored on the north side of the dock opposite the West India Quay wharf building, almost outside the venue called Browns. It is advertised as the 'Absolute Pleasure Yacht' and offers a private hire facility for meetings, dinners, and parties that include the use of the upper, open deck.

5. Visit commentary; Munich Cricket Club (Victoria)

5.1 Having reviewed the Munich Cricket Club website I elected to conduct 2 unannounced visits. One on a night where there was no entertainment being provided and the second on an evening when the 'Umpah' band was performing at the venue.

5.2 On the 8th May 2019 I conducted my first unannounced visit to the Munich Cricket Club.

5.3 The entrance to the venue is actually in Strutton Ground, about 10 metres from the junction with Victoria Street. The entrance is well illuminated, attractive, neat and stylish. There was no detritus associated with the venue and the entrance was exceptionally clean and well presented.

5.4 There was no accredited door supervisor on the door and as I stood facing the door I could not hear any music or other noise associated with venues that operate in the night time economy.

5.5 As I entered the venue I descended a staircase. At the foot of the stairs on the wall beside the double door entrance into the bar was the premises licence fixed to the left wall. I walked through the set of double doors and entered a restaurant bar area in the basement of the building. The whole area was presented as a 'bierkeller' with the staff dressed in what I took to be a form of traditional dress. I noted 4 front of house members of staff.

5.6 Standing at the basement entrance looking into the room I could see a substantial bar running along the wall to my left. Directly opposite me running along the entire room was an elevated area, like a balcony, that also

extended round to the wall on my right. There were 6 recessed areas, similar to vaults, on the balcony that had long wooden tables with bench seating that would accommodate about 6-7 people on each side of the table.

- 5.7 There was a balustrade running along the edge of the balcony area that had the effect of separating the main area, in front of me, from the balcony area. There was a short staircase in the centre of the balcony area that led from the main area up on to the balcony.
- 5.8 To my right was an area that had been partitioned off and had the appearance of an Alpine hut. It had the added appearance of a small 'private' dining area and there were 4-5 people sitting at a table drinking and talking.
- 5.9 The main floor area in front of me was set out with 8 long wooden tables with one long wooden bench on each side that would seat between 6-7 people on each side.
- 5.10 To the right of the entrance door were the toilets and to the left was a lectern with a member of staff standing at it.
- 5.11 The bar was exceptionally well illuminated and there was background music. The music level was sufficiently low enough to easily hold a conversation and hear what was being said. The most discernible noise in the bar was the conversations of the customers.
- 5.12 There was 21 customers in the venue, including myself. As I entered the bar/restaurant most people were sitting at the tables in the main floor area of the bar. They were drinking what appeared to be beer from varying sized glasses. From a stein down to much smaller glasses. The customers were all engaged in conversation and eating a meal or having just eaten a meal, as the meal plates were on the table in front of them.
- 5.13 The clientele were well behaved, they were not boisterous, there was no one under the apparent age of 21, and there was no sign of intoxication with any of the customers.
- 5.14 I walked to the bar where I was greeted by a bartender and I asked what was the weakest beer that they had on tap. She pointed to a tap and I agreed. She then asked me what size of glass I would like and she explained the difference. I purchased a pint and asked if I could still order a meal. She pointed to the long wooden tables and invited me to sit and said that somebody would come over to take my order.
- 5.15 I sat at the table and looked at the menu. On one side it covered a comprehensive food offer at reasonable prices that was in harmony with the 'bierkeller' theme. On the reverse side of the menu was the drink tariff clearly set out the prices and it confirmed that my drink purchase was consistent with the tariff as presented.
- 5.16 I ordered a light meal that was served very quickly and as I sat and ate my meal I was aware that no other customers had entered the venue and that a small number of customers had finished eating and drinking and were leaving the venue.
- 5.17 At about 21.30 there was only about 14 customers in the venue, all had finished eating and they were all engaged in conversations while drinking.
- 5.18 The consumption of drink was strikingly slow. I was the only person to go to the bar and order a drink, and that was when I entered the venue. Most of the seated customers had a stein in front of them when I entered the restaurant/bar area and were not asking for refills from the serving staff.

6. Second visit

- 6.1 I conducted a second unannounced visit on Saturday the 11th May. I arrived outside the venue at about 22.10. The entrance was well illuminated and there was no queue to enter. The entrance was clear of any litter or obstructions and throughout the next 30 minutes there was either 2 or 3 door supervisors at the entrance to the venue. They stood inside the doorway and were not immediately visible as you approached the entrance. They were clearly displaying their SIA accreditation. Either on their arm or on a lanyard around their neck.
- 6.2 They were polite and engaged customers as they entered the premises.
- 6.3 There was no noise emanating from the venue and there were a few customers that came out onto the street to smoke a cigarette. Whilst they spoke to each other the conversation was not loud or boisterous. There was no poor behaviour and it was clear that the door staff were supervising them as they regularly came to the front of the entrance to look out.
- 6.4 At about 22.40 I walked to the entrance to enter the venue and I was politely stopped at the entrance and informed that the venue had stopped admitting customers as it was about to close for the night. I asked what time they closed and was informed that it was 23.00 but they stopped admitting customers prior to closing.
- 6.5 I introduced myself and explained the purpose of my visit and asked to see the manager. I was joined very quickly by Patrick Konraider the duty manager. I introduced myself and explained the purpose of my visit. Whilst he had no knowledge of my visit he was polite, courteous, and very helpful.
- 6.6 I walked down the stairs and could not hear any noise coming from the bar area until we entered the bar through the double doors at the foot of the stairs. On this visit there were far more customers than on my previous visit. I counted in excess of 70 customers who were occupying all sections of the bar/restaurant, either sitting at the long tables or standing in groups..
- 6.7 There was recored music playing through a sound system. Whilst is was slightly more than background music it was not excessive or intrusive. It was easy to hold a conversation without having to concentrate on what somebody was saying. The most prominent noise was the noise of conversation coming from the customers. The lighting was dimmed to create a subtle and relaxed environment but it did not restrict anybody's line of sight throughout the bar/restaurant area.
- 6.8 As with my previous visit customers had finished eating and were sitting of standing while drinking and in conversation. There was no one under the apparent age of 21 and the clientele was well behaved. There was no boisterous or exuberant behaviour and no apparent intoxication. The age range appeared to be between late 20s and 50's.
- 6.9 On this occasion the 8 tables that had been set out on my previous visit had been reconfigured so the 2 tables had been pulled together creating 4 lines of tables rather than 8 separate tables. There was an adequate number of bar staff and serving staff to ensure that the customers were served efficiently and that all glasses, plates, and cutlery were promptly removed from the tables.
- 6.10 From the bar I walked with Patrick Konraider the management office where I reviewed the premises safety documentation. He was able to produce a very impressive and comprehensive suite of documentation that included
- A very thorough induction programme for new staff.
 - A current Health and safety policy
 - A current fire risk assessment
 - Fire alarm maintenance documentation for February 2019

- Deep cleaning verification of kitchens.
- Fire extinguishers maintenance
- Electrical appliance testing
- Coffee machine check
- Age policy
- Management roles and responsibilities document.

- 6.11 At 23.00 I walked back into the main bar area where the lights had been turned up and the music had been switched off. The serving staff had positioned themselves around the room to clear the tables of empty glasses and 2 of the security staff had come down into the bar. All staff then began engaging customers to drink up and leave the venue.
- 6.12 When the bar was almost clear I left to stand in the street outside the venue. Whilst there was only a small number of people standing outside they were being supervised by the door security.

7. Representations

- 7.1 The police and local authority departments have not made any representations in respect of the licence and there has only been one representation from a resident who lives adjacent to the proposed venue.
- 7.2 The concern is that loud noises and sound, particularly music will carry through the building. The concern also extends to the intended hours requested in the application.
- 7.3 Apart from the museum the entire ground floor of the complex, and in some cases the first floor and/or basements, are set out as bars/restaurants that cater for customers from around lunchtime, until the early hours. A number of venues, including the museum have a licence through to 2 and 3am. Therefore this application is not out of kilter for the area.
- 7.4 Each of the venues have a courtyard that extend out on to the dock area that can cater for quite a considerable number of customers. My previous experience is that these outside areas are exceptionally well used by customers, late into the evening to consume meals, drink, and socialise during the spring, summer, and autumn months when the weather is suitable. All of the courtyard facilities are closed down at 23.00 and customers either leave the area or move into the venue to continue their evening.
- 7.5 The premises in question, albeit vacant at the moment, was occupied by a Spanish Tapas bar called 'La Tasca'. Whilst I have not seen the licence for La Tasca I have visited the venue in the past and I can confirm that it was a busy and lively venue that operated in the night time economy and played recorded music.
- 7.6 It is clear from my visits to the current Munich Cricket Club that the owners are a responsible company and that appears to have been translated into the care they have taken in this application. They have commissioned an acoustic report from Auricl acoustic consulting. Their analysis and recommendations appear to more than adequate and achieve the Tower Hamlets requirements for both daytime and night time limits.
- 7.7 The recommendations are;
- That a noise limiter is fitted to the venues sound system
 - Any DJ's will not use their own sound system and must use the in-house system.
 - No drum kits to be used
 - The doors, windows, and ants will be kept closed at busy periods.
 - Loudspeakers will be resiliently mounted away from external doors and windows.
 - After 23.00 the sound level will be reduced.

8. Conclusions

8.1 Having reviewed the all of the circumstances, as I understand them, I have set out my conclusions in line with the 4 Licensing objectives.

8.2.1 The prevention of crime and disorder.

8.2.1 The police and local Authority clearly have no concerns in relation to this objective as far as this application is concerned.

8.2.3 The quay area is part of the local night time economy and it does not suffer from levels of crime and disorder.

8.2.4 The area has not been designated a 'Cumulative Impact Zone'.

8.2.5 I have visited the Victoria venue operated by the MCC and found it to be a well controlled and well managed venue.

8.2.6 In Victoria a security team is employed on the busier nights of the week and they are polite, well informed, and clearly visible as security wearing their SIA accreditation. They have been through a thorough induction programme, as do all members of staff. They manage the outside of the venue as well as the entrance and the bar area.

8.2.7 There was no one under the apparent age of 21 and there was no obvious signs of high levels of intoxication or poor behaviour

8.2.8 Bar staff were attentive and clearly trained to manage their environment. There appears to be a clear focus on the Protective and Risk Factors in Bars as set out in the Responsible Service of Alcohol: A servers Guide

8.2.9 The guide highlights the need to create the right atmosphere and is about encouraging people to behave in a manner that suits your premises. To do this, the setting of set standards is essential. The following standards set out in the guidelines were all very evident throughout my 2 unannounced visits

- The venue was not congested or overly crowded
- There were good standards of cleanliness and housekeeping
- There were friendly staff
- Service was quick and efficient
- Last orders was called in plenty of time
- The exit of patrons was well managed by all staff.
- Customers were monitored, including at entry, the bar and the exit
- Promotion of food (full meals and snacks)
- Higher percentage of customers were sat at the long tables and in the alcoves.
- Staff are trained in responsible service and ratified by the induction material that I inspected.
- There was a good range of reasonably priced soft drinks
- There was good communication between staff

8.3 Public safety.

8.3.1 The theme of 'setting standards' is continued through to the Public Safety objective by the MCC management.

8.3.2 During my second visit to the Victoria venue I found an impressive suite of documentation that clearly identifies that there is a responsible culture in relation to safety, for both staff and clientele. I felt that the staff were well trained and conscientious and that management take their responsibilities very seriously as demonstrated through;

- A very thorough induction document/programme for new staff.
- A current Health and Safety policy
- A current fire risk assessment
- Fire alarm maintenance documentation for February 2019
- Deep cleaning verification of kitchens
- Fire extinguisher maintenance
- Current electrical appliance testing documentation
- Coffee machine check
- Age verification policy
- A management roles and responsibilities document.

8.4 The prevention of public nuisance.

8.4.1 There has been one representation in relation to the application, and that comes from a resident living in a flat above the proposed venue who is concerned with noise nuisance that may be associated with the new venue.

8.4.2 This will not be the first occupation of Unit E2. The lot is currently vacant but was previously operated by the La Tasca restaurant chain serving traditional Spanish tapas. It also utilised the open air enclosure on the dock side of the wharf.

8.4.3 The concern is that noise nuisance from the venue will travel through the building and disturb the living environment of the resident. I have not seen any previous complaint history from the resident relating to the previous bar/restaurant to occupy the premises and courtyard at unit E2.

8.4.4 Nevertheless, the management of the proposed venue have undertaken an acoustic review of the premises to ensure that any potential for public nuisance related to noise is managed and rectified. The decision to undertake the work reinforces the responsible nature of the company that has already been identified under the two previous objectives.

8.4.5 The acoustic report does not identify any significant issues and recommends the installation of a noise limiter to prevent the possibility of noise pollution. This is not unusual; many venues that operate in the night time economy that are adjacent to, or close to residential properties often have a noise limiter fitted to prevent any potential for noise nuisance to neighbouring dwellings.

8.4.6 There will be no recorded/amplified music in the courtyard directly outside the venue.

8.4.7 In addition, the owners of the wharf area, landsec, whilst advertising the area as a destination to enjoy the night time economy (see below), they are clear that it is a mixed use environment and point out that the external areas must close by 23.00

There is a wealth of fantastic eating and drinking opportunities at West India Quay, and many of them have outdoor seating. However, this is also a residential area and we would like to inform all customers that eating and drinking outside must end at 2300h.

Please respect the local residents by observing this deadline, and please make your way home quietly causing the minimum of disturbance.

- 8.4.8 My visits to the Victoria venue highlighted the responsibility of the management. They have set standards to ensure that their environment was well managed to prevent any public nuisance linked to their venue, inside the premises or by customers leaving the venue.

8.5 The protection of children from harm.

- 8.5.1 The venue at Victoria is well managed, there is a comprehensive induction programme for staff that highlights under age drinking and admittance to the venue. The Management team have had their responsibilities set out in a management responsibilities document which will all be replicated at the venue.

8.6 Comment

- 8.6.1 In reaching my conclusion I have considered all of the circumstances that I feel are pertinent to the application, they are;
- That there has been no representation by the responsible authorities.
 - That there has only been one representation by a resident who has lived alongside the night time economy in West India Wharf for some time.
 - The responsibility displayed by the owners of the dock (Landsec) in their advertising literature.
 - The well managed and controlled environment that I experienced at the MCC venue in Victoria.
 - The attention to detail in creating an environment that supports the 4 licensing objectives as witnessed in Victoria.
 - The importance that the MCC management place on the safety of their staff and customers, and the safety documentation for the venue.
 - The applicants concern to ensure that a public nuisance does not occur from noise, even though the previous occupants of the venue operated a bar/ restaurant at the venue. To that end they commissioned a noise survey and will fit a noise limiter.
- 8.6.2 I can see no grounds to refuse the licence and I am satisfied, confident, and convinced that the management controls and the culture at the venue in Victoria will be replicated by the management of the Munich Cricket Club at West India Quay if the application is granted.