



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (5)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** held on **Thursday 19th April, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Peter Freeman (Chairman), Susie Burbridge and Murad Gassanly

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 TROCADERO HOTEL / SKY BAR & RESTAURANT, 13 COVENTRY STREET, W1

LICENSING SUB-COMMITTEE No. 5

Thursday 19th April 2018

Membership: Councillor Peter Freeman (Chairman), Councillor Susie Burbridge and Councillor Murad Gassanly

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Heidi Lawrance

Relevant Representations: The Licensing Authority, The Metropolitan Police, Environmental Health and Two Local Residents

Present: Ms Lisa Sharkey (Solicitor, representing the Applicant), Mr Jasdeep Sodhi (Hotel Manager), Mr Graham Marskell (Managing Director of Bespoke Hotels), PC Sandy Russell (Metropolitan Police), Mr Ian Watson (Environmental Health) and Miss Daisy Gadd (Licensing Authority)

<p>Trocadero Hotel/Sky Bar & Restaurant, 13 Coventry Street, London, W1W 7DH ("The Premises") 18/00656/LIPN</p>

1.	<p>Live Music, Recorded Music and Performance of Dance - Indoors</p> <p>Monday to Sunday: 10:00 to 02:00</p> <p>Further Details:</p> <p>Live entertainment and recorded music will be on the 12th and 13th floors.</p> <p>The performance of dance may be provided from time to time on the 12th and 13th floors as ancillary to events, functions or dining.</p>
	<p>Amendments to application advised at hearing:</p> <p>Following a proposal from the applicant the Sub-Committee agreed to remove the provision of regulated entertainment, save for recorded music, from the licence.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Trocadero (London) Hotel Ltd for a new premises licence in respect of the Trocadero Hotel/Sky Bar & Restaurant.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that one of the residential representations had been withdrawn.</p> <p>Ms Sharkey, representing the Applicant, provided an outline of the nature of the application. It was submitted that the Applicant was submitting three applications overall, of which Criterion Capital owned all three buildings. Criterion Capital were seeking to redevelop these buildings in order to open three hotels. The Sub-Committee were advised that under a Management Agreement, Bespoke Hotels would operate the hotels with Criterion Capital acting as the landlords. Mr Graham Marskell, the Managing Director of Bespoke Hotels, confirmed that they managed eighty hotels throughout the UK including six located in London. Sixty-five of these were managed on behalf of other investors similar to the current application before the Sub-Committee. Mr Sodhi, the Hotel Manager, was also experienced as a hotelier and had worked in the hotel industry for eight years.</p> <p>Ms Sharkey advised that the Trocadero Hotel/Sky Bar and Restaurant application was proposing to open a seven hundred and forty-bedroom hotel. On the twelfth floor there would be a bar and restaurant with an external garden area. A restaurant would be located on the thirteenth floor with function facilities available to hold conferences or promotional events. Residents of nearby Coventry House had expressed concern over potential nuisance from the music aspect of the application. The application had subsequently therefore been amended to restrict regulated entertainment to the thirteenth floor function room. This function room was an enclosed space facing Shaftesbury Avenue away</p>

from Coventry House. Conditions had also been agreed with Environmental Health (EH) which included the use of a sound limiter to ensure no residents would be disturbed through the playing of music. This was to ensure that the public nuisance licensing objective was not being undermined. In addition, the entrance to the hotel would be situated away from Coventry House.

The Sub-Committee noted that there would be a centrally located security office based within the hotel, which would be manned twenty-four hours a day.

Restaurant conditions had been offered for the thirteenth floor with the exception of the function room. Further flexibility on the twelfth floor was requested to allow customers to consume alcohol without dining. It was envisaged however that most customers would dine, as a substantial food menu would be offered. The redevelopment of the twelfth and thirteenth floors with an incorporated external garden would cost approximately £30 million. The intention was to create an exceptional, world-class open air roof top garden bar and restaurant. Overall, the investment in the three hotels was worth approximately £511 million employing in the region of five-hundred staff across the three sites. It was proposed to surrender the two existing premises licences at the site, which formerly traded as nightclubs. These licences allowed the sale of alcohol and regulated entertainment until 03:00 hours, seven days a week (except Sunday until 00:30 hours on one of the licences). The licences had a total capacity of 1,700 customers. The applications before the Sub-Committee could be considered an exception to policy as they proposed a very different style of operation with a reduction in hours and an overall total reduction in capacity of four hundred and seventy five people over the three Premises all located in a Cumulative Impact Area (CIA).

Ms Sharkey provided details on several conditions proposed by the applicant and suggested amendments by the Police.

- The Sub-Committee was requested that 10% of the twelfth floor capacity be permitted to use the bar area and not the maximum of forty as proposed by the Police. Forty customers was considered quite low in comparison to other hotel bars located close by. The Sub-Committee was assured that vertical drinking would not be encouraged.
- The Police had requested no dancing facilities on the twelfth and thirteenth floors. The Applicant was proposing to restrict this to the twelfth floor only but would accept the Police's condition if deemed necessary.
- The Applicant was proposing to impose a restaurant condition on the thirteenth floor but with certain exceptions including hotel residents and their guests. The Police amendment would require hotel residents and their bona fide guests to take a substantial meal in order to be sold alcohol. Ms Sharkey explained that this floor could only be accessed by residents through the ground floor lobby area and therefore staff could control and manage who accessed the bar area.
- It was proposed to keep the condition restricting the consumption of alcohol to no more than thirty minutes after the permitted terminal hour for the supply of alcohol with the exception of residents and their bona fide guests.

- Agreement could not be reached with the Police regarding the number of SIA registered door staff to be on duty. The Sub-Committee was advised that the Police's recommendations would result in one door staff for every twenty guests after 22:00 hours, which was deemed excessive and financially prohibitive. The Applicant was proposing for a second SIA staff to be on duty after 17:00 hours following which risk assessments would be undertaken with regards to requiring additional SIA staff.
- The Police had requested that an ID scanner be utilised for customers entering the Premises. The Applicant deemed this not necessary as the Premises was primarily a dining venue providing substantial meals. 90% of customers would be seated and provided with a full table service. It was not anticipated that customers would drink significant volumes of alcohol and therefore the use of ID scanners was not compatible with the proposed style of operation. The admission of customers would still be subject to vetting after 23:00 hours as appropriate.
- The Police's proposed condition requiring SIA registered door staff to wear Body Worn Video was accepted.

Ms Sharkey detailed the remaining conditions agreed between the Applicant and the Police and highlighted repetitions which could be deleted. The following two conditions however had not been agreed between the parties:

- The Police requested that after 22:00 hours all drinking vessels used should be polycarbonate. The applicant did not deem this appropriate due to the style of operation of the Premises.
- The Police wanted a toilet attendant to be on duty during the whole time they were in use. The applicant was of the opinion that it was unnecessary for a staff member to be in attendance at toilets at all times. The Sub-Committee was assured that they would however, would be regularly checked and cleaned.

Ms Sharkey acknowledged that the application was seeking to operate beyond core hours and was not accepting the full imposition of the model restaurant condition. The Sub-Committee was urged to consider the Premises an exception to policy however due to the surrender of the two nightclub licences, the different offer it would provide, its lower capacity and a reduction in hours. The conditions proposed could be considered fit for the style and nature of the Premises however the core hours would not be suitable to the type of operation the Applicant was trying to deliver.

The Sub-Committee expressed concern that there was the potential on the thirteenth floor for large numbers of hotel residents and their bone fida guests to drink alcohol in this area without dining. In response to a question, Ms Sharkey explained it was not the Premises intention for customers to drink alcohol only on this floor. Further concern was raised over the function area and how many functions were envisaged taking place. Mr Sodhi explained that it was planned to hold two to three private functions on the thirteenth floor each week where guests would be permitted to drink alcohol only.

PC Russell, representing the Metropolitan Police, highlighted several of the

hotels located in close proximity to the Trocadero building and previous serious issues experienced with their bar areas. Changes had subsequently been introduced at these hotels, which had improved the situation, and whilst these changes may not have been conditioned on the licence, they had introduced such measures as ID scanners and searches. It was important that the venue did not become a nightclub and the importance of undertaking searches was stressed to ensure the safety of customers but ultimately would promote the crime and disorder licensing objective. The Sub-Committee was also asked to consider the number of SIA door staff in the lobby area, which the Police were requesting. It was recognised that the Premises was located in a CIA and as such the implementation of a dispersal plan drawn up in conjunction with the Police was requested as the application would result in a significant number of people exiting the Premises into a CIA. PC Russell noted that the applicant did not propose to operate the Premises as a bar. It was however requested that the model restaurant condition be imposed on the twelfth and thirteenth floors as it was important that the same issues encountered with other premises nearby was not replicated.

Mr Watson, representing Environmental Health, highlighted the importance of ensuring the Premises did not operate as a nightclub. It was also important to ensure there was adequate means of escape from the building, which the proposed redevelopment had successfully addressed. There remained concern over the use of the garden area due to its capacity of seven hundred and fifty people and its potential to create public nuisance. It was requested that a noise limiter condition be added to the licence to prevent any disturbance to local residents. It was noted that three lifts would service the twelfth and thirteenth floors from the ground floor lobby and the possibility of ensuring the lifts were staffed was raised. It was acknowledged however that the lobby was considered a large area and as such, there was adequate space to permit a queue if necessary but that this area was to be properly managed.

Miss Gadd, representing the Licensing Authority, advised that it was sought to limit the numbers of customers in the twelfth floor bar area to forty as the City Council's Statement of Licensing Policy (SLP) recognised that capacity conditions would promote the licensing objectives. Paragraph 2.4.15 of the SLP discouraged vertical drinking whilst the application before the Sub-Committee did not require all the customers to be seated. The thirteenth floor had to be considered under section PB2 of the SLP as the restaurant model condition was not attached to it and this area then had to be defined as a bar and not a restaurant. As such according to the SLP this application would then have been refused as it was located within a CIA and proposed to sell alcohol beyond core hours. Whether the proposal to surrender the two nightclub licences made it an exception to policy the Sub-Committee had to determine on its merits having regard to the evidence before it

In response, Ms Sharkey highlighted the Applicant's willingness to produce a dispersal plan in conjunction with the Police. A condition was also proposed for the Premises to have an agreement with a local taxi firm to ensure the safe dispersal of customers from the venue. To address several other of the concerns raised by the responsible authorities' changes to the operation of the thirteenth floor were proposed. The Applicant would accept the model restaurant condition

on the thirteenth floor provided that there was the provision for a holding bar which could be used by customers to consume alcohol before taking a meal. In addition, to provide further reassurance that the Premises would not become a source of disturbance it was proposed to remove any function facilities from the thirteenth floor. It was still requested that the twelfth floor be provided with more flexibility. However, if concerns over drinking alcohol in this area remained the Applicant was willing for 50% of the floor area to have the model restaurant condition attached to it. Concerning the garden area, its capacity was seven hundred and fifty but this was an absolute maximum and it was very unlikely that this capacity would ever be reached.

With regards to other conditions proposed by the Police Ms Sharkey confirmed that the Applicant would introduce random searches and also have a toilet attendant in situ from 22:00 hours at the Premises to provide further reassurance. A sound limiter condition could be introduced and if the Sub-Committee wanted to remove the provision of regulated entertainment this would be accepted by the Applicant. The number of SIA staff proposed by the Police was rejected however, due to the expense involved and therefore requested that this remain as originally proposed in the application. The Premises did not encourage vertical drinking and was positioning itself as a high-end destination venue.

Ms Sharkey brought to the Sub-Committee's attention various sections of the Council's SLP, which detailed what could be considered an exception to Policy. This included not encouraging vertical drinking, taking into account the application's individual circumstances and the surrender of the two nightclub licences. What was proposed and its style of operation could be considered a significant improvement on the two licences currently permitted.

Mr Watson confirmed the two licences relating to the nightclubs were enforcement intensive. The proposals were for a high-end venue providing primarily a dining experience. The bar and restaurant were not directly accessible from the street and the provision of a roof top bar usually created a more relaxed environment. In conclusion, the proposal was an improvement on the two nightclub licences currently permitted.

PC Russell agreed that the nightclubs had been a source of disturbance and the proposals before the Sub-Committee would improve the situation if they were food led.

Miss Gadd maintained the Licensing Authority's position that the model restaurant condition should be imposed across both the twelfth and thirteenth floors along with a specified capacity of forty on the twelfth floor bar area.

Having carefully considered all the evidence the Sub-Committee agreed to grant the application subject to conditions. The Sub-Committee was of the opinion that the Applicant was able to demonstrate that there were exceptional grounds for granting the application having regard to the West End Cumulative Impact Policy. The Sub-Committee accepted the applicant's offer to surrender the two premises licences 15/02410/LIPT and 14/11478/LIDPSR as an appropriate and proportionate measure because overall this would have the expected benefit of

	<p>reducing numbers within the CIA. The Sub-Committee also noted that the Premises would not operate as a nightclub leading to the concerns raised by the Police in relation to the potential for crime and disorder within the area which resulted in a drain on Police resources within the area.</p> <p>The Sub-Committee accepted the Applicant's proposal to withdraw regulated entertainment from the licence; save for recorded music, and with the noise limiter condition, this would help limit any disturbance to local residents. As the Premises was located in a CIA the importance of ensuring there was a dispersal plan for customers was stressed and it was requested that this be produced in consultation with the Police that would help promote the crime and disorder licensing objective.</p> <p>Due to the style and food-led nature of the operation, the model restaurant condition was not imposed on the twelfth floor. The bar area had been raised as a concern but the number of customers in this area would be limited to 10% of the capacity up to a maximum of seventy-five persons. However to ensure the licensing objectives were upheld it was considered appropriate overall to impose the model restaurant condition, without any exceptions, on the thirteenth floor. The Sub-Committee considered this resolution appropriate for the Premises' location and the hours requested.</p> <p>The Sub-Committee did have careful regard to the concerns expressed by the Licensing Authority, the Police, Environmental Health and the local residents but considered the conditions proposed to be appropriate and proportionate in the all of the circumstances. After careful consideration the Sub-Committee was satisfied that the Premises could be considered an exception to policy, would not add to cumulative impact and would promote the licensing objectives for the reasons given above. The Sub-Committee therefore granted the application accordingly.</p>
2.	<p>Late Night Refreshment - Indoors</p> <p>Monday to Sunday: 23:00 to 02:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the application (see reasons for decision in Section 1).</p>
3.	<p>Sale by Retail of Alcohol – On Sales</p> <p>Monday to Sunday: 10:00 to 02:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).
4.	Hours Premises are Open to the Public Monday to Sunday: 00:00 to 00:00
	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).

Conditions attached to the Licence
<p><u>Mandatory Conditions</u></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>

- (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. Premises Licences 15/02410/LIPT and 14/11478/LIDPSR relating to 1–4 Leicester Square which allow licensable activities until 03:00 hours with a combined capacity of 1,770 will be surrendered, subject to the grant of this application together with two further premises licences for Assembly Hotel, Alhambra House, 27-31 Charing Cross Road, London WC2H 0LS and Hotel Indigo, 1-4 Leicester Square, London WC2H 7NA. The licences to be surrendered before the opening of the Trocadero Hotel at which time this condition shall be removed by the Licensing Authority.

10. There shall be no sales of hot food or hot drink for consumption 'off' the premises after 23:00 hours.

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

- a. 12th floor 750 persons
- b. 13th floor 250 persons

Maximum capacity to be determined on final works clearance.

12. On the 12th floor, seating shall be provided for all customers with the exception of 10% (no more than 75 customers) of the capacity who may be within the bar area. Customers using the internal bar and restaurant areas will be seated. It is acknowledged that customers will walk around the external terrace/seasonal garden.

13. There shall be no facilities for dancing on the 12th and 13th floors.

14. The Premises on the 13th floor 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.
- (vii) A maximum of 75 persons will be permitted in the holding bar area awaiting to dine.

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

15. For any pre-booked event or occasion when a guest list is in operation, only a

Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by the Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. This list will be kept for a period of 28 days following the event and will be made available immediately for inspection upon request by a Police Officer or Council Officer.

16. Other than the provision of recorded music, all regulated entertainment shall be restricted to the function room/rooms on the 13th floor.

17. All windows and external doors leading to the 12th floor roof terrace shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.

18. Admission to the 12th and 13th floor licensed areas from the street by members of the public shall be via the entrance adjacent to the hotel reception area only.

19. No alcohol shall be consumed by the customers more than 30 minutes after the permitted terminal hour for the supply of alcohol.

20. There shall be at least one SIA registered member of door staff on duty in the lobby area at all times. This shall increase to 2 from 21:00 hours. There shall be at least 1 SIA registered member of door staff on duty on the 12th and 13th floors while the premises are open for licensable activities. This shall increase to a ratio as follows:

- i) 1:100 customers from 22:00 hours on the 13th floor until close; and
- ii) 1:50 customers from 22:00 hours on the 12th floor until close.

From 17:00 hours a member of staff shall be located in the ground floor reception area to greet and direct patrons to the 12th and 13th floor bar area and restaurant.

21. The admission of customers to the 12th and 13th floor restaurant areas after 23:00 hours shall be subject to vetting as agreed from time to time by the police. Such agreement to be in writing and available for inspection upon request to the Police or Licensing Authority.

22. From 17:00 hours, one member of SIA registered door staff shall be deployed to the ground floor entrance lobby and shall wear a Body Worn Video Camera.

23. From 21.00 at least 1 SIA registered door supervisor door supervisor deployed to each floor (12th and 13th) shall wear a Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings for BWV 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 preceding 31-day period.

24. When Body worn video systems are in use then they will be deployed immediately during any verbal altercation or use of force by any member of staff.

25. All staff engaged in the use of Body Worn Video shall receive relevant training to

ensure they are confident in its use. A record will be kept on the premises of which staff have been trained. This record will be available to the relevant authority for inspection upon request.

26. The premises shall install and maintain a comprehensive CCTV and Body Worn Video system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points, lifts (internal area) and lift areas 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.

27. 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 premise is open for licensable activities. 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 (including where applicable any Body Worn Video system).

28. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

29. 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) any faults in the CCTV system,
- f) any refusal of the sale of alcohol,
- g) any visit by a relevant authority or emergency service.

30. 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.

31. 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.

32. If deemed necessary by Environmental Health, 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 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.

33. Loudspeakers shall not be located in the entrance lobby or outside the premises building. (This shall not apply to the 12th floor roof terrace.) Recorded music and live music shall not be performed beyond 22:00 hours on the 12th floor external terrace.

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

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

36. 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.

37. 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.

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

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

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

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

42. 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.

43. 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.

44. With the exception of fresh produce, linen and newspapers no deliveries to the

premises shall take place between 23:00 and 08:00 hours the following day.

45. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

46. Before the premises open to the public the plans as deposited will be checked by the Police and Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority. This condition shall be removed by the Licensing Team once satisfied.

47. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.

48. Any events which are not pre-booked private or corporate events but are externally promoted events shall be notified to the Metropolitan Police service. A risk assessment will be completed (696 or equivalent) and submitted within 14 days prior to the event, or such less time as agreed with the Police. When carrying out the risk assessment for the event and holding the event, the premises will take into account any reasonable advice received from the Westminster Police Licensing Team and the Central Clubs/Promoters Police Team who receive the Form 696 (or equivalent) and upon reasonable request by Police the venue will not run the event.

49. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by SIA trained personnel so as to ensure that there is no public nuisance or obstruction to the public highway.

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

51. Any externally promoted events held at the venue shall be notified to the Metropolitan Police Service. A form 696 (or equivalent) will be completed and submitted within 14 days prior to the event, or such less time as agreed with the Police. When carrying out the risk assessment for the event and holding the event, the premises will take into account any reasonable advice received from the Westminster Police Licensing Team and the Central Clubs/Promoters Police Team who receive the Form 696 (or equivalent) and upon reasonable request by Police the venue will not run the event.

52. A representative of the premises licence holder shall attend the local Pub watch meetings.

53. No entry/Re-entry (excluding persons exiting to smoke) to the premises after 01:00 hours or such time as agreed in writing by Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).

54. All persons/bags entering or re-entering the premises after 21.00hrs shall be

searched by a SIA licensed member of staff and monitored by the premises CCTV system.

55. All smoking areas to be designated on the 12th floor Terrace shall be monitored by at least one door supervisor and covered by the venue's CCTV system as indicated on the Premises Plan.

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

57. An attendant shall be on duty in the male and female toilets areas (within the licenced area) from 21:00 hours.

58. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

59. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.

60. From Monday to Sunday after 21:00 all patrons attempting to gain entry or re-entry will be subject to a search.

61. After 21:00 Monday to Sunday, upon entry all bags are to be opened and searched. A general search policy shall be implemented as agreed with the Westminster Police Licensing Team and documented. In accordance with the general search policy, searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of permitted hours or until there are no further admissions.

62. In the event that an **assault involving an injury or of a sexual nature** is committed on the premises (or appears to have been committed), the management will immediately ensure that:

- a. the Police (and, where appropriate, the London Ambulance Service) are called without delay;
- b. all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;
- c. the crime scene is preserved so as to ensure a full forensic investigation to be carried out by the Police;
- d. such other measures are taken (as appropriate) to fully protect the safety of all persons on the premises.

63. After 21:00, or as agreed with the Westminster Police Licensing Team in writing (and a copy of any agreement to be held at reception) any designated queuing and smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear and constantly monitored by security personnel and/or staff.

64. After 21:00 Monday to Sunday an attendant shall be on duty in any designated male and female toilets.

65. No entry / Re-entry (excluding persons exiting to smoke) to the premises after 01:00 hours or such time as agreed in writing by Westminster Police Licensing Unit (and a copy of any agreement to be held at reception).

The Sub-Committee raised as an informative that the Applicant is to produce and submit a dispersal plan in close consultation with the Police, EH, Licensing Authority to ensure the promotion of both the Public Nuisance and Crime and Disorder Licensing Objectives.

2 HOTEL INDIGO, 1-4 LEICESTER SQUARE, WC2

LICENSING SUB-COMMITTEE No. 5

Thursday 19th April 2018

Membership: Councillor Peter Freeman (Chairman), Councillor Susie Burbridge and Councillor Murad Gassanly

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Heidi Lawrance

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

Present: Ms Lisa Sharkey (Solicitor, representing the Applicant), Mr Jasdeep Sodhi (Hotel Manager), Mr Graham Marskell (Managing Director of Bespoke Hotels), PC Sandy Russell (Metropolitan Police), Mr Ian Watson (Environmental Health) and Miss Daisy Gadd (Licensing Authority)

Hotel Indigo, 1-4 Leicester Square, London, WC2H 7NA ("The Premises") 18/00654/LIPN

1. Recorded Music - Indoors

Monday to Sunday: 10:00 to 02:00

Seasonal Variations/Non-Standard Timings:

Recorded music may be provided from time to time in the 9th floor bar and restaurant. The music will be amplified. There shall be no music played in the 9th floor external terrace area of the Premises.

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 Leicester Square (London) Hotel Ltd for a new premises licence in respect of Hotel Indigo, 1-4 Leicester Square, London, WC2H 7NA.

The Licensing Officer provided an outline of the application to the Sub-Committee and confirmed that the local resident had withdrawn their representation.

Ms Sharkey, representing the Applicant, explained that the proposal from Bespoke Hotels was for a Premises operating as a five star boutique hotel where a one night stay would cost between £280 and £450. A total of ninety-five bedrooms would be situated on floors one to eight with a bar and restaurant located in the ninth floor. The Sub-Committee was shown details of the hotel lobby area and how guests entering the hotel would immediately be greeted at the reception desk. In order for people to access the hotel rooms or bar/restaurant they would either have to be escorted by a member of staff or, if they were hotel residents, use their hotel key card. An indicative layout of the restaurant area was provided which detailed how customers would be greeted by a member of staff at arrival. The Sub-Committee was advised that the ninth floor had exceptional views of London and would primarily be used by pre-booked customers looking to celebrate a special occasion for example. There was an external terrace that would be used for viewing and for those customers wishing to smoke. A smoking area would be designated on the terrace and this would encourage smokers to use this area rather than the public highway. The Applicant acknowledged that the application was seeking to sell alcohol in a Cumulative Impact Area (CIA) beyond core hours. However, it was hoped that the application could be considered an exception to the Council's Statement of Licensing Policy (SLP) as in return for granting it two licences would be surrendered. These licences permitted alcohol and regulated entertainment until 03:00 hours, seven days a week (except Sunday until 00:30 hours on one of the licences). The licences were granted to nightclub premises with a total capacity of 1,700. The application before the Sub-Committee was a completely different style of operation and would result in a reduction in capacity in a CIA.

Mr Marskell, the Managing Director of Bespoke Hotels, provided the Sub-Committee with details on the proposed high quality nature of the restaurant providing a pan-Asian style menu. It was also thought there would be a high demand for afternoon tea at the Premises due to the views on offer. It was submitted that most customers would be seated and served alcohol by waiter/waitress service with a small standing area also available.

Ms Sharkey highlighted several of the conditions offered by the Applicant, which included the supply of alcohol being by waiter/waitress service, the sales of alcohol being ancillary to the Premises operating as a hotel, the use of non-disposable crockery and substantial food being available in all parts of the ninth floor. Ms Sharkey provided further details on the agreement reached with the Police on their proposed conditions. A proposed condition restricting the sale of alcohol to be sold only to hotel residents and their guests (not exceeding four guests per resident) after midnight could not be agreed upon however. It was

hoped that more flexibility could be applied so that members of the public could also consume alcohol in the bar after midnight. Ms Sharkey felt that this was appropriate, as there would be no vertical drinking save for a maximum of ten customers. In addition, two licences, which operated as nightclubs, would be surrendered and the hotel would have a small capacity of 126. In response to a question, Ms Sharkey confirmed that whilst the bar would be advertised on their website there would be no promotion of the bar from the street with most customers expected to pre-book their table. It was noted by the Sub-Committee that the Applicant was keen to provide assurances over the operation of the bar the inclusion of a last entry time on the condition would be accepted.

The Sub-Committee was interested to learn if the Applicant would be willing to accept the model restaurant condition on the licence. Ms Sharkey was of the opinion that this was not necessary due to the size of the Premises and the various restaurant style conditions already proposed. The Applicant was seeking flexibility on the ninth floor to permit some people, the majority of which would be seated, to consume alcohol. Bespoke Hotels was accustomed to operating hotel bars to later hours without creating any additional impact on the local area. The Applicant confirmed that a last entry condition of 23:00 hours or 23:30 hours could be imposed on the licence to provide the Sub-Committee with reassurance over its operation.

PC Russell, representing the Metropolitan Police, advised that permitting members of the public to consume alcohol in the bar after 00:00 hours was against the Council's SLP. Restricting it to hotel residents and their bona fide guests was appropriate and whilst a last entry time condition was welcomed, placing the model restaurant condition on the licence would be appropriate for such a premises located in the CIA.

In response to a question from the Legal Adviser, the Applicant confirmed they would accept the last entry time model condition on the licence.

Mr Watson, representing Environmental Health (EH), explained that the bar/restaurant was completely associated with the hotel operation and would act as the hotel's breakfast room for residents. The attraction of the Premises was its location and the views available on the ninth floor. Its proposed capacity of 125 was considered appropriate subject to suitable means of escape being available. EH was pleased to note that there would be no recorded music provided on the external terrace area as this would not create public nuisance. The hotel reception area was considered quite small and this provided reassurance that a member of staff would greet anyone entering this area before being allowed to access the lift area. The bar area was located on the ninth floor and the Council's SLP did recognise that in a CIA bars located higher up a building did create less problems than those located on the ground floor. EH was satisfied that any public nuisance and safety concerns had been addressed and supported the proposed last entry time condition which helped promote the public nuisance and public safety licensing objectives.

Miss Gadd, representing the Licensing Authority, proposed that it would be appropriate to impose the model restaurant condition on the licence. As the Premises was located within a CIA the application had to be considered under

Policy PB2 and therefore should be refused unless exceptional circumstances had been shown.

Ms Sharkey explained that the model restaurant condition was not required as there would be limited vertical drinking and as a last entry condition would be imposed on the licence it would not attract people from elsewhere.

PC Russell confirmed that the Police's concern over vertical drinking had been alleviated slightly by the proposed condition restricting those standing at the bar to ten customers.

After carefully considering the application the Sub-Committee agreed to grant the application. The Sub-Committee was of the opinion that the Applicant was able to demonstrate that there were exceptional grounds for granting the application having regard to the West End Cumulative Impact Policy. The Sub-Committee accepted the Applicant's offer to surrender the two premises licences 15/02410/LIPT and 14/11478/LIDPSR as an appropriate and proportionate measure because overall this would have the expected benefit of reducing numbers within the CIA. The Sub-Committee also noted that the Premises would not operate as a nightclub and addressed the concerns raised by the Police in relation to the potential for crime and disorder within the area.

The Sub-Committee noted the provision of recorded music had been withdrawn from the ninth floor external terrace area, which would also act as the designated smoking area. This provided the Sub-Committee with reassurance that this would limit any disturbance to local residents by way of any potential public nuisance.

Due to the style and food-led nature of the operation, the model restaurant condition was not imposed on the ninth floor. Various restaurant style conditions would be imposed on the licence including ensuring substantial food was available in all parts of the ninth floor, waiter/waitress service and licensable activities being ancillary to the use of the Premises as a hotel. The bar area had been raised as a concern but the number of customers standing in this area would be limited to a maximum of ten. A last entry condition would also be imposed to ensure it did not attract customers later in the evening and therefore become a source of any nuisance or disturbance. This provided the Sub-Committee with reassurance that the restaurant/bar would not become a drink-led Premises and add to the CIA.

The Sub-Committee did have careful regard to the concerns expressed by the Licensing Authority, the Police and Environmental Health but considered the conditions proposed to be appropriate and proportionate in the circumstances. After careful consideration the Sub-Committee was satisfied that the Premises could be considered an exception to policy, would not add to cumulative impact and would therefore promote the licensing objectives. The Sub-Committee therefore granted the application accordingly.

The Sub-Committee considered that the conditions imposed on the Premises are appropriate and proportionate that would help promote the licensing objectives.

2.	Late Night Refreshment - Indoors Monday to Sunday: 23:00 to 02:00
	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).
3.	Sale by Retail of Alcohol – On Sales Monday to Sunday: 10:00 to 02:00 Seasonal Variations/Non-Standard Timings: For residents and bona fide guests (maximum of 4) the supply of alcohol will not be restricted and shall be permissible 24 hours a day.
	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).
4.	Hours Premises are Open to the Public Monday to Sunday: 00:00 to 00:00
	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).

Conditions attached to the Licence

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

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

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

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

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

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

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

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that 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. Premises Licences 15/02410/LIPT and 14/11478/LIDPSR relating to 1–4 Leicester Square which allow licensable activities until 03:00 hours with a combined capacity of 1,770 will be surrendered, subject to the grant of this application together with two further premises licences for Assembly Hotel, Alhambra House, 27-31 Charing Cross Road, London WC2H 0LS and Trocadero Hotel, Skybar and Restaurant [Planning address – 13 Coventry Street, London W1D 7AB. Postal address to be subject to formal street naming process but main access to the Hotel will be from Shaftesbury Avenue]. The licences to be surrendered before the opening of the Trocadero Hotel at which time the Licensing Authority shall remove this condition.

10. The number of persons accommodated at any one time in the 9th floor bar and restaurant shall be 125 (excluding staff). (Informative: This condition is subject to amendment following determination by the District Surveyor in accordance with condition 41.)

11. The supply of alcohol in the 9th floor bar and restaurant shall be by waiter or waitress service only.

12. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.

13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the 9th floor bar and restaurant where alcohol is sold or supplied for consumption on the premises.

14. Substantial food shall be in the form of substantial table meals that are prepared upon the premises and are served and consumed at a table using non-disposable crockery. Other than to hotel residents and guests as part of room service then food and drink shall not be provided as part of any takeaway service.

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

15. Admission to the 9th floor licensed area from the street by members of the public shall be through the hotel reception area only and which shall be supervised at all times by a SIA registered member of door staff.

16. A minimum of 90 seats shall be provided within the 9th floor licensed area.

17. With the exception of the external terrace and a maximum of 10 customers who may be stood at the bar, all customers shall be seated.

18. With the exception of residents and their bona fide guests, no alcohol shall be consumed more than 30 minutes after the permitted hour for the supply of alcohol.

19. Notwithstanding the permitted hours, alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at any time without restriction.

20. There shall be at least one SIA registered member of door staff on duty within the hotel reception at all times. There shall be a further SIA registered member of door staff on duty from 18:00 hours on the 9th floor whilst the premises are open for licensable activities. From 17:00 hours, a member of staff shall be located in the ground floor reception area to greet and direct patrons to the 9th floor bar and restaurant.

21. 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.

22. 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 premise is open for licensable activities. 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.

23. 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) any faults in the CCTV system,
- (f) any refusal of the sale of alcohol,
- (g) any visit by a relevant authority or emergency service.

24. 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.

25. There will be no self-service of alcohol except for in the guest bedrooms.

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

27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway. No glass containers shall be taken outside of the building by customers at any time.

28. 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.

29. Loudspeakers shall not be located in the entrance lobby or outside the premises building, including 9th floor terrace.

30. All doors and windows on the 9th floor shall be kept closed after 23:00 hours or whenever regulated entertainment is provided, except for access and egress for those going outside to smoke.

31. 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.

32. 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.

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

34. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
35. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
36. 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.
37. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
38. 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.
39. With the exception of fresh produce, linen and newspapers, no deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
40. No licensable activities shall take place at the premises until the capacity of the 9th floor has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
41. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the Licensing Authority.
42. Before the premises open to the public the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority. This condition shall be removed by the Licensing Team once satisfied.
43. The premises shall join the local Pubwatch or other local crime reductions scheme approved by the police, and local radio scheme, if required.
44. For any pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by the Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. This list will be kept for a period of 31 days following the event and will be made available immediately for inspection upon request by a police officer or council officer.

45. Any externally promoted events held at the venue shall be notified to the Metropolitan Police Service. A Form 696 (or equivalent) will be completed and submitted within 14 days of the event, or such less time as agreed with the police. When carrying out the risk assessment for the event and holding the event, the venue will take into account any reasonable advice received from the Westminster Police Licensing Team and the Central/Clubs Promoters Police Team who receive the Form 696 (or their equivalent) and upon a reasonable request by the police and the venue will not run the event.

46. There will be at least one member of staff supervising the entrance to the 9th floor bar and restaurant area whenever that space is in use.

47. There shall be no admittance or re-admittance to the 9th floor bar/restaurant after 23.00 except for patrons permitted to temporarily leave the premises to smoke.

48. All patrons wishing to smoke shall use the designated smoking area on the terrace area of the premises as indicated on the Premises Plan.

**3 ASSEMBLY HOTEL, BASEMENT AND GROUND FLOOR PART,
ALHAMBRA HOUSE, 27-31 CHARING CROSS ROAD, WC2**

LICENSING SUB-COMMITTEE No. 5

Thursday 19th April 2018

Membership: Councillor Peter Freeman (Chairman), Councillor Susie Burbridge and Councillor Murad Gassanly

Legal Adviser: Horatio Chance
Committee Officer: Tristan Fieldsend
Presenting Officer: Heidi Lawrance

Relevant Representations: The Licensing Authority, The Metropolitan Police, Environmental Health, The Burleigh Mansions Residents' Association, The Covent Garden Community Association and Three Local Residents

Present: Ms Lisa Sharkey (Solicitor, representing the Applicant), Mr Jasdeep Sodhi (Hotel Manager), Mr Graham Marskell (Managing Director of Bespoke Hotels), PC Sandy Russell (Metropolitan Police), Mr Ian Watson (Environmental Health), Miss Daisy Gadd (Licensing Authority) and Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing the Covent garden Community Association and one local resident)

**Assembly Hotel, Basement and Ground Floor Part, Alhambra House, 27-31
Charing Cross Road, WC2H 0AU ("The Premises")
18/00655/LIPN**

<p>1.</p>	<p>Recorded Music - Indoors</p> <p>Monday to Thursday: 10:00 to 00:00 Friday to Saturday: 10:00 to 01:00 Sunday: 10:00 to 22:30</p> <p>Seasonal Variations/Non-Standard Timings:</p> <p>Recorded music may be provided from time to time in the 10th floor bar and restaurant. The music will be amplified. There shall be no music played in the 10th floor external terrace.</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 considered an application by Alhambra House (London) Hotel Ltd for a new premises licence in respect of the Assembly hotel, Basement and Ground Floor Part, Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU.</p> <p>The Licensing Officer provided an outline of the application to the Sub-Committee.</p> <p>Ms Sharkey, representing the Applicant, advised the Sub-Committee that a constructive meeting had taken place with local residents to discuss the nature of the application. As such, the Applicant had taken on board the views of local residents and therefore amended the hours and proposed several amendments to the proposed conditions. Following the meeting, a further amendment had been proposed by residents, which the applicant had agreed to, and these amendments were then circulated to all parties at the meeting with the Sub-Committee's agreement. Ms Sharkey advised the Sub-Committee of several of these amendments which included:</p> <ul style="list-style-type: none"> • Prohibiting the Premises from operating as a nightclub with no dancing facilities provided; • The capacity of the external area being limited to a maximum of twelve customers; • No seating provided on the external terrace; and • Deliveries and collections to the Premises to abide by the TfL Code of Practice for quieter deliveries. <p>Ms Sharkey provided further details of the conditions proposed by the applicant and those by the Police. One of the Police's proposed conditions required customers to use polycarbonate-drinking vessels on the external terrace area. The Sub-Committee was advised that this was not necessary, as the terrace had no views as a six-foot wall bordered it and therefore the use of glass posed no risks to residents. It was a small area with a capacity of twelve people and no</p>

seating would be provided. The area would primarily be used for customers who wanted to smoke. PC Russell confirmed that the Police were content for customers to take their drinks on to the terrace area.

The Sub-Committee noted that the Premises would operate as a hotel with 121 bedrooms over 9 floors. The tenth floor included a restaurant and bar with an external terrace. When customers entered the hotel lobby, they would have to pass by the reception area and supervised to access the lifts, which provided a high degree of control on the tenth floor. All customers would have to be seated in the restaurant except for a maximum of ten who would be permitted to stand in the bar area. The Sub-Committee was advised that the proposed conditions offered were very stringent and had been formulated in consultation with local residents.

The Applicant acknowledged that the application was seeking to sell alcohol in a Cumulative Impact Area (CIA) beyond core hours. However, it was hoped that the application could be considered an exception to the Council's Statement of Licensing Policy (SLP) as in return for granting it two licences would be surrendered. These licences permitted alcohol and regulated entertainment until 03:00 hours, seven days a week (except Sunday until 00:30 hours on one of the licences). The licences were granted to nightclub premises with a total capacity of 1,700. The application before the Sub-Committee was a completely different style of operation and would result in a reduction in capacity in a CIA.

PC Russell, representing the Police, had originally expressed concern over the vertical drinking element of the application however, the conditions agreed with local residents were considered acceptable and would thus help promote the licensing objectives.

Mr Watson, representing Environmental Health (EH) explained that the main concern over the application had centred on the use of the external terrace in relation to local residents and the potential public nuisance this could cause. A number of residents lived in close proximity to the terrace and therefore the applicant's proposals to remove regulated entertainment from this area and reduce its hours of operation were considered appropriate and provided a high level of protection for residents. The terrace was also bordered by a substantial brick wall, which would offer further protection to residents.

Miss Gadd, representing the Licensing Authority, advised that the application currently had to be considered under PB2 of the City Council's SLP. A condition had been proposed to ensure substantial food was available at the Premises but alcohol did not remain ancillary to taking a table meal. It was therefore proposed that the restaurant model condition be added to the licence. Under the City Council's SLP the application would be recommended for refusal but the Sub-Committee had to decide if the Applicant had proven that it could be considered an exception to policy.

Mr Brown from the Westminster Citizens Advice Bureau, representing the Covent Garden Community Association (CGCA) and a local resident, was encouraged with the level of engagement by the Applicant with local residents. It was submitted that the Applicant had been very helpful and receptive to the

	<p>amendments put forward by CGCA and local residents. One further change was requested and this was that the condition introducing a capacity of 100 on the tenth floor include the external terrace area. The Applicant confirmed they were happy for the condition to be amended and therefore as such Mr Brown advised he was content with the application.</p> <p>After careful consideration, the Sub-Committee agreed to grant the application. The Sub-Committee was pleased to note that constructive discussions had taken place between the Applicant and local residents following which a set of amended conditions had been agreed upon which all parties were satisfied with. The Sub-Committee did have regard to these conditions and considered them appropriate in ensuring the licensing objectives would be promoted. Concern had been raised over the external terrace, however the withdrawal of regulated entertainment from this area, the fact no seating would be provided, the hours proposed for its use and its very small capacity provided reassurance that it would not become a source of nuisance or disturbance to local residents which would undermine the public nuisance licensing objective. It was therefore also considered not necessary to include a condition requiring polycarbonate-drinking vessels to be used in this area.</p> <p>The Sub-Committee was of the opinion that the Applicant was able to demonstrate that there were exceptional grounds for granting the application having regard to the West End Cumulative Impact Policy. The Sub-Committee accepted the applicant's offer to surrender the two premises licences 15/02410/LIPT and 14/11478/LIDPSR as an appropriate and proportionate measure because overall this would have the expected benefit of reducing numbers within the CIA. The Sub-Committee also noted that the Premises would not operate as a nightclub and addressed the concerns raised by the Police in relation to the potential for crime and disorder within the area.</p> <p>The Sub-Committee did have careful regard to the concerns expressed by the Licensing Authority, the Police and Environmental Health but considered the conditions proposed and agreed with local residents to be appropriate and proportionate in the circumstances. After careful consideration the Sub-Committee was satisfied that, the Premises could be considered an exception to policy, would not add to cumulative impact and would therefore promote the licensing objectives. The Sub-Committee therefore granted the application accordingly.</p> <p>The Sub-Committee considered that the conditions imposed on the Premises Licence are appropriate and proportionate that would help the promote the licensing objectives</p>
<p>2.</p>	<p>Late Night Refreshment – Indoors</p> <p>Monday to Thursday: 23:00 to 00:00 Friday to Saturday: 23:00 to 01:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>

	Decision (including reasons if different from those set out in report): The Sub-Committee granted the application (see reasons for decision in Section 1).
3. Sale by Retail of Alcohol – On Sales	Monday to Thursday: 10:00 to 00:00 Friday to Saturday: 10:00 to 01:00 Sunday: 10:00 to 22:30 Seasonal Variations/Non-Standard Timings: For residents and bona fide guests (maximum of 4) the supply of alcohol will not be restricted and shall be permissible 24 hours a day.
	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).
4. Hours Premises are Open to the Public	Monday to Thursday: 10:00 to 00:00 Friday to Saturday: 10:00 to 01:00 Sunday: 10:00 to 22:30
	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).

Conditions attached to the Licence
<u>Mandatory Conditions</u>
1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises

supervisor does not hold a personal licence or the personal licence is suspended.

3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

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

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

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

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

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$

Where -

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

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

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

(d) "relevant person" means, in relation to premises in respect of which there is in

force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that 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. Premises Licences 15/02410/LIPT and 14/11478/LIDPSR 1–4 Leicester Square which allow licensable activities until 03:00 hours with a combined capacity of 1,770 will be surrendered, subject to the grant of this application together with two further premises licences for Hotel indigo, 1-4 Leicester Square, London, WC2H 7NA and Trocadero Hotel, Skybar and Restaurant [Planning address – 13 Coventry Street, London W1D 7AB. Postal address to be subject to formal street naming process but main access to the Hotel will be from Shaftesbury Avenue]. The licences to be surrendered before the opening of the Trocadero Hotel at which time the Licensing Authority shall remove this condition.

10. The number of persons accommodated at any one time in the 10th floor bar and restaurant shall be 100 (excluding staff) to include the Terrace area of the Premises. (Informative: This condition is subject to amendment following determination by the District Surveyor in accordance with condition 44.)

11. The supply of alcohol in the 10th floor bar and restaurant shall be by waiter or waitress service only.

12. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.

13. The sale of alcohol on the 10th floor shall predominantly be to persons who are dining; to hotel residents and their guests or to persons attending a pre-booked function. The premises shall not operate as a nightclub and there shall be no facilities for dancing provided.

14. Other than to persons who are dining; attending a pre-booked function or

hotel residents and their guests, new admissions to the 10th floor bar and restaurant shall not be permitted after 23:00 hours.

15. The sale of alcohol to the guest of a resident after, 00:00 hours Monday to Thursday; 01:00 Friday and Saturday and 22:30 on Sunday, shall only be permitted if the resident is present. If the resident has retired to bed or left the hotel then the sale shall be declined.

16. With the exception of the external terrace (maximum of 12) and a maximum of 10 customers who may be stood at the bar, all customers shall be seated.

17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the 10th floor bar and restaurant where alcohol is sold or supplied for consumption on the premises.

18. Substantial food shall be in the form of substantial table meals that are prepared upon the premises and are served and consumed at a table using non-disposable crockery. Other than to hotel residents and guests as part of room service then food and drink shall not be provided as part of any takeaway service.

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

19. Admission to the 10th floor licensed area from the street by members of the public shall be through the hotel reception area only and which shall be supervised at all times by a SIA registered member of door staff.

20. A minimum of 90 seats shall be provided within the 10th floor licensed area.

21. Notwithstanding the permitted hours, alcohol may be supplied to persons residing in the premises for consumption by such persons and their bona fide guests at any time without restriction.

22. There shall be at least one SIA registered member of door staff on duty within the hotel reception at all times. There shall be a further SIA registered member of door staff on duty on the 10th floor as from 18:00 hours whilst the premises are open for licensable activities. From 17:00 hours, a member of staff shall be located in the ground floor reception area to greet and direct patrons to the 10th floor bar and restaurant.

23. 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.

24. 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 premise is open for licensable activities. 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.

25. 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) any faults in the CCTV system,
- f) any refusal of the sale of alcohol,
- g) any visit by a relevant authority or emergency service.

26. 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.

27. There will be no self-service of alcohol except for in the guest bedrooms.

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

29. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway. No glass containers shall be taken outside of the building by customers at any time.

30. 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.

31. Loudspeakers shall not be located in the entrance lobby or outside the premises building, including the 10th floor terrace.

32. All doors leading to the external terrace and windows on the 10th floor shall be maintained closed after other than for access and egress. The windows on the 10th floor shall remain closed at all times.

33. The premises licence holder shall ensure that any patrons using the external terrace do so in an orderly manner.

34. The 10th floor terrace shall not be used prior to 07:00 nor after 23:00 hours Monday to Saturday and prior to 08:00 nor after 22:30 hours Sundays, bank holidays and public holidays regardless as to whether licensable activities are being

provided. There shall be no seating on the terrace.

35. 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.

36. 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.

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

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

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

40. 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.

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

42. 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.

43. No deliveries or collections will take place between 23:00 and 08:00 the following day with the exception of fresh produce, linen and newspapers. Any deliveries or collections which take place between 23:00 and 08:00 will abide by the TfL Code of Practice for quieter deliveries (December 2017 or subsequent edition).

44. No licensable activities shall take place at the premises until the capacity of the 10th floor has been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.

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

46. Before the premises open to the public the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate

reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority. This condition shall be removed by the Licensing team once satisfied.

47. The premises shall join the local Pubwatch or other local crime reductions scheme approved by the Police and radio scheme, if required.

48. For any pre-booked event or occasion when a guest list is in operation, only a Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by the Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. This list will be kept for a period of 28 days following the event and will be made available immediately for inspection upon request by a Police Officer or Council Officer.

49. Any externally promoted events held at the venue shall be notified to the Metropolitan Police Service. A form 696 (or equivalent) will be completed and submitted within 14 days prior to the event, or such less time as agreed with the Police. When carrying out the risk assessment for the event and holding the event, the premises will take into account any reasonable advice received from the Westminster Police Licensing Team and the Central Clubs/Promoters Police Team who receive the Form 696 (or equivalent) and upon reasonable request by Police the venue will not run the event.

4 SMITH'S BAR AND GRILL, 25 SHELDON SQUARE, W2

The application was deferred to a future Sub-Committee meeting.

The Meeting ended at 5.28 pm

CHAIRMAN: _____

DATE _____