



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (1)** Committee held on **Thursday 6th July, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Angela Harvey (Chairman), Julia Alexander and Murad Gassanly

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

In respect of application 2 on the agenda, Marble Arch Theatre, Councillor Angela Harvey, Julia Alexander and Murad Gassanly declared that they had attended productions staged by Underbelly Ltd as paying customers. In respect of application 4 on the agenda, London Film Museum, Councillor Angela Harvey declared that she had visited the London Film Museum and received hospitality as a member of the London Mayors' Association.

3 BOCCONCINO, 19 BERKELEY STREET, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 6th July 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Julia Alexander and Councillor Murad Gassanly.

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Andrew Palmer

Presenting Officer: Heidi Lawrence

Relevant Representations: Environmental Health.

Present: Mr Robert Botkai (Solicitor, on behalf of the Applicant), Shuxrat Djurakulov (general manager – Bocconcino Properties Limited), Steven Liddell (Acoustics expert, on behalf of the Applicant),

Mr Richard Brown (representing Jaleh Zand and Richard Brandt -interested parties) and Mr Anil Drayan (Environmental Health).

	<p>Bocconcino, 19 Berkeley Street, W1J (“The Premises”) 17/04528/LIPV</p>
<p>1.</p>	<p>Performance of Dance (indoors)</p>
	<p>Proposed Hours:</p> <p>Monday and Tuesday 10:00 to 00:30 Wednesday to Saturday: 10:00 to 02:30 Sunday: 12:00 to 22:30</p> <p>From end of terminal hour on New Year’s Eve to start of permitted hours on New Year’s Day.</p>
	<p>Amendments to the application advised at hearing.</p> <p>An amended set of conditions had been circulated to all parties on 4 July, together with additional documents from the Applicant. It was noted that the Police had previously withdrawn their representation following the agreement of a proposed condition that would limit the capacity on the lower ground floor to 70, with no more than 25 people standing. The Sub-Committee noted that the CCTV condition which had been omitted from the amended set of conditions that had been circulated would still apply.</p>
	<p>The Presenting Officer outlined the nature of the application submitted by Bocconcino Properties Limited, which sought a variation of the current premises licence. The Applicant was seeking to extend the terminal hour for the Sale of Alcohol to 02:30 Wednesday to Saturday (currently 00:30), and to extend the terminal hour for the provision of Late Night Refreshment to 02:30 Wednesday to Saturday (currently 00:30). The Applicant also sought to add Regulated Entertainment at the Premises from 10:00 to 00:30 hours Monday and Tuesday; 10:00 to 02:30 hours Wednesday to Saturday; and 12:00 to 22:30 hours Sunday, for licensable activities which included the performance of dance and live music and the playing of recorded music. Non-standard timing was also requested from the end of the terminal hour on New Year’s Eve, to the start of permitted hours on New Year’s Day. In addition, the Applicant sought to remove and replace a number of conditions from the Premises licence.</p> <p>Mr Botkai addressed the Sub-Committee on behalf of the Applicant, and presented an amended operating schedule which set out new conditions together with those that would remain. The intention was to extend the terminal hour, and allow a maximum of 25 people who had made a previous reservation to remain longer within the bar area in the lower ground floor of the Premises and be able to dance, with the remainder being seated at tables. The Applicant was aware of the cumulative impact in Berkley Street, but considered that the extended hours would enable dispersal to be gradual, and reduce the pressure</p>

of customers all leaving the Premises together. It was submitted that the extension would only apply from Wednesday to Saturday, and the ground floor restaurant would be closed to customers no later than 00:30, when the majority of customers would leave. No new customers would be permitted to enter the Premises late at night. Following discussions with Environmental Health, it had been suggested that the capacity could be increased from 127 to 130 over two floors. It was stated that a noise report that had been commissioned in response to the application had also been circulated.

Mr Botkai outlined the proposed conditions that would be attached to the licence, which included provision for there to be a door supervisor from 18.00 until closure. Sales would also be made only to people who were already in the restaurant and had dined during the evening, and music would be controlled by a noise limiter that would ensure no nuisance would be caused to neighbours from noise breakout. A further condition would be included that would not permit the operation of the premises as a night club or disco.

Mr Botkai sought to address the concerns that had been raised by residents, and confirmed that waste would remain within the restaurant until the collection company arrived between 8:00 and 10:00, and that glass would be crushed inside the premises and collected once a week. The Sub-Committee noted that staff were not permitted to congregate or smoke outside of the venue; and that a contact number for residents would be displayed at the front entrance of the premises. Mr Botkai informed the Sub-Committee that issues relating to queues, excessive drinking or loud departures did not apply to the Applicant's Premises.

Mr Liddell outlined to the Sub-Committee the main issues that had been raised in the acoustics report that was commissioned by the Applicant. A survey undertaken outside of the Premises after midnight had established that no sound could be detected while the front door was closed. Only very limited noise had been detected directly outside with the door open, and no vibration had been found.

Mr Botkai confirmed that no live shows were proposed, and that the request for live music had been made to seek flexibility should a pianist wish to play. The Applicant confirmed that they were happy to withdraw the application for live music if required, or to limit its extent.

Mr Dreyan addressed the Sub-Committee, and confirmed that Environmental Health had been generally satisfied with the application which extended beyond core hours, and with the acoustic report and proposed controls of noise breakout from within the premises. He commented on the benefits of an acoustic lobby in containing sound, and suggested a further condition for light wells to remain closed while music was being played.

Although no complaints regarding the current operation of the Premises had been received, Mr Dreyan confirmed that the representations made by Environmental Health reflecting the concerns raised by residents would still however, remain, and he considered that it was a matter for the Sub-Committee to decide whether the proposed variation would add to an already busy area which was causing issues for residents.

	<p>Mr Brown addressed the Sub-Committee on behalf of Mr Brandt, who was a local resident, and Ms Zand, who was the Chair of the 17 Berkley Street Residents' Association. Although there were elements of the application that would not cause difficulties, he expressed concerns that the application would fundamentally change the nature of the Premises which already remained open until 00:30, and that the later hours were unlikely to be ancillary to table dining.</p> <p>Mr Brown suggested that the Sub-Committee would need to consider the possible future operation of the venue, together with the potential impact of the proposed variation on the already deteriorating situation in Berkeley Street. He considered that the relaxation of the designated bar condition with customers being able to stand downstairs, together with the hybrid use as a restaurant with regulated entertainment could render the Premises a nightclub, and had led him to the conclusion that the application should be refused.</p> <p>Mr Botkai considered that there was a large difference between the application Premises and other Premises nearby which were alcohol led. The Premises had demonstrated that it was well managed, and the proposal was for people who were already in the Premises to have the opportunity to remain. The Applicant considered that the proposed variation was small with each aspect of Policy having been addressed, and asked that permission be granted accordingly.</p> <p>The Sub-Committee had listened very carefully to all of the submissions, and considered that the application would significantly extend the hours of operation of part of the premises, with the addition of Regulated Entertainment. The Sub-Committee also believed that the proposal would change the nature and character of the operation of the Premises. The Sub-Committee based on the oral and written evidence did not believe that the arguments advanced by the Applicant would in fact promote the Licensing Objectives, and considered that it would be likely to add to cumulative impact in the area. The Sub-Committee in determining the matter refused the application.</p>						
<p>2.</p>	<p>Performance of Live Music (indoors)</p>						
	<p>Proposed Hours:</p> <table data-bbox="252 1563 957 1680"> <tr> <td>Monday and Tuesday</td> <td>10:00 to 00:30</td> </tr> <tr> <td>Wednesday to Saturday:</td> <td>10:00 to 02:30</td> </tr> <tr> <td>Sunday:</td> <td>12:00 to 22:30</td> </tr> </table> <p>From end of terminal hour on New Year's Eve to start of permitted hours on New Year's Day.</p>	Monday and Tuesday	10:00 to 00:30	Wednesday to Saturday:	10:00 to 02:30	Sunday:	12:00 to 22:30
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	<p>Amendments to the application advised at hearing.</p> <p>See Section 1 for further details.</p>						

	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was refused; see Section 1 for further details.</p>
3.	Performance of Recorded Music (indoors)
	<p>Proposed Hours:</p> <p>Monday and Tuesday 10:00 to 00:30 Wednesday to Saturday: 10:00 to 02:30 Sunday: 12:00 to 22:30</p> <p>From end of terminal hour on New Year's Eve to start of permitted hours on New Year's Day.</p>
	<p>Amendments to the application advised at hearing.</p> <p>See Section 1 for further details.</p>
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was refused; see Section 1 for further details.</p>
4.	Anything of a similar description (indoors)
	<p>Proposed Hours:</p> <p>Monday and Tuesday 10:00 to 00:30 Wednesday to Saturday: 10:00 to 02:30 Sunday: 12:00 to 22:30</p> <p>From end of terminal hour on New Year's Eve to start of permitted hours on New Year's Day.</p>
	<p>Amendments to the application advised at hearing.</p> <p>See Section 1 for further details.</p>
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was refused; see Section 1 for further details.</p>
5.	Late night refreshment
	<p><u>Current Hours:</u> <u>Proposed Hours:</u></p>

	<p>Monday and Tuesday 23:00 to 00:30 Wednesday to Saturday: 23:00 to 00:30 23:00 to 02:30 Sunday: 23:00 to 00:30</p> <p>New Year's Eve 23:00 to 05:00 on New Year's Day. No change proposed.</p>												
	<p>Amendments to the application advised at hearing.</p> <p>See Section 1 for further details.</p>												
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was refused; see Section 1 for further details.</p>												
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	Amendments to the application advised at hearing. See Section 1 for further details.
	Decision (including reasons if different from those set out in the report): The application was refused; see Section 1 for further details.

4 MARBLE ARCH THEATRE, WESTERN TRAFFIC ISLAND, MARBLE ARCH, W1

LICENSING SUB-COMMITTEE No. 1

Thursday 6th July 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Julia Alexander and Councillor Murad Gassanly.

Legal Adviser: Horatio Chance
Policy Adviser: Chris Wroe
Committee Officer: Andrew Palmer
Presenting Officer: Heidi Lawrence

Relevant Representations: The Metropolitan Police Environmental Health, and the Licensing Authority.

Present: Mr Jack Speaker (Solicitor representing the Applicant), Ms Sarah Fleming (Operations Manager, Underbelly Ltd - Applicant), Mr Ed Bartlam (Director, Underbelly Ltd – Applicant), Mr Richard Brown (on behalf of the South East Bayswater Residents’ Association), Ms Sally Thomas (Environmental Health), PC Sandy Russell (Metropolitan Police) and Mr David Sycamore (Licensing Authority).

Councillor Angela Harvey, Julia Alexander and Murad Gassanly declared that they had attended productions staged by Underbelly Ltd as paying customers.

Marble Arch Theatre, Western Traffic Island, Marble Arch, W1H (“The Premises”) 17/05472/LIPN	
1.	Performance of a Play (indoors)
	<u>Proposed Hours:</u> Monday to Saturday 13:30 to 23:00 Sunday: 13:30 to 22:30 Seasonal variations/ Non-standard timings From the end of permitted hours on New Year's Eve to the beginning

	of permitted hours on New Year's Day.
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>The Presenting Officer outlined the nature of the application submitted by Underbelly Limited, which was for a new Premises licence to operate a temporary 'Spiegeltent' theatre venue, with ancillary bar facilities. The Premises would operate for up to 6 days per week with no performances on Sunday evenings, for no more than 40 weeks in any one calendar year. The Applicant had considerable experience operating similar entertainment venues and other large scale events throughout the country, which included the Edinburgh Festival. In London, it had operated a Spiegeltent at the Southbank for a number of years, and more recently at Leicester Square over Christmas. The Applicant had drawn up comprehensive management and security plans, which sought to cover all of the Licensing Objectives.</p> <p>The Sub-Committee noted that the Premises were located in Knightsbridge & Belgravia Ward, and not in Regents Park Ward as stated in the report that was before the Sub-Committee. The application site was also outside of the Cumulative Impact Area.</p> <p>Mr Speaker addressed the Sub-Committee on behalf of the Applicant, and confirmed that the vast majority of the scope of the application had been discussed with the Responsible Authorities and agreed. The proposed conditions that would be attached to the licence had also been agreed, with the exception of two which related to the number of SIA Supervisors to be provided at the Premises and the wearing of high-visibility jackets.</p> <p>Mr Speaker also commented on the concerns raised by the South East Bayswater Residents' Association, which the Applicant considered could be dealt with by the comprehensive schedule of conditions and the event management plan.</p> <p>Mr Bartlam outlined the history of Underbelly Ltd, together with the 'Three Men Called Mo' theatrical production which would be staged at the Marble Arch Theatre.</p> <p>The Applicant acknowledged concerns relating to crowd management and evacuation in the event of an emergency, but stated that it would have difficulty in providing the required number of 1 SIA trained staff member per 50 people that was being sought by the Police. The Applicant advised that it had gained practical experience in crowd management issues from events staged in similar tents on the South Bank and at the Edinburgh Festival, and had its own team of staff who had been trained to manage seated</p>

audiences and any possible evacuation. Mr Bartlam accordingly suggested that the requirements for crowd control could be met by the operator providing 1 SIA door steward per 100 people, supported by the existing trained staff and employees. The capacity of the venue would be 608, with a maximum figure of 620 excluding staff.

The Sub-Committee highlighted the need for staff at the Premises to be easily identifiable to customers in an emergency for the purposes of promoting the Public Safety licensing objective. Mr Bartlam confirmed that staff members would be clearly seen by their uniforms, and that high-visibility or similar clothing could be carried for quick access.

Ms Fleming commented on the proposed management plan for the venue, which she considered was robust, and which would be supported by a staff handbook that would enable any emergency situation to be dealt with. Provision would also be made for an SIA supervised bag search upon entry to the Premises.

PC Russell informed the Sub-Committee that the Police had maintained their representations on the grounds of public safety, and expressed concern over security and the location of the Premises on a traffic island. Although the Police had requested that the SIA Supervisors wore high visibility jackets inside and outside of the Premises, the Applicant had requested that they were only worn by staff outside of the venue. The Police acknowledged that fluorescent clothing could affect lighting within the auditorium, and agreed that high-visibility or similar clothing that would not have to be fluorescent could be carried by staff for quick access. PC Russell confirmed that all bags would need to be searched, and that an SIA manager should also be present at the entrance who could direct discretionary personal searches.

From an evacuation perspective, the Police had asked that no glass would be taken into the auditorium.

The Sub-Committee sought clarification of the provision of crossing monitors and assistance for people gaining access to the traffic island. The Applicant acknowledged their obligation to ensure people were escorted safely over the crossing points, and gave reassurance that they would consult with the necessary agencies involved in other events in Hyde Park such as Winter Wonderland, to enable stewards and security staff to be shared during such busy times.

Ms Thomas outlined the concerns expressed by Environmental Health that the application would cause public nuisance, and confirmed that a noise management plan had been discussed with the Applicant. The Sub-Committee noted that the sale of alcohol would be to ticket holders only.

Mr Sycamore confirmed that further conditions that had been sought

	<p>by the Licensing Authority regarding a search policy when people arrived at the Premises and dispersal management post entry had been included in the application.</p> <p>Mr Brown outlined the concerns that had been raised by the South East Bayswater Resident's Association, which included the proposed scheduling of performances and closing time, and sought a terminal hour of 23:00. The Residents' Association had also highlighted the need for security both inside and outside of the Premises.</p> <p>The Sub-Committee had listened very carefully to all of the submissions, and welcomed the application as this would re-vitalise the area which had suffered from anti-social behaviour. The Sub-Committee took comfort from the fact that the Applicant was an experienced operator which had hosted similar events in the past and were reassured that the key measures they had highlighted to the Sub-Committee in respect of crowd safety and dispersal would promote all four licensing objectives, particularly the Public Safety licensing objective. The application was therefore granted, subject to conditions, the key points of which were:</p> <ul style="list-style-type: none"> - The terminal hour as applied for would aid safe dispersal. - A lower number of SIA Supervisors will be supplemented by fully trained and directly employed staff - Glass material, whether bottles, drinking vessels or other, will not be allowed into the auditorium on the grounds of public safety. - <p>The conditions imposed on the Licence by the Sub-Committee are considered to be appropriate and proportionate.</p>
2.	Exhibition of films (indoors)
	<p><u>Proposed Hours:</u></p> <p>Monday to Saturday 13:30 to 23:00 Sunday: 13:30 to 22:30</p> <p>Seasonal variations/ Non-standard timings</p> <p>From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was granted subject to conditions; see Section 1 for</p>

	further details.
3.	Performance of Live Music (indoors)
	<p><u>Proposed Hours:</u></p> <p>Monday to Saturday 13:30 to 23:00 Sunday: 13:30 to 22:30</p> <p>Seasonal variations/ Non-standard timings</p> <p>From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was granted subject to conditions; see Section 1 for further details.</p>
4.	Playing of recorded music (indoors)
	<p><u>Proposed Hours:</u></p> <p>Monday to Saturday 13:30 to 23:00 Sunday: 13:30 to 22:30</p> <p>Seasonal variations/ Non-standard timings</p> <p>From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was granted subject to conditions; see Section 1 for further details.</p>
5.	Performances of Dance (indoors)

	<p><u>Proposed Hours:</u></p> <p>Monday to Saturday 13:30 to 23:00 Sunday: 13:30 to 22:30</p> <p>Seasonal variations/ Non-standard timings</p> <p>From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was granted subject to conditions; see Section 1 for further details.</p>
6.	Anything of a similar description
	<p><u>Proposed Hours:</u></p> <p>Monday to Saturday 13:30 to 23:00 Sunday: 13:30 to 22:30</p> <p>Seasonal variations/ Non-standard timings</p> <p>From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was granted subject to conditions; see Section 1 for further details.</p>
7.	Sale by retail of alcohol (on sales)
	<p><u>Proposed Hours:</u></p> <p>Monday to Saturday 13:30 to 23:00 Sunday: 13:30 to 22:30</p>

	<p>Seasonal variations/ Non-standard timings</p> <p>From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was granted subject to conditions; see Section 1 for further details.</p>
8.	<p>Hours premises are open to the public</p>
	<p><u>Proposed Hours:</u></p> <p>Monday to Saturday 12:00 to 23:00 Sunday: 12:00 to 23:00</p> <p>Seasonal variations/ Non-standard timings</p> <p>From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was granted subject to conditions; see Section 1 for further details.</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is

suspended.

3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence

must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry

and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

12. A staff member from the premises who is conversant with the operation of the CCTV System shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
13. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
14. No glass containers or drinking vessels shall be taken into the auditorium area.
15. There shall be a ratio of 1 SIA licensed door supervisor per 100 customers on duty at the premises at all times while it is open for business, subject to a minimum of 3 SIA door supervisors including at least 1 female at any one time, and a minimum of 1 member of directly employed staff per 100 customers who shall be conspicuously identifiable as members of staff.
16. All bags entering or re-entering the premises shall be searched by SIA licensed members of staff.
17. All members of SIA staff employed outside of the venue shall wear high visibility yellow jackets or vests.
18. Public admission to the auditorium shall be through the premises lobby area only
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
20. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks with them.
21. Queuing outside the premises shall be restricted to a designated part of the licensable area
22. The approved arrangements at the premises, including means of escape

provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

23. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Westminster Police Licensing Team and a Metropolitan Police Counter Terrorism Security Advisor at which time this condition shall be removed from the Licence by the licensing authority
25. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a theatre.
26. Licensable activities at events on the premises shall only be provided to persons who are ticket holders for that event.
27. Licensable activities shall be restricted to a maximum of 40 weeks per calendar year.
28. Unless otherwise agreed, no later than 28 days prior to the event the Premises Licence Holder must submit an Event Management Plan to the parties listed in the Applicant's operating schedule for their comments. The Event Management Plan shall include, but not be limited to the following;
 - a) Emergency and Evacuation procedures;
 - b) Crowd management and stewarding arrangements;
 - c) A detailed plan showing site layout and emergency egress points;
 - d) A detailed plan showing CCTV locations installed by the Premises License Holder;
 - e) Risk Assessments, which shall include an assessment in relation to pedestrian crossings
 - f) A schedule detailing types and locations of emergency equipment
 - g) Sanitary accommodation
 - h) A contingency plan detailing staff action, expectation and requirements in the event of a suspect device / bomb threat/firearms incident/bladed weapon attack/suspect vehicle or an incident whereby a vehicle is used as a weapon
 - i) Full written records of all staff training given in relation to points a-h.
29. A Counter Terrorism awareness session for all staff employed at the venue

shall be arranged (through Westminster Police Licensing Team) prior to the venue opening to the public. Any new staff employed by the venue who did not attend the initial session shall be fully updated by a member of the management team prior to the commencement of their role.

30. Throughout the duration of this licence the Premises Licence Holder shall be responsible for full implementation of the Hostile Vehicle Mitigation Plan
31. The Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan.
32. A full walk through and check of the whole premises will be undertaken by the security manager prior to and immediately after each performance.
33. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
34. Details of all marquees, tented structures and temporary structures should be provided including emergency exits and signage, fire warning and fire-fighting equipment.
35. At least (1) SIA licensed door supervisor shall be on duty at each entrance of the premises at all times when it is open for business.
36. No alcohol shall be taken outside of the boundary of the licensable area.
37. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
38. Non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
39. In relation to the sale of alcohol, a Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
40. The age of the audience members to the Spiegeltent shall be appropriate to the performance.
41. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days' prior notice being given to the licensing authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.

42. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
43. The number of persons accommodated in the Spiegeltent (excluding staff and performers) shall not exceed 620.
44. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
45. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
46. The certificates listed below shall be submitted to the licensing authority upon written request:
 - a) Any permanent or temporary emergency lighting battery or system
 - b) Any permanent or temporary electrical installation
 - c) Any permanent or temporary emergency warning system
47. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
48. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
49. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
50. No fumes, steam or odours shall be emitted from the licensed area so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
51. A sufficient number of easily identifiable, readily accessible receptacles for refuse must be provided, including provisions for concessions. Arrangements must be made for regular collection. Public areas must be kept clear of refuse and other combustible waste prior to, and so far as is reasonably practicable, during the licensed event.
52. A minimum of 28 days prior to the event a Noise Management Plan to promote the prevention of public nuisance shall be provided to Westminster City Council's Environmental Health Consultation Team for approval. The Noise Management Plan shall state the maximum permitted music noise level applicable at the nearest noise sensitive premises. Once approved in writing it shall be implemented by the Premises Licence Holder.
53. Residential properties and the relevant amenity group(s) in the immediate vicinity of Marble Arch will be contacted as soon as reasonably practicable (and in any event no later than 28 days) prior to the event.

54. Event advising them of the times of the Event and any sound check or rehearsal times and giving them a telephone number to contact in the event that they have any complaints.
55. Any generators, refrigerators or other machinery running overnight will be silenced, screened or sited so as not to be audible outside the boundary of the Gardens.
56. Electrical generators, where used, must be:
 - Suitably located clear of buildings, marquees and structures, and free from flammable materials;
 - Enclosed to prevent unauthorised access;
 - Able to provide power for the duration of the event;
 - Backed up electrical generators are to be provided to power essential communications, lighting and safety systems in the event of primary generator failure.
57. The minimum number of toilet accommodation shall include:
 - a) Women's Cubicles (16)
 - b) Men's Cubicles (2)
 - c) Urinals (7)
58. Details of all marquees, tented structures and temporary structures should be provided including emergency exits and signage, fire warning and firefighting equipment.
59. Full structural design details and calculations of all and any structures to be erected within the licensed area must be submitted to the Westminster City Council Building Control. A certificate from a competent person or engineer that a completed structure has been erected in accordance with the structural drawings and design specification must be available for inspection prior to a relevant structure being used during the licensed event.
60. All fabric, including curtains and drapes used on stage for tents and marquees, or plastic and weather sheeting, shall be inherently or durably flame retardant to the relevant British Standards. Certificates of compliance must be available upon request by an authorised officer of Westminster City Council, The London Fire Brigade.
61. Any moving flown equipment must contain a device or method whereby failure in the lifting system would not allow the load to fall. All hung scenery and equipment must be provided with a minimum of two securely fixed independent suspensions such that in the event of failure of one suspension the load shall be safely sustained.
62. The Premises Licence Holder must maintain a regular safety patrol at all times when the public are present in the licensed area to check for and guard against possible emergency hazards. The area underneath any stage and fixed seating areas is to be kept clear of flammable materials.
63. The Premises Licence Holder must ensure that competent persons are employed to assess the electrical requirements at the event and the compatibility of the electricity supply with the equipment to be used. Appropriate safety devices (such as 30mA Residual Current Devices at Source) must be used for electrical apparatus, particularly for any electrical equipment exposed to adverse conditions or electrical equipment to be used in association with hand held devices (e.g. microphones). The competent person must make a certificate of inspection of the electrical installation available for inspection.

- 64. All spare fuel, including LPG, must be kept and stored safely in accordance with relevant Health and Safety legislation and suitable safety signage and firefighting equipment provided.
- 65. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
- 66. There shall be at least one personal licence holder on site during operational hours. Details of the personal licence holder (including name and contact number) shall be displayed in a prominent position on site.

5 CLUB STORM, 28A LEICESTER SQUARE, WC2

LICENSING SUB-COMMITTEE No. 1

Thursday 6th July 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Julia Alexander and Councillor Murad Gassanly.

Legal Adviser: Horatio Chance
 Policy Adviser: Chris Wroe
 Committee Officer: Andrew Palmer
 Presenting Officer: Heidi Lawrence

Relevant Representations: Environmental Health, the Licensing Authority and the Metropolitan Police Service.

Present: Ms Lisa Sharkey (Solicitor representing the Applicant), Ms Cosmina Stan (representing the landlord - West End Management Team), Mr Roger Payne (on behalf of Camden Dining – the proposed operator), PC Sandy Russell (Metropolitan Police), Mr Ian Watson (Environmental Health) and Mr David Sycamore (Licensing Authority).

Club Storm, 28A Leicester Square, WC2H 7LE (“The Premises”) 17/04597/LIPN	
1.	Late Night Refreshment (Indoors)
	Monday to Wednesday: 23:00 to 03:30 Thursday to Saturday: 23:00 to 05:00 Sunday: 23:00 to 02:00
	Seasonal variations/non-standard timings
	Sunday before Bank Holidays the permitted hours shall be extended until 02:30

	<p>hours the following morning.</p> <p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>New Year's Eve - from end of permitted hours to 05:00 on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>Additional proposed conditions which the Applicant had agreed with the Police had been circulated to all parties prior to the Hearing.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Presenting Officer introduced the nature of the application, which was for a new licence for the Premises to continue operating as a Bar and Nightclub. The Premises had the benefit of a current licence, which had been granted in September 2005. An application to transfer the existing licence to the West End Property Company Limited had been refused by the City Council, as the former tenants who held that licence had refused to give their consent. The landlord's only option had accordingly been to apply for a new Premises Licence. Although the application was being made for the same licensable activities and terms as the current licence, it was accepted and agreed that the conditions were being updated in line with the model conditions. Further conditions were also being offered following consultation with the Police and other Responsible Authorities, regarding door supervisors and the use of polycarbonate drinking vessels. No residential representations had been received in response to the proposed application.</p> <p>Ms Sharkey addressed the Sub-Committee on behalf of the Applicant, and confirmed that the venue was to operate on a hybrid basis that would provide food, drinks and dancing as part of an evening's entertainment. The plan included in the current application had been updated to include information on fire safety, and Ms Sharkey confirmed that if the application was to be granted, a full plan for the proposed operation of the Premises would be submitted as part of any minor variation.</p> <p>Ms Sharkey commented on the representation made by the Licensing Authority, and confirmed that the proposed licence conditions would require that all people who entered the Premises after 23:00 would have their ID scanned. The Applicant considered that the Challenge 21 entry scheme would be appropriate, as there had been no previous history of under-age entry at the premises. With regard to the proposed condition relating to the use of polycarbonate drinking vessels, the Applicant had proposed an alternative condition that would provide some flexibility for the provision of glassware for drinks such as champagne or cocktails.</p> <p>My Payne described the operation of other establishments currently run by the operator, such as Gilgamesh and Shaka Zulu in Camden, which offered a combined food and dance 'vibe dining' experience similar to that proposed for</p>

the premises in Leicester Square. Mr Payne considered that the earlier opening hour together with the element of the proposal which did not include dancing could enable flexibility over the use of polycarbonate later in the evening.

Ms Sharkey referred to the judgement made in the case between **Novus Leisure and Westminster City Council**, which determined that although existing licensable activities could be lost when the present operator became unable to operate the licence, it did not prevent occupancy levels or licensable activities being raised in any application for a new premises licence or variation. On this basis, the Applicant asked the Sub-Committee to take the licensing activities contained in the previous licence into account when determining the current application. The Applicant confirmed that a commitment would be given to not seek to make use of the previous licence, should the current application be granted.

Following consultation with the Police the Applicant had agreed a number of proposed conditions, but had not approved a Police request for a reduction in permitted hours and entertainment. Although it was acknowledged that there had been incidents at the Premises under the previous operator, the Applicant sought to maintain the hours that had been granted under the previous licence with an earlier time for last entry of 02:00. The Applicant considered that the new licence offered a significant improvement on that previously granted, and would include all of the conditions that would be expected for a late night operation, such as door staff numbers and the requirements for searches to be undertaken.

PC Russell commented that although the Applicant had a good reputation, future operators could be different and this needed to be taken into account. Crime levels during the previous operation of the Premises had been high, and the Sub-Committee noted that the Police would have sought a review of the operator's licence had the Premises not closed. A reduction in operating hours had accordingly been sought to reduce the possibility of crime which had related to the premises re-occurring in the future.

The Police also sought clarification of how the transition for the proposed transition from glass drinking vessels to polycarbonate during the evening would take place, and the Applicant confirmed that the timing, arrangements and incentives would be the same as those that had been successfully operating at other venues.

Mr Watson confirmed that although Environmental Health had made no representations regarding the proposed operation of the Premises, they were concerned over possible off-sales. The Sub-Committee noted that while off-sales had not been included in the application, customers would be able to take unfinished drinks away from the Premises up until 23:00 hours. The Sub-Committee also acknowledged that the public consultation had only been for on-sales at the premises.

Mr Sycamore outlined the views of the Licensing Authority, which had worked closely with the Applicant in seeking to make the Premises a safer establishment. Although the agreed conditions were seen as improvements, the application remained against Policy as the Premises were located within the

	<p>West End Cumulative Impact Area.</p> <p>The Policy Advisor informed the Sub-Committee that the application would need to be determined on its merits as a new application within the Cumulative Impact Area, and that it could be considered that granting a new licence on similar terms to that which was still in effect would not make a further contribution to cumulative impact. The likelihood of a review of the previous operator could also be taken into account in deciding whether the current application was a departure from Policy and could be granted.</p> <p>Ms Sharkey confirmed that if the application was to be refused, the Applicant would be guided back to obtaining the existing licence.</p> <p>The Sub-Committee acknowledged that it was likely that any new application would be against Policy and not be granted, as the Premises were within the West End Cumulative Impact Area. It was also probable that the previous licence would have been subject to review, due to the crime and disorder that had occurred in connection with the Premises. However, based on the commitments to the new model of operation that had been given by the Applicant in oral submissions, together with a firm undertaking that the Applicant would not take advantage of the existing licence, the Sub-Committee considered the application to be an exception to Policy. In view of the new operating model of 'vibe-dining' with substantial food during the day and at night-time, the application was granted subject to conditions. In determining the matter the Sub-Committee considered that the conditions imposed on the Premises Licence are appropriate and proportionate.</p>
2.	Sale by retail of alcohol (on sales)
	<p>Monday to Sunday:: 10:00 to 03:00</p> <p>Seasonal variations/non-standard timings</p> <p>Sunday before Bank Holidays the permitted hours shall be extended until 02:00 hours on the following morning.</p> <p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>New Year's Eve- from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>Additional proposed conditions which the Applicant had agreed with the Police had been circulated to all parties prior to the Hearing.</p>
	<p>Decision (including reasons if different from those set out in report):</p>

	Granted, subject to conditions as set out below (see reasons for decision in Section 1).
3.	Live Music (indoors)
	<p>Monday to Wednesday:: 09:00 to 03:30 Thursday to Saturday: 09:00 to 06:00 Sunday: 09:00 to 02:00</p> <p>Seasonal variations/non-standard timings</p> <p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>The permitted hours on New Year's Eve will extend to the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>Additional proposed conditions which the Applicant had agreed with the Police had been circulated to all parties prior to the Hearing.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
4.	Recorded Music (Indoors)
	<p>Monday to Sunday:: 00:00 to 00:00</p> <p>Seasonal variations/non-standard timings</p> <p>Unrestricted.</p>
	<p>Amendments to application advised at hearing:</p> <p>Additional proposed conditions which the Applicant had agreed with the Police had been circulated to all parties prior to the Hearing.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
5.	Performance of Dance (Indoors)
	<p>Monday to Wednesday:: 09:00 to 03:00</p>

	<p>Thursday to Saturday: 09:00 to 06:00 Sunday: 09:00 to 02:00</p> <p>Seasonal variations/non-standard timings</p> <p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>The permitted hours on New Year's Eve will extend to the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>Additional proposed conditions which the Applicant had agreed with the Police had been circulated to all parties prior to the Hearing.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
6.	Anything of a similar description (Indoors)
	<p>Monday to Wednesday:: 09:00 to 03:00 Thursday to Saturday: 09:00 to 06:00 Sunday: 09:00 to 02:00</p> <p>Seasonal variations/non-standard timings</p> <p>On the morning on which Summertime begins the permitted hour shall be extended by 1 hour.</p> <p>The permitted hours on New Year's Eve will extend to the start of permitted hours on New Year's Day.</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to making a profit to be unrestricted.</p>
	<p>Amendments to application advised at hearing:</p> <p>Additional proposed conditions which the Applicant had agreed with the Police had been circulated to all parties prior to the Hearing.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>
	Hours premises are open to the public

	<p>Monday to Wednesday:: 09:00 to 03:00 Thursday to Saturday: 09:00 to 06:00 Sunday: 09:00 to 02:00</p> <p>Seasonal variations/non-standard timings</p> <p>British Summertime- an additional hour to standard timings on the commencement of British Summertime.</p> <p>New Year's Eve - from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>Additional proposed conditions which the Applicant had agreed with the Police had been circulated to all parties prior to the Hearing.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>Granted, subject to conditions as set out below (see reasons for decision in Section 1).</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
<ol style="list-style-type: none"> 1. 2. 3. 4. 	<p>No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.</p> <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p>

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which

there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. Prior to 23:00 customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. An attendant shall be on duty in the cloakroom during the whole time that it is in use.

11. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 235 persons.

12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

13. There shall be a Personal Licence Holder on duty on the premises at all times when the premises are authorised to sell alcohol.

14. There shall be no striptease or nudity, and all other persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

15. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

16. The sale of alcohol shall be ancillary to the use of the premises for music and dancing and substantial refreshment.

17. The consumption of alcohol on the premises shall cease 30 minutes after the terminal hour for the sale of alcohol.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
20. An incident log shall be kept at the premises, and made available on request to an authorised session and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
21. After 23:00 hours, there should be no consumption of drinks (excluding hot drinks) from vessels other than polycarbonate vessels. This condition shall not apply to the serving and consumption of wine, sparkling wine, spirits or champagne bottles with a minimum size of 70cl and champagne flutes supplied by waiter/waitress service to tables. Staff shall clear all empty wine, spirit and champagne bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
23. After 23:00 hours, all customers entering the premises will have their 1D scanned on entry.
24. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
25. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
26. All emergency exit doors shall be available at all material times without the use of key, code, card or similar means.
27. All emergency doors shall be maintained effectively self-closing and not held open

than by an approved device.

28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
30. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
31. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram or Military ID card.
32. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
33. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
36. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
37. From 21:00 hours, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), a minimum of 2 SIA door supervisors shall be on duty at the premises. A minimum of one shall be deployed at the entrance and shall wear a Body Worn Video Camera. Additional door supervisors shall be employed as determined by a documented management risk assessment taking cognizance of police advice of 1 SIA per 100 customers before 23.00hrs and 1 SIA per 50 customers thereafter, (or such other advice as may be given from time to time). At all times from 23:00 hours, 2 door supervisors shall be deployed at the entrance. The risk assessment to be made available upon request.
38. Amendment of the second part of the CCTV condition
A staff member from the premises who is conversant with the operation of the CCTV system (including where applicable any Body Worn Video system) shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
39. A minimum of 5 SIA licensed door supervisors shall be on duty at the premises from 23.00hrs to close 7 days per week. A minimum of 2 on the entrance and 3 inside the

premises (This is still subject to discussion based on what the premises is to become) Prior to this time door staff numbers will be at least a 1:100 ratio unless decided otherwise by a risk assessment conducted by a member of the venue's management team.

40. At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business. A minimum of one to be wearing Body Worn Video throughout trading times and for 30 minutes after closing whilst dispersing
41. After 21.00hrs any persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system. Search wands will be used during all searches.
42. Body worn video systems used by the premises must be deployed immediately during any verbal altercation or use of force made by any member of staff
43. All staff engaged in the use of Body Worn Video shall receive relevant training to ensure they are confident in its use. A record will be kept on the premises of which staff have been trained. This record will be available to the relevant authority for inspection upon request
44. Where the premises are operating for a specific pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. The list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon the request by a Police Officer or Council Officer.
45. After 21:00, or such other time as agreed with the Police in writing (and a copy of any agreement to be made available upon request), all security engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
46. All externally promoted events held at the venue shall be notified to the Metropolitan Police Service. A form 696 will be completed and submitted within 14 days prior to the event, or such less time as agreed with the Police. When carrying out the risk assessment for the event and holding the event the venue will take into account any reasonable advice received from the Westminster Police Licensing Team and the central Clubs/Promoters Police Team who receive the form 696 (or their equivalent) and upon a reasonable request by Police the venue will not run the event.
47. After 23:00 hours, or such earlier time as deemed necessary following risk assessment, a search policy shall be implemented of customers entering the premises. Such policy to be documented having regard to police advice and shall be made available upon request.
48. a) From 23:00 hours, a minimum of 2 door supervisors shall be deployed with Body Worn Video Camera, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. The video cameras shall be used until 30 minutes after closing whilst customers are dispersing.
b) All recordings shall be stored for a minimum period of 31 days with date and time

stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period.

c) A Body worn video system shall be deployed immediately during any verbal altercation or use of force made by any member of door staff.

d) All door staff engaged in the use of Body Worn Video shall receive relevant training to ensure that they are confident in its use. A record shall be kept on the premises of which door staff have been trained. This record will be available to the Police or Licensing Authority for inspection upon request.

49. There shall be no admittance or re-admittance to the premises after 02:00 except for patrons permitted to temporarily leave the premises to smoke.

6 LONDON FILM MUSEUM, 45 WELLINGTON STREET, WC2

LICENSING SUB-COMMITTEE No. 1

Thursday 6th July 2017

Membership: Councillor Angela Harvey (Chairman), Councillor Julia Alexander and Councillor Murad Gassanly.

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Andrew Palmer

Presenting Officer: Heidi Lawrence

Relevant Representations: The Metropolitan Police and the Licensing Authority.

Present: Mr Jack Speaker (Solicitor representing the Applicant),
Ms Eleanor Clegg (Head of Event Operations - London Film Museum), PC
Michael Day (Metropolitan Police) and Mr David Sycamore (Licensing
Authority).

Councillor Angela Harvey declared that she had visited the London Film Museum and received hospitality as a member of the London Mayors' Association.

London Film Museum, 45 Wellington Street, WC2E 7BN ("The Premises") 17/04163/LIPV

1. Exhibition of films / Performance of Dance / Live Music / Recorded Music / Performance of a Play

	<u>Current Hours:</u>	<u>Proposed Hours:</u>
Monday to Saturday	09:00 to 00:30	09:00 to 02:00
Sunday:	12:00 to 22:00	12:00 to 22:00

Licensable Area

To extend the hours for licensable activities to 02:00 within a specified area

	<p>(shown hatched black on the plan attached to the application.</p> <p>Seasonal variations/ Non-standard timings</p> <p><u>Current:</u> From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p> <p><u>Proposed:</u> From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p> <p>On Sundays before Bank Holidays 12:00 to 02:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>The Presenting Officer outlined the nature of the application submitted by the London Film Museum (Covent Garden) Ltd, for a variation of the current premises licence. The Premises were operating as a museum, and the Applicant was seeking to extend the hours for pre-booked licensable activities within a specified area from 23:00 to 02:00 Monday to Saturday. No other variations were sought. The London Film Museum hosted events as an ancillary part of their museum operation, and the variation was for selected private and pre-booked events. No residential representations had been received in relation to the application.</p> <p>Mr Speaker addressed the Sub-Committee on behalf of the Applicant, and outlined the merits of the application which sought to attract a higher calibre customer and gain revenue to support the work of the museum together with charitable events. The museum had a capacity of 450 guests, of which a maximum of 300 were permitted in the bar area for standing receptions, and 130 for sit-down dinners. In 2013, the Licensing Committee had accepted that a request for the extension of the hours for licensable activities until 00:30 had been an exception to Policy, and had been granted. Since that time, no objections to the events that were already taking place in the bar area had been received, and the Applicant considered that the proven track record of the premises supported the continued departure from Policy.</p> <p>Mr Speaker confirmed that the Museum would be willing to work with the Police to address their concerns regarding SIA supervision and dispersal, and similarly confirmed that it was in the museum's interest to provide additional security to protect the artifacts on display. The Applicant also considered that the further extension of hours would not add to cumulative impact, and was willing to agree that the last entry to the Premises would be at 00:30, with dispersal being gradual. Mr Speaker suggested that the Licensing Authority's objection on Policy which related to venues that solely supplied alcohol would not apply, as the primary use of the Premises was that of a museum and not a drinking establishment.</p> <p>The Sub-Committee noted that although the hatched area had doors that could</p>

	<p>close off the rest of the museum, drinking took place across the museum upon occasion. The Applicant also preferred not to limit the number of events that could be staged at the Premises, should the hours be extended.</p> <p>PC Day addressed the Sub-Committee and confirmed that the Police had maintained their representations on the grounds that the venue was situated within the West End Cumulative Impact Area, and believed that the extended hours may cause further policing problems in a locality where there was traditionally high crime and disorder.</p> <p>Mr Sycamore addressed the Sub-Committee on behalf of the Licensing Authority and considered that the substantial increase in hours could be detrimental to the Licensing Objectives. The Licensing Authority also considered that once the museum had closed, the principle use of the bar area would be for the sale of alcohol.</p> <p>The Sub-Committee had listened very carefully to all of the submissions from all parties, and wished the Film Museum well. The Sub-Committee noted that the City Council had previously granted a licence which had been extended, but considered that the current application went beyond and could not be considered an exception to Policy as it was likely to contribute to cumulative impact in the area. The Sub-Committee noted that the proposal was to operate the hatched area as a function space at times when the Museum was closed, and accepted that the submission from the Licensing Authority that the extended operation would be contrary to Cumulative Impact Area Policy, and refused the application accordingly.</p>									
<p>2.</p>	<p>Anything of a Similar Description</p>									
	<table border="0"> <thead> <tr> <th></th> <th style="text-align: center;"><u>Current Hours:</u></th> <th style="text-align: center;"><u>Proposed Hours:</u></th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday</td> <td style="text-align: center;">09:00 to 23:00</td> <td style="text-align: center;">09:00 to 02:00</td> </tr> <tr> <td>Sunday:</td> <td style="text-align: center;">12:00 to 22:00</td> <td style="text-align: center;">12:00 to 22:00</td> </tr> </tbody> </table> <p>Licensable Area</p> <p>To extend the hours for licensable activities to 02:00 in the area currently hatched black on the plan.</p> <p>Seasonal variations/ Non-standard timings</p> <p><u>Current:</u> From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p> <p><u>Proposed:</u> From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p> <p>On Sundays before Bank Holidays 12:00 to 02:00</p>		<u>Current Hours:</u>	<u>Proposed Hours:</u>	Monday to Saturday	09:00 to 23:00	09:00 to 02:00	Sunday:	12:00 to 22:00	12:00 to 22:00
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	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in the report): The application was refused; see Section 1 for further details.	
3.	Late night refreshment	
	<u>Current Hours:</u>	<u>Proposed Hours:</u>
Monday to Saturday	23:00 to 00:30	23:00 to 02:00
Sunday:	12:00 to 22:00	23:00 to 02:00
Licensable Area		
To extend the hours for licensable activities to 02:00 in the area currently hatched black on the plan.		
Seasonal variations/ Non-standard timings		
<u>Current:</u>		
From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.		
<u>Proposed:</u>		
From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.		
On Sundays before Bank Holidays 12:00 to 02:00		
	Amendments to application advised at hearing: None.	
	Decision (including reasons if different from those set out in the report): The application was refused; see Section 1 for further details.	
4.	Sale by Retail of Alcohol	
On or off Sales	Current and Proposed: Both	
	<u>Current Hours:</u>	<u>Proposed Hours:</u>
Monday to Saturday	10:00 to 00:30	10:00 to 02:00
Sunday:	12:00 to 22:00	12:00 to 22:00

	<p>Licensable Area</p> <p>To extend the hours for licensable activities to 02:00 in the area currently hatched black on the plan.</p> <p>Seasonal variations/ Non-standard timings</p> <p><u>Current:</u> From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p> <p><u>Proposed:</u> From the end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.</p> <p>On Sundays before Bank Holidays 12:00 to 02:00</p>									
	<p>Amendments to application advised at hearing:</p> <p>None.</p>									
	<p>Decision (including reasons if different from those set out in the report):</p> <p>The application was refused; see Section 1 for further details.</p>									
5.	<p>Hours Premises are open to the public</p>									
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Sunday:	09:00 to 22:30	09:00 to 22:30								
	<p>Amendments to application advised at hearing:</p>									

	None.
	Decision (including reasons if different from those set out in the report): The application was refused; see Section 1 for further details.