



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (4)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (4)** Committee held on **Thursday 19th October, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Jean Paul Floru (Chairman), Louise Hyams and Murad Gassanly

#### 1 MEMBERSHIP

There were no changes to the membership.

#### 2 DECLARATIONS OF INTEREST

Councillor Louise Hyams declared that in respect of Items 4, 5, 6 and 7 she worked part-time for a planning consultancy which had been involved in the planning application for the scheme but she had had no involvement, or held any discussions, with regards to the application before the Sub-Committee. As a result of the above declaration made by the Councillor the Sub-Committee felt that it was able to approach the application free from bias and with an open mind and so determined the same on its individual merits.

#### 3 BASEMENT AND GROUND FLOOR, 49 LEXINGTON STREET, W1

##### LICENSING SUB-COMMITTEE No. 4

*Thursday 19<sup>th</sup> October 2017*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Louise Hyams and Councillor Murad Gassanly

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Daisy Gadd

Relevant Representations: Environmental Health and six local residents.

Present: Mr Alun Thomas (Solicitor, representing the applicant), Mr Maxwell Koduah (Environmental Health) and Sir Norman Rosenthal and Mr Andrew Edmunds (local residents).

**Basement and Ground Floor, 49 Lexington Street, London, W1F 9AP (“The Premises”)  
17/09666/LIPN**

**1. Late Night Refreshment - Indoors**

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

**Seasonal Variations/Non-Standard Timings:**

From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Shaftesbury Carnaby Plc for a new premises licence in respect of Basement and Ground Floor, 49 Lexington Street, London, W1F 9AP.

The Licensing Officer provided an outline of the application to the Sub-Committee.

Mr Thomas, representing the Applicant, informed the Sub-Committee that the Premises was previously licensed but this had lapsed due to the death of the Premises owner. Subsequently no application to reinstate the licence within the required twenty-eight-day period had been made. Following a period of closure, a new operator had now taken over the Premises and was seeking a premises licence on terms slightly less than what was permitted previously. Mr Thomas suggested that where a licence had lapsed the City Council’s Statement of Licensing Policy (“SLP”) generally granted new applications on terms which were similar. The provision of recorded music had been withdrawn from the application and twenty-three model conditions, including a works condition, were proposed.

Mr Thomas noted concerns raised over the garden area however the conditions proposed would ensure this area would not be used for regulated entertainment including music. It was the intention for the garden area to operate as it had done previously and for which no complaints had been received. The Sub-Committee was informed that historically there was seating located outside the Premises and this was included in the plans detailing the licensable area. New applications usually excluded external areas from the licensable area but as this application was based on an historic licence it was appropriate to include this area in the application.

In response to a question from the Sub-Committee Mr Thomas confirmed that

any music played at the Premises would be of a background nature with no music played in the garden area.

Mr Koduah, representing Environmental Health (EH), confirmed the Premises was located in the West End Cumulative Impact Area (CIA). The previous licence had lapsed but whilst it had operated no complaints had been received. It was considered though that the conditions on the previous licence were considered insufficient to promote all four licencing objectives. EH had therefore proposed conditions to be added to the licence which included requiring the use of a noise limiter on any amplification system installed. If the applicant was prepared to accept EH's proposed conditions, then EH would withdraw their representation.

In response to questions Mr Thomas explained that it was the Applicant's preference not to have model restaurant condition 66 placed on the licence as model condition 38 had been proposed instead which more accurately reflected what was permitted historically. Also, Mr Thomas could not confirm how long the licence had been lapsed for but he was under the impression it had operated within the last twelve months.

Sir Normal Rosenthal, a local resident, informed the Sub-Committee that his property shared a party wall with the Premises. It was stated that Lexington Street was very fragile and already experienced significant levels of people drinking and smoking on it with customers from local premises often obstructing the pavement. The importance of protecting the historical integrity of the street was stressed as concerns regarding waste and the playing of music remained.

Mr Andrew Edmunds, a local resident, addressed the Sub-Committee and explained how previously the full extent of the old licence had never been utilised at the Premises. It was stated that the Premises always closed before 23:00 hours as the street was very residential in nature. It was submitted that if the Sub-Committee granted the application before it then it would set a precedent and allow other licenced Premises to apply for later hours. The disposal of waste was a significant issue and doubt was expressed whether the street's infrastructure would cope with an intensification of use at the Premises.

The Sub-Committee noted that the hours requested for the supply of alcohol for consumption on the Premises were thirty minutes beyond core hours Monday to Thursday and one hour on Sundays.

In response to a question from the Sub-Committee Mr Thomas was of the opinion it would not be necessary to impose a condition on the licence requiring the use of a sound limiter. The condition would have no effect as only background music would be played and conditions had been proposed to control this so as to prevent nuisance. In addition, Mr Thomas confirmed that there would be no loud speakers located within the garden area. In summary what was being proposed was no more than what had been in operation under the previous licence. Just because the previous licence had not been operated to its full extent did not mean the application before the Sub-Committee should be restricted in such a way. The Premises would operate as a restaurant and not as a pub or bar.

	<p>After carefully considering the application and the evidence provided by all parties the Sub-Committee agreed to grant the application. The extensive conditions proposed by EH were considered appropriate and would ensure that that the Premises upheld and promoted the licensing objectives. The serious concerns raised by the residents had been noted and it was decided therefore to impose restaurant model condition 66 on the licence. This would ensure the Premises had to operate as a restaurant and provided residents with reassurance over the nature, style and character of the operation. It was also noted that the hours requested for the sale of alcohol for consumption on the premises were beyond core hours on Mondays to Thursdays and also on Sundays. As such, due to the residential nature of the area, and the fact the Premises was located in a CIA, the hours for the sale for the sale of alcohol were reduced to core hours in order to minimise any potential nuisance to residents. The Sub-Committee was also of the opinion that these restrictions were necessary as it was currently unknown who the operator of the Premises would be and once this became known then a variation to the licence could always be applied for in future. The Sub-Committee was satisfied that the nature of the operation and the fact sales of alcohol would be restricted to within core hours would ensure it would not add to cumulative impact in the area. The Sub-Committee was satisfied that the premises would uphold and promote the licensing objectives and therefore granted the application accordingly.</p>
<p><b>2.</b></p>	<p><b>Recorded Music – Indoors</b></p> <p>Monday to Saturday: 10:00 to 00:00  Sunday: 12:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>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>The applicant advised that the provision of recorded music had been withdrawn from the application.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>
<p><b>3.</b></p>	<p><b>Sale by Retail of Alcohol – On and Off Sales</b></p> <p>Monday to Saturday: 10:00 to 00:00  Sunday: 12:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p>

	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the application, see reasons for decision in Section 1.
<b>4.</b>	<p><b>Hours Premises Are Open to the Public</b></p> <p>Monday to Saturday: 10:00 to 00:30 Sunday: 12:00 to 00:00</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee granted the application, see reasons for decision in Section 1.

<b>Conditions attached to the Licence</b>
<p><b><u>Mandatory Conditions</u></b></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>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.</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</p>

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 subparagraph 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.

**Conditions Consistent with the Operating Schedule**

9. The premises shall only operate as a restaurant:

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. 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 or proof of age card with the PASS Hologram.

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. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff



who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

14. 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.

15. 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.

16. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

17. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

18. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

19. All tables and chairs shall be removed from the outside area by 23.00 hours each day.

20. After 23:00 hours, no customers shall be permitted to use the open garden at the rear of the premises.

21. 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.

22. The door opening on to the beer garden and the entrance door shall be kept closed after 23:00 hours except for the immediate access and egress of persons.

23. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

24. Loudspeakers shall not be located in the entrance lobby or outside the premises building including the rear open beer garden.

25. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the

Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

27. After 23:00 hours 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.

28. Notices shall be prominently displayed at the rear open garden and front outside area requesting patrons to respect the needs of local residents and use the area quietly.

29. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

30. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.

31. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.

32. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.

33. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and at which time this condition shall be removed from the Licence by the Licensing Authority.

34. No licensable activities shall take at the premises until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the agreed capacity so determined has replaced this condition on the Licence.

35. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

**4 UNIT 1, DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12-14 GREEK STREET**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 19<sup>th</sup> October 2017*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Louise Hyams and Councillor Murad Gassanly

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Daisy Gadd

Relevant Representations: Environmental Health, The Licensing Authority, The Metropolitan Police and one local resident.

Present: Mr Alun Thomas (Solicitor, representing the applicant), Ms Rachel Pearse and Mr Nick Lawson (representing the applicant company), Mrs Sally Fabbriatore (Environmental Health), Mr David Sycamore (The Licensing Authority) and PC Sandy Russell (The Metropolitan Police).

**Unit 1, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews and 12-14 Greek Street (“The Premises”)  
17/09329/LIPST**

**1. Late Night Refreshment - Indoors**

Monday to Saturday: 23:00 to 01:00

Sunday: 23:00 to 23:30

**Seasonal Variations/Non-Standard Timings:**

These hours to be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours of New Year’s Day.

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Soho Estates Ltd for a provisional statement for a new premises licence in respect of Unit 1, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews and 12-14 Greek Street.

The Licensing Officer provided an outline of the application to the Sub-Committee.

Councillor Louise Hyams declared that she worked part-time for a planning

consultancy which had been involved in the planning application for the scheme but she had had no involvement, or held any discussions, with regards to the application before the Sub-Committee. As a result of the above declaration made by the Councillor the Sub-Committee felt that it was able to approach the application free from bias and with an open mind and so determined the same on its individual merits.

Mr Thomas, representing the Applicant, confirmed that the proposed off sales of alcohol had been withdrawn from the application along with all conditions relating to it. One resident had submitted a representation and this was in favour of the application with no residents objecting to the proposals. Mr Thomas acknowledged that the hours requested were beyond core hours however this was a purpose built development which would be unique in assisting in the dispersal of customers. The Council's model restaurant condition would be attached onto the licence ensuring it would not become a drink-led premises. It was recognised by the City Council's Statement of Licensing Policy ("SLP") that restaurants were less likely than bars or pubs to add to cumulative impact or create public disturbance in the local area.

Mr Nick Lawson, of Soho Estates, explained how the property had been purchased in 2012 with planning permission for the development granted in 2016. It was stated that the proposals for the scheme had been developed over four years taking into account the nearby Crossrail development. It was submitted that the premises would act as a venue where people could dwell and help ensure they didn't enter into the Soho district exacerbating issues their around cumulative impact and disturbance The Premises was well managed and secure with CCTV in operation, on-site security in place and a centralised waste management system provision. The site had been vacant for four years and the Sub-Committee noted that the street it was located on was not of a residential nature. Mr Thomas clarified that the external seating area was restricted to 23:00 hours and during the pre-application process with Environmental Health (EH) the proposed conditions had been agreed.

In response to a question from the Sub-Committee the applicant confirmed that the four units on the development would not be amalgamated. Soho Estates supported independent operators providing mid to high level quality restaurant offerings.

Mrs Fabbricatore, representing EH, confirmed that their proposed conditions had been agreed with the applicant. Initial public nuisance and safety concerns had been addressed however the capacity of the venue had yet to be agreed with EH.

PC Russell, representing The Metropolitan Police, was pleased to note the development as it was believed granting it would benefit the local neighbourhood and help combat anti-social behaviour and crime in the area late at night. The conditions proposed and agreed between the applicant and EH had been assessed and were considered sufficient to ensure the licensing objectives were promoted. The Metropolitan Police's representation was maintained however based on policy grounds.

	<p>Mr Sycamore, representing the Licensing Authority, confirmed that its representation was maintained. The hours requested were beyond core hours although the unique location of the Premises next to a tube station was acknowledged. Further clarity was requested however on how the Premises cumulative impact could be assessed whilst its proposed capacity was still unknown.</p> <p>Mr Thomas highlighted the unique nature of the development and emphasised how carefully considered and designed the application had been. The use of the Premises as a restaurant and the hours requested were considered appropriate for the local area and no evidence had been provided that it would add to cumulative impact or undermine the licensing objectives.</p> <p>The Sub-Committee considered the application and was satisfied that the conditions agreed between the applicant and EH were appropriate and would ensure that the licensing objectives were upheld. The addition of the model restaurant condition provided reassurance that the venue would not become an alcohol-led establishment. The unique location of the premises was considered and particular weight was given to the evidence provided by the Police with regards to how the new development would benefit the local neighbourhood and help combat anti-social behaviour and crime in the area late at night. The Sub-Committee therefore was of the opinion that whilst the hours requested were beyond core hours the Premises would not add to cumulative impact in the area and would actually assist in reducing disturbance in the local area. Having considered all the evidence before it the Sub-Committee therefore agreed to grant the application accordingly.</p> <p>The Sub-Committee considered that the conditions it had imposed on the Premises Licence to be appropriate and proportionate and to promote the licensing objectives.</p>
2.	<p><b>Sale by Retail of Alcohol – On and Off Sales</b></p> <p>Monday to Saturday: 10:00 to 01:00  Sunday: 12:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>These hours to be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours of New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>The applicant advised that the provision of off sales was withdrawn from the application.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

3.	<p><b>Hours Premises Are Open to the Public</b></p> <p>Monday to Saturday: 08:00 to 01:00  Sunday: 08:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours of 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 report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

<b>Conditions attached to the Licence</b>
<p><b><u>Mandatory Conditions</u></b></p> <ol style="list-style-type: none"> <li>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</li> <li>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.</li> <li>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</li> <li>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.</li> </ol> <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> <ol style="list-style-type: none"> <li>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to; <ol style="list-style-type: none"> <li>(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</li> <li>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</li> </ol> </li> <li>(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</li> </ol>

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 subparagraph 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.

**Conditions Consistent with the Operating Schedule**



9. 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.
10. 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.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. There shall be no sales of alcohol for consumption off the premises after 23.00.
13. The tables and chairs in the courtyard shall only be used between 0800 and 23.00 each day.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. 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.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. A Challenge 21 or 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.
21. 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
- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service.

22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

23. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

24. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.

25. The premises shall only operate as a restaurant:

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

26. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

**5 UNIT 2, DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12-14 GREEK STREET**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 19<sup>th</sup> October 2017*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Louise Hyams and Councillor Murad Gassanly

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Daisy Gadd

Relevant Representations: Environmental Health, The Licensing Authority, The Metropolitan Police and one local resident.

Present: Mr Alun Thomas (Solicitor, representing the applicant), Ms Rachel Pearse and Mr Nick Lawson (representing the applicant company), Mrs Sally Fabbriatore (Environmental Health), Mr David Sycamore (The Licensing Authority) and PC Sandy Russell (The Metropolitan Police).

**Unit 2, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews and 12-14 Greek Street (“The Premises”)  
17/09330/LIPST**

**1. Late Night Refreshment - Indoors**

Monday to Saturday: 23:00 to 01:00

Sunday: 23:00 to 23:30

**Seasonal Variations/Non-Standard Timings:**

These hours to be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours of New Year’s Day.

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Soho Estates Ltd for a provisional statement for a new premises licence in respect of Unit 2, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews and 12-14 Greek Street.

The Licensing Officer provided an outline of the application to the Sub-Committee.

Councillor Louise Hyams declared that she worked part-time for a planning

consultancy which had been involved in the planning application for the scheme but she had had no involvement, or held any discussions, with regards to the application before the Sub-Committee. As a result of the above declaration made by the Councillor the Sub-Committee felt that it was able to approach the application free from bias and with an open mind and so determined the same on its individual merits.

Mr Thomas, representing the Applicant, confirmed that the proposed off sales of alcohol had been withdrawn from the application along with all conditions relating to it. One resident had submitted a representation and this was in favour of the application with no residents objecting to the proposals. Mr Thomas acknowledged that the hours requested were beyond core hours however this was a purpose built development which would be unique in assisting in the dispersal of customers. The Council's model restaurant condition would be attached onto the licence ensuring it would not become a drink-led premises. It was recognised by the City Council's Statement of Licensing Policy ("SLP") that restaurants were less likely than bars or pubs to add to cumulative impact or create public disturbance in the local area.

Mr Nick Lawson, of Soho Estates, explained how the property had been purchased in 2012 with planning permission for the development granted in 2016. It was stated that the proposals for the scheme had been developed over four years taking into account the nearby Crossrail development. It was submitted that the Premises would act as a venue where people could dwell and help ensure they didn't enter into the Soho district exacerbating issues their around cumulative impact and disturbance The Premises was well managed and secure with CCTV in operation, on-site security in place and a centralised waste management system provision. The site had been vacant for four years and the Sub-Committee noted that the street it was located on was not of a residential nature. Mr Thomas clarified that the external seating area was restricted to 23:00 hours and during the pre-application process with Environmental Health (EH) the proposed conditions had been agreed.

In response to a question from the Sub-Committee the applicant confirmed that the four units on the development would not be amalgamated. Soho Estates supported independent operators providing mid to high level quality restaurant offerings.

Mrs Fabbricatore, representing EH, confirmed that their proposed conditions had been agreed with the applicant. Initial public nuisance and safety concerns had been addressed however the capacity of the venue had yet to be agreed with EH.

PC Russell, representing The Metropolitan Police, was pleased to note the development as it was believed granting it would benefit the local neighbourhood and help combat anti-social behaviour and crime in the area late at night. The conditions proposed and agreed between the applicant and EH had been assessed and were considered sufficient to ensure the licensing objectives were promoted. The Metropolitan Police's representation was maintained however based on policy grounds.

	<p>Mr Sycamore, representing the Licensing Authority, confirmed that its representation was maintained. The hours requested were beyond core hours although the unique location of the Premises next to a tube station was acknowledged. Further clarity was requested however on how the Premises cumulative impact could be assessed whilst its proposed capacity was still unknown.</p> <p>Mr Thomas highlighted the unique nature of the development and emphasised how carefully considered and designed the application had been. The use of the Premises as a restaurant and the hours requested were considered appropriate for the local area and no evidence had been provided, that it would add to cumulative impact or undermine the licensing objectives.</p> <p>The Sub-Committee considered the application and was satisfied that the conditions agreed between the applicant and EH were appropriate and would ensure that the licensing objectives were upheld. The addition of the model restaurant condition provided reassurance that the venue would not become an alcohol-led establishment. The unique location of the Premises was considered and particular weight was given to the evidence provided by the Police with regards to how the new development would benefit the local neighbourhood and help combat anti-social behaviour and crime in the area late at night. The Sub-Committee therefore was of the opinion that whilst the hours requested were beyond core hours the Premises would not add to cumulative impact in the area and would actually assist in reducing disturbance in the local area. Having considered all the evidence before it the Sub-Committee therefore agreed to grant the application accordingly.</p> <p>The Sub-Committee considered that the conditions it had imposed on the Premises Licence to be appropriate and proportionate and to promote the licensing objectives.</p>
2.	<p><b>Sale by Retail of Alcohol – On and Off Sales</b></p> <p>Monday to Saturday: 10:00 to 01:00  Sunday: 12:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>These hours to be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours of New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>The applicant advised that the provision of off sales was withdrawn from the application.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

<b>3.</b>	<p><b>Hours Premises Are Open to the Public</b></p> <p>Monday to Saturday: 08:00 to 01:00  Sunday: 08:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours of 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 report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

<b>Conditions attached to the Licence</b>
<p><b><u>Mandatory Conditions</u></b></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>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.</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> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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</p>

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 subparagraph 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.



### **Conditions Consistent with the Operating Schedule**

9. 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.
10. 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.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. There shall be no sales of alcohol for consumption off the premises after 23.00.
13. The tables and chairs in the courtyard shall only be used between 0800 and 23.00 each day.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. 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.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. A Challenge 21 or 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.
21. 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
- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service.

22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

23. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

24. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.

25. The premises shall only operate as a restaurant:

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

26. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

**6 UNIT 3, DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12-14 GREEK STREET**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 19<sup>th</sup> October 2017*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Louise Hyams and Councillor Murad Gassanly

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Daisy Gadd

Relevant Representations: Environmental Health, The Licensing Authority, The Metropolitan Police and one local resident.

Present: Mr Alun Thomas (Solicitor, representing the applicant), Ms Rachel Pearse and Mr Nick Lawson (representing the applicant company), Mrs Sally Fabbriatore (Environmental Health), Mr David Sycamore (The Licensing Authority) and PC Sandy Russell (The Metropolitan Police).

**Unit 3, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews and 12-14 Greek Street (“The Premises”)  
17/09312/LIPST**

**1. Late Night Refreshment - Indoors**

Monday to Saturday: 23:00 to 01:00

Sunday: 23:00 to 23:30

**Seasonal Variations/Non-Standard Timings:**

These hours to be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours of New Year’s Day.

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Soho Estates Ltd for a provisional statement for a new premises licence in respect of Unit 3, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews and 12-14 Greek Street.

The Licensing Officer provided an outline of the application to the Sub-Committee.

Councillor Louise Hyams declared that she worked part-time for a planning

consultancy which had been involved in the planning application for the scheme but she had had no involvement, or held any discussions, with regards to the application before the Sub-Committee. As a result of the above declaration made by the Councillor the Sub-Committee felt that it was able to approach the application free from bias and with an open mind and so determined the same on its individual merits.

Mr Thomas, representing the Applicant, confirmed that the proposed off sales of alcohol had been withdrawn from the application along with all conditions relating to it. One resident had submitted a representation and this was in favour of the application with no residents objecting to the proposals. Mr Thomas acknowledged that the hours requested were beyond core hours however this was a purpose built development which would be unique in assisting in the dispersal of customers. The Council's model restaurant condition would be attached onto the licence ensuring it would not become a drink-led premises. It was recognised by the City Council's Statement of Licensing Policy ("SLP") that restaurants were less likely than bars or pubs to add to cumulative impact or create public disturbance in the local area.

Mr Nick Lawson, of Soho Estates, explained how the property had been purchased in 2012 with planning permission for the development granted in 2016. It was stated that the proposals for the scheme had been developed over four years taking into account the nearby Crossrail development. It was submitted that the Premises would act as a venue where people could dwell and help ensure they didn't enter into the Soho district exacerbating issues their around cumulative impact and disturbance The Premises was well managed and secure with CCTV in operation, on-site security in place and a centralised waste management system provision. The site had been vacant for four years and the Sub-Committee noted that the street it was located on was not of a residential nature. Mr Thomas clarified that the external seating area was restricted to 23:00 hours and during the pre-application process with Environmental Health (EH) the proposed conditions had been agreed.

In response to a question from the Sub-Committee the applicant confirmed that the four units on the development would not be amalgamated. Soho Estates supported independent operators providing mid to high level quality restaurant offerings.

Mrs Fabbricatore, representing EH, confirmed that their proposed conditions had been agreed with the applicant. Initial public nuisance and safety concerns had been addressed however the capacity of the venue had yet to be agreed with EH.

PC Russell, representing The Metropolitan Police, was pleased to note the development as it was believed granting it would benefit the local neighbourhood and help combat anti-social behaviour and crime in the area late at night. The conditions proposed and agreed between the applicant and EH had been assessed and were considered sufficient to ensure the licensing objectives were promoted. The Metropolitan Police's representation was maintained however based on policy grounds.

	<p>Mr Sycamore, representing the Licensing Authority, confirmed that its representation was maintained. The hours requested were beyond core hours although the unique location of the Premises next to a tube station was acknowledged. Further clarity was requested however on how the Premises cumulative impact could be assessed whilst its proposed capacity was still unknown.</p> <p>Mr Thomas highlighted the unique nature of the development and emphasised how carefully considered and designed the application had been. The use of the Premises as a restaurant and the hours requested were considered appropriate for the local area and no evidence had been provided that it would add to cumulative impact or undermine the licensing objectives.</p> <p>The Sub-Committee considered the application and was satisfied that the conditions agreed between the applicant and EH were appropriate and would ensure that the licensing objectives were upheld. The addition of the model restaurant condition provided reassurance that the venue would not become an alcohol-led establishment. The unique location of the Premises was considered and particular weight was given to the evidence provided by the Police with regards to how the new development would benefit the local neighbourhood and help combat anti-social behaviour and crime in the area late at night. The Sub-Committee therefore was of the opinion that whilst the hours requested were beyond core hours the Premises would not add to cumulative impact in the area and would actually assist in reducing disturbance in the local area. Having considered all the evidence before it the Sub-Committee therefore agreed to grant the application accordingly.</p> <p>The Sub-Committee considered that the conditions it had imposed on the Premises Licence to be appropriate and proportionate and to promote the licensing objectives</p>
2.	<p><b>Sale by Retail of Alcohol – On and Off Sales</b></p> <p>Monday to Saturday: 10:00 to 01:00  Sunday: 12:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>These hours to be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours of New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>The applicant advised that the provision of off sales was withdrawn from the application.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

3.	<p><b>Hours Premises Are Open to the Public</b></p> <p>Monday to Saturday: 08:00 to 01:00  Sunday: 08:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours of 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 report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

<b>Conditions attached to the Licence</b>
<p><b><u>Mandatory Conditions</u></b></p> <ol style="list-style-type: none"> <li>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</li> <li>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.</li> <li>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</li> <li>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.</li> </ol> <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> <ol style="list-style-type: none"> <li>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to; <ol style="list-style-type: none"> <li>(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</li> <li>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</li> </ol> </li> <li>(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</li> </ol>

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 subparagraph 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.

**Conditions Consistent with the Operating Schedule**



9. 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.

10. 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.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

12. There shall be no sales of alcohol for consumption off the premises after 23.00.

13. The tables and chairs in the courtyard shall only be used between 0800 and 23.00 each day.

14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

17. 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.

18. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.

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

20. A Challenge 21 or 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.

21. 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
- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service.

22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

23. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

24. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.

25. The premises shall only operate as a restaurant:

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

26. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

**7 UNIT 4, DEVELOPMENT SITE AT 111-119 CHARING CROSS ROAD, 1-12 MANETTE STREET, 1-4 WEDGWOOD MEWS AND 12-14 GREEK STREET**

**LICENSING SUB-COMMITTEE No. 4**

*Thursday 19<sup>th</sup> October 2017*

Membership: Councillor Jean Paul Floru (Chairman), Councillor Louise Hyams and Councillor Murad Gassanly

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Daisy Gadd

Relevant Representations: Environmental Health, The Licensing Authority, The Metropolitan Police and one local resident.

Present: Mr Alun Thomas (Solicitor, representing the applicant), Ms Rachel Pearse and Mr Nick Lawson (representing the applicant company), Mrs Sally Fabbriatore (Environmental Health), Mr David Sycamore (The Licensing Authority) and PC Sandy Russell (The Metropolitan Police).

**Unit 4, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews and 12-14 Greek Street (“The Premises”)  
17/09323/LIPST**

**1. Late Night Refreshment - Indoors**

Monday to Saturday: 23:00 to 01:00

Sunday: 23:00 to 23:30

**Seasonal Variations/Non-Standard Timings:**

These hours to be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours of New Year’s Day.

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Soho Estates Ltd for a provisional statement for a new premises licence in respect of Unit 4, Development Site at 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews and 12-14 Greek Street.

The Licensing Officer provided an outline of the application to the Sub-Committee.

Councillor Louise Hyams declared that she worked part-time for a planning

consultancy which had been involved in the planning application for the scheme but she had had no involvement, or held any discussions, with regards to the application before the Sub-Committee. As a result of the above declaration made by the Councillor the Sub-Committee felt that it was able to approach the application free from bias and with an open mind and so determined the same on its individual merits.

Mr Thomas, representing the Applicant, confirmed that the proposed off sales of alcohol had been withdrawn from the application along with all conditions relating to it. One resident had submitted a representation and this was in favour of the application with no residents objecting to the proposals. Mr Thomas acknowledged that the hours requested were beyond core hours however this was a purpose built development which would be unique in assisting in the dispersal of customers. The Council's model restaurant condition would be attached onto the licence ensuring it would not become a drink-led premises. It was recognised by the City Council's Statement of Licensing Policy ("SLP") that restaurants were less likely than bars or pubs to add to cumulative impact or create public disturbance in the local area.

Mr Nick Lawson, of Soho Estates, explained how the property had been purchased in 2012 with planning permission for the development granted in 2016. It was stated that the proposals for the scheme had been developed over four years taking into account the nearby Crossrail development. It was submitted that the premises would act as a venue where people could dwell and help ensure they didn't enter into the Soho district exacerbating issues their around cumulative impact and disturbance The Premises was well managed and secure with CCTV in operation, on-site security in place and a centralised waste management system provision. The site had been vacant for four years and the Sub-Committee noted that the street it was located on was not of a residential nature. Mr Thomas clarified that the external seating area was restricted to 23:00 hours and during the pre-application process with Environmental Health (EH) the proposed conditions had been agreed.

In response to a question from the Sub-Committee the applicant confirmed that the four units on the development would not be amalgamated. Soho Estates supported independent operators providing mid to high level quality restaurant offerings.

Mrs Fabbricatore, representing EH, confirmed that their proposed conditions had been agreed with the applicant. Initial public nuisance and safety concerns had been addressed however the capacity of the venue had yet to be agreed with EH.

PC Russell, representing The Metropolitan Police, was pleased to note the development as it was believed granting it would benefit the local neighbourhood and help combat anti-social behaviour and crime in the area late at night. The conditions proposed and agreed between the applicant and EH had been assessed and were considered sufficient to ensure the licensing objectives were promoted. The Metropolitan Police's representation was maintained however based on policy grounds.

	<p>Mr Sycamore, representing the Licensing Authority, confirmed that its representation was maintained. The hours requested were beyond core hours although the unique location of the Premises next to a tube station was acknowledged. Further clarity was requested however on how the Premises cumulative impact could be assessed whilst its proposed capacity was still unknown.</p> <p>Mr Thomas highlighted the unique nature of the development and emphasised how carefully considered and designed the application had been. The use of the Premises as a restaurant and the hours requested were considered appropriate for the local area and no evidence had been provided that it would add to cumulative impact or undermine the licensing objectives.</p> <p>The Sub-Committee considered the application and was satisfied that the conditions agreed between the applicant and EH were appropriate and would ensure that the licensing objectives were upheld. The addition of the model restaurant condition provided reassurance that the venue would not become an alcohol-led establishment. The unique location of the premises was considered and particular weight was given to the evidence provided by the Police with regards to how the new development would benefit the local neighbourhood and help combat anti-social behaviour and crime in the area late at night. The Sub-Committee therefore was of the opinion that whilst the hours requested were beyond core hours the Premises would not add to cumulative impact in the area and would actually assist in reducing disturbance in the local area. Having considered all the evidence before it the Sub-Committee therefore agreed to grant the application accordingly.</p> <p>The Sub-Committee considered that the conditions it had imposed on the Premises Licence to be appropriate and proportionate and to promote the licensing objectives.</p>
2.	<p><b>Sale by Retail of Alcohol – On and Off Sales</b></p> <p>Monday to Saturday: 10:00 to 01:00  Sunday: 12:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>These hours to be extended from the end of permitted hours on New Year’s Eve to the start of permitted hours of New Year’s Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>The applicant advised that the provision of off sales was withdrawn from the application.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

<b>3.</b>	<p><b>Hours Premises Are Open to the Public</b></p> <p>Monday to Saturday: 08:00 to 01:00  Sunday: 08:00 to 23:30</p> <p><b>Seasonal Variations/Non-Standard Timings:</b></p> <p>These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours of 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 report):</p> <p>The Sub-Committee granted the application, see reasons for decision in Section 1.</p>

<b>Conditions attached to the Licence</b>
<p><b><u>Mandatory Conditions</u></b></p> <p>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</p> <p>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.</p> <p>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> <p>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.</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> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p>(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</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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</p>

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 subparagraph 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.

**Conditions Consistent with the Operating Schedule**



9. 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.

10. 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.

11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

12. There shall be no sales of alcohol for consumption off the premises after 23.00.

13. The tables and chairs in the courtyard shall only be used between 0800 and 23.00 each day.

14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

17. 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.

18. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.

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

20. A Challenge 21 or 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.

21. 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
- g) any refusal of the sale of alcohol
- h) any visit by a relevant authority or emergency service.

22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

23. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

24. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.

25. The premises shall only operate as a restaurant:

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

26. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

## 8 TEMPORARY EVENT NOTICE - REIGN, 215-217 PICCADILLY, W1

### LICENSING SUB-COMMITTEE No. 4

Thursday 19 October 2017

Membership: Councillor Jean Paul Floru (Chairman), Councillor Murad Gassanly and Councillor Louise Hyams

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Persons Objecting: The Metropolitan Police.

Present: Mr Philip Kolvin (QC, representing the applicant), Ms Lana Tricker (Solicitor, representing the applicant), Mr David Diaz and Mr John Common (Representing the applicant company) and PC Adam Deweltz (The Metropolitan Police).

**Reign, 215-217 Piccadilly, London, W1J 9HF ("The Premises")  
17/11071/LITENP (Temporary Event Notice)**

#### Proposal:

- **The sale by retail of alcohol;**
- **Provision of Regulated Entertainment; and**
- **Late Night Refreshment.**

#### Event Period:

- **00:00 on 21 October 2017 until 04:00 on 21 October 2017; and**
- **21:00 on 21 October 2017 until 04:00 on 22 October 2017.**

#### Decision:

The Sub-Committee considered an application for a Temporary Event Notice in respect of Reign, 215-217 Piccadilly, London, W1J 9HF.

The Licensing Officer provided an outline of the application to the Sub-Committee.

In response to a question from the Sub-Committee the applicant confirmed that the sole effect of the notice was to permit a last entry time of 01:30 instead of 00:30.

Mr Kolvin, representing the applicant, suggested that since the Premises had been operated by the current owners the Police appeared to be satisfied with the style of operation currently in place. No complaints had been submitted to Environmental Health (EH) and the Police had not been notified of any issues arising from the Premises in relation to crime and disorder. There had only been one incident and this

related to an issue which had subsequently been detected with the ID scanners. The issue with the machine was one that had also subsequently been detected on other scanners located at different venues. The Sub-Committee was advised that the Premises was highly serviced with thirty-eight staff on site during operating hours. The incident in question related to a customer who had been in the Premises for approximately one hour and when he displayed signs of intoxication safety procedures were followed. The customer was assessed, his friends were summoned following which he walked out of the Premises and continued further down the street where he then subsequently collapsed to the floor. The Premises staff were unaware of the incident until the customer's parents contacted them explaining that he was underage and had gained entry to the Premises using a fake ID. The applicant contacted the ID scanner provider immediately to ascertain any issues with the machines and straightaway implemented extra ID checking processes. Discussions with the Police had taken place and Mr Kolvin suggested that they were content that the applicant had done everything possible to ensure such a situation did not happen again. Mr Kolvin confirmed that the application was not seeking to change the capacity of the Premises.

In response to a question from the Sub-Committee Mr Kolvin explained that the fault detected with the ID scanner had been found on other machines at different premises. Discussions with the supplier were underway to rectify the issue. It was confirmed that since the incident the Applicant had increased human ID checks and staff had received specialist training and therefore it was submitted that the appropriate remedial action had been undertaken to promote the licensing objectives.

The Sub-Committee was given the rationale for submitting the application in the first place and Mr Kolvin explained that the Premises was a late night venue which catered for wealthy people of high standing. The operating model depended on customers entering the venue, following a meal for example, during peak hours. No special events were to be held during the operation of the TEN and the venue would operate as usual.

PC Deweltz, representing the Metropolitan Police, confirmed that its representation was maintained based on the grounds that the application undermined the licensing objective of preventing children from harm. Condition 55, which related to a last entry time on the current premises licence, existed because of a review brought by the Police in January 2017. The Premises had subsequently closed and the licence had then transferred to the current operator. PC Deweltz confirmed that there was no link between the current and previous operators. On 24 August 2017 the applicant had applied for a variation to the premises licence to extend the last entry time to 01:30. The Sub-Committee decided to retain a last entry of 00:30 as the Applicant had not yet demonstrated their ability for this condition to be relaxed. As a result, the applicant had submitted a number of TENs which were granted allowing the last entry time to be extended to 01:30. These were granted as they were only for weekends and they provided an opportunity for the Applicant to display that it could responsibly manage a last entry time of 01:30. Subsequently on 24 September 2017 a 17-year-old minor was permitted to access the Premises using a fake ID. The ID scanner in operation did approve the fake ID however if a staff member had clicked onto the screen of the scanner it would have shown that the ID had expired. This irregularity would have been flagged up and then staff members would have had the opportunity to ask questions of the customer and properly assess his level of

drunkenness.

PC Deweltz explained that when the individual then entered the venue he became visibly inebriated after consuming alcohol. The General manager then spoke to the individual as would be expected. At no point did the Premises SIA turn on their body cameras as should be the protocol when dealing with a vulnerable person who was clearly inebriated. The staff had a duty of care for the individual and an ambulance should have been called when the individual collapsed to the floor. PC Deweltz confirmed that between leaving the Premises and collapsing to the floor the individual had his watch stolen and a crime report had been submitted. The Sub-Committee was shown three videos of the individual immediately after leaving the Premises.

Mr Kolvin stated that the individual was assessed inside the Premises and then he exited with his friends in a cogent, unaided, manner. He walked away from the venue and then seven minutes later subsequently collapsed. The Premises staff were unaware this had occurred on the night it occurred. The Sub-Committee was shown CCTV footage of the individual exiting the Premises.

PC Deweltz highlighted that there were four areas of concern that the Sub-Committee needed to take into consideration. Firstly, the individual was only seventeen years old. Secondly, the individual had entered the Premises after 00:30 because the venue was operating under a TEN. Thirdly, the individual became so intoxicated he had to be conveyed to a hospital by an ambulance. Fourthly, during the incident the individual's watch was stolen.

In response to a question from the Sub-Committee Mr John Common, the General Manager of the Premises, confirmed there was a policy in place to keep intoxicated people within the venue and provide them with a safe space where they could sober up. In this instance the individual was assessed and was judged to be sober enough to leave as evidenced by the fact he walked away from the Premises unaided.

The Council's Legal Adviser asked PC Deweltz if in his opinion the operator failed in relation to their management duties on this occasion and failed to promote the licensing objectives? PC Deweltz confirmed to the Sub-Committee that in his opinion the operator had failed in their duty of care to the customers and a more proactive approach could have been taken. It was acknowledged that there was a deficiency with the ID scanner however the licensing objectives were not promoted on this occasion.

Mr Kolvin responded that the individual had been assessed, his ID had successfully passed through the scanner and when it was recognised that he was inebriated he was taken outside the venue. The operator had learned from this experience and further measures had now been introduced which the Police were satisfied with. PC Deweltz confirmed that no issues had been reported with regards to the operation of other TENs at the Premises.

Following a suggestion from the Sub-Committee the applicant agreed to sign the Premises up to the Best Bar None accreditation scheme.

After carefully considering the application the Sub-Committee requested that the Council's Policy Adviser provide an update on how Westminster City Council aim to

prevent situations like the one detailed before it from occurring. The Policy Adviser informed all parties present that the launch of Westminster City Council's Licensing Charter was expected at the end of October 2017. It was specifically aimed at helping and safeguarding people in such circumstances as described earlier. It was an industry led, voluntary scheme and had been developed in consultation with a number of responsible operators throughout the borough. It was based on the Best Bar None scheme and the Council encouraged as many operators as possible to sign up to it.

The Sub-Committee noted the severity of the incident in question and had carefully considered all the evidence provided by all parties. The Sub-Committee was, persuaded by the arguments, advanced by the Applicant that the said incident was merely a one off and that proper measures had now been put in place to prevent a re-occurrence. However, this application was for a TEN and the Sub-Committee felt this would provide an opportunity for the operator to demonstrate that extending the last permitted entry time for a limited time period would not undermine the licensing objectives. Previous TEN applications operated at the venue had not caused any concern and following the incident the applicant had introduced further stringent measures to ensure it would not happen again. The applicant had stated that lessons had been learned and allowing the TEN would provide the applicant with an opportunity to demonstrate that this was the case and that the licensing objectives would be promoted. Further reassurance was provided by the applicant's confirmation that it would sign up to the Best Bar None scheme. The application was therefore granted accordingly having regard to the responsible steps the Applicant undertook following the incident, in relation to training of staff, co-operation with the Police and the Applicant's unblemished track-record to date.

## 9 TEMPORARY EVENT NOTICE - REIGN, 215-217 PICCADILLY, W1

### LICENSING SUB-COMMITTEE No. 4

Thursday 19 October 2017

Membership: Councillor Jean Paul Floru (Chairman), Councillor Murad Gassanly and Councillor Louise Hyams

Legal Adviser: Horatio Chance

Policy Adviser: Chris Wroe

Committee Officer: Tristan Fieldsend

Presenting Officer: Heidi Lawrance

Relevant Persons Objecting: The Metropolitan Police.

Present: Mr Philip Kolvin (QC, representing the applicant), Ms Lana Tricker (Solicitor, representing the applicant), Mr David Diaz and Mr John Common (Representing the applicant company) and PC Adam Deweltz (The Metropolitan Police).

**Reign, 215-217 Piccadilly, London, W1J 9HF (“The Premises”)  
17/11073/LITENP (Temporary Event Notice)**

#### Proposal:

- **The sale by retail of alcohol;**
- **Provision of Regulated Entertainment; and**
- **Late Night Refreshment.**

#### Event Period:

- **00:00 on 28 October 2017 until 04:00 on 28 October 2017; and**
- **21:00 on 28 October 2017 until 04:00 on 29 October 2017.**

#### Decision:

The Sub-Committee considered an application for a Temporary Event Notice in respect of Reign, 215-217 Piccadilly, London, W1J 9HF.

The Licensing Officer provided an outline of the application to the Sub-Committee.

In response to a question from the Sub-Committee the applicant confirmed that the sole effect of the notice was to permit a last entry time of 01:30 instead of 00:30.

Mr Kolvin, representing the applicant, suggested that since the Premises had been operated by the current owners the Police appeared to be satisfied with the style of operation currently in place. No complaints had been submitted to Environmental Health (EH) and the Police had not been notified of any issues arising from the Premises in relation to crime and disorder. There had only been one incident and this

related to an issue which had subsequently been detected with the ID scanners. The issue with the machine was one that had also subsequently been detected on other scanners located at different venues. The Sub-Committee was advised that the Premises was highly serviced with thirty-eight staff on site during operating hours. The incident in question related to a customer who had been in the Premises for approximately one hour and when he displayed signs of intoxication safety procedures were followed. The customer was assessed, his friends were summoned following which he walked out of the Premises and continued further down the street where he then subsequently collapsed to the floor. The Premises staff were unaware of the incident until the customer's parents contacted them explaining that he was underage and had gained entry to the Premises using a fake ID. The applicant contacted the ID scanner provider immediately to ascertain any issues with the machines and straightaway implemented extra ID checking processes. Discussions with the Police had taken place and Mr Kolvin suggested that they were content that the applicant had done everything possible to ensure such a situation did not happen again. Mr Kolvin confirmed that the application was not seeking to change the capacity of the Premises.

In response to a question from the Sub-Committee Mr Kolvin explained that the fault detected with the ID scanner had been found on other machines at different premises. Discussions with the supplier were underway to rectify the issue. It was confirmed that since the incident the Applicant had increased human ID checks and staff had received specialist training and therefore it was submitted that the appropriate remedial action had been undertaken to promote the licensing objectives.

The Sub-Committee was given the rationale for submitting the application in the first place and Mr Kolvin explained that the Premises was a late night venue which catered for wealthy people of high standing. The operating model depended on customers entering the venue, following a meal for example, during peak hours. No special events were to be held during the operation of the TEN and the venue would operate as usual.

PC Deweltz, representing the Metropolitan Police, confirmed that its representation was maintained based on the grounds that the application undermined the licensing objective of preventing children from harm. Condition 55, which related to a last entry time on the current premises licence, existed because of a review brought by the Police in January 2017. The Premises had subsequently closed and the licence had then transferred to the current operator. PC Deweltz confirmed that there was no link between the current and previous operators. On 24 August 2017 the applicant had applied for a variation to the premises licence to extend the last entry time to 01:30. The Sub-Committee decided to retain a last entry of 00:30 as the applicant had not yet demonstrated their ability for this condition to be relaxed. As a result, the applicant had submitted a number of TENs which were granted allowing the last entry time to be extended to 01:30. These were granted as they were only for weekends and they provided an opportunity for the applicant to display that it could responsibly manage a last entry time of 01:30. Subsequently on 24 September 2017 a 17-year-old minor was permitted to access the Premises using a fake ID. The ID scanner in operation did approve the fake ID however if a staff member had clicked onto the screen of the scanner it would have shown that the ID had expired. This irregularity would have been flagged up and then staff members would have had the opportunity to ask questions of the customer and properly assess his level of



drunkenness.

PC Deweltz explained that when the individual then entered the venue he became visibly inebriated after consuming alcohol. The General manager then spoke to the individual as would be expected. At no point did the Premises SIA turn on their body cameras as should be the protocol when dealing with a vulnerable person who was clearly inebriated. The staff had a duty of care for the individual and an ambulance should have been called when the individual collapsed to the floor. PC Deweltz confirmed that between leaving the Premises and collapsing to the floor the individual had his watch stolen and a crime report had been submitted. The Sub-Committee was shown three videos of the individual immediately after leaving the Premises.

Mr Kolvin stated that the individual was assessed inside the Premises and then he exited with his friends in a cogent, unaided, manner. He walked away from the venue and then seven minutes later subsequently collapsed. The Premises staff were unaware this had occurred on the night it occurred. The Sub-Committee was shown CCTV footage of the individual exiting the Premises.

PC Deweltz highlighted that there were four areas of concern that the Sub-Committee needed to take into consideration. Firstly, the individual was only seventeen years old. Secondly, the individual had entered the Premises after 00:30 because the venue was operating under a TEN. Thirdly, the individual became so intoxicated he had to be conveyed to a hospital by an ambulance. Fourthly, during the incident the individual's watch was stolen.

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The Council's Legal Adviser asked PC Deweltz if in his opinion the operator failed in relation to their management duties on this occasion and failed to promote the licensing objectives? PC Deweltz confirmed to the Sub-Committee that in his opinion the operator had failed in their duty of care to the customers and a more proactive approach could have been taken. It was acknowledged that there was a deficiency with the ID scanner however the licensing objectives were not promoted on this occasion.

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prevent situations like the one detailed before it from occurring. The Policy Adviser informed all parties present that the launch of Westminster City Council's Licensing Charter was expected at the end of October 2017. It was specifically aimed at helping and safeguarding people in such circumstances as described earlier. It was an industry led, voluntary scheme and had been developed in consultation with a number of responsible operators throughout the borough. It was based on the Best Bar None scheme and the Council encouraged as many operators as possible to sign up to it.

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**10 TEMPORARY EVENT NOTICE - THE LOOP, GROUND FLOOR, 19 DERING STREET, W1**

The application was withdrawn from the agenda.

**11 TEMPORARY EVENT NOTICE - THE LOOP, BASEMENT, 19 DERING STREET, W1**

The application was withdrawn from the agenda.

**12 TEMPORARY EVENT NOTICE - THE LOOP, SUB-BASEMENT, 19 DERING STREET, W1**

The application was withdrawn from the agenda.

**13 TEMPORARY EVENT NOTICE - CONTINENTAL FOOD AND WINE, 24 CRAVEN ROAD, W1**

The application was withdrawn from the agenda.

The Meeting ended at 11.30 am

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_