

Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

**London Borough of Tower Hamlets
Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG**

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if
necessary.

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

I PC Mark Perry 1748CE Police Licensing Officer...
apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act
2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description Alchemist Bar & Restaurant Limited Unit 1 Nash Court South Colonnade Canary Wharf	
Post town London	Post code (if known) E14 5AG

Name of premises licence holder or club holding club premises certificate (if known)	The Alchemist Bar & Restaurant Limited
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Number of premises licence or club premises certificate (if known)	29428
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Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal
address if
different from
premises
address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname

First names

I am 18 years old or over

Please tick yes

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

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

PC Mark Perry 1748CE
Central East Police Licensing, Metropolitan Police
1st Floor, Stoke Newington Police Station,
33 Stoke Newington High St, London N16 8DS

Telephone number (if any)

E-mail (optional)

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

Please tick one or more boxes

- | | |
|-----------------------------------------|--------------------------|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note1)

Central East Police Licensing seek the review and revocation of the premises license for The Alchemist in Nash Court, Canary Wharf E14. An application for straight revocation of a premises license is a serious matter and only sought in circumstances where we the Police believe it is essential due to the serious nature of the incidents that have taken place and the risk of future incidents occurring in the future. The serious nature of the incidents that have taken place at the Alchemist which have resulted in its customers requiring urgent medical treatment for alcohol intoxication, the disorder associated with such high levels of intoxication, and the lack of concern by its management for its customers welfare necessitate not only the review of the license, but its revocation.

The evidence submitted in this review will show a pattern of mismanagement, and a culture in the venue which results in customers being able to consume alcohol to the point of collapse through intoxication. An attitude by management and staff that shows no concern what so ever for their customers welfare.

A truly shocking representation of this is demonstrated on the 1st August 2021 where CCTV footage shows a female customer so drunk that she is unable to stand unaided, being dragged out of the Alchemist by security staff and then dumped outside the venue.

On another occasion also in the early hours of the 1st August also captured on CCTV

a male customer from the Alchemist is allowed to get so drunk that he cannot walk in a straight line, he can be seen staggering out of the venue, propping himself up on a wall before collapsing onto the floor, where he is lucky to avoid serious injury. An ambulance is required to treat the man who requires CPR, while this is happening a large fight takes place.

While these incidents demonstrate the extreme extent to which customers of the Alchemist are allowed to get intoxicated. The below incidents from Canary Wharf's Security log show how it is an all too regular occurrence.

On the 8th August 2021 A member of staff from the Alchemist contacted the Estate Control Centre (ECC) to report they have asked three guests to leave the unit due to a group having a heated argument. Canary Wharf Security monitored the group as they left the unit. The group appeared to all know each other and were intoxicated.

On the 31st July 2021 The Alchemist staff reported an altercation at the top of Reuters Plaza opposite One Canada Square. One male became involved in a physical altercation with two other males after leaving The Alchemist. Security attended, the fight was broken up and both parties left the Estate separately without further incident.

On the 25th July 2021 The Alchemist contacted the Canary Wharf Security Control room to request assistance for three white males outside their unit, who were trying to start a fight with other customers. Security were tasked to attend and the males continued to make threatening comments towards the Security Officers, although they were not deemed serious and likely fuelled by intoxication. ECC tasked Police to attend. While awaiting Police arrival, the males left site in a mini cab.

On the 15th July 2021 The Alchemist requested assistance due to an intoxicated customer refusing to leave their premises. Security attended and identified the male on Reuters Plaza. The individual became aggressive and verbally abusive towards a member of the public and Canary Wharf Security so he was escorted off the Estate.

On the 2nd June 2021 Alchemist staff phoned the ECC and requested assistance with an intoxicated customer who was refusing to leave. CW Security attended and diffused the situation. The male met up with a group of people and entered Cabot Square Car Park. The male was then seen getting in a vehicle and driving out of the car park. The police were immediately tasked and provided with all the relevant information as well as the direction of travel. The male was linked to an assault on CW officer and is a tenant in Regus (One Canada Square).

On the 29th / 30th April 2021 two males and two females were spotted on CCTV intoxicated and involved in inappropriate behaviour. Officers spoke to the group, who had been drinking in the Alchemist. A welfare check was made, with the females stating that they had only met the males that night and ‘did not trust them’. As a result, officers remained with the females while they called a taxi and left site.

Separately on the 29th / 30th April 2021 Canary Wharf Security had to warn one shirtless, inebriated male intent on driving his car home, also from the Alchemist, that we would task the Police if he did so. Eventually he saw sense and a friend volunteered to drive him home.

On the 16th April 2021 ECC received a defibrillator call from the London Ambulance Service (LAS) on the telephone. Security was tasked, attended and identified a drunk female lying on the floor. CW Security assisted with first aid until the LAS arrived. LAS conveyed female to hospital.

Additional incidents can be seen in the Canary Wharf Security log which is attached and sent for reference. For context, his log was requested by Police and asked to show incidents where Canary Wharf Security were called out to deal with intoxicated customers from the Alchemist.

What is clear is that the above incidents demonstrate a clear pattern of behaviour by both Alchemist management and staff, where they will continue to serve alcohol to people who are drunk, regardless of the very dangerous consequences for those intoxicated customers in their care. It appears that there is little or no concern for customer welfare or safety, instead the only imperative appears to be selling customers alcohol.

A view shared by Mark Baker the Associate Director, Security for Canary Wharf who says in his letter supporting this review application. “Customers being allowed to get this drunk causes great concern, particularly when there does not seem to be any adequate management systems in place to prevent this happening, or any ownership or duty of care demonstrated when customers find themselves in a vulnerable state.”

Mr Baker also says that of the 40 venues in Canary Wharf “Collectively the licenced premises on the estate require a minimal amount of support or interaction from Canary Wharf Security, with the majority rarely needing any assistance from the team. Since April however, we have seen a steady course of calls or the need to intervene in issues directly involving customers from the Alchemist, attending eleven incidents in this time. Of these, seven can be directly attributed to customers who have are generally described as being intoxicated or heavily intoxicated by those attending.”

The letter from Mr Baker is attached and forms part of the evidence of this review.

There can be no excuse of staff or management not knowing their responsibilities under the Licensing Act, or not being warned about the risk of post lockdown activity. While Lockdown was in place Central East Police Licensing working with Tower Hamlets Council Licensing and Canary Wharf Management set up virtual pub watch meetings where WAVE training on preventing crime and promoting customer welfare was delivered to licensed venues in Canary Wharf. One of Wave trainings primary objectives is highlighting the risks of allowing customers to get drunk, and giving practical advice on how to prevent this happening.

At these meetings repeated warnings were also given to venues on the increased likelihood of a greater number of their customers becoming intoxicated due to the end of lockdown. Advice was given to venues on making sure their staff were trained in their responsibilities and confident in being able to refuse a customer the sale of alcohol, and what practical welfare to offer customers who are vulnerable especially through drink or drugs.

In addition to that the Alchemist management were visited by James Russell from Canary Wharf Management and myself just prior to Lockdown ending where the same warnings and advice were given. We were assured by the DPS, Briony Wakefield, that the venue took its responsibilities to its customers seriously, and was ready for the challenges ahead.

Canary Wharf Management had serious concerns about what was happening at the Alchemist, and contacted me to see what could be done to improve the situation. A meeting was arranged by Canary Wharf Management with the management of the Alchemist to take place on the 10th August 2021. In preparation for this meeting a list of the incidents of concern at the Alchemist was given to their management so they

could then be discussed in detail.

Attending the meeting was Briony Wakefield the General Manager, and Mark Burville the Operations Director for the Alchemist, as well as Rebecca Ingram and Felicity Tulloch from Kuit Steinart Levy LLP as their legal advisors. Also present were several members of Canary Wharf Management Group. Minutes of this meeting taken by Canary Wharf Management are included this review.

At the meeting I asked the Alchemist management to go through the incidents provided to them, and to see what lessons they had learnt or if there was anything they could improve on. It became apparent that Ms Wakefield and Mr Burville did not consider that there was a serious problem with how the Alchemist was operating or admit to failures that had led to the incidents taking place.

Indeed they seemed to attribute the problem to drunk customers from other venues trying to gain entry and people being able to order drinks through mobile apps. Despite promptings from both myself and Canary Wharf they seemed unable to grasp the seriousness of the situation. This is very concerning as if the management do not see how unacceptable the above incidents are then it is impossible to believe that there will be a long term sustainable solution.

Given the attitude of the management to the incidents and the serious nature of them I informed them that I would be seeking a review of the premises license and seeking revocation. Only then did the Alchemist management seek to offer some suitable proposals, yet these still fall short of what would be required.

Any of the serious incidents listed in this review should give the management of the Alchemist cause to review what happened and review their practises and

procedures to ensure there was not a repetition. When all of the above incidents happen the management should of the venue are clearly failing to uphold the basic tenents of the Licensing Act and Licensing Objectives, in that they should not sell their customers so much alcohol that they require medical assistance from the London Ambulance Service, or become involved in drunken fights, or put themselves at risk of being the victims of sexual assault.

When a venues management fails these things, and does not realise they are failing then no Licensing Committee can have confidence the venues management will adhere to any conditions they might place on the license to resolve the failings.

Since the meeting with the Alchemist management we have given them training and advice on how to improve, and we have seen a reduction in complaints. However we are concerned that such an improvement has only occurred once we made it clear we were going to review the license.

We fear that once the spotlight is removed from the Alchemist, that the poor practises that appear to be so ingrained at the venue will return. With a very busy Halloween, Bonfire Night and pre Christmas party season expected, the risk of more serious failings is too great, and that the only way to remove the risk is to remove the premises license.

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Review v2.doc

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Please provide as much information as possible to support the application (please read guidance note 2)

Please tick ? yes

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

If yes please state the date of that application

Day	Month	Year

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

Please tick yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

X

I understand that if I do not comply with the above requirements my application will be rejected

X

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date:

14th September 2021

Capacity:

Police Licensing Officer

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Telephone number (if any)

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

Notes for Guidance

- 1 The ground(s) for review must be based on one of the licensing objectives.
- 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 The application form must be signed.
- 4 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5 This is the address which we shall use to correspond with you about this

application.

Appendix 2

The Alchemist, Canary Wharf

With the easing of lockdown restrictions and the reopening of bars and restaurants, Canary Wharf has proved to be a popular location for people to visit, providing a safe but vibrant location to eat and drink. Many of the licenced premises have taken advantage of the Al Fresco experience on the estate, with 40 premises providing a mix of restaurant terraces, outdoor bars, and pop-up spaces for dining in Canary Wharf (see attached estate map). For the vast majority the experience is a pleasant one, visiting premises which are friendly and well managed.

Canary Wharf Security help to provide a safe and secure environment for tenants and visitors, managing several buildings as well the open spaces including the retail malls, roads, parks and carparks. Our primary responsibility is for these areas, but we also support the shops, restaurants and licenced premises should they request assistance. This doesn't absolve them of their own responsibility to manage their premises, but we help if proportionate and able to do so.

Collectively the licenced premises on the estate require a minimal amount of support or interaction from Canary Wharf Security, with the majority rarely needing any assistance from the team. Since April however, we have seen a steady course of calls or the need to intervene in issues directly involving customers from the Alchemist, attending eleven incidents in this time. Of these, seven can be directly attributed to customers who have are generally described as being intoxicated or heavily intoxicated by those attending. These incidents often require upwards to five staff from the security team on the ground, in the Estate Control Centre (ECC) and management involvement. Providing this level of support, so frequently, is a heavy drain on the team and means that resources are taken from other areas on the estate where they would normally be deployed. More concerning to us is the welfare of their customers and the level of alcohol being consumed. The often results in the need for physical intervention or, on two recent occasions, the need for urgent medical assistance.

Growing concerns have been brought to a head by two recent incidents, both occurring within 24hrs of each other on the 1st August. In the early hours of the 1st an unconscious male was seen on CCTV. Security Officers deployed to check on his welfare had a hostile response from the male's friends, and after further support was requested a physical altercation took place requiring the friends to be restrained. The unconscious male stopped breathing on several occasions before the arrival of the London Ambulance Service (LAS), requiring CPR intervention on each occasion. A subsequent CCTV review revealed that all had been drinking in the Alchemist and they were all heavily intoxicated.

Later that night an intoxicated female was seen outside the Alchemist. Security were once again deployed to assist and the LAS were tasked due to the vulnerable state she was in. The female was subsequently found to have been removed from the premises by the door staff and left unattended and without any care for her welfare.

Customers being allowed to get this drunk causes great concern, particularly when there does not seem to be any adequate management systems in place to prevent this happening, or any ownership or duty of care demonstrated when customers find themselves in a vulnerable state.

Mark Baker

Associate Director, Security.

Canary Wharf Management Ltd.

19th August 2021

**MEETING WITH THE ALCHEMIST, REUTERS PLAZA AND CANARY WHARF MANAGEMENT ON
TUESDAY 10TH AUGUST AT 3.15PM IN THE MAIN BOARDROOM, ONE CANADA SQUARE**

ATTENDEES FROM THE ALCHEMIST

Mark Burville (Mbu) Operations Director
Rebecca Ingram (RI)
Briony Wakefield (BW), General Manager
Felicity (F), Lawyer (Zoom)

ATTENDEES FROM CANARY WHARF

Mark Perry (MP) Licensing Officer, LBTH
Jim Duncan (JD), General Building Manager
James Russell (JR), Assistant Building Manager
Mark Baker (MB), Security Manager
Dan , CW Security
Lola Baker (LB), Retail Admin Manager (Minutes)

1	MP opened the meeting by thanking everyone for attending and in view of the seriousness of the incidences asked members of the Alchemist to talk through these giving their version of events.	
2	MP asked for The Alchemists' incident and refusal logs pertaining to the incidences, to which BW passed the logs over to MP to review.	
3	BW started by giving details of the incident which occurred on the 16 th April advising two slightly intoxicated males left the bar. A female collapsed at the table where staff attended to her. An ambulance was called. BW advised a follow up call was placed with the female who confirmed she was intoxicated but otherwise "ok".	
4	BW advised on the 12 th May an argument inside the bar ensued which then spilt outside of the unit. No assault had taken place. The ECC were called and was dealt with by the management team.	
5	BW advised on the 2 nd June a customer who was seen to be intoxicated was refused entry to the premises. The male was escorted outside the venue by CW staff. MP advised he was later seen driving out of Cabot Place Car Park. CW security reported this to the Police.	
6	BW advised on the 15 th July, The Alchemist requested CW assistance to remove a customer who became abusive and was refusing to leave.	
7	BW advised on the 25 th July, three white males were intoxicated. BW did not have too much information as to what happened other than they were outside the unit and CW Security assistance was requested.	
8	BW advised on the 31 st July an altercation ensued outside the venue. CW Security assistance was requested. The incident happened near closing time. Their doorman tried to help the male who had collapsed. However assisting the male was made difficult by the male's friend who would not let their doorman near him. BW advised they were doing their duty of care to the male who had collapsed but this was hindered by the male's friend who would not let them near him. The doorman managed to put the male in the recovery position and headed back to the unit. A fight then broke out where both Alchemist and CW staff were involved to diffuse the situation.	

9	BW advised on the 1 st August an intoxicated female was outside the unit. BW advised she has taken statements from her staff as to what happened on the evening and went on to say her staff looked after the female for about 1.5 hours in their restroom as she was very unwell. BW advised CCTV footage is available. BW advised the bathroom door had to be broken open. It was then decided to take the female outside so that she could get some fresh air. She was placed on the concourse where the doorman could see and have access to her. BW advised full reviews are available from her staff showing the support she was given.	
10	MP listened to BW's account of the various incidences and asked what key learnings they had taken from this and what plans were put in place to prevent them.	
11	BW advised they had planned in May for a staggered reopening with additional security and cleaning staff. Additional WAVE training was requested also.	
12	MBu advised from an internal review it was noticed an increase in footfall across the Estate with other events (i.e., brunches) causing an overspill where they implemented refusing to let customers in after 11pm.	
13	MP asked JR to give his version of events with regard to the various incidences reported. JR advised following review of the CCTV footage, the female from the incident on the 1 st August was manhandled; dragged out to just outside the Little Farm kiosk and left there.	
14	MP at this point asked for the CCTV footage of the incident on the 1 st August to be played. Dan played the CCTV and went through the timelines of the incident as they happened.	
15	MP asked what aftercare was given to the female as this was not evident on the CCTV footage.	
16	BW advised the CCTV footage was an isolated picture of what actually took place. Their staff had spent 1.5 hours with the female prior to that and the doorman was looking after her. Two chairs had been left, one for the female and the other for her friend. They continued to check on her. Her friend also attended to her. BW reiterated that detailed reviews from her staff were given and can be made available to MP.	
17	MP advised The Alchemist took a vulnerable person and put her outside. It was evident there was no duty of care.	
18	MP advised the ECC called an ambulance to which BW advised in hindsight, they should have called an ambulance.	
19	MBu interjected by stating it was a misjudgement on their part.	
20	JR gave an account of the incident where a male had fallen on his face on the 31 st July.	
21	MP asked for the CCTV footage of the incident taken from a camera from a different angle. Dan played the CCTV and explained the timelines as the incident ensued.	
22	BW advised she recognised two of the males from the bar. The doorman came over to help and give the male who had collapsed water. However, the male's friend would not let him help.	
23	JR and MB advised a prior incident had involved a male who stopped breathing and required CPR. MB advised this is very concerning and could have led to a death. MB went on to say that from his point of view, CW security are dealing with the Alchemist's issues with drunks	

	on their premises leaving our team to deal with them when they leave the bar. There have been far too incidences over the past few months from just one licensed premises, namely The Alchemist. JR also went on to say that both Lisa Cope and himself have regularly asked The Alchemist to communicate with them with regard to any incidences that have occurred so that they can work together to ensure these do not happen.	
24	MP advised of another incident where a female spoke to a member of Canary Wharf staff who was worried about a male giving her attention. She had been drinking at the Alchemist and was worried about the male.	
25	MP went on to say these incidences are of great concern as there have been too many occurrences of seriously intoxicated people showing an apparent disregard for their wellbeing.	
26	BW advised she may have overused Canary Wharf Security and recounted an incident where two females were refused entry. They were given water and tried to help them. However, CW Security was requested as an additional support.	
27	MP advised that of the incidences reviewed today, where medical assistance was required in some cases, The Alchemist have not identified this as a serious issue. MP advised that action must be taken for this to stop.	
28	At this point, Felicity advised The Alchemist had set out reflections and taken steps to manage the situation. MBu also advised staff were receiving training and they have a weekly de-brief.	
29	MBu advised some of the problems were attributed to customers ordering from the app and never going to the bar or interacting with staff.	
30	MP went on to say that every opportunity is given to licensed premises with regard to WAVE training and for them to approach him direct with any concerns. None of which have been taken up with him or with JR/Lisa Cope.	
31	MBu admitted MP made a fair point and their management team could have done more to protect their guests. However, they have taken steps by having their door teams start earlier in the day, toilet attendants and refusing customers entry when intoxicated.	
32	MP stated that on review of the incidences, The Alchemist have shown a dereliction of their duty and as such he has no option but to review their licence.	
33	Felicity expressed her shock at MP's statement and asked whether the meeting had been called by MP or Canary Wharf to which MP stated Canary Wharf.	
34	MP went on to say that he had heard all the defences and was left wanting and could not take the risk of someone dying in a licensed premises. Furthermore with a bank holiday weekend coming up, what if someone died or a serious incident ensued, he also has a responsibility to uphold the safety of customers in a licensed premises.	
35	Felicity advised she believed this meeting was being called to work collaboratively around a table discussion to find a way forward. These incidences have not been discussed with Canary Wharf as to how these	

	were dealt with and what measures would be put in place to mitigate any further occurrences.	
36	Felicity advised they have never had their licence reviewed before and would have welcomed additional conditions with assessment and review to achieving a successful operation.	
37	MP advised it is an offence to have drunk people in a licensed premises. From the reviews given today he is adamant these will not deal with the issues. To this end he will put forward his evidence to the Licensing Committee to revoke their licence or stipulate additional conditions as part of their licence.	
38	JR advised that it is unfortunate it has come to this when opportunities have been given to prevent this escalating.	
39	JD reinforced the comments made by MP and JR stating he has continuously seen issues coming up with The Alchemist. There are a number of bars as well as Alfresco bars operating on the Estate with no issues. Their staff obviously controlling situations well both inside and outside. The Alchemist have continuous issues where both JR and Lisa Cope have offered support. It seems The Alchemist are not communicating with us and asking for support.	
40	JD went on to say it is of no surprise these incidences are happening as there is no monitoring of people. No customer care or welfare officers to look out for vulnerable females or intoxicated individuals. Should these have been in place, the number of incidences would have been reduced.	
41	Felicity advised she would like to further the communications urgently and put measures in place. Communication is, after all, the heart of the licensing act.	
42	BW advised she may have misinterpreted what communication was required as she had contacted the ECC and not management.	
43	MP advised he frequently visits the licensed premises on the Estate and makes it clear that any issues should be communicated to himself and/or JR.	
44	MP went on to recall the incident from 29 th April where two males and two females who had been drinking in The Alchemist, were involved in inappropriate behaviour. This incident was dealt with by Canary Wharf Security and not The Alchemist. These were two vulnerable women where a serious assault could have taken place had there not been the intervention of CW Security.	
45	MP advised he cannot take the risk as the measures in place at The Alchemist would not mitigate any further serious incidences and went on to say he found their attitude defensive and not accepting of their responsibility.	
46	Felicity stated there was no point in carrying on this conversation and will continue discussions with Canary Wharf management. She was shocked as to how quickly the licence was to be reviewed and was hoping for the issues to be addressed and relevant steps taken to improve the situation.	
47	MP reiterated there was a serious risk to customers given the Alchemist's current training and guidelines which would not mitigate any further incidences of this nature.	

48	MP confirmed he will be putting his review papers into the Licensing Committee and urged the venue to implement Welfare Officers and for staff to monitor customers. For any help or advice they should contact both Canary Wharf and himself and they will work with them.	
49	The meeting closed at 4.22pm.	

Date	IMS reference	Brief description of incident
16/04/2021	392153 – LAS Defibrillator Call	ECC received a defibrillator call from the London Ambulance Service (LAS) on the telephone. Security was tasked, attended and identified a drunk female lying on the floor. CW Security assisted with first aid until the LAS arrived. LAS conveyed female to hospital.
12/05/2021	421381 – Request for Assistance	The Alchemist via License Premise radio had requested CW Security assistance due to an argument between two customers inside their unit, which spilled outside. CW Security attended and identified the main aggressor. The male was shadowed leaving the Estate. No actual assault had taking place.
29/05/2021	450064 – Request for Assistance	Alchemist staff phoned the ECC and requested assistance with two drunk females who had been refused entry. The female admitted to using Cocaine and was feeling unwell. Ambulance tasked by the Estate Control Centre; the female conveyed to hospital.
02/06/2021	457171 – Alleged Traffic Offence	Alchemist staff phoned the ECC and requested assistance with an intoxicated customer who has been ejected but refusing to leave. CW Security attended and diffused the situation. The male met up with a group of people and entered Cabot Square Car Park. The male was then seen getting in a vehicle and driving out of the car park. The police were immediately tasked and provided with all the relevant information as well as the direction of travel. The male was linked to an assault on CW officer and is a tenant in Regus (One Canada Square). IMS 418736 refers.
08/06/2021	468430 – Request for Assistance	Alchemist staff phoned the ECC and requested assistance for a male known to them that was bothering patrons inside their bar. The male was trying to sell his services inside the bar and when asked to leave by the staff; they were met with verbal abuse. The male was monitored leaving the Estate via the Wilkinson Bridge before CW Security could speak to him. The male is linked to IMS 418736 and 457171, which is for alleged drunk driving and common assault on a CW Security Officer.

26/06/2021	499648 – Request for Assistance	Alchemist staff phoned the ECC and requested assistance with a group of customers causing a disturbance. Security attended the unit where one of the group claimed to have lost his friend's bank card. After some discussion the male was given the contact details for Lost & Found Property and left the Estate via Canary Wharf Underground.
15/07/2021	529669 – Request for Assistance	The Alchemist requested assistance due to an intoxicated customer refusing to leave their premises. Security attended and identified the male on Reuters Plaza. The individual became aggressive and verbally abusive towards a member of the public and Canary Wharf Security so he was escorted off the Estate.
25/07/2021	547945 - Request for Assistance	The Alchemist contacted ECC to request assistance for three white males outside their unit, who were trying to start a fight with other customers. Security were tasked to attend and the males continued to make threatening comments towards the Security Officers, although they were not deemed serious and likely fuelled by intoxication. ECC tasked Police to attend. While awaiting Police arrival, the males left site in a mini cab.
31/07/2021	556796 – Alleged Assault with Injury	The Alchemist staff reported an altercation at the top of Reuters Plaza opposite One Canada Square. One male became involved in a physical altercation with two other males after leaving The Alchemist. Security attended, the fight was broken up and both parties left the Estate separately without further incident.

01/08/2021		CW Security reported an intoxicated female on the floor outside The Alchemist. A CCTV review confirmed the female had been escorted out of The Alchemist by the Door Supervisors. The female's friends suspected that she was spiked by a male who approached them inside unit. The Emergency Services were tasked. The London Ambulance Service assessed that the female's condition was likely alcohol-related with no indication of drug use. The Police spoke to the alleged suspect simultaneously however as there was no evidence of crime, no action was taken. The female was subsequently released and left the Estate in a Taxi with her friends.
08/08/2021	570842-Passage of Information	A member of staff from the Alchemist contacted the Estate Control Centre (ECC) to report they have asked three guests to leave the unit due to a group having a heated argument. Canary Wharf Security monitored the group as they left the unit. The group stopped for a short period of time at the top of the Jubilee Line Station. They continued to argue but eventually left site without any further issues. The group appeared to all know each other and were intoxicated.

Appendix 3

Corinne Holland

From: MARK.J.Perry@██████████
Sent: 26 November 2021 13:29
To: Licensing; Simmi Yesmin; Tom Lewis; Kathy Driver
Cc: felicitytulloc██████████
Subject: Alchemist Review

Dear Tower Hamlets Council Licensing,

Central East Police Licensing and the Alchemist have reached an agreement on new conditions to be added to the premises license, which we believe will remedy the recent serious failings in the operation of the premises which necessitated the Police review of the license. Since the initiation of the review we have closely observed the Alchemist and have been impressed with the way the management and staff have accepted the failings and worked to remedy them. They have undergone training, and employed Welfare Officers to identify and assist customers at risk, they have also become more engaged with Canary Wharf Pub Watch and other licensed venues in the estate.

We are pleased that the following conditions have been already added to the license by a Minor Variation:

- All front of house staff shall complete WAVE (Welfare and Vulnerability Engagement) Training prior to commencement of employment at the premises. This training shall be documented and repeated/refreshed at 6 monthly intervals.
- Ask for Angela' posters shall be displayed at the premises in a position where they can be clearly seen by customers.
- No entry or re-entry shall be permitted to the premises (save for returning smokers) later than 1 hour before the premises closes.

Since the review was initiated both Canary Wharf management and ourselves have noticed a marked improvement in the way the venue is operating, which added to the conditions below which have been agreed with The Alchemist we believe remove the need for further action to be taken. We will continue to work with the venue and monitor the situation to help prevent any increase in risk.

We therefore ask that the request to revoke the premises license is removed from our review application and instead the below conditions which have been agreed with Alchemist are placed on their license.

- 1) Existing condition 30 replaced by the following condition :

A minimum of two dedicated welfare officers, one per floor, to be employed at the venue on Thursday, Friday and Saturday nights from 7pm until close. These welfare officers will be easily identifiable, to customers, their role will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated and liaising with management/security staff to assist them where necessary.

- 2) Existing condition 4 to be replaced with the following condition:

On Sundays to Wednesdays a minimum of 1 member of SIA registered door staff shall be employed at the premises from 20:00 hours until close. On Thursdays, Fridays and Saturdays a minimum of 3 members of SIA registered door staff shall be employed at the premises from 20:00 hours until close. At all other times SIA registered door supervisors shall be employed at the premises in accordance with a

documented risk assessment to be carried out by the DPS. When employed, door staff will wear high visibility armbands.

- 3) Jugs of water and drinking glass's to be freely available on all tables and at the bars at all times the bar is open.
- 4) A minimum of two staff per shift to be trained in first aid.
- 5) Conditions 16, 18 and 19 to replace Challenge 21 with Challenge 25.

Submitted for the Licensing Sub-Committee's consideration.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
Email [REDACTED]
A: Licensing Office, 1st Floor Stoke Newington Police Station



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Corinne Holland

From: Licensing
Sent: 29 November 2021 09:58
To: Corinne Holland
Subject: FW: Alchemist Review

From: Felicity Tulloch <[REDACTED]>
Sent: 26 November 2021 16:57
To: Licensing <[REDACTED]>; MARK.J.Perry <[REDACTED]> Simmi Yesmin <Simmi.Yesmin@kultsteinartlevy.com> Tom Lewis <Tom.Lewis@kultsteinartlevy.com>
Subject: RE: Alchemist Review

Hi Corinne,

I am writing to follow up on PC Perry's email in relation to this matter.

For completeness, and so you have correspondence from us as well, I can confirm that The Alchemist are happy for the licence to be amended in the terms set out in Mark's email.

We understand of course that the Committee retains its discretion when it comes to determining the outcome of Review applications. However, it is now the case that both parties will be asking the Committee to endorse the agreement reached between them.

In light of the fact that an agreement has been reached, could you let us know how you envisage the hearing – which I believe has been pencilled in for 16th December – will proceed? In the interests of efficiency and because my clients would like to bring this matter to a swift conclusion, I wonder whether you could advise if the matter could be dealt with administratively?

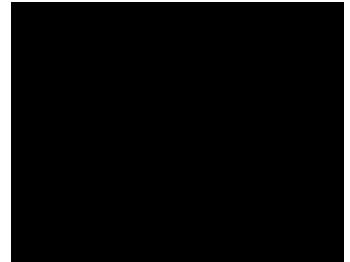
I look forward to hearing from you.

Many thanks,

Felicity

Felicity Tulloch

Head of Licensing and Partner
Licensing
For and on behalf of Kuit Steinart Levy LLP
Dept:
[REDACTED]



Appendix 4



Lic No:

141172

(Alchemist Bar & Restaurant Limited)

Unit 1

Nash Court

South Colonnade

London

E14 5AG

Licisable Activities authorised by the licence

The sale by retail of alcohol

The provision of late night refreshment

The provision of regulated entertainment consisting of films and recorded music

See the attached licence for the licence conditions

Signed by

David Tolley _____
Head of Trading Standards & Environmental
Health

Date: 3rd April 2019

Minor variation 1/10/21



LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

141172

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Unit 1
Nash Court
South Colonnade

Post town	Post code
London	E14 5AG

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment
The provision of regulated entertainment consisting of films and recorded music

The times the licence authorises the carrying out of licensable activities**Supply of alcohol (on and off sales)**

Monday to Saturday 09:00 hours to 01:30 hours
Sunday 09:00 to 23:30 hours

Late night refreshments (indoors)

Monday to Saturday 23:00 hours to 01:00 hours
Sunday 23:00 hours to 23:30 hours

Provision of films

Monday to Saturday 09:00 hours to 01:00 hours
Sunday 09:00 hours to 23:30 hours

Recorded Music

Monday to Saturday 23:00 hours to 01:00 hours
Sunday 23:00 to 23:30 hours

The opening hours of the premises

Monday to Saturday 07:00 hours to 01:00 hours
Sunday 07:00 hours to 00:00 hours (midnight)

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

On and off sales

Part 2

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

The Alchemist Bar & Restaurant Limited
Chadsworth House
Wilmslow Road
Handforth
SK9 3HP

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

Company Number: 06957833

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

Briony Rose Wakefield

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

Premises Licence Number: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula —
$$P = D + (D \times V)$$
where —
 - (i) **P** is the permitted price

- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Security

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph. 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-

any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

Films

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows: If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction must be adhered. Otherwise the recommendation of the film classification body must be followed. Children means persons aged under 18 and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

Annex 2 - Conditions consistent with the operating Schedule

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
2. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
3. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
4. On Sundays to Thursdays a minimum of 1 member of SIA registered door staff shall be employed at the premises from 19:00 hours until close. On Fridays and Saturdays a minimum of 2 members of SIA registered door staff shall be employed at the premises from 19:00 hours until close. At all other times SIA registered door supervisors shall be employed at the premises in accordance with a documented risk assessment to be carried out by the DPS. When employed, door staff will wear high visibility

armbands.

5. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - (i) the number of door staff on duty;
 - (ii) the identity of each member of door staff;
 - (iii) the times the door staff are on duty.
6. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
7. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives, the laws relating to under age sales, and the laws relating to the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
8. A refusals book and incident log will be maintained at the premises, and made available to an officer of a responsible authority upon request.
9. All windows and external doors shall be kept closed after **23:00 hours**, except for the immediate access & egress of persons.
10. The emptying of bins in skips and refuse collections will not take place between 11pm and 8am.
11. Collections of waste or recycling materials (including bottles) from the premises shall take **not take** place between 23:00 hours and 08:00 hours on the following day.
12. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours the following day.
13. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices will be positioned at the exits to the building requesting customers to leave in a quiet and orderly manner out of consideration to neighbours. Their attention will be drawn to these notices by members of staff.
16. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the

"PASS" hologram.

17. Notices advising what forms of ID are acceptable must be displayed.
18. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
19. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.
20. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
21. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
22. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (except in the case of sealed alcohol bottles/receptacles sold for the purpose of consumption off the premises).
23. We will actively discourage our customers from assembling outside the premises at the end of the evening.
24. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
25. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
26. Signs will be displayed in the area requesting customers keep noise to a minimum.
27. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
28. The Canary Wharf Estate radio system shall be utilised at the premises from 19:00 until close Thursdays to Saturdays.
29. There shall be at least one personal licence holder on site at all times the premises is carrying out licensable activities.

30. Welfare Ambassadors will be employed at the premises during peak times.
The role of these ambassadors will be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated and liaising with management/security staff to assist them where necessary.
31. No entry or re-entry shall be permitted to the premises (save for returning smokers) later than 1 hour before the premises closes.
32. All front of house staff shall complete WAVE (Welfare and Vulnerability Engagement) Training prior to commencement of employment at the premises. This training shall be documented and repeated/refreshed at 6 monthly intervals.
33. 'Ask for Angela' posters shall be displayed at the premises in a position where they can be clearly seen by customers.
34. The premises licence holder, designated premises supervisor or a representative shall be a member of the Pubwatch scheme (for so long as one exists in the area) and shall attend regular meetings.

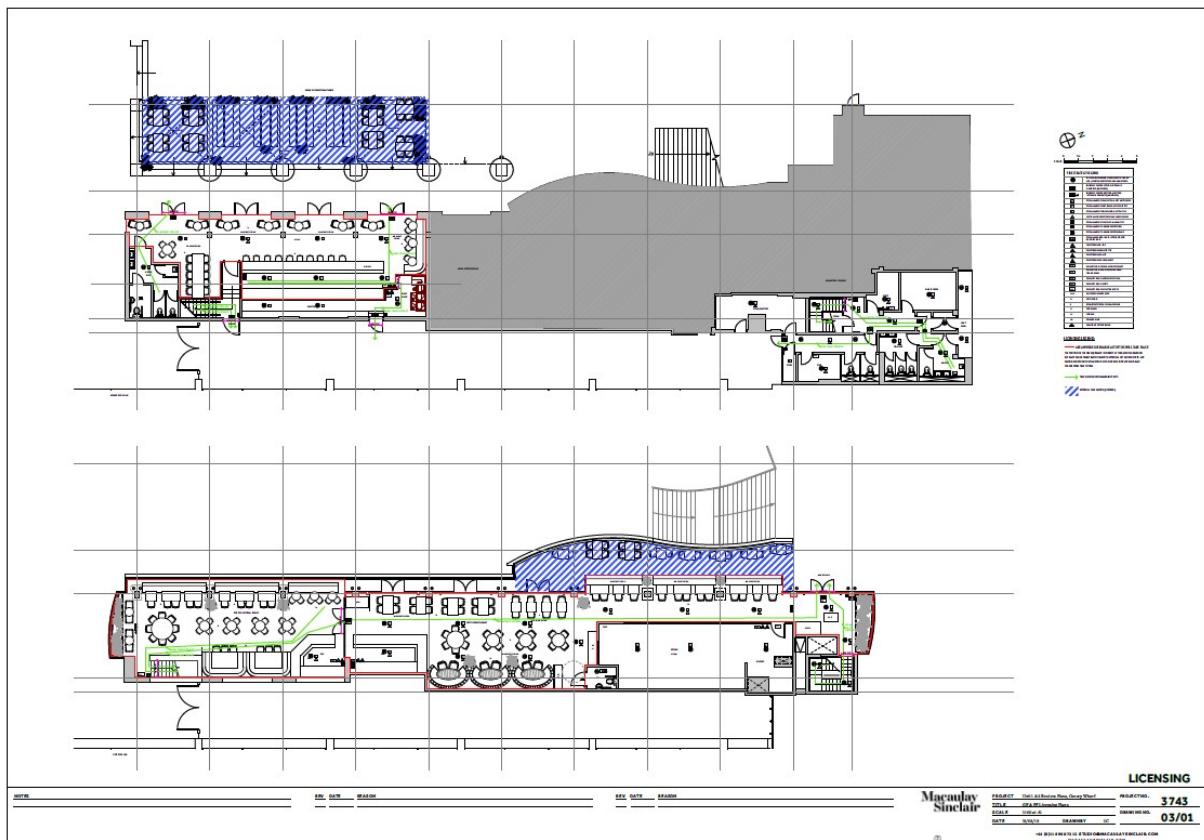
Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:

05/03/19 (Ground floor (top) and First Floor (bottom) Plan No. 3743 – 03/01 dated 19/02/19





Licensing Act 2003

Part B - Premises licence summary

Premises licence number

141172

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Unit 1
Nash Court
South Colonnade

Post town

London

Post code

E14 5AG

Telephone number

Where the licence is time limited the dates

N/A

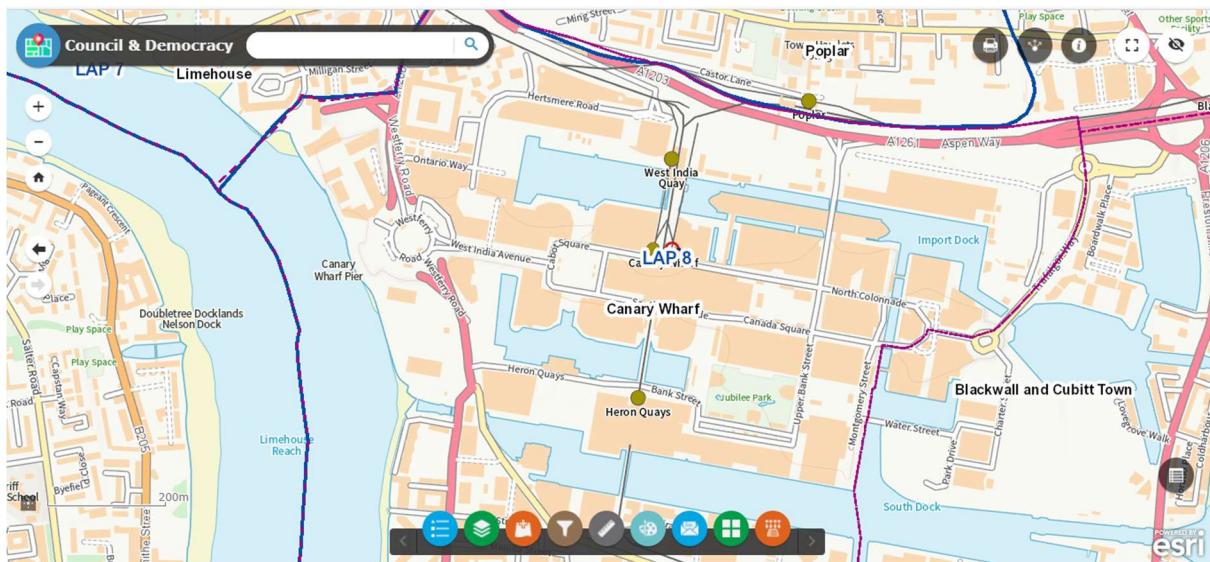
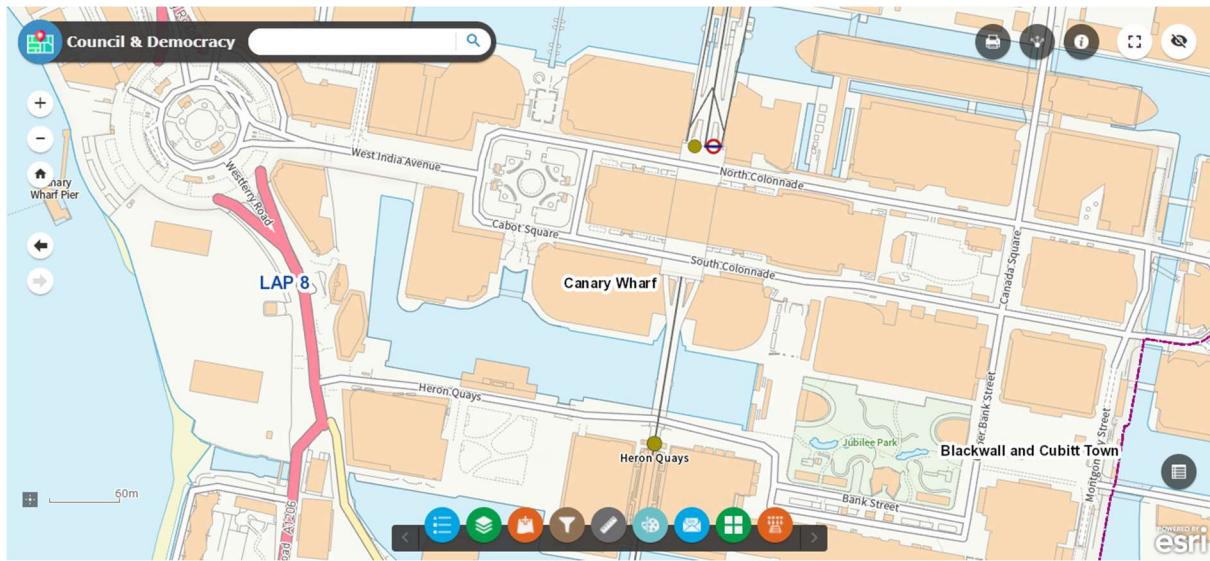
Licisable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment
The provision of regulated entertainment consisting of films and recorded music

The times the licence authorises the carrying out of licensable activities	<p>Supply of alcohol (on and off sales) Monday to Saturday 09:00 to 01:30 hours Sunday 09:00 to 23:30 hours</p> <p>Late night refreshments (indoors) Monday to Saturday 23:00 to 01:00 hours Sunday 23:00 hours to 23:30 hours</p> <p>Provision of films Monday to Saturday 09:00 to 01:00 hours Sunday 09:00 hours to 23:30 hours</p> <p>Recorded Music Monday to Saturday 23:00 to 01:00 hours Sunday 23:00 to 23:30 hours</p>
The opening hours of the premises	<p>Monday to Saturday 07:00 to 01:00 hours Sunday 07:00 to 00:00 hours (midnight)</p>
Name, (registered) address of holder of premises licence	<p>The Alchemist Bar & Restaurant Limited Chadsworth House Wilmslow Road Handforth SK9 3HP</p>
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On and off sales
Registered number of holder, for example company number, charity number (where applicable)	Company Number: 06957833
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Briony Rose Wakefield
State whether access to the premises by children is restricted or prohibited	No restrictions

Appendix 5

Map – South Colonnade



Appendix 6

Corinne Holland

From: Mohshin Ali on behalf of Licensing
Sent: 11 October 2021 13:08
To: Corinne Holland
Subject: FW: Re The Alchemist

From: Steve Greig <[REDACTED]>
Sent: 11 October 2021 12:56
To: Licensing <[REDACTED]>
Subject: Re The Alchemist

To whom it may concern.

My name is Steve Greig and I am the Operations Director at Canary Wharf Management. I am writing this email in regards to the Review application lodged by the Metropolitan Police against the licence held by The Alchemist at their site at Reuters Plaza.

I understand that the Police are seeking the revocation of the licence, The Alchemist had been a target tenant of ours for some time before they took on the unit formerly occupied by Smollenskys and we wish to see them remain. We were keen to bring them to Canary Wharf because of their reputation nationwide as an exciting and innovative operator with an excellent track record.

Since taking the site they have, unfortunately, spent a considerable time closed due to the Covid-19 pandemic. The re-opening of the hospitality sector in Spring this year brought challenges for all operators. As an estate we too have had to adapt.

I was concerned to hear that there had been two serious incidents at the premises over the summer and I understand that the Police have felt it necessary to Review the licence.

However, I can say that since then, I have not been made aware of any further incidents. I have always found Simon Potts to be an open and communicative and he has taken ownership of these incidents which arose at the site over the Summer and taken active steps to ensure that they're not repeated.

I am also aware that they have implemented a series of measures designed to ensure customer welfare, they have increased the number of door supervisors and are now actively using the estate's radio link to improve communication and information sharing between all parties.

I am aware that they have undertaken training, both internally and by bringing in external providers and this seems to be having the desired effect in reducing the number of incidents at the premises. My team report that there is a real willingness to engage and improve.

They were quick to act after these incidents and I now have confidence in their ongoing commitment to ensure that incidents don't recur.

Finally we would not wish to see The Alchemist's leave Canary Wharf.

Regards

Steve Greig

STEVE GREIG BCSC, Dip SCM
Director - Operations



CWG supports flexible working and appreciates that peoples' working hours will vary, so I do not expect a response or action outside your own working schedule.

Appendix 7

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 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 co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 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.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 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)¹⁰;
 - 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.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
 - for employing a person who is disqualified from that work by reason of their immigration status in the UK;
 - for unlawful gambling; and
 - for the sale or storage of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
 - the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
 - notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

- 11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 8

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises 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 are retained at the licensed premises.

Appendix 9

Licensing Policy, updated November 2018

Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in the Secretary of State's Guidance.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

- 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
- 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

7.8 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group Code of Practice. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make in promoting the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance.

7.9 **Criminal Activity** - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

- 7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

Smuggled goods

- 7.12 The Licensing Authority will exercise its discretion to add a standard condition as follows:-
- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery to provide traceability.
 - 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
 - i. Seller's name and address
 - ii. Seller's company details, if applicable
 - iii. Seller's VAT details, if applicable
 - iv. Vehicle registration detail, if applicable
 - 3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
 - 4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
 - 5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

Olympic Park – Football Ground

- 7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:
- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
 - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
 - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

Appendix 10

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Appendix 11

Public Safety

- 8.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 8.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire Brigade before preparing their plans and Schedules.
- 8.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 8.4 One of the Council's Community Safety Partnership Priorities is tackling violence against women and girls. As a result the Licensing Authority expects Licence holders to take a proactive approach to customer safety including the following:
 - Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises,
 - Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services.
- 8.5 The Licensing Authority, where its discretion is engaged, will consider attaching proportionate and appropriate Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a the Model Pool of Conditions found in the Secretary of States Guidance.
- 8.6 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.

Appendix 12

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 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 anti-social 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.

Appendix 13

Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.