



The Cocktail Club
9 Cabot Square London E14 4EB

Introduction

1. I, Michael Watson, of Better Compliance, make this statement to provide additional relevant information regarding a Review of the Premises Licence under section 51 Licensing Act 2003, for The Cocktail Club.
2. I have been a licensing consultant since 2004. My licensing consultancy has a respected reputation amongst the Police, local authorities, and our private clients.
3. Previously, I was:
 - a. a civilian licensing officer with the Metropolitan Police Clubs and Vice Unit (CO14) from 1994 to 2001; and
 - b. a licensing officer at the London Borough of Islington from February 2001 to June 2004.
4. I have attained the Certificate of Higher Education in Licensing Law from Birmingham University and I am a member of the Institute of Licensing (MIoL). I am also an Associate of the Chartered Institute of Environmental Health (ACIEH). My role as a consultant is to work in partnership with the statutory authorities. I have given evidence at Licensing Committees, planning appeals and licensing appeals before Magistrates and the Crown Court.
5. I have been an independent licensing consultant for over seventeen years. I have worked with a wide variety of premises including night clubs, bars, restaurants, and hotels. My retainer clients include The

London Park Lane Hilton (Westminster), the Truman Brewery complex (Tower Hamlets), The Outernet – HERE and The Lower Third (Camden), The Piano Works (Islington and Westminster), The Windmill Theatre Soho (Westminster), Tape London (Westminster), The Box Soho (Westminster) , Cirque Le Soir (Westminster), Reign (Westminster), Raffles (Royal Borough of Kensington and Chelsea), Tabu (Westminster), and Swingers Golf (City of London and Westminster).

6. I am the co-author of a book, *“Staying Open – An Essential Guide for Managers of Licensed Premises”*.
7. I have worked with many venues, in many different environments, to design successful management procedures to ensure the promotion of the Four Licensing Objectives.

Instructions and Scope of Work

8. I have been instructed by Mr Jim Robertson, Managing Director (London Estate) of Night Cap (the operator) regarding an application for a Review under s.51 Licensing Act 2003 of a premises licence for The Cocktail Club, 9 Cabot Square London E14 4EB.
9. I have been provided with a copy of the Review application.
10. My instructions were to devise a plan for The Cocktail Club that would ensure compliance with licensing regulations and premises licence conditions, promotion of the Four Licensing Objectives and strive for current best practice in operational policies and procedures.
11. I met with Jim Robertson, the Managing Director, Kieran Manning, Operations Manager, and the new General Manager, Simon Kennington, who is also now the new DPS of the premises, on the 10th February 2023 to discuss in detail a compliance plan for the future operation of the premises.
12. Jim Robertson, Kieran Manning and Simon Kennington were very helpful and enthusiastic about the compliance plan. They understood,

and accepted, the compliance plan would involve significant commitment and work.

13. I confirm that, notwithstanding that I have been engaged as a consultant by The London Cocktail Club Ltd, I have prepared this Witness Statement together with all opinions expressed herein, as an independent professional licensing consultant.

Licensing Compliance Plan

14. The proposal is in four parts; (1) review and set up best practice policies and procedures, (2) provide staff training, (3) conduct regular licensing audits to measure performance and provide due diligence evidence, and (4) to provide ongoing advice, support and to review any incidents / issues that arise.

Policies and Procedures

15. I have undertaken a full review of the operation of the premises and produced a comprehensive licensing Operational Manual which would contain licensing policies and procedures. The manual would demonstrate best practice in all areas. It would also form part of induction for new members of staff and the ongoing training of existing staff.

16. The Operational Manual sets out the premises' minimum operating standards and the policies and procedures to be followed by all staff.

17. The Operational Manual is a 'living' document and will be reviewed regularly to ensure current best practice and that any changes at the premises or to licensing laws are addressed.

18. The Operational Manual would include, but not be limited to, the following policies and procedures.

- Customer Vetting and Terms of Entry
- Young People
- Searching and Seizure of Prohibited Items

- Preventing and Dealing with Intoxication
- Drugs
- Crime Prevention and Intervention
- Guest Welfare and Welfare and Vulnerability Engagement (WAVE)
- Ejections
- Security Roles, Responsibilities and Code of Conduct
- Security Code of Conduct
- Dealing with Serious Incidents
- Sexual Assaults
- Crime Scene Preservation
- Theft Prevention
- Staff Behaviour and Code of Conduct
- Events & Private Hire
- Management of Outside & Dispersal
- Smoking
- Incident Reporting & Due Diligence Records
- CCTV, Body Worn Cameras and Identity Scanning Systems

Staff Training

19. All serving staff will attend the RASPFLO (Responsible Alcohol Sales and Promoting the Four Licensing Objectives – www.raspflo.co.uk). This is specifically aimed at serving staff, with a focus on the practicalities of their work role and responsibilities under the Licensing Act 2003.

20. A written record will be kept of all staff training and be available for inspection by the statutory authorities.

21. The RASPFLO course covers the following areas.

An Introduction to the Licensing Act 2003

- Understanding the importance of compliance and protecting your Licence.
- The requirements for having a Licence

- The difference between a personal and a premises Licence
- Mandatory and venue specific conditions
- The penalties for breaching conditions

The Four Licensing Objectives

- The importance of promoting the objectives at all times
- The meaning and significance of each objective
- Learning methods to promote the objectives.

Intoxication

- The dangers intoxication poses, the requirements of the law and the tools to deal with the issue effectively.
- The effects of alcohol on the body
- How to identify and deal with intoxicated guests
- The best methods to prevent intoxication.

Age

- The law in relation to children
- How to check IDs
- Recognising valid forms of ID
- Identifying invalid IDs

Crime Scene Preservation

- When a crime scene should be preserved
- Actions to take following a serious incident
- How to ensure the preservation of a crime scene.

Factors that Affect Drinking Behaviour

- The factors that affect irresponsible alcohol consumption
- How to promote a safe and responsible environment
- How to positively influence a responsible and safe drinking culture

22. All staff will also undergo comprehensive guest welfare training that includes the Metropolitan Police Service's WAVE (Welfare and Vulnerability Engagement) course content.

23. All managers, and staff involved in a supervisory role, will undergo RASPFLO managers training, an advanced version of the course.

24. The managers' version of RASPFLO includes the six units in the staff course and also covers the following areas.

Closure Powers

- The most common forms of closure powers
- The process of when there is a Review of a Premises Licence
- The potential consequences of a Review or other remedial action

Preventing Drug Use / Dealing

- Ways to identify, prevent and understand the effects of drug use and dealing
- The components of a comprehensive drugs policy

Crime Prevention and Intervention

- Policies and procedures
- Human resources
- Physical measures

Guest Welfare

- Identifying vulnerable people
- Intervention and ways to provide for the welfare of your guests

Ejections

- The various risks when carrying out an ejection
- Ejecting a person safely in a professional manner

Conflict Management

- Ways to reduce aggression and prevent confrontations escalating

- Measures you can take to deal with aggressive and violent customers

Dealing with Serious Incidents

- The definition of a serious incident
- Procedures to follow in the event of a serious incident

Incident Reporting

- Types of incident that should be reported
- The details an incident report should contain

Daily Due Diligence Records

- The types of records that should be maintained on a daily basis
- Why keeping records is good due diligence evidence

25. Staff will receive the training on Monday 6th March 2023. The training will be delivered by Deon van Niekerk, an accredited trainer.

26. There will also be ongoing bespoke training for staff and managers on the Operational Manual. This training will use the incident of 2nd December 2022 as an example of the dangers that can arise as well as the lessons learnt, and procedures implemented to prevent any further issues following that incident.

Licensing Audits

27. Comprehensive licensing audits of the premises would be conducted by a qualified consultant to ensure compliance with the Licensing Act 2003, the promotion of the Four Licensing Objectives and any specific conditions attached to the Premises Licence.

28. The audits would, of course, measure the success and effectiveness of operational procedures and aim to build a body of positive due diligence evidence for the premises. They also serve as a management tool; giving confidence that the premises is compliant and acts as an early warning system if issues are identified.

29. The audits cover the following areas:

- Promotion of the Four Licensing Objectives
- Licences and Signage
- Compliance with Premises Licence conditions and Licensing Regulations
- Door Supervisors
- Outside Management
- Fire Safety
- Record Keeping
- Internal Management
- Toilets
- CCTV & Body Worn Cameras

30. The audits would be conducted once a month for the first 3 months after the hearing.

31. The audits would be unannounced and be carried out whilst the venue was trading at peak times.

32. One such audit was conducted on 26th February 2023 (Friday trading night). I attach a copy of the audit report. The inspection did not identify any issues save for the requirement of signage for CCTV and body worn cameras. There was also no signage to notify guests that there is a search policy in place, and it is good practice to do so. I understand that all this signage is now in place.

33. When I audited the premises on 26th February 2023, I also conducted an observation of the premises until it was closed, and all guests had left. I did not witness anything that could have an adverse impact on any of the four licensing objectives. Dispersal was quick and effective. Staff and security were alert and proactive.

Ongoing Support

34. I would regularly re-evaluate the compliance regime at the premises, taking into account shifting circumstances, changes in legislation, best practice and current guidance from the authorities.

35. I would review all incident reports and provide an assessment of the incident, giving recommendations, advice and support as applicable. This may include reviewing CCTV, writing additional policies / action plans and providing additional staff training plans.

Conclusions

36. The measures detailed in this statement have proven highly effective and successful at many busy late licensed clubs and bars across London.

37. The compliance plan requires a clear commitment from the leadership of the business. I have been assured that the business is fully committed to implementing and following the compliance plan. From all my interactions with the senior management team I am in no doubt that they are highly responsible and professional operators who will do whatever is required to learn from the lessons of recent events to minimise the risk of repetition.

This statement is to the best of my belief and understanding true and accurate.

Signed: 

Dated: 28th February 2023

Michael Watson