

## **SIMMONS (FORMERLY VIADUCT): PREMISES LICENCE HOLDER'S EVIDENCE PACK**

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Witness: Nicholas Campbell

Statement no.: 1st

Exhibit: NC1

Dated: 30 June 2023

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**FIRST WITNESS STATEMENT OF  
NICHOLAS CAMPBELL  
ON BEHALF OF THE PREMISES LICENCE HOLDER**

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I, Nicholas Campbell, of [REDACTED], WILL SAY

AS FOLLOWS:

1. I am one of the directors of Simmons Waterloo Limited (“Simmons”), the new holder of premises licence number (LBH-PRE-T-0480) relating to The Arches, 83 Rivington Street, London EC2A 3AY (the “Premises”). Until recently the venue operated as “Viaduct” under the previous licence holder Eden Gardens Entertainment Ltd (part of the SBG Group). The premises is currently closed as a voluntary temporary measure. I am also the founder and Chief Executive Officer of the Simmons Group. I am making this statement following a review application brought by the Metropolitan Police (the “Police”) originally brought against the previous licence holder.
  
2. Save for the current transaction relating to the Premises I have no business or other relationship with the previous licence holder or its Directors or the SBG Group of which it forms a part. I am neither a director or shareholder of the former licence holder or its parent group and have no legal or financial interest in it. Our business interests are distinct and separate.

## Background

3. Simmons Waterloo Limited is a part of a group of companies which comprise Simmons Group. I opened the first Simmons in King's Cross in 2013 with the vision of creating safe, fun and relaxed environment for young professionals to enjoy an affordable night out in Central London. There are now twenty-six Simmons venues, all located within central London, which employ approximately 550 staff.
4. Until recently the Simmons Group presence in the London Borough of Hackney was limited to a single site at 233A Old Street, London EC1V 9HE, which we took over in January 2021. That site has proved popular with people who live and work in Shoreditch. Looking to grow the business in the local area, I began negotiations with Shoreditch Bar Group to acquire the Hoxton Pony, located at 104-108 Curtain Road, London EC2A 3AH and the assignment of the venue's long lease was completed on 3 April 2023. During these negotiations I was asked if Simmons Group was also interested in acquiring the Premises located at 83 Rivington Street (which Shoreditch Bar Group also owned via their company, Eden Gardens Entertainment Ltd). I have always thought that it was an ideal site for Simmons but, with an ongoing review application, I was understandably hesitant. Nevertheless, it was agreed that Simmons would take the lease of the Premises subject to the premises licence not being unduly restricted beyond its current form, which is already modest in its scope. The front and back pages of the binding legal documentation (with signatures) are at **Exhibit 1**.
5. As part of the legal agreement, an application to transfer the premises licence from Eden Gardens Entertainment Ltd ("Eden") to Simmons was lodged on 24 March 2023 and has now been granted. It is significant that the Metropolitan Police, who had the right to object to the transfer application if they believed it risked undermining the crime and disorder licensing objective, did *not* raise any objection. However, if the premises licence is revoked or unduly fettered, the agreement at **Exhibit 1** provides that it is transferred back to Eden (or its nominee) to appeal the decision if it so wishes. I wish to avoid this scenario. Therefore, for

the purposes of the review hearing Simmons is the licence holder and will remain so assuming the premises licence remains a viable one.

### **Proposed Operation**

6. The clientele and atmosphere within Simmons Group venues is completely different to that of Shoreditch Bar Group's venues. As can be seen from **Exhibit 2** the décor of Simmons Group venues is kitsch and quirky and the atmosphere is fun and friendly with pop music being played from various decades rather than more 'hardcore' dance music. Patron welfare is at the heart of what we do and a copy of the proposed policy is at **Exhibit 3**. Given this safe environment, it is therefore not surprising that almost two-thirds of patrons are female. We do not attract a crowd of "trouble-makers" and none of our other venues have caused any significant issues with police who we continue to enjoy a close working relationship with.
7. Whilst, as I mention above, Simmons Group only has two operating venues in the London Borough of Hackney, it does have experience of running venues in very busy parts of London close to residential premises – for example it has seven venues in Soho alone, most of which are in Westminster's West End Cumulative Impact Zone and operate close to residential homes.
8. Should the premises licence not being unduly restricted beyond its current form so the lease assignment can be completed, there will be considerable staff recruitment. I have budgeted for approximately 30 staff at the Premises and 3 additional staff at head office. Whilst difficult to quantify, I estimate that approximately 15 jobs would additionally be created at the third party suppliers to the Premises. I take great pride in the training that we provide staff members and we support their development and career progression whenever possible.

## Discussions with the Metropolitan Police

9. I believe strongly in working in partnership with the authorities. On entering the conditional contract to acquire the Premises, I immediately requested a video call with PC Sian Giles and PS Leon McCallister, Hackney's police licensing officers, to discuss the above. Together with my solicitor, Niall McCann of Joelson Law, we spoke on 4 April 2023. We assured them that Simmons would not be looking to vary the hours or conditions on the Premises Licence any time soon and could comply with the current conditions that are in place on the licence. The meeting was positive and it was agreed that I would send an email confirming what had been said so they could discuss matters (including whether the review application could be withdrawn) with their superiors. I duly sent an email on 14 April 2023 (see **Exhibit 4**).
10. Whilst the Police are still considering their position, as indicated above, I was heartened that no objection was received to the transfer of the licence to my company, thus indicating that they do not consider that Simmons holding the licence would undermine the crime prevention objective. The original review was predicated on a loss of confidence in the former licence holder. In contrast, the police clearly do not have any reason to doubt their justified confidence in how my company will run the Premises. In other words, the foundation of the police's review application is no longer present.
11. I can confirm, and undertake, not to transfer the licence back to the Shoreditch Bar Group should the licence remain in its current form. In any event the police would object to any such transfer application.

## The Representations from Interested Parties

12. As Simmons is now the premises licence holder I recognise that it is our responsibility to address the concerns of those that have raised representations, albeit I cannot comment on the alleged failings of previous management. Several

of the allegations regarding breaches of conditions by the previous licence holder are concerning. Whatever the rights or wrongs of those allegations, and I am not in a position to adjudicate, such non-compliance would be completely contrary to everything that the Simmons Group stands for.

13. In regard to residential concerns, I note that many of the complaints relate to a time when the Premises had much later operating hours and was more of a nightclub style operation under the trading name “Cargo”.
14. To avoid duplication, rather than address each representation individually, I will respond to the issues raised.

#### **Concerns with the Management Team**

15. Given the above, I hope that the concerns with the Management Team or non-compliance with conditions are no longer relevant. I reiterate that, if the premises licence is not adversely fettered by the licensing sub-committee, Simmons is legally obliged to complete the assignment of the lease and the Viaduct Management Team will have no input into the operation of the Premises whatsoever. This is not simply a rebranding. If Simmons acquires the lease of the Premises it will be a completely different and less impactful offering and ownership, in keeping with the other venues in the Simmons Group. We take a very serious approach to compliance with our licence conditions and promotion of the licensing objectives.

#### **Previous breaches of conditions**

16. Before proposing to acquire the Premises, I studied the premises licence closely (as well as the review papers) and read/watched all of the publicly available coverage of the previous review processes. I am confident that my team can adhere to all the existing conditions which are considerable in number. On joining our team, and at regular intervals, staff are tested on their knowledge of the

conditions on the venue's premises licence. An independent company called Shield Associates (run by senior ex-Metropolitan Police officers with distinguished records in the regulation of licensed premises in often challenging locations) carry out ad hoc inspections of venues within the Simmons Group to ensure compliance. In addition, Shield Associates have also visited the Premises and considered our site-specific policies and have supplied an expert report concluding that, in their professional opinion, with Simmons running this venue the licensing objectives will, more likely than not, be promoted. I will ensure that is the case.

### **Criminal Activity/Anti-Social Behaviour**

17. The surrounding criminal activity and anti-social behaviour described in the representations is appalling but regrettably symptomatic of an area where there is a prevalence of late-night venues playing 'edgy' music to a largely young male population which, in some cases, have management teams which are more interested in short-term profits than upholding the licensing objectives and long-term viability. The Simmons Group is well established and I am not prepared to risk the reputation of the company as a whole by operating such a venue. I would hope that, if Simmons was allowed to operate from the Premises with the modest framework hours currently permitted, this part of Shoreditch could see a move back to a fun and safe destination rather than somewhere best avoided in the evenings. With the particular offer we provide, those frequenting Simmons Group premises are not those who are interested in violence, drug taking (more of which below) and anti-social behaviour.

### **Drug Taking**

18. Whilst the dealing and taking of drugs has never been a significant problem at any of the venues in the Simmons Group, a zero-tolerance policy is adopted, a copy of which is at **Exhibit 5**.

## Problems with Dispersal

19. When leaving venues of the Simmons Group, patrons want to go home quickly and safely. They do not tend to migrate to other late-night Premises in our long experience. However, every venue has its different challenges in this regard and please see at **Exhibit 6** a copy of a Dispersal Policy which has been specifically prepared for the Premises. I welcome any comments as to how it can be improved.

## Lax Security

20. A well-managed venue is only as good as the SIA door supervisors it employs. I intend to use a reputable SIA company. A copy of the draft Security Policy is at **Exhibit 7** with copies of the Outdoor Smoking and Management Policy at **Exhibit 8**.

## Conclusion

21. I accept that the Premises has a regrettable history under the previous licence holder of being associated with incidents of crime and disorder and public nuisance, especially before last review hearing when it operated as Cargo into the early hours of the morning. However, I do not accept that the Premises is incapable of being operated as a licensed venue within framework hours in a manner which upholds the licensing objectives.
22. I passionately believe that Simmons can trade from the Premises with the current hours and onerous conditions on the premises licence without adding to the problems already experienced by the police and local residents. By way of contrast, Simmons Old Street (which is permitted to open to 02.00hrs at weekends) has never had any complaints from either the Police or local residents and no Simmons Group venue has ever been subject to a review application brought by the Police or Licensing Authority or Environmental Health officers.



Rather, I believe that a female friendly venue in this part of Shoreditch can attract a different less-troublesome clientele to the area and hopefully reduce some of the anti-social behaviour being experienced more generally.

- 23. I have been advised by my lawyers that a review application is not the correct legal vehicle for revoking a licence merely because it is within a cumulative impact area. In agreeing to a settlement of the previous appeal following the revocation of Cargo's licence, the Council has already accepted that the Premises can operate to framework hours within the cumulative impact policy area. I intend to prove the Council's judgement was the correct one by the manner in which I operate the venue.
- 24. I trust that the above will have eased some of the concerns raised and I respectfully ask if the police can re-consider withdrawing the review application or at least take a more neutral approach given the radical change of circumstances since the licence was transferred to my company and the reasons why the review application was lodged. In short, the change in operator has already addressed the primary concerns raised in the police's review application.
- 25. If any interested party would like to contact me personally to discuss matters in more detail, they are welcome to contact me at [nick@simmonsbar.co.uk](mailto:nick@simmonsbar.co.uk) and I will reply as soon as possible.

STATEMENT OF TRUTH

I believe the facts stated in this witness statement are true.

SIGNED.....  
  
TEF4E09B09034B2.....

Nicholas Campbell

DATED.....  
7/3/2023



Formula B  
18.15



**DATED**

24 March 2023  
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**CONTRACT FOR THE SALE OF LEASEHOLD LAND**

**at**

**Arches 461-466 Kingsland Viaduct 83 Rivington Street London EC2A 3AY**

Between

**EDEN GARDENS ENTERTAINMENT LIMITED**

and

**SIMMONS WATERLOO LIMITED**


and

**NIGHTLIGHT LEISURE LIMITED**

Signed by Shmile Khan for and on behalf of Eden Gardens Entertainment Limited

.....  
Director

Signed by Nick Campbell for and on behalf of Simmons Waterloo Limited

DocuSigned by:  
  
Director  
Nicholas Campbell

Signed by Nick Campbell for and on behalf of Nightlight Leisure Limited

DocuSigned by:  
  
Director  
Nicholas Campbell

DATED

24 March 2023

CONTRACT FOR THE SALE OF LEASEHOLD LAND

at

Arches 461-466 Kingsland Viaduct 83 Rivington Street London EC2A 3AY

Between

**EDEN GARDENS ENTERTAINMENT LIMITED**

and

**SIMMONS WATERLOO LIMITED**

and

**NIGHTLIGHT LEISURE LIMITED**



Signed by Shmile Khan for and on  
behalf of Eden Gardens  
Entertainment Limited



Director

Signed by Nick Campbell  
for and on behalf of Simmons  
Waterloo Limited

.....

Director

Signed by Nick Campbell  
for and on behalf of Nightlight  
Leisure Limited

.....

Director









## HAPPY HOUR

BOTTLES OF BEER  
SPIRITS & MIXER  
GLASSES OF WINE  
2 COCKTAILS FOR  
BOTTLES OF WINE  
COCKTAIL TOPPERS  
BOTTLES OF PROSECCO

5PM - 8PM  
MONDAY - FRIDAY

## SATURDAY SPECIALS

2PM - 10PM

PROSECCO  
\$12.99

COCKTAIL  
\$4.99

WINE  
\$12.99

BEER  
\$4.99

TOPPERS  
\$1.99

PROSECCO  
\$12.99

COCKTAIL  
\$4.99

WINE  
\$12.99

BEER  
\$4.99

TOPPERS  
\$1.99





**HAPPY HOUR**  
SUNDAY - FRIDAY 4-9PM  
1. FREE MIXED DRINKS  
2. 1/2 PRICE ALL DAY LONG  
3. 1/2 PRICE ALL DAY LONG  
4. 1/2 PRICE ALL DAY LONG  
5. 1/2 PRICE ALL DAY LONG  
6. 1/2 PRICE ALL DAY LONG  
7. 1/2 PRICE ALL DAY LONG  
8. 1/2 PRICE ALL DAY LONG  
9. 1/2 PRICE ALL DAY LONG  
10. 1/2 PRICE ALL DAY LONG  
SATURDAY SPECIALS 4-9PM  
1. 1/2 PRICE ALL DAY LONG  
2. 1/2 PRICE ALL DAY LONG  
3. 1/2 PRICE ALL DAY LONG  
4. 1/2 PRICE ALL DAY LONG  
5. 1/2 PRICE ALL DAY LONG  
6. 1/2 PRICE ALL DAY LONG  
7. 1/2 PRICE ALL DAY LONG  
8. 1/2 PRICE ALL DAY LONG  
9. 1/2 PRICE ALL DAY LONG  
10. 1/2 PRICE ALL DAY LONG

ECONOMIST





## ANTI-DRINK SPIKING & WELFARE POLICY

Simmons Bars endeavours to ensure the safety of all of our guests when on our premises and the following measures have been implemented to minimise the risk of drink spiking and to ensure that measures are in place to respond to any potential drink spiking or vulnerable persons incidents. The below list is not exhaustive and is regularly reviewed with added measures implemented where needed.

### PREVENTION MEASURES:

- All bags are searched upon entry.
- Guests will be randomly searched upon entry, both males and females, including checks of wallets and pockets.
- Regular toilet checks are completed by security and staff members at minimum intervals of 1 hour.
- Designated floor staff will clear any unattended drinks.
- Any guests seen to be intoxicated, specifically vulnerable guests, are to be taken to a safe place and monitored by security and management to ensure they are coherent and aware of what is going on around them. Ambulances will be called for any guests that are showing signs of suspected drug use or drink spiking.
- The 'Ask for Angela' scheme will be in place and posters will be on display. Staff will be trained on the scheme and how to respond to any 'Ask for Angela' call.
- All General Managers will be first aid trained.
- Extensive CCTV will be in operation throughout the premises.
- SIA registered door supervisors will be on duty during key shifts, and in line with premises licence requirements, to ensure customers are safe and well managed.
- Ongoing and regular staff training will be implemented through management and FLOW training.
- An online incident reporting portal is in use at all times. Thorough and detailed incident reports are written if any sort of incident occurs.
- All incidents of suspected spiking will be thoroughly investigated and documented.
- Drink toppers available behind the bar for customers that would like them.
- This policy will be regularly reviewed.

## **RESPONSE TO POTENTIAL DRINK SPIKINGS:**

- If any member of Simmons staff is notified of a potential drink spiking they will immediately notify the Duty Manager.
- The Duty Manager will look after the victim, assess their condition and determine if medical help is needed. If medical help is required the emergency services will be contacted immediately.
- Following on from the report, Security will be immediately tasked with looking for the potential offender or potential witnesses.
- Any evidence (e.g. a drink that is suspected to have been spiked) is to be kept safe, logged appropriately and handed over to emergency services if required.
- Police services will be notified of any incident alongside other necessary emergency services (999 Called).
- Any potential offenders will be detained by the venue's security team, if it is safe to do so, until Police services arrive or until CCTV has been reviewed.
- Witness statements to be taken from patrons that are with the victim or have witnessed the incident, these statements will be logged on our online incident reporting portal.
- CCTV footage will be reviewed and a time lined incident report written and made available to Police upon request.
- CCTV footage will be downloaded onto a suitable and viewable format for police to view on request.

## **MEASURES FOR VULNERABLE PERSONS:**

- A Welfare Officer will be employed by the venue for the first 200 customers, for every 200 customers after this an additional Welfare Officer will be employed. At least 50% of these officers will be female.
- Any persons that are seen to be intoxicated and needing assistance are to be cared for by venue team until a safe way home is found or emergency services attend.
- Venue staff and security are tasked with checking on anyone leaving that looks like they may potentially need assistance or are leaving on their own. If guests are leaving on their own they will be advised to do so with a person that they know.
- Guests who are seen to be in the venue on their own or have been separated from their friends will be checked upon by venue or security staff.
- All Venue staff will be trained on 'Ask for Angela'.
- All Venue staff will undertake WAVE training on our E-Learning platform.
- Venue Management will attend council or police organised WAVE training sessions (or similar), where available.

- Regular toilet checks will be carried out by staff and security throughout the night to check for vulnerable people.
- Toilet attendants will be employed from 9pm on Thursday, Friday & Saturday.
- All Security who are on duty at the venue will be SIA registered and employed from a reputable company.

## EXHIBIT 4

**From:** Nick Campbell [REDACTED]  
**Sent:** Friday, April 14, 2023 2:38 PM  
**To:** [Sian.Giles@met.police.uk](mailto:Sian.Giles@met.police.uk); [Leon.D.McCallister@met.police.uk](mailto:Leon.D.McCallister@met.police.uk)  
**Subject:** Simmons/The Viaduct

Hey Sian/Leon,

I hope this email finds you well.

I'm just writing to follow up on our call on Tuesday the 4th of April regarding our proposed plan to acquire The Viaduct on Rivington Street. I would like to take this opportunity to thank you for your time and insight during our conversation. We found your advice extremely helpful and it was great to gain a better understanding of the perspective of the Police, licensing and the local residents.

I would really like to reinforce the sentiment that we (Simmons Bars) are a highly experienced, knowledgeable and professional operator who take our responsibility as a licensee extremely seriously. We firmly believe that we are the perfect operator to take on The Viaduct and believe we can confidently rebuild the trust of the police, licensing authorities, local residents and businesses alike.

As you may already know, Simmons Bars has been operating in Central London for over 10 years and currently has 26 sites in prime locations, many of which are in high-stress areas and special policy zones; including a site in Hackney (located next to Old Street underground station). We have a proven track record of operating successfully and responsibly throughout the city, building strong, positive relationships with local authorities, communities and residents. Our team of experienced professionals is dedicated to creating a safe, enjoyable and welcoming environment for our guests whilst upholding all four of the licensing objectives. We understand the importance of working in partnership with the police and other agencies to ensure that our premises are well-run and compliant at all times.

We believe that The Viaduct represents an exciting opportunity for us to expand our business while also contributing positively to the local community. We understand the history of the site and are fully committed to working closely with local stakeholders to ensure that we operate in a way that is responsible, safe, and respectful of the needs and concerns of the community.

As I mentioned in the call, we would love the opportunity to come to an agreed position prior to the upcoming hearing and ideally come to a place where the review itself could be withdrawn (if this is possible). We believe that the transfer of the premises license and the acquisition of the lease has resolved the primary concern of the police (in regards to the previous operators) and therefore mitigates the need for the review process to continue.

I think it would be really useful if we could catch up again once Niall McCann (of Joelsons) has sent across further information regarding our operations and plans to see if there is a position or agreement we could come to.

If you have any further questions please don't hesitate to get in touch.

Kind Regards

Nick Campbell | Founder & CEO



**Simmons Bars | [www.simmonsbar.co.uk](http://www.simmonsbar.co.uk)**

Kings Cross | Soho | Oxford Street | Piccadilly | Fitzrovia | Tower Bridge | Liverpool Street | Camden Town  
Old Street | Euston Square | Temple | Farringdon | Mornington Crescent | Monument | Fulham | Angel | Brick Lane  
Putney | Tottenham Court Road | Leicester Square | Bank

**E: [info@simmonsbar.co.uk](mailto:info@simmonsbar.co.uk) T: 0207 377 1843**



[@simmons\\_snaps](https://www.instagram.com/simmons_snaps)



[/SimmonsBars](https://www.facebook.com/SimmonsBars)

CAUTION EXTERNAL EMAIL: This message originated outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.



## DRUGS POLICY

Drugs in this country are controlled by the Misuse of Drugs Act 1971. We are concerned with the taking and selling of drugs on the property and any relevant activity. It is also worth remembering that people also take drugs prior to entering the property, but may then mix them with alcohol, which can have a very serious effect on the taker.

Licensees do not have the power to search anyone and even if they did they would not necessarily know for certain that what was found was illegal. The emphasis then has to be on identifying suspicious behavioural patterns. Preventative measures, including the monitoring of the toilets, covering smooth surfaces and keeping a good eye out for the obvious will greatly assist. Making it known that the licensee is being proactive against drug use.

Presumption: **ZERO TOLERANCE**

### DRUG POLICY & PROCEDURES:

- Display relevant notices on search policy.
- Liaise with local Police on regular basis.
- Drugs to be stored in the main safe on premises and staff trained on proper use and reporting.
- Ensure Door Staff carry out regular searches on the door.
- Door staff to check toilet cubicles as often as possible but not at set times.
- Any person suspected of having drugs must be reported to the duty manager who will take the necessary actions.
- Anyone refusing to be searched will not be permitted entry to the premises.
- Any searches conducted for suspicion of drug use are to be carried out by security in front of a CCTV camera with the duty manager present.
- Any drugs found or confiscated must be sealed in a 'Drug Seizure Bag' and placed in the house safe.
- Any drugs placed in the house safe must be recorded on the incident log. Records must show date, seizure bag number and name of the person who found it.
- The duty manager must be informed of seizures and any persons with more than personal use held whilst police are contacted.

- Staff suspecting any customer of taking or dealing drugs should inform management or security or Police, immediately.
- The manager will be responsible for handling the drugs until police arrive on the scene.
- Staff who commit an offence under the Misuse of Drugs Act 1971 or who witnesses such an act on the premises and withholds evidence is liable to disciplinary procedures, which they should be made aware of prior to starting work.
- Any pedestrians attempting to sell Nitrous Oxide balloons will be moved away from the premises and reported to the police via the SNOW radio. Anyone seen interacting with sellers or inhaling Nitrous Oxide balloons will not be admitted entry to the premises. **A zero-tolerance approach will be taken in regards to Nitrous Oxide.**



## DISPERSAL POLICY

This dispersal policy has been created in accordance with the licensing objectives of The London Borough of Hackney to ensure that customers departing from the premises located at 83 Rivington St, London EC2A 3AY, operating as 'Simmons Rivington Street', do so in a safe, orderly and peaceful manner, without causing any disturbance to nearby residents and businesses.

This policy outlines the specific resources and tactics that will be deployed by the management and security team to manage the dispersal process and maintain public safety.

This policy is based on the requirements set out in the Hackney licensing policy, which mandates that licensed premises take reasonable measures to prevent public nuisance and disorderly behaviour, especially during closing times.

### **ROLES & RESPONSIBILITIES:**

- The most senior manager on duty or the Head of Security will direct the security and management team to their allocated positions for dispersal.
- Security will be positioned both internally and externally to monitor the number of guests leaving the venue, ensure that the toilets are free from patrons, and direct customers away from the venue in a quiet and orderly manner.
- Managers will oversee the internal and external dispersal process, and assist with the dispersal as required.
- All staff will remain in radio contact until instructed to sign off by the most senior manager on duty or Head of Security.

### **COMMUNICATION:**

- All staff members will be expected to follow the instructions of the most senior manager on duty or head of security during dispersal.
- All staff members will remain in radio contact until instructed to sign off by the GM or head of security.



### **POSITION ALLOCATION:**

- Security & managers will be allocated a dispersal position at the start of the shift. They will move to that position when instructed by most senior manager on duty or the Head of Security.

### **DISPERSAL PLAN:**

- Once instructed by the most senior manager on duty or the Head of Security all security and managers will take their allocated positions (see position map below).
- All security staff will wear high visibility vests throughout dispersal.
- The internal manager will oversee the location of internal security and assist with internal dispersal as required.
- Once the internal area is clear a member of security positioned internally will check that the toilets are free from patrons. Once this is confirmed the remaining security will assist with external dispersal.
- The front door manager will control the area immediately outside the main exit, directing security as necessary and directing customers away from the venue towards Shoreditch High Street and the nearest transport links (see transport information below).
- Once outside the venue security staff will continuously walk and talk customers away from the venue, directing them towards the nearest transport links.
- Security will ensure patrons are not loitering outside the venue or in the surrounding area, especially under the railway arch immediately outside the front door/main exit, at the crossroads of Rivington Street/Shoreditch High Street and outside Rivington Place.
- Throughout dispersal security will be tasked with ensuring customers are keeping noise levels to a minimum and are continuously moving away from the venue.
- Security will consistently provide transport information to guests as they leave the venue, including the night tube and night bus routes.
- Managers will remain with security to oversee dispersal and instruct as necessary.

### **REVIEW & REVISION:**

- The dispersal policy will be reviewed annually or whenever there are significant changes to the licensing regulations or operational procedures.
- Any feedback or suggestions from staff or customers will be considered during the review process.
- The policy will be revised as necessary to ensure that it remains effective and compliant with the licensing regulations.

## DISPERSAL POSITION ALLOCATION:

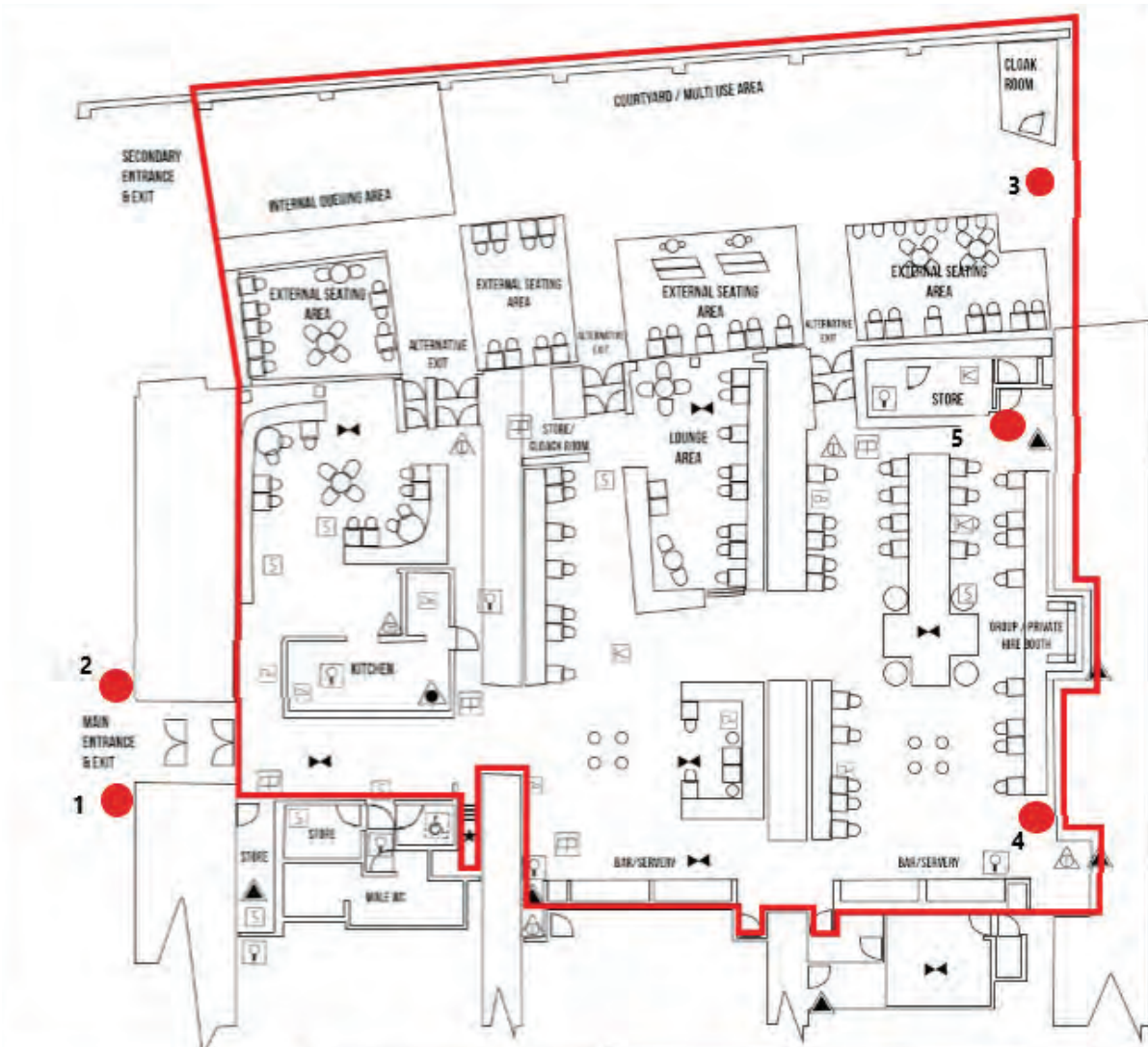
The following is an example of security & manager allocated dispersal positions for peak trading occasions. Both Management and Security will move into their position for dispersal 15 minutes before the terminal hour of the venue. Security will stay in their final positions for at least 30 minutes after the terminal hour of the venue, or until the patrons from the venue have dispersed.

### INITIAL & INTERNAL DISPERSAL

This is a position map and showing the initial positions that are to be taken at the start of dispersal, 15 minutes before the terminal hour of the venue.

DISPERSAL POSITIONS	
<b>Manager</b>	<b>Front Door:</b> Immediate area exit control to direct security as necessary and direct customers away from the venue towards Shoreditch High Street.
<b>Manager</b>	<b>Internal:</b> Oversee location of internal security.
<b>Security Position 1</b>	<b>Front Door/Exit Control:</b> Direct people to the nearest transport links and away from the venue in a quiet and orderly fashion towards Shoreditch High Street.
<b>Security Position 2</b>	<b>Front Door/Exit Control:</b> Direct people to the nearest transport links and away from the venue in a quiet and orderly fashion towards Shoreditch High Street.
<b>Security Position 3</b>	<b>Corner by Bar furthest from front door:</b> Starting from the bar, talking to all guests asking them to finish their drinks and move towards the entrance in an orderly manner and to keep the noise to a minimum whilst leaving the premises.
<b>Security Position 4</b>	<b>Corner of Garden furthest from front of venue:</b> Starting from the furthest point from the front door, slowly directing people to finish their drink and directing them towards the main door to leave the area quietly, moving inside to help G3 once garden fully emptied.
<b>Security Position 5</b>	<b>Back left of venue:</b> Starting from the bottom left corner of the venue opposite the bar area and slowly directing people to finish drinks and directing them towards the stairs and down towards the front door. Once 50% of guests have left the venue, Guard is to join outside dispersal team.

POSITION MAP:

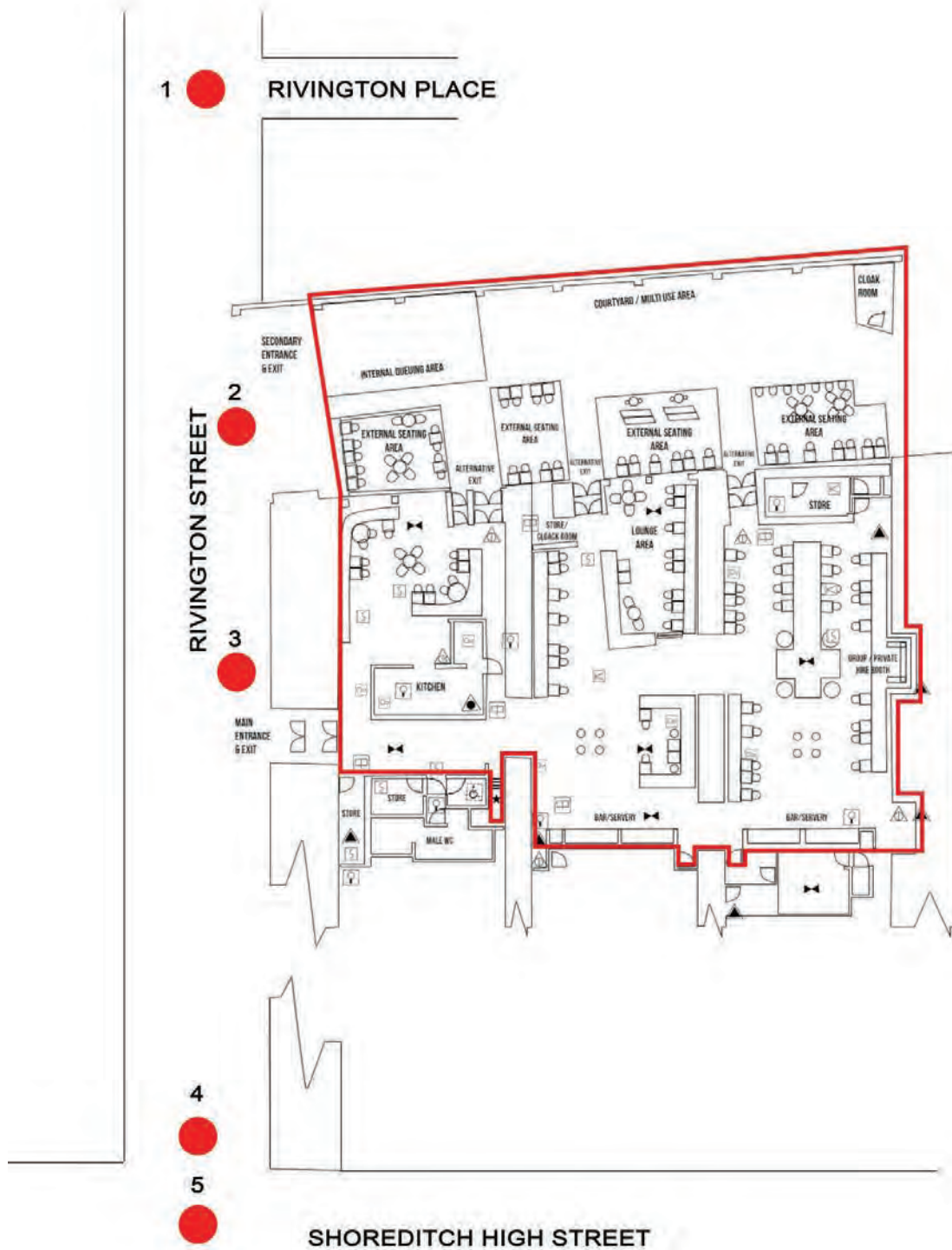


## FINAL & EXTERNAL DISPERSAL

This is a position map and showing positions that are to be taken once the internal dispersal has been completed. Security will stay in their final positions for at least 30 minutes after the terminal hour of the venue, or until the patrons from the venue have dispersed.

DISPERSAL POSITIONS	
<b>Manager</b>	<b>Front Door:</b> Immediate area exit control to direct security as necessary and direct customer away from the venue towards Shoreditch High Street.
<b>Manager</b>	<b>Internal:</b> Oversee location of internal security.
<b>Security Position 1</b>	<b>Rivington Place:</b> Direct people to the nearest transport links and away from the venue in a quiet and orderly fashion towards Shoreditch High Street. Stopping people gathering and loitering in Rivington Place.
<b>Security Position 2</b>	<b>Secondary Entrance/Exit:</b> Direct people to the nearest transport links and away from the venue in a quiet and orderly fashion towards Shoreditch High Street.
<b>Security Position 3</b>	<b>Front Door/Exit Control:</b> Direct people to the nearest transport links and away from the venue in a quiet and orderly fashion towards Shoreditch High Street.
<b>Security Position 4</b>	<b>Shoreditch High Street/Rivington Street Crossroad:</b> Directing people to the nearest transport links towards Liverpool Street Station and Old Street and ensuring people do not gather and loitering around the entrance to Rivington Place.
<b>Security Position 5</b>	<b>Shoreditch High Street/Rivington Street Crossroad:</b> Directing people to the nearest transport links towards Liverpool Street Station and Old Street and ensuring people do not gather and loitering around the entrance to Rivington Place.

POSITION MAP:





## TRANSPORT INFORMATION:

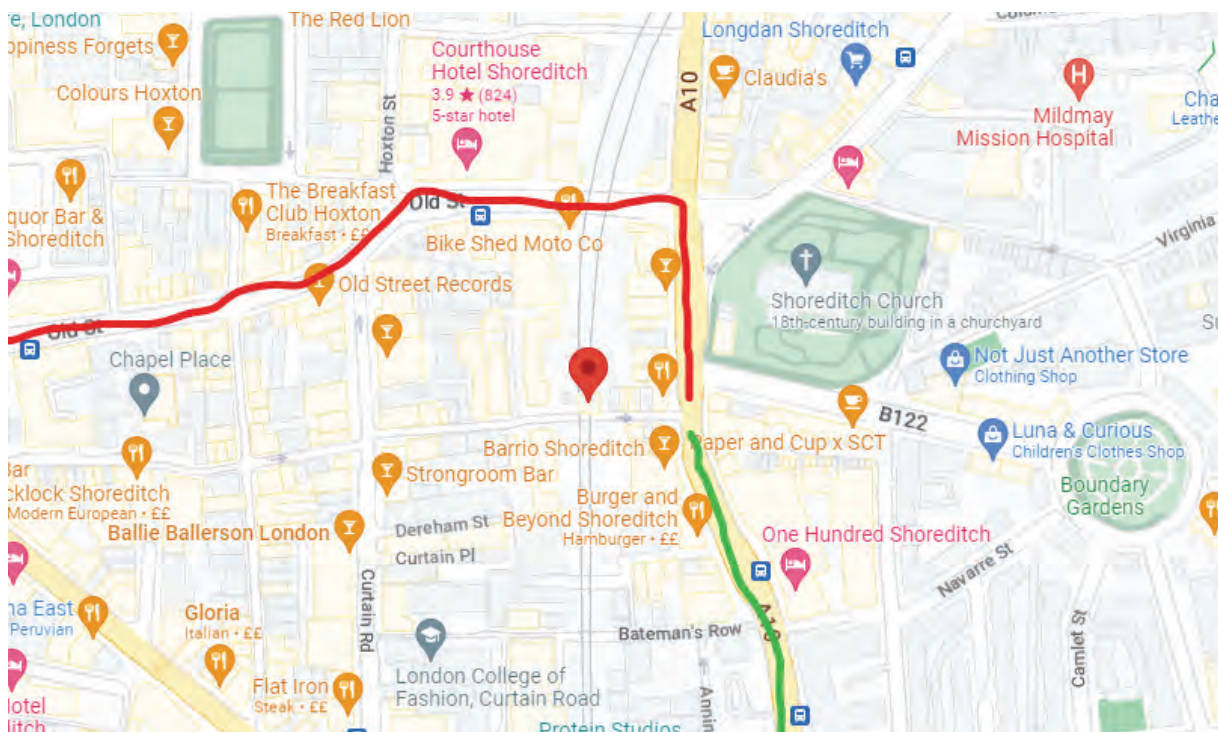
The venue has very good transport links which run throughout the night. The map below shows the two primary routes that will be recommended to customers.

**GREEN:** The following Night Buses run from Shoreditch High Street along the green route; N205, N26, N242. At the end of the green route the Night Tube operates from Liverpool Street station on Fridays and Saturdays until 5.30am the following day.

**RED:** The following Night Buses run from Old Street Station; 243, N55, N19, 76, N15, N21, N89, N550, N551.

**Taxis & Minicabs:** Customers will be required to collect patrons from Shoreditch High Street.

**Pedicabs:** Pedicabs will not be permitted to stop outside the venue or anywhere in the immediate area during dispersal. Security staff will move on any pedicabs attempting to stop in the immediate area.



**ACKNOWLEDGEMENT:**

I have read and understood the Dispersal Policy for Simmons Rivington Street.

I understand the various positions and roles that I may be required to undertake during dispersal and will follow further instructions on the night accordingly.

**Signed:** \_\_\_\_\_

**Badge No:** \_\_\_\_\_

**Signed by Venue Manager:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## SECURITY POLICY

As part of Simmons' commitment to operate venues that are safe and free from anti-social behaviour this policy is set out to ensure that Simmons is operating in a way will that reduce the opportunity for any potential anti-social behaviour or noise pollution to occur within the surrounding area.

### **THE FOLLOWING MEASURES ARE TO BE FOLLOWED:**

- Security are to be provided by a reputable security company.
- All security staff on duty will be SIA registered.
- Security to be on duty from 9pm every day the venue is open for business.
- Security will be deployed based on a ratio of 1:100, with a minimum of 5 on duty on Friday and Saturday nights.
- An ID Scan system will be used from 7pm every day the premises is open.
- All security will wear Hi-Vis vests while on duty.
- All security will have body worn cameras when on duty.
- Security will ensure that clicker counts are kept of guests entering and exiting the venue.
- Security will sign in with full name and badge number before every shift.
- Security will have badges on show at all times while on duty.
- Allocated door paperwork will be filled out during every shift.
- Regular toilet checks will be completed by security on duty.
- Security will be positioned throughout the venue to ensure all areas of the venue and outside area are supervised during key trading shifts.
- A CCTV Operator will be on duty every night from 9pm.
- A Welfare Officer will be employed by the venue for the first 200 customers, for every 200 customers after this an additional Welfare Officer will be employed. At least 50% of these officers will be female.
- Security to have read and deliver the site's dispersal policy at the end of every trading shift.
- Venue Management to manage the security team as per Simmons Door Management Guide.



This policy is to be adhered to until a review is undertaken and measures edited by the Simmons group Operations team to ensure best practice in light of experience.

Additional measure will be undertaken if necessary and regular reviews will be carried out by the Simmons group Operations team to ensure comprehensive and corrective measures are added and adhered to where necessary.



## OUTSIDE MANAGEMENT POLICY

As part of Simmons commitment to operate venues that are safe and free from anti-social behaviour this policy is set out to ensure that Simmons is operating in a way will that reduce the opportunity for any potential anti-social behaviour or noise pollution to occur within the surrounding area.

### THE FOLLOWING MEASURES ARE TO BE FOLLOWED:

- An organised and secure barrier system will be implemented at the front of the venue.
- No drinks will be permitted outside of the premises.
- Cigarette bins will be provided for smokers.
- The pavement area directly outside the premises will be swept and washed at the end of the night.
- Clear signage at entrance, exit and outside the venue asking customers to 'Please respect neighbours and keep noise to a minimum'.
- Regular checks by management of the outside area to ensure noise is being kept to a minimum, no persons are on the road, no persons are blocking resident entrances and no anti-social behaviour is being undertaken.
- Security will be on duty as per the premises license conditions regarding security with security positioned at the front door and in the outside area floating between inside and out. (Permanently positioned during core shifts in outside area).
- Security briefed to engage with customers outside the venue to ensure noise kept to a minimum.
- No queuing will be permitted once maximum capacity is reached.
- Security briefed to ask people to move down towards Shoreditch High Street away from Rivington Street when leaving the venue.
- All security and management staff to be briefed and trained on the venue's Dispersal Policy and management to ensure it is followed at all times necessary.
- All smokers are to be kept within the designated outside terrace area.
- Security monitoring the outside area at all times during key trading hours.
- CCTV will be installed to suitably cover the outside areas of the venue.

This policy is to be adhered to until a review is undertaken and measures edited by the Simmons group Operations team to ensure best practice in light of experience.

Additional measure will be undertaken if necessary and regular reviews will be carried out by the Simmons group Operations team to ensure comprehensive and corrective measures are added and adhered to where necessary.



26<sup>th</sup> June 2023

## **Licensing Impact Assessment**

**Viaduct (formerly Cargo, to be Simmons Bar), 62 Rivington Street, London, EC2A 3AY**

**Author:** David Gair – Director Shield Associates

**For:** Mr Nick Campbell – Simmons Bar

**Reference:** [REDACTED]

### **1. Introduction**

1.1. I retired from the Metropolitan Police Service as a Chief Inspector in September 2013 after having completed 31 years' exemplary service. I was personally responsible for policing, liaison, partnership working and compliance in relation to licensed premises in the Boroughs of Westminster, Sutton and Kingston-upon-Thames as well as involved in licensing issues and strategies across the Metropolitan police area.

1.2. In particular, most recently, I was Chief Inspector Operations at Kingston-upon-Thames responsible for all Licensing related issues and enforcement with a dedicated licensing team under my command. As part of my responsibilities, I managed and delivered a series of crime and disorder reduction and public safety strategies in relation to Oceana nightclub in Kingston – upon - Thames (now PRYZM) which had headed a list of London's top 50 night-time economy venues ranked according to the amount of crime generated from these venues.

1.3. In relation to my responsibilities, I undertook problem solving, partnership working and compliance regimes to ensure the safety and security of patrons, staff and the local community in relation to NTE licensed premises, in particular large night-clubs and venues that remained open beyond 0200hrs. This included late-night refreshment houses, liaison

with public transport providers and licensed mini-cab activities as part of the larger problem-solving initiatives.

1.4. The strategies I put in place resulted in an immediate 25% reduction in crime at 'Oceana' and falling crime throughout a six-month period resulting in the venue being removed from the top 50 NTE venues ranked according to reported crime in London.

1.5. I am Director of a company called Shield Associates that delivers nationally accredited training for owners, DPS, licensees, security companies, bar staff and workers involved with NTE venues around crime reduction, anti-social behaviour and awareness of their responsibilities under the Licensing Act, forensic awareness, drugs awareness and personal safety and vulnerable persons.

1.6. I am a member of the Institute of Licensing and as such am qualified to conduct compliance audits and security reviews on licensed premises.

1.7. I am aware of the potential impact of the operation of NTE venues on local communities and have provided reports to licensing committees and courts in relation to a variety of licensing issues on various occasions both as a police officer and as a Director of Shield Associates.

1.8. As a company, our aim is to provide independent regulatory support to the Licensing trade, offer problem solving and compliance guidance and support the key objectives of the Licensing act in reviewing working practices, policies and procedures to ensure:

- The security and safety of those visiting a venue
- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of young & vulnerable people from harm

1.9. As such we have undertaken comprehensive reviews and audits of licensed premises to ensure compliance and responsible management in support of the licensing objectives. We have delivered training to staff at licensed venues, local Pub-Watch schemes, personal licence holders and SIA door security companies.

1.10. As a company, we undertake independent reviews of premises when instructed to do so and as such my duty is to the licensing committee, venue owners and local community when considering the impact of any new licence application or variation to permitted hours' application.

1.11. All issues identified in this report are true to the best of my knowledge and experience. They were either witnessed or experienced by me or told to me in good faith. The opinions I have expressed in this report are honest held and correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

## **2. Instructions to Shield Associates**

2.1. Shield Associates were instructed to undertake an independent licensing review and impact assessment of the late-night entertainment venue currently known as Viaduct (formerly Cargo), 83 Rivington Street, London, EC2A 3AY.

2.2. The aim was to test measures that the venue had in place and consider whether if the venue was run as a Simmons Bar, given our extensive experience of undertaking licensing assessments at other Simmons Bar venues across London, the new venue could operate in a way that would support the licensing objectives in this location.

2.3. On the night of 22<sup>nd</sup> March 2023 between 2100-2200hrs Shield operatives undertook a Licensing risk assessment and environmental visual audit of the venue when operating as Viaduct and the surrounding area.

## **3. Venue history, background and operation**

3.1. The premises at 83 Rivington Street, Shoreditch had previously been operating as Cargo nightclub until it closed in 2021 following a licensing review whereby it lost its licence. Around September 2022, following the settlement of an appeal against the revocation

decision, the venue was completely refurbished and re-opened as The Viaduct, a restaurant, tap room and cocktail lounge.

3.2. The venue was split into three elements: The Arch, Tap, and Cosmos. It provides an all-day service with different options for customers. It promotes itself as a place to 'Settle in for some uplifting casual food, taste a selection of craft beers, or kick back with a cocktail!'

3.3. The venue has a capacity for 550 patrons and staff. The current advertised operating hours are as follows:

Sunday to Wednesday – Closed

Thursday – 1500 to 2300hrs

Friday – 1700 to 0000hrs

Saturday – 1200 to 0000hrs

3.4. The venue was set out over the ground floor, with four distinct areas. Closest to the entrance in Rivington Street is a small restaurant. The main bar with extensive seating and vertical drinking space is the next section. The rear area inside the venue is a cocktail bar with more seating. There is no designated dance floor area inside the venue, though ample vertical drinking space. The final area sits to the left of the venue as you look from Rivington Street and is an outside area with tables and chairs in Rivington Place. There is a DJ station for music to be played and the gents and ladies' toilets are accessible near to the entrance of the venue.

3.5. The venue is currently closed.

#### **4. The premises locality**

4.1. The venue sits within a busy area of Shoreditch that has several late-night entertainment venues, bars, restaurants, pubs and fast-food outlets. There are a number of venues in Old Street, Curtain Road and nearby streets that include Ballie Ballerson (open until 0200hrs Fridays and Saturdays), The Strongroom (open until 0200hrs Fridays and Saturdays), The Blues Kitchen (open until 0230hrs Fridays and 0300hrs Saturdays), Be At One Bar (open until 0200hrs

Fridays and Saturdays) and Old Street Records Bar and Club (open until 0200hrs Thursdays, Fridays and Saturdays).

4.3. Vehicular traffic during our visit was heavy. A mix of minicabs, buses, cycles and cars. Pedestrian traffic was similarly busy throughout our visit. We have also visited this area in relation to other licensed venues and our experience has been that the area is a very popular destination for people looking to enjoy a night out. We experienced a mix of mostly couples or groups walking through the area, commonly known as 'the strip'.

4.5 The nearest mainline/underground rail stations are Shoreditch High Street, Old Street and Hoxton. The area is well served by bus routes including several night buses (N8, N26, N55 and N205).

## **5. Observations**

5.1. During the evening we visited the venue and spoke to a member of the senior management team who showed us around the venue, which was very quiet during our visit. The entrance of the venue in Rivington Street is beneath a viaduct and in a relatively quiet road in relation to vehicular traffic. The outside bar/area is visible in Rivington Place and is known for having a 'Banksy' graffiti painting on one of the walls. There were two SIA door team at the entrance.

5.2. We completed a Licensing Compliance checklist during our visit and the venue was, in our opinion, operating in compliance with its licensing conditions.

## **6. Issues of concern/considerations**

6.1. As mentioned above, the venue was extremely quiet during our visit. There appear to be comprehensive policies and safeguards in place to support the licensing objectives. We were, however, unable to fully test the processes as the venue was more or less empty during our visit.



6.2. Taking this into consideration, it is difficult without seeing the venue near to capacity, the queue management, and dispersal practices to judge whether the policies currently in place are sufficient to effectively support the licensing objectives.

6.3. We have been made aware of that there have been concerns raised by neighbours and residents nearby to the premises and other parties in relation to its continued use as a late-night entertainment venue. The main concerns appear to be:

- Concerns with the management team
- Breaches of licensing conditions
- Criminal activity
- Anti-social behaviour
- Drug taking
- Control of dispersal
- Lax/ineffective security arrangements

6.4. We have assessed around 10-15 Simmons Bars across London, including those in cumulative impact areas, over the last eight years. In our professional opinion and experience, if the Shoreditch site was to be run by the Simmons Bar group, as is now proposed, the operating practices, customer profile, staff training and briefing and comprehensive policies developed by the in-coming operators would support the licensing objectives. The operators would also, in our experience, look to develop strong relationships with the local authority, police and local community. We have found that the Simmons Group are responsive and considerate operators who are highly professional, proactive in preventing issues arising in the first place, but responsive if/when issues arise.

6.5. In respect of the main concerns listed above, we feel that Simmons Bars have a proven and robust response to dealing with concerns in a pro-active and effective manner. They have a reputation for communication with and respecting the local community, local authority, and police in their problem solving. They provide contact numbers for their on-duty managers and, where appropriate, will set up meetings and regular updates for residents and communities.

6.6. Taking each concern individually, our experience of working with Simmons Bars would suggest that they have policies and practices in place to deal with potential concerns and mitigate risks. I have reviewed the policies drafted for this site in particular and they are likely to lead to an operation that promotes the licensing objectives. In relation to the concerns expressed the following have been witnessed and experienced by Shield Associates operatives on visits to Simmons premises:

- Concerns with the management team – Simmons bars have an experienced and well-trained team of DPS's/managers who are all personal licence holders and trained by the company to a high standard of competence.
- Breaches of licensing conditions – An understandable concern given previous issues with the former operators, however, our experience and observations would suggest that Simmons Bars comply with their licensing conditions, take compliance very seriously, and have policies in place to ensure their staff and management team are aware of their responsibilities.
- Criminal activity – Very much linked with lax/ineffective security arrangements highlighted in the police representation relating to Viaduct. In contrast, Simmons Bars, work closely with their chosen security providers to ensure the most effective teams are in place at their venues to prevent crime and anti-social behaviour. We would suggest a full security and licensing review is undertaken once the premises is fully operational.
- Anti-social behaviour – As above, part of a comprehensive security package is being proposed to mitigate this risk.
- Controlled dispersal – Our experience of assessing several Simmons bars has highlighted that each premises has its own bespoke dispersal policy that involves the controlled shut-down of entertainment, raising of lights, last service or alcoholic drinks and dedicated postings inside and outside the premises to monitor and control the dispersal.

- Lax/ineffective security arrangements – As above, our experience is that the Simmons Group’s focus is on getting the security team right for each venue. They are very much part of the premises team and seen as critical to the success of a bar/venue.

6.7. As mentioned above the venue has been fully refurbished and certainly fits more onto the style and vision of the Simmons Bar group. There is a far greater emphasis on seating areas, a cocktail bar, and no dedicated dance floor. The venue feels more like a large bar than a nightclub.

6.8. We would recommend a full independent licensing impact assessment and compliance visit be undertaken if/when the venue is operating as a Simmons Bar and where the venue has a large number of customers expected or attending to fully assess the effectiveness of the operation.

## **7. Conclusion**

7.1. In respect of the venue, currently it appears to be responsibly run with an attention to supporting the licensing objectives and a willingness to respond to reasonable concerns, though this could not be fully tested until the venue opens.

7.2. The nearby area supports a significant number of late-night entertainment and refreshment venues and is a popular destination for people looking to enjoy an evening out in this part of London.

7.3. During our time in the area, we did not witness any crime, disorder, or anti-social behaviour by patrons of The Viaduct or by anyone else in the vicinity. The area was busy and occasionally noisy; however, this was very much to be expected in the vicinity.

7.4. We feel that if the venue were to operate as a Simmons Bar the changes to the interior of the premises, the profile of the clientele typically attracted to Simmons Bars and our experience of assessing busy Simmons Bars across London, if the same oversight and operational management currently implemented by the Simmons group at its bars was put in

place as we would expect, the licensing objectives would be supported and the operators would look to develop a responsive and cooperative partnership with the local authority, police and local community.

**David Gair**

**Shield Associates**

**Member of the Institute of Licensing**

 **Institute of Licensing**