

Licensing Sub-Committee

Supplementary Agenda

Tuesday 25 October 2022 at 6.30 pm

This meeting will be held remotely

Watch the meeting live: youtube.com/hammersmithandfulham

MEMBERSHIP

Administration:	Opposition:
Councillor Paul Alexander (Vice-Chair) Councillor Florian Chevoppe-Verdier	Councillor Dominic Stanton

CONTACT OFFICER: Debbie Yau

Committee Co-ordinator Governance and Scrutiny

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Public Notice

This meeting will be held remotely. Members of the press and public can watch the meeting live on YouTube: youtube.com/hammersmithandfulham

Speaking at Licensing meetings is restricted to those who have submitted a representation and registered to speak.

Date Issued: 24 October 2022

Licensing Sub-Committee Supplementary Agenda 25 October 2022

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9.	THE CHELSEA LODGE, 562 KING'S ROAD, SW6 2DZ - ADDITIONAL INFORMATION FROM THE LICENSING AUTHORITY	3 - 9
10.	THE CHELSEA LODGE, 562 KING'S ROAD, SW6 2DZ - ADDITIONAL INFORMATION FROM LOCAL RESIDENTS	10 - 26

Agenda Item 9

Sent: 21 October 2022 15:32 To: Layug Karen: H&F; Overton Adrian: H&F Subject: RE: Chelsea Lodge - Proposed conditions Hi Adrian and Karen As per discussions to date and in line with the stated changes below, we are in agreement with the proposed conditions to be presented at the licensing committee next week Regards. James Rawlinson Noise and Nuisance Officer From: Marcus Lavell Sent: 14 October 2022 15:07 To: Overton Adrian: H&F Subject: RE: Chelsea Lodge - Proposed conditions Dear Adrian I have taken instructions on this and can report that the Premises Licence Holder accepts the Licensing Authority's position below which I can see includes the Noise Team's requests in our Annex 1 as well. Given the above, are you able to confirm that this not addresses the concerns of both the Licensing Authority and Noise Team? Kind regards Marcus Lavell | Barrister

From: Rawlinson James: H&F

From: Overton Adrian: H&F Sent: 12 October 2022 20:27

To: Marcus Lavell

Subject: Chelsea Lodge - Proposed conditions

Hi Marcus,

Thanks for meeting with Cristina and I earlier today. As discussed, I have outlined our response to the conditions outlined in Annex 1 of the statement provided by Chase McGuinness below:

- 1. We are in agreement for the sale of alcohol to start at Midday.
- 2. We ask that the bottomless brunch condition is amended as follows: There shall be no bottomless brunches or similar offering or other alcohol promotions whereby an unlimited, or set quantity of alcohol, is supplied for a fixed price.
- 3. We would ask that the terminal hour for all licensable activities on a Friday and Saturday is set to 1:30am (subject to all the other conditions contained in this email also being agreed)
- 4. If the amendment to the condition at point 2 is agreed, we would also like to see a further condition added to the licence which states: Substantial food shall be available at the premises at all times when the sale of alcohol takes place.
- 5. Previously agreed by the licence holder
- 6. Previously agreed by the licence holder
- 7. Previously agreed by the licence holder
- 8. Previously agreed by the licence holder
- 9. Previously agreed by the licence holder
- 10. Previously agreed by the licence holder
- 11. Previously agreed by the licence holder
- 12. Previously agreed by the licence holder
- 13. Previously agreed by the licence holder
- 14. We would ask that 6 days are permitted for extensions rather than 12.
- 15. We would suggest that 1am is a very late readmission time for a licensed premises, especially given the number of complaints made to the Council about the business. However, we understand the licence holder's business model of

- allowing customers to attend from other affiliated businesses later in the evening, and would therefore suggest a readmission time of 12:30am
- 16. The alternative noise condition is agreed from the licensing authorities perspective but the Council's noise team may have further comments on this condition.
- 17. Previously agreed by the licence holder
- 18. As per point 3, we would suggest the terminal hour for all licensable activities on a Friday and Saturday is set to 1:30am.

Many thanks

Adrian

Adrian Overton

Licensing Policy & Enforcement Manager

Annex A- LICENCE HOLDER'S RESPONSES TO CONDITIONS PROPOSED BY RESPONSIBLE AUTHORITIES

<u>#</u>	Condition proposed	PLH's Response/	Comment
		Counter proposal(s)	
LA			
1.	Start time for licensable activities amended to 13:00hrs	Amended proposed: Start time for sale of alcohol is noon.	1 1
2.		Additional condition proposed: There shall be no "bottomless brunches" or similar offering or other alcohol promotions whereby an unlimited quantity of alcohol is supplied for a fixed price.	addresses the daytime issues relating to

2	Torminal hours for all Lagrands	Not agreed	This will and the
3.	Terminal hours for all licensable activities restricted to 1am of Friday-Saturday		This will end the viability of the business and effectively close the venue. It is inappropriate and disproportionate given the totality of evidence.
4.	From 13:00 to 17:00 any sale of alcohol at the premises shall be subject to the following conditions: (a) Any sale or supply of alcohol on the premises shall be to customers seated at tables by waiter/waitress service. (b) Alcohol supplied for consumption on the premises shall only be supplied with and be ancillary to food to be consumed on the premises at the same time. (c) The sale and consumption of alcohol on the premises shall be to customers seated at tables. Vertical drinking shall not be permitted.	Not agreed	Given point 2 prohibiting bottom brunches, which the primary cause daytime intoxical issues, this condition unnecessary, inappropriate and disproportionate.
5.	No external speakers will be used outside the building.	d Agreed	
6.	No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.	Agreed	
7.	Whenever the premises is providing licensable activities there shall be a personal licence holder on duty at the premises.	s Agreed	

8.	After 22:00 hours the terrace area hatched in grey on the plan shall not be used.	Agreed	
9.	After 22:00 hours there shall be no more than 30 people at any one time in the terrace area hatched in red on the plan.	Agreed	
10.	After 22:00 hours there shall be no consumption of alcohol in the terrace area hatched in red on the plan.	Agreed	
11.	After 22:00 hours the terrace area hatched in red on the plan shall be constantly monitored and supervised to ensure that customers assist in the promotion of the licensing objectives.	Agreed	
12.	After 22:00 hours the terrace area hatched in red on the plan shall be inaccessible from the public highway.	Agreed	
13.	After 22:00 hours the front doors located on the east side of the terrace area hatched in red on the plan shall be closed.	Agreed	

14.	Remove this condition: An additional period after the normal hours permitted in the licence for the supply of alcohol shall be permitted on a maximum of twelve days in each calendar year (excluding applications made under TENs). The additional hours shall be permitted only if written notice has been served on the licensing authority and the police at least seven days beforehand. The police are to have an absolute veto in respect of these occasions.	Not agreed	There is no evidence these special events cause an issue and the police have a veto in any event.
15.	There shall be no admittance or readmittance to the premises after 00:00.	Not agreed	There is no evidence the current last admission time of 1am causes any issues.

<u>EH</u>		

16.	"The licensee shall install a tamper proof noise limiting device in each area where amplified entertainment is provided. The limiting device shall control the overall sound pressure level, as well as each 1/3 octave band and shall be set such that the following criteria is achieved when the main entrance/exit outer door is in the open position: The music noise level (MNL), measured as a 15 minute L(A)eq, 1 metre from the façade of noise sensitive properties, shall not exceed the representative background level L90 (without entertainment noise). And, the L10 of the entertainment noise measured over 15 minute period 1 metre from the façade of noise sensitive properties, shall not exceed the representative background noise level L90 (without entertainment noise), in any third octave band between 40 Hz and 160Hz.	Not agreed. Counter proposal in line with LBHF's model sound condition: "A tamperproof sound limiting device for amplified equipment shall be installed and in operation on at the premises, with all amplified equipment played through the device. The device shall be set at a level agreed with the Noise and Nuisance Team"	The PLH's expert acoustician (Richard Vivian) states that the EH proposal is unworkable.
17.		Agreed	
	other waist will be emptied into bins or waste storage in the rear yard or any open or partially open space outside of the hours of 08:00hrs – 21:00hrs.		
18.	Reduction in terminal hours to 01:00hrs on Friday-Saturday	Not agreed.	See above.

Agenda Item 10

From: Sarah Chambers Sent: 24 October 2022 09:49

To: Licensing HF:

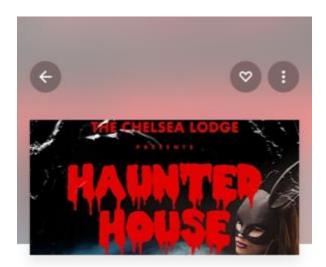
Subject: Re: 2022/01110/LAPRR hearing Tues 25th Oct-- Events with children; 3-page PDF attached

with screenshots

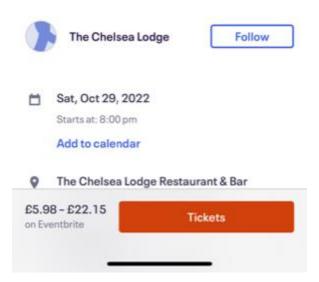
Hi everyone,

Please could you add the email below to the supplementary information.

I see on Eventbrite this morning that Chelsea Lodge are hosting a second party, for adults, which starts at 8pm on the same evening as the children's party.



Halloween - The Haunted House @ The Chelsea Lodge



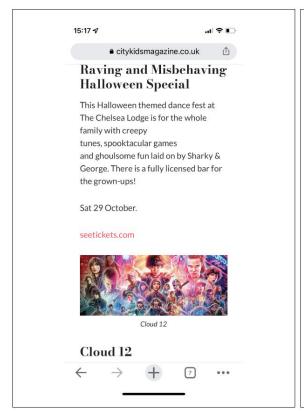
Will the venue be emptying all attendees at the earlier event before they set up and allow entry for attendees to the second event?

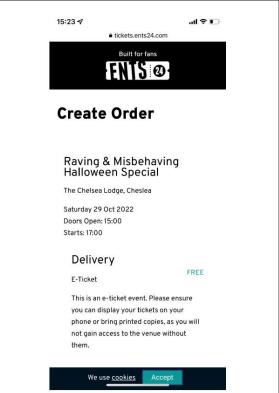
Will attendees to the second party still have to show ID and be screened if they arrive at 8pm or earlier?

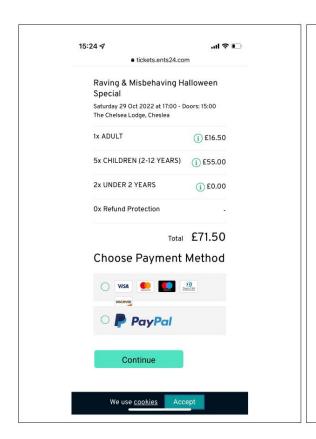
It really concerns me a children's event is being held in a bar/club without parents or caters being required present, with an adult event with alcohol potentially overlapping. Surely this isn't synonymous with the licensing objective of protecting children?

Kind regards

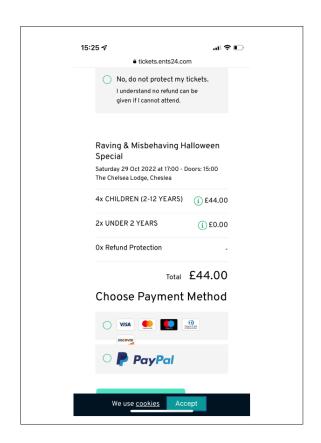
Sarah Chambers Former Chair Fulham Broadway Ward Panel











From: Charlotte Dexter Sent: 24 October 2022 00:39

To: Licensing HF

Subject: SUMMARY of Conditions requested to add, delete or amend, plus the issue of children

attending events, 1-pg PDF of existing Condition 36

<u>SUMMARY of Conditions requested to add, delete or amend, plus the issue of children attending events 1-pg PDF of existing Condition 36</u>

In addition to the Conditions proposed by the Licensing Authority, all of which we support (with further suggestions from residents regarding reducing opening hours further), we would like to summarise the most important Conditions that we believe should be added to the licence, or deleted from the licence or amended, should the Sub-Committee decide not to revoke the licence but to address the promotion of the four Licensing Objectives through Conditions.

1) Existing Conditions not covering all opening hours for ID checks/onboarding Existing Conditions allow exceptions to ID checks

Condition 36 of the CURRENT LICENCE (attached page 8 of the current licence as a 1-page PDF)
2022/00975/LAPR | Licensing Act - Premises Licence | Current Licence | Mare Motto 562 King's
Road London SW6 2DZ

states:

- 36. (a)After 21:00hrs all customers entering the premises shall have their ID scanned on entry. The details recorded shall include a livefacial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
- (b) The requirement in (a) above <u>is subject to the following exception</u>s, namely that a maximum number of 20 guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
- (i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
- (ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,
- (iii) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.

DELETE: (a) After 21:00 hours

ADD in its place:

AT ALL TIMES when the Premises is open, including pre-opening times when customers arrive early, all customers entering the premises shall have their ID scanned on entry.

The details recorded shall include a livefacial image capture of the customer and capture the photographic identification produced.

The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.

<u>REASON:</u> From 21:00 hardly covers the very mid-day brunch events that brought about this very Review of the Premises licence.

We have submitted information about Friday night double events, one starting at 19:30 and the second at 22:00. Surely everyone attending the 19:30 event should go through proper onboarding/ID checks, live facial image capture etc. DO those who start at 19:30 without ID checks depart before 22:00? If so, what is the procedure for this?

The best and easiest solution is that at all times, onboarding/ID checks and live image capture of each customer is paramount to promoting the Prevention of Crime as well as Protecting Children from Harm.

<u>DELETE:</u> (b) (i), (ii), (iii)

<u>REASON:</u> The Licensing objectives cannot be promoted if there are exceptions to the ID Condition 36 (a), as suggested to be amended to cover ALL opening times. Waitrose makes no exceptions, other Premises make no exceptions. Either the Police and the Licensing Authority believe that ID checks and photographic recording/onboarding are vital to the promotion of the Licensing Objectives at this Premises, or not. There is no in-between; there should be no exceptions.

Apparently, there is a need for 'VIP' groups to feel special that they are not being scanned but simply ushered inside. Apparently, there are also people who arrive at Chelsea Lodge with no ID; everyone knows by now that clubbing is all about starting with ID checks/ thorough 'onboarding'. I was also told that some parents come with their young adult children but have forgotten their ID; surely this is very easy to remedy in future, especially with all the guest lists, private direct messaging regarding reserving a place/entrance, pre-ordered tickets and pre-information shared through Social Media it is perfectly possible for the Premises to remind customers of the new onboarding technology and rules.

2) Condition 38

ADD: 'at all times'...

REASON: to make crystal clear that anyone who enters the Premises, at any and all times, for any purpose (events, private parties, joining a third-party organised event, attending the Premises at any time) shall be ID checked, scanned, live facial image captured, etc

3) RINGING 999, always

We note that the ambulance service was rung by the manager on 26 March, but apparently, the manager did not ring the Police. Apparently, a resident rang the Police/999.

It is imperative that this Premises will ALWAYS ring the Police regarding any concern, incident, event, suspicion etc of Crime and Disorder.

The Licensing Authority, recently approved the following Condition for another Premises and we suggest it be incorporated, should the Sub-Committee decide not to revoke but to delete/amend/add further Conditions to the Premises licence:

1. Every incident of crime or disorder on, or in the vicinity of the Premises shall be reported immediately to the police by the Designated Premises Supervisor or a nominated member of staff. A record of incidents of crime or disorder reported shall be kept at the Premises and made available on request to an authorised officer of the Council or the Police.

4) SPIKING

Spiking was an initial cause of concern of the March 26 incident that eventually led to this Review. The LGA recently issued guideance (Sept 2022) for licensed Premises (enforced by the Institute of Licensing), so we suggest the following:

Page 248 Agenda Item 5 Proposed Condition 1

'To secure <u>any drinking vessels used</u> by the alleged spiking victim, as well as <u>any specific vessel</u> <u>suspected of have the 'drug' in it (jugs of mixed cocktails, for instance)</u>, for inspection later by Authorities.'

(This might seem obvious, but it requires ongoing training/reminding, procedures and quick thinking by the Premises staff.)

Page 248 Agenda Item 5 Proposed Condition 2

'The Premises will ensure appropriate training is provided to all members of staff regarding spiking and procedures to follow immediately in the case of an alleged incident."

Page 248 Agenda Item 5 Proposed Condition 3

'Ensure all reports of spiking are acted upon immediately and that all incidents of alleged spiking are recorded and reported to the police immediately by ringing 999.'

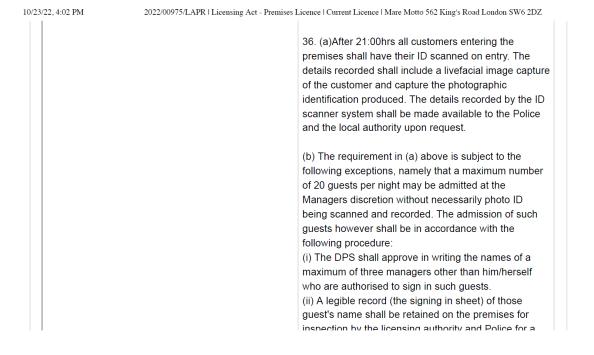
5) Children's tickets for events

We have given an example in this Supplementary Agenda of events (a Halloween event) taking place involving those under 18 years old down to newborns (tickets available for these categories). We have asked that Conditions be put in place to promote the Lic Objective Prevention of Children from harm.

We made points ,1, 2, 3, and 4, regarding suggested Conditions in this regard. We are not the experts, but we do want to make sure that the Sub-Committee also considers these further points:

- —5. making sure that each child actually has a seat at a table, either with their parent or at a separate table that is managed by a certified child minder with licensing training as well as security training.
- -6. perhaps name badges are important, in case the children/parents cannot find each other
- -7. each child must be accompanied by an adult. Perhaps a name list should be compiled at such events; I am sure that there is best practice that can be called upon from the experience of the Lic Authority or in liaison with the Institute of Licensing.

We thank the Sub-Committee for their consideration.



From: Charlotte Dexter
Sent: 23 October 2022 23:15

To: Licensing HF: H&F

Subject: REVIEW, Chelsea Lodge Fwd: 2 screenshots; bottle of spirit for Group of ten

Dear Licensing,

Please include these screen shots from Aug 23 and a post 4 weeks ago from today, in the Supplementary Agenda, for the Sub-Committee's information.

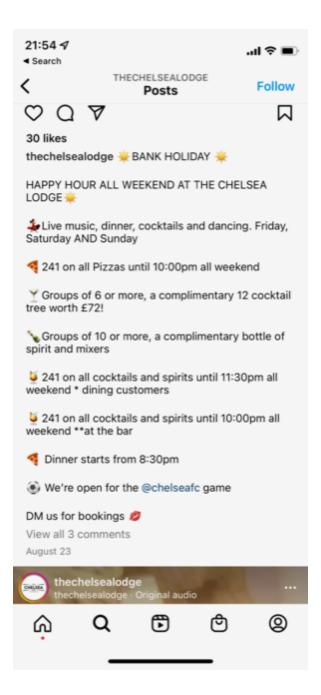
It seems that you can make your own drinks at Chelsea Lodge with a complimentary bottle of spirit and mixers given to a group of 10 or more.

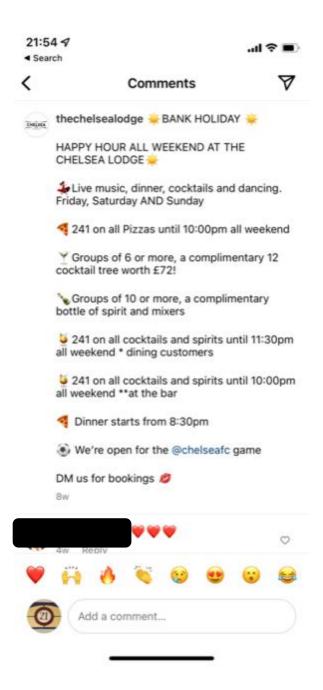
Residents thought that the Mandatory Conditions on EVERY licence did not allow this, ie that alcohol needed to be carefully measured for cocktails, not handed over in a bottle, and at no charge to the customers (?).

Begin forwarded message:

From: Charlotte Dexter Subject: 2 screenshots

Date: October 23, 2022 at 10:04:08 PM GMT+1





Charlotte Dexter Murray Barclay Rd From: Charlotte Dexter Sent: 23 October 2022 22:43

To: Licensing HF

Subject: Events continue at Chelsea Lodge, of course PDF attached of adverts, calendar

(2022/01110/LAPRR) Review of Chelsea Lodge.

At point 52, page 165 of the pack (page 15 of the Statement of Mr Charles McGuinness, of the revised Agenda Pack prepared for the adjourned Hearing of 25 Oct, 2022): Mr McGuinness says that no such further brunch events took place after the March 26, 2022 event, which was a ticketed event organised by the third-party event company, XOXO. Please see attached PDF.

The third-party event organiser, XOXO features further events at Chelsea Lodge on their website. It looks like the April 2nd event did take place at Chelsea Lodge, but the May 7 event was moved to The Goat in Chelsea, it seems as people commented on social media on the switch in venue.

The truth is that XOXO continues to organize third-party events at the Chelsea Lodge.'Friday' events, 'relaunch' events, reopening-type events. Of course, they do. It is what this Chelsea Lodge (as in an Alpine Lodge) is all about.

There was an April 8 Launch Party starting at 22:00.

Fridays @The Chelsea Lodge took place April 15.

On July 29, 'XO Supper' at 19:30 (no ID scanning before 21:00) @The Chelsea Lodge and 'XO Friday' again on the same night at 22:00.

The August Bank Holiday weekend seems to have been organised by The Chelsea Lodge itself. They offered complimentary 12 cocktail trees worth £72, 2-4-1 cocktails and spirits till 10pm all weekend at the bar, groups of ten had a complimentary bottle of spirit.

Various SUPPERS, Re-launch parties etc with comments and dates.

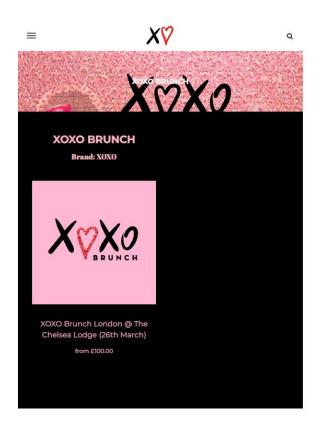
Of course, this is their business. But the statement in point 52 might give the impression to the Sub-Committee that big events are no longer taking place at Chelsea Lodge; that is far from the truth. Chelsea Lodge's business is hosting third-party organised events. Their business is also to organise their own 'Happy Hour All Weekend' events via private direct messages to obtain a spot on the guest list.

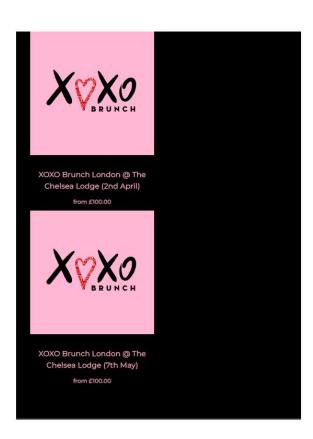
Understandably, with this Review coming up, there has been less activity at Chelsea Lodge, recently.

Further at point 56, Mr McGuinness talks about further Conditions suggested by the Police and his willingness to adopt them.

Those Conditions include allowing a list of 20 people not to be scanned, nor to show ID when entering the Premises. Residents cannot understand how this Condition 2, b) (i), (ii), (iii) (Annex 4 of the Application for Review) can promote any of the licensing objectives. Does Waitrose operate with such a Condition?

Could the Sub-Committee please consider that this sole Condition will become a request from other Premises to have the same Condition, via a minor variation which does not come under the scrutiny of the Sub-Committee nor other Responsible Authorities. Allowing 20 people to not be ID checked does not sound minor to us. Apparently, such a Condition could be considered 'minor' because the goal is to promote the four licensing objectives; isn't that always the goal?





















From: Sarah Chambers

Sent: 23 October 2022 21:57

To: Charlotte Dexter

Subject: Re: 2022/01110/LAPRR hearing Tues 25th Oct-- Events with children; 3-page PDF attached

with screenshots

Hi Charlotte,

Many thanks for spotting this event.

Surely a Halloween party for children and young people shouldn't be held in a bar?

What are the children going to do for two hours before the entertainment starts? The event is called Raving and Misbehaving which doesn't fill me with confidence the children will be looked after and monitored by responsible, caring adults let alone their parents.

I fear some parents will leave their children whilst they go off shopping etc but this isn't suitable venue. It's not a soft play area or Maggie & Rose or a child friendly venue.

I look forward to a briefing note from the Licensing Team and Committee about the conditions and controls in place for this event.

Kind regards

Sarah

From: Charlotte Dexter
Sent: 23 October 2022 18:20
To: Licensing HF: H&F

Subject: 2022/01110/LAPRR hearing Tues 25th Oct-- Events with children; 3-page PDF attached with

screenshots

As this (2022/01110/LAPRR) Review of Chelsea Lodge was brought about because of cause for concern re children (underaged persons) entering the Premises, I wanted the Sub-Committee to be aware of an event taking place at Chelsea Lodge, on October 29, 2022.

Residents are all for good Halloween fun in our residential roads and Fulham neighborhoods, but I would suggest that a few tricks seem to have been missed by management that they need to treat with some serious guidance from the Licensing professionals.

My concern is that one can purchase tickets for children ONLY, for this Halloween event, without purchasing for adults. Surely, an oversight by management, but one that should never be repeated, I would suggest.

I am also concerned about how the Premises can uphold the Protection of Children from Harm Licensing Objective when children are brought along to a super-octane drink-up event at a Premises renowned for its Bottomless approach to all things. This is not a parent-going-for-one-beer-down-at-the-pub-before supper, event, tagging little Johnnie along.

Doors open at 15:00 and the entertainment starts two hours later at 17:00. So, as they promise, two hours of treats, ie 'a fully-licensed bar for the grown-ups!' before the tricks even start.

I have set up an order for 4 tickets for children aged 2-12 years, without ordering an adult ticket. See page 3 of the PDF attached of screen shots from SEE tickets and <u>tickets.ents24.com</u>. I also set up an order for adults and children (limitless children, it seemed—no guidance re 1 child per 1 adult, for instance).

- 1) Perhaps the Premises Licence needs some Conditions about events that allow children to attend; presumably, those children should be accompanied by adults.
- 2) In addition, it would seem that management policies are not in place to make sure that tickets for children may be purchased only when at least 1 adult ticket is purchased.
- 3) The possibility of adults dropping off children for this event is very real, as the main thrust of the promotion is towards the events for children.

Although not promised in the adverts/ordering system, perhaps the Premises could agree immediately to hiring a special SIA security guard who is qualified to act very specifically as a safeguarding adult to safeguard/watch out for the children who attend this event (most likely with adults, but that is not stipulated, yet). I would think that it is totally inappropriate for a manager to say that he/she will be 'keeping an eye out'; this situation needs professionals. Similar, future events would need the same professionals.

I am sure that the Licensing Authority can suggest Conditions that will, supposedly, guide the safeguarding of children at events like this (Prevention of Children from Harm Licensing Objective).

4) Alternatively, perhaps children of any age under 18 would be best not attending this event, or an events at this very Premises. Conditions would be needed.

There is still plenty of time to order tickets, so it would be unclear at this point how many children will be signed up by 29 Oct.

Would the Sub-Committee please address this very, very concerning issue.

